

**SUMMARY:** The United States Trade Representative (USTR), as of the date of publication of this notice in the **Federal Register**, designates the Democratic Republic of Congo (DROC) as a beneficiary sub-Saharan African country eligible to receive the trade benefits provided for in the African Growth and Opportunity Act for articles other than textiles and apparel.

**EFFECTIVE DATE:** October 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Constance Hamilton, Senior Director for African Affairs, Office of the United States Trade Representative, (202) 395-9514.

**SUPPLEMENTARY INFORMATION:** The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106-200) (AGOA) provides trade benefits to the countries of sub-Saharan Africa to promote increased trade and investment between the United States and sub-Saharan Africa and economic development in the region.

In Proclamation 7657 (March 28, 2003), the President designated the Democratic Republic of Congo as an "eligible sub-Saharan African country" pursuant to section 104 of the AGOA (19 U.S.C. 3703), and authorized the USTR to exercise the authority provided to the President under section 506A(a)(1) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2466a(a)(1)) to designate DROC as a "beneficiary sub-Saharan African country" eligible to receive the trade benefits of the AGOA for articles other than textiles and apparel. The President directed the USTR to announce any such exercise of authority in the **Federal Register**.

The President also proclaimed that, if it is designated as a beneficiary sub-Saharan African country, DROC would be a lesser developed beneficiary country for purposes of section 112(b)(3)(B) of the AGOA (19 U.S.C. 3721(b)(3)(B)). Lastly, the President decided to authorize the USTR, with respect to any designation of DROC as a beneficiary sub-Saharan African country, to exercise the authority provided to the President under section 604 of the 1974 Act (19 U.S.C. 2483) to embody modifications and technical or conforming changes in the Harmonized Tariff Schedule of the United States (HTS).

Based on progress DROC has made in stabilizing its political situation, I have determined that DROC meets the eligibility criteria set forth in section 506A(a)(1) of the 1974 Act and have decided, as of the date of publication of this notice in the **Federal Register**, to

designate DROC as a beneficiary sub-Saharan African country for purposes of receiving the trade benefits of the AGOA for articles other than textiles and apparel. In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries "Democratic Republic of Congo." This modification to the HTS is effective with respect to respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the **Federal Register**. DROC is also a lesser developed beneficiary sub-Saharan African country for purposes of section 112(b)(3) of the AGOA. DROC may now begin the process to become eligible for the trade benefits of the AGOA for textile and apparel articles.

**Robert B. Zoellick,**

*United States Trade Representative.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Public Comment With Respect to the Annual National Trade Estimate Report on Foreign Trade Barriers

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 303 of the Trade and Tariff Act of 1984, as amended, USTR is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested parties to assist it in identifying significant barriers to U.S. exports of goods, services and overseas direct investment for inclusion in the NTE. Particularly important are impediments materially affecting the actual and potential financial performance of an industry sector. The TPSC invites written comments that provide views relevant to the issues to be examined in preparing the NTE. In order to ensure the most timely processing of submissions, the Department of Commerce will receive comments in response to this Notice.

**DATES:** Public comments are due not later than Friday, December 12, 2003. This deadline is firm. No submissions will be accepted after December 12.

**ADDRESSES:** *Paper submissions:* NTE Comments, Office of Trade and

Economic Analysis, Room H-2815, U.S. Department of Commerce, Washington, DC, 20230.

*Submissions by electronic mail:*  
[ntecomments@ita.doc.gov](mailto:ntecomments@ita.doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Procedural questions about transmitting comments or viewing public submissions should be directed to Ms. Marva Thompson, (202) 482-2185, or Mr. Howard Schreier, (202) 482-4180, U.S. Department of Commerce. Questions regarding the report or its subject matter should be directed to Ms. Gloria Blue, Office of Policy Coordination, Office of the United States Trade Representative (202) 395-3475.

**SUPPLEMENTARY INFORMATION:** Last year's report may be found on USTR's Internet Home Page (<http://www.ustr.gov>) under the section on Reports. In order to ensure compliance with the statutory mandate for reporting foreign trade barriers that are significant, we will focus particularly on those restrictions where there has been active private sector interest.

The information submitted should relate to one or more of the following ten categories of foreign trade barriers:

(1) import policies (e.g., tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);

(2) standards, testing, labeling, and certification (including unnecessarily restrictive application of phytosanitary standards, refusal to accept U.S. manufacturers' self-certification of conformance to foreign product standards, and environmental restrictions);

(3) government procurement (e.g., "buy national" policies and closed bidding);

(4) export subsidies (e.g., export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);

(5) lack of intellectual property protection (e.g., inadequate patent, copyright, and trademark regimes);

(6) services barriers (e.g., limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, and barriers to the provision of services by professionals (e.g., lawyers, doctors, accountants, engineers, nurses, etc.);

(7) investment barriers (e.g., limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export

performance requirements, and restrictions on repatriation of earnings, capital, fees and royalties);

(8) anticompetitive practices with trade effects tolerated by foreign governments (including anticompetitive activities of both state-owned and private firms that apply to services or to goods and that restrict the sale of U.S. products to any firm, not just to foreign firms that perpetuate the practices);

(9) trade restrictions affecting electronic commerce (*e.g.*, tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation); and

(10) other barriers (*i.e.*, barriers that encompass more than one category, *e.g.* bribery and corruption, or that affect a single sector).

As in the case of last year's NTE, we are asking that particular emphasis be placed on any practices that may violate U.S. trade agreements. We are also interested in receiving any new or updated information pertinent to the barriers covered in last year's report as well as new information. Please note that the information not used in the NTE will be maintained for use in future negotiations.

It is most important that your submission contain estimates of the potential increase in exports that would result from the removal of the barrier, as well as a clear discussion of the method(s) by which the estimates were computed. Estimates should fall within the following value ranges: Less than \$5 million; \$5 to \$25 million; \$25 million to \$50 million; \$50 million to \$100 million; \$100 million to \$500 million; or over \$500 million. Such assessments enhance USTR's ability to conduct meaningful comparative analyses of a barrier's effect over a range of industries.

Please note that interested parties discussing barriers in more than one country should provide a separate submission (*i.e.*, one that is self-contained) for each country.

*Written Comments:* In order to ensure the most timely receipt and

consideration of comments submitted in response to this notice, the following guidelines and special procedures have been established:

(1) All comments will be received at the U.S. Department of Commerce rather than the Office of the United States Trade Representative;

(2) The Department of Commerce has arranged to accept non-confidential, public submissions by electronic mail (e-mail). An automatic reply confirming receipt of e-mail submissions will be sent. E-mail submissions in Microsoft Word or Corel WordPerfect are preferred. If a word processing application other than those two is used, please advise us in your submission of the specific application used;

(3) In order to facilitate prompt processing of submissions, the Department of Commerce strongly urges and prefers e-mail submission of non-confidential, public comments;

(4) To ensure security, submissions containing business confidential information should not be sent by e-mail, but via the U.S. Postal Service or commercial express delivery (see paragraph 6 and 7 below for special requirements applying to such submissions). If a submission contains business confidential information, a non-confidential public version must also be submitted along with the business confidential version.

(5) Business-confidential submissions must be accompanied by a justification as to why the information contained in the submission should be treated confidentially. In addition, any submissions containing business confidential information must be clearly marked "Confidential" at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, "public version" or "non-confidential".

(6) When comments are submitted using the U.S. Postal Service or commercial couriers, it is strongly

recommended that submitters notify the Department of Commerce by e-mail ([ntecomments@ita.doc.gov](mailto:ntecomments@ita.doc.gov)) as to the date of transmittal and method of delivery (U.S. Postal Service or name of courier company).

(7) All submissions must be in English and should conform to the information requirements of 15 CFR 2003. If submissions are made via U.S. Postal Service or commercial express delivery, the submission should be accompanied by a computer disk containing a machine-readable version. The disk should have a label identifying the software used, the submitter and the title of the submission. In addition, business confidential and public or non-confidential submissions should be submitted on separate disks which are clearly marked "business confidential" or "non-confidential", as appropriate.

Submissions must be received at the Department of Commerce no later than Friday, December 12, 2003.

After the filing deadline, written comments submitted in connection with this request, except for information granted "business confidential" status pursuant to 15 CFR 2003.6, will be available for review on the web at: <http://web.ita.doc.gov/otea/ntecomments.nsf>. Arrangements can also be made to view these non-proprietary public comments in the Foreign Trade Reference Room (Room 2233) in the U.S. Department of Commerce. The Department of Commerce is located at 14th St. and Constitution Ave., NW in Washington, DC. Customary hours of operation for the Foreign Trade Reference Room are from 9 am to 4 pm, Monday through Friday. Call (202) 482-2185 to confirm. Questions regarding the operation of the Reference Room should be directed to Ms. Marva Thompson at (202) 482-2185.

**Carmen Suro-Bredie,**

*Chairman, Trade Policy Staff Committee.*

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