

September 12, 2000

ENT-14 FO:TP:IA:TT SST

**TO:** All Directors, Field Operations  
All Port Directors

**FROM:** Director, Trade Programs

**PASS TO:** Assistant Port Directors, Trade, Import Specialists, Inspectors, Entry Officers, Brokers, Importers and other Interested Parties

**SUBJECT:** TBT-00-021 Information on the African Growth and Opportunity Act (AGOA) and the Caribbean Basin Trade Partnership Act (CBTPA) for Textiles and Textile Products

**BACKGROUND:**

The Trade and Development Act of 2000, which was signed into law on May 18, 2000, authorized a new trade and investment policy for sub-Saharan Africa and the expansion of trade benefits to the countries in the Caribbean Basin.

The President is authorized to designate a sub-Saharan African country and a Caribbean Basin country as an eligible beneficiary country based on several criteria established in the Act. If the President determines that a beneficiary country is not making continual progress in meeting the requirements described in the Act, the President shall terminate the designation of the country.

Section 112 of the Trade and Development Act of 2000 outlines the treatment of certain textiles and apparel articles for AGOA. Apparel articles that are imported directly into the Customs Territory of the United States from a designated beneficiary sub-Saharan African country, shall enter free of duty and free of any quantitative limitations if the country has satisfied the requirements set forth in Section 113.

Section 211 of the Trade and Development Act of 2000 outlines the treatment of certain textiles and apparel articles for CBTPA. Apparel articles from designated beneficiary countries that meet the specific preferential groupings may enter into the Customs Territory of the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

**INFORMATION:**

While AGOA and CBTPA are scheduled for implementation on October 1, 2000, unresolved issues that are beyond the control of the U.S. Customs Service will delay the issuance of implementation instructions until near or after the October 1<sup>st</sup> date.

Examples of issues that remain unresolved that impact implementation are the identification of the beneficiary countries themselves, the decision that such country has made substantial progress towards implementing the relevant provisions of Chapter 5 of NAFTA and the decision that the designated AGOA countries have an effective visa system in place. The issuance of a signed Presidential Proclamation will provide the HTSUS numbers, Special Program Indicators and the restraint levels that will allow Customs to program ACS.

As Customs receives the necessary information, TBTs will be issued with implementation instructions. Until then, no entries will be accepted with claims for preferential treatment. Due to the late forthcoming information, it is anticipated that all necessary programming changes for ACS will not be done for the initial implementation, and therefore, once claims are allowed, the entries must be filed non-ABI.

Members of the importing community that have interpretative questions not addressed in the regulations are suggested to submit binding ruling requests.

**ACTION:**

Until directed by Headquarters, U.S. Customs officers are not to accept claims for preferential treatment under AGOA or CBTPA.

**FURTHER INFORMATION:**

If you have any questions concerning this TBT, please call Susan Thomas at (202) 927-3719, Gina Taylor at (202) 927-4882, Cherie Parsons at (202) 927-7002, or Bob Abels at (202) 927-1959.

/s/

Elizabeth G. Durant

cc: Executive Director, Field Operations  
Executive Director, Field Programs