



**U.S. Customs and
Border Protection**

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MEMORANDUM FOR: Directors, Field Operations

FROM: Executive Director, Trade Policy and Programs
Office of International Trade

SUBJECT: TBT-11-003 Liberia Textile Visa Arrangement for claims under
the African Growth and Opportunity Act (AGOA)

REFERENCE: TBT-01-008 AGOA Implementation Instructions
TBT-02-038 AGOA II Amendments
TBT-04-024-01 AGOA III Amendments
TBT-07-007 Amendments to the African Growth and Opportunity
Act for Textile and Apparel Products
TBT-08-016 Amendment to the African Growth and Opportunity
Act (AGOA) Visa Arrangement for Textile and Apparel 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. Section 112 of the Act outlines the treatment of certain textiles and apparel articles for the African Growth and Opportunity Act (AGOA). Apparel articles that qualify for benefits under the AGOA shall enter free of duty and free of any quantitative limitations (excluding any tariff preference levels identified in the act) if the country has satisfied the requirements set forth in section 113 of the Act. Amendments to the AGOA were made in the Trade Act of 2002, the AGOA Acceleration Act of 2004, and in Title VI of the Tax Relief and Health Care Act of 2006. On December 29, 2006, President Bush declared Liberia as AGOA eligible.

Per the *Federal Register* (76 FR 26), published February 8, 2011, the Office of the United States Trade Representative has determined that Liberia has adopted an effective visa system and made significant progress towards implementing customs procedures in line with AGOA requirements. Qualifying merchandise entered, or withdrawn from warehouse, for consumption on or after February 7, 2011, may be claimed for preferential tariff treatment described in section 112(a) of the Act if all requirements have been met.

Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the following visa requirements:

The Government of Liberia shall issue a visa for each shipment of textiles or apparel articles, regardless of value, as identified in groupings 0 to 9 and exported to the United States. The visa shall be presented to Customs and Border Protection (CBP) at the time of entry, or withdrawal from warehouse, for consumption into the CBP territory of the United States, if preferential tariff treatment is claimed.

The government of Liberia will provide a stamp, showing the original circular visa, in blue ink only, on the front of the original commercial invoice, not on duplicate copies of the invoice. The original invoice with the original visa stamp will be required to enter the shipment into the United States if the importer claims the preferential tariff treatment. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp must include the following information:

Visa number: The visa stamp shall be in the standard nine digit-letter format beginning with one numeric digit for the designated grouping (0 to 9), as defined below, followed by the two-character alpha code specified by the International Organization for Standardization (ISO), followed by a six-digit numerical serial number identifying the shipment, e.g., 1LR512345.

Grouping 1: Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTSUS and are wholly formed and cut in the United States) that are entered under subheading 9802.00.80 of the HTSUS.

Grouping 2: Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTSUS and are wholly formed and cut in the United States), the foregoing which (1) are embroidered or were subjected to stone-washing, enzyme-washing, acid washing, permapressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes, and (2) but for such embroidery or processing are of a type otherwise described in heading 9802.00.80 of the HTSUS.

Grouping 3: Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTSUS and are wholly formed in the United States).

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States, the foregoing (1) from components cut in the United States and in one or more beneficiary sub-Saharan African countries from fabrics wholly formed in the United States from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTSUS), or (2) from components knit-to-shape in the United States and one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or (3) from any combination of two or more of the foregoing knitting-to-shape or cutting operations.

Grouping 4: Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTSUS and are wholly formed and cut in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, or apparel articles wholly formed on seamless knitting machines in a beneficiary sub-Saharan African country from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in groupings 1, 2, and 3 (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in groupings 1, 2, and 3).

Grouping 5: Apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

Grouping 6: Sweaters, in chief weight of cashmere, knit-to-shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the HTSUS.

Grouping 7: Sweaters, 50 percent or more by weight of wool measuring 21.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

Grouping 8: Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more such beneficiary sub-Saharan African countries to the extent that apparel articles of such fabrics or yarns would be eligible for the tariff treatment provided in general note 12 of the HTSUS, without regard to the source of the fabrics or yarns. Apparel articles both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, from fabrics or yarn designated by the appropriate U.S. Government authority in the *Federal Register* as fabrics or yarn not available in commercial quantities in the United States, under any terms as such authority may provide.

Grouping 9: Handmade, handloomed, folklore articles, and ethnic printed fabrics (qualifying articles will be determined following bilateral consultations). To date, a folklore agreement has

not been established with Liberia. A separate Textile Book Transmittal (TBT) will be issued once a folklore agreement has been negotiated.

Grouping 0: Textile and textile articles in Chapters 50 – 60, 63 of the HTSUS originating entirely in one or more lesser developed beneficiary sub-Saharan African countries which are entered under subheading 9819.11.33.

The date of issuance: The date of issuance shall be the day, month and year on which the visa was signed by an authorized government official.

Authorized Signature: The original signature of an authorized official of Liberia or his designee.

The correct grouping, the quantity, and unit of quantity in the shipment shall be provided within the visa stamp, e.g., "Grouping 5 - 510 DZ."

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted.

For groupings 1 to 8, the quantity shown on the visa for all wearing apparel will be reported in dozens, except for:

1. Men's, boys', women's or girls' suits, which will be reported in number and
2. Pantyhose, tights, stockings, socks, other hosiery, gloves, mittens and mitts will be reported in dozen pairs.

If there are items in the same grouping that are mixed such as suits (which require number) and pants (which require dozen) or shirts and pants (which both require dozen), then a separate quantity will be shown for each of the items. For example, a visa for grouping 1 could indicate 105 suits with 10 dozen shirts or 10 dozen shirts and 12 dozen pants.

For groupings 9 and 0, the quantity shown on the visa will be the normal reporting quantity for the type of imported merchandise. For example, if rugs or handloomed fabric were imported, the reported quantity would be in square meters; if bedspreads, towels or other household furnishings are imported, the reported quantity will be in kilos; and if it is wearing apparel, it will be reported as in groupings 1 to 8.

If the quantity indicated on the visa is less than that of the shipment, only the quantity shown on the visa is eligible for preferential tariff treatment.

If the quantity indicated on the visa is more than that of the shipment, only the quantity of the shipment is eligible for preferential tariff treatment. Any overage cannot be applied to any other shipment.

The visa will not be accepted and preferential tariff treatment will not be permitted if the visa number, date of issuance, authorized signature, correct grouping, quantity or unit of quantity is missing, incorrect, or illegible or has been crossed out or altered in any way.

If the visa is not acceptable, a new visa must be obtained from an authorized official of Liberia, or his designee, before preferential tariff treatment can be claimed. Waivers are not permitted.

If the visaed invoice is deemed invalid, CBP will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice.

ACTION

As of February 7, 2011, a valid visa must accompany all claims for AGOA preferential tariff treatment from Liberia. These imports must meet the requirements provided in the Harmonized Tariff Schedule General Note 16 to qualify for the textile and apparel benefits provided under the AGOA.

Pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS, and U.S. notes 1 and 2(d) to subchapter XIX of chapter 98 of the HTS are each modified by inserting "Republic of Liberia" in alphabetical sequence in the list of countries.

INFORMATION

For additional information, please contact International Trade Specialist Diane Liberta at (202) 863-6241, Import Specialist Nancy Mondich at (202) 863-6524, or Textile Operations Branch Chief Robert Abels at (202) 863-6503 in the Office of International Trade.



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