

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security

Memorandum

CMP-1 FO:TCF:TEO:TO SST

October 21, 2003

TO : Directors, Field Operations

FROM : Executive Director, Trade Compliance and Facilitation
Office of Field Operations

SUBJECT: TBT-03-030 Short Supply Designation Under African Growth and
Opportunity Act (AGOA)

REF : TBT-01-008: AGOA Implementation Instructions
TBT-01-004-01: Descriptive Information Regarding Short
Supply Fabrics

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 under the AGOA. This trade program allows for preferential tariff treatment when apparel articles are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary countries from fabrics or yarns not formed in the United States or in one or more such beneficiary countries and not widely available in commercial quantities, i.e. short supply.

In Executive Order 13191, the President authorized the Committee for the Implementation of Textile Agreements (CITA) to determine whether particular fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner. On June 2, 2003, CITA received a request alleging that certain fabrics, listed below, for use in men's and boys' shirts, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and requesting that apparel articles from such fabrics be eligible for preferential tariff treatment under the AGOA.

Based upon information and advice received, and its understanding of the industry, CITA determined that the fabrics set forth in the request cannot be supplied by the domestic industry in commercial quantities in a timely manner. On July 30, 2003, CITA and the Office of the United States Trade Representative submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such actions, and advice obtained. A period of 60 calendar days since this report was submitted has expired, as required by the AGOA.

In an October 15, 2003 Federal Register Notice (68 FR 59376), CITA designated as eligible for preferential treatment under subheading 9819.11.24 of the Harmonized Tariff Schedule of the United States (HTSUS), men's and boys' shirts that are both cut and sewn or otherwise assembled in one or more eligible AGOA beneficiary countries, from the fabrics set forth below, not formed in the United States, provided that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States. In order to qualify, articles must be imported directly into the Customs territory of the United States from an eligible AGOA beneficiary country.

Fabrics named in the request:

(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;

(b) Fabrics of subheadings 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;

(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;

(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);

(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;

(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;

(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

ACTION:

Claims for short supply under 9819.11.24 of the HTSUS may be accepted on or after the Federal Register publication date of October 15, 2003, provided that the men's or boys' shirts are both cut and sewn or otherwise assembled in one or more eligible AGOA beneficiary countries, from a fabric set forth above, not formed in the United States, provided that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States.

Please pass this memorandum to Port Directors, Assistant Port Directors, National Import Specialists, Import Specialists, Inspectors, Entry Officers, Brokers, Importers and other interested parties.

INFORMATION:

If you have any questions concerning this administrative notice, please call Ms. Susan Thomas, at (202) 927-3719 or Mr. Robert Abels, at (202) 927-1959.

/s/ Janet Labuda for
Elizabeth G. Durant

