



African Growth and Opportunity Act Implementation Guide

October 2000



African Growth and Opportunity Act Implementation Guide

October 2000

Prepared by the Office of the United States Trade Representative with the assistance of The Trade Partnership (Washington, DC).

Sponsored by the Office of the U.S. Trade Representative and the U.S. Agency for International Development. Funding provided by the African Trade and Investment Policy Program, through the USAID Leland Initiative.

Presented by Computer Frontiers, Inc. Under sub-contract to SAIC to the USAID Leland Initiative.

Distributed and translated by the Office of Public Diplomacy, Bureau of African Affairs, Department of State.

**U.S. Market Access Guide:
The African Growth and Opportunity Act and
Other Initiatives and Requirements**

Table of Contents

Chapter	Page
1. Introduction	1
2. Summary of the African Growth and Opportunity Act	2
3. Frequently-Asked Questions	4
4. Trade Benefits (non-apparel/textiles)	11
Duty-Free Treatment for Products	11
More Certainty for Duty-Free Benefits	12
End of Competitive Need Limitations for Sub-Saharan Africa	12
GSP Rule of Origin for Imports from sub-Saharan African	12
AGOA Rule of Origin and General Rule of Origin Guidelines	13
5. Trade Benefits for Textiles and Apparel	15
Duty-Free, Quota-Free Treatment	15
Quotas on Imports from Kenya and Mauritius	17
Finding and Trimmings	17
Certain Interlinings	17
De Minimis Rule	17
6. Customs-Related Requirements for Apparel Benefits including Protection Against Transshipment	18
7. Country Eligibility Requirements	20
8. Other AGOA Provisions	24
9. Market Access and Requirements for Agricultural Products	25
10. Time Line of Important Dates	28
Annexes	
Annex 1 List of sub-Saharan African Countries Designated as Eligible for Benefits Under AGOA, List of sub-Saharan African Countries Designated as Eligible and Considered “Lesser Developed Beneficiary Countries,” and List of GSP-Eligible Countries	
Annex 2 Products that are Potentially Eligible for Duty-Free Treatment Under AGOA	
Annex 3 Products that are Currently Eligible for Duty-Free Treatment Under GSP	
Annex 4 Information on General Textile and Apparel Rules of Origin	
Annex 5 List of Fabrics Currently Deemed to be in Short Supply in the U.S.	
Annex 6 African Growth and Opportunity Act Textile Certificate of Origin and Instructions	

Chapter 1

Introduction

On May 18, 2000 President Clinton signed into law the historic Trade and Development Act of 2000, containing the African Growth and Opportunity Act (AGOA). (The text of the Act is available at the AGOA website, www.agoa.gov and at the USTR website www.ustr.gov). The Act provides unprecedented opportunities and aims to:

- Promote increased trade and investment between the United States and sub-Saharan African countries by providing eligible African countries with unprecedented liberal access to the U.S. market. Essentially all products of these eligible countries will have quota free/duty free access to the almost 10 trillion dollar United States market.
- Promote economic development and reform in sub-Saharan Africa, moving across a wide range of industries, granting tangible benefits to entrepreneurs, farmers, and families.
- Promote increased access and opportunities for U.S. investors and businesses in sub-Saharan Africa.

The African Growth and Opportunity Act offers a wide variety of benefits to businesses, workers, manufacturers, and farmers in eligible countries. It is important to remember that the Act can only offer opportunities! African countries are encouraged to seize the opportunities provided in the Act and to create enabling environments to strengthen prospects for expanded trade and investment.

Although the Act provides a variety of benefits, this guide focuses on the Act's trade preference benefits. The Guide is divided into 10 Chapters. Chapter 2 provides answers to frequently asked questions such as "how can I determine whether the products I manufacture and want to export could benefit from the Act?" Other chapters contain information on the specific trade benefits available and on the eligibility criteria that must be met for a country to receive these benefits. Chapter 8 provides a brief summary of other provisions of the Act and Chapter 10 provides a time line of key dates. Information on general U.S. agricultural market access is provided in Chapter 9. This guide is available electronically at Internet site www.agoa.gov.

Questions about the African Growth and Opportunity Act not covered in this guidebook may be directed to the Office of African Affairs at the Office of the United States Trade Representative, 600 17th St. NW, Washington, D.C. 20508, telephone number (202) 395-9514, fax number (202) 395-4505 or to U.S. Embassies or Consulates. Additional information on the Generalized System of Preferences (GSP) program is available at www.ustr.gov/reports/gsp/contents.html on the USTR web site, at www.agoa.gov, and from the GSP Information Center, Office of the U.S. Trade Representative, Room 518 Washington, D.C. 20508 or by calling (202) 395-6971.

Chapter 2

Summary of the African Growth and Opportunity Act

The African Growth and Opportunity Act/Trade and Development Act of 2000 authorizes a new U.S. trade and investment policy toward Africa. It promotes increased trade and economic cooperation between the United States and eligible sub-Saharan African countries. This legislation represents a solid, meaningful and significant opportunity, which could result in billions of dollars in new trade and investment flows between the U.S. and Africa.

Key Elements of the Act and Benefits for Africa:

General Trade Benefits

The Act:

- Institutionalizes a process for strengthening U.S. relations with African countries and provides incentives for African countries to achieve political and economic reform and growth.
- Offers beneficiary sub-Saharan African countries duty-free and quota-free U.S. market access for essentially all products through the Generalized System of Preferences (GSP) program.
- Provides additional security for investors and traders in African countries by ensuring GSP benefits for eight years.
- Eliminates the GSP competitive need limitation for African countries.
- Establishes a U.S.-sub-Saharan Africa Trade and Economic Cooperation Forum to facilitate regular trade and investment policy discussions.
- Promotes the use of technical assistance to strengthen economic reforms and development, including assistance to strengthen relationships between U.S. firms and firms in sub-Saharan Africa.

Apparel and Textile Preferences:

The Act:

- Lifts all existing quotas on textiles and apparel products from sub-Saharan Africa (within 30-days of a U.S. Government determination that Kenya and Mauritius have adopted effective visa systems).
- Extends duty/quota free U.S. market access for sub-Saharan African apparel made from yarns and fabrics not available in the United States.

- Extends duty/quota free treatment for apparel made in Africa from U.S. yarn and fabric and for knit-to-shape sweaters made in Africa from cashmere and some merino wools as well as apparel produced in Africa from silk, velvet, linen, and other fabrics not produced in commercial quantities in the United States.
- Extends duty free and quota free U.S. market access for apparel made in Africa with African/regional fabric and yarn. Such imports, however, are subject to a cap (limit) ranging from 1.5 to 3.5% of the multibillion dollar U.S. apparel import market over an 8 year period. African apparel imports made with African fabric/yarns currently total about \$250 million. Normal MFN duties would be levied on apparel (regional fabric) imports over the cap.
- Provides an average 17.5% duty advantage on apparel imports in the U.S. market and promotes economic development and diversification in Africa's poorest countries through a special provision in the cap which allows African countries with an annual GNP of under \$1,500 ("lesser developed beneficiary countries") to use third country fabric inputs for four years. This special investment incentive for the poorest African countries is aimed at providing a market stimulus to economic development for areas with little existing industry.

Chapter 3

Frequently-Asked Questions

The following questions and answers are provided to briefly clarify some of the provisions of AGOA. More detailed descriptions of the law's provisions are provided in subsequent chapters of this guide.

What is an "eligible sub-Saharan African (SSA) country"?

The eligibility requirements contained in the African Growth and Opportunity Act (AGOA) were developed in consultation with African countries. The criteria reflect an understanding that the trade benefits and market access accorded in the Act will only generate sustainable economic growth and development if countries have appropriate domestic policies. The criteria constitute "best practice" policies that will ultimately attract trade and investment and foster widely-shared prosperity. They include: establishment of market-based economies; development of political pluralism and the rule of law; elimination of barriers to U.S. trade and investment; protection of intellectual property; efforts to combat corruption; policies to reduce poverty and increase availability of health care and educational opportunities; protection of human rights and worker rights, and elimination of certain practices of child labor. AGOA states that eligible sub-Saharan African countries must implement their obligations to combat the worst forms of child labor. The phrases "eligible sub-Saharan African country" and "beneficiary sub-Saharan African country" are used in this Guide interchangeably.

The first list of eligible countries was published in the *Federal Register* on October 4, 2000 and is provided at Annex 1. A second list of additional countries may be published at the beginning of 2001.

What products are eligible for duty-free treatment?

Essentially all products will be eligible, as long as they meet AGOA's rule of origin requirements and are imported directly from a beneficiary sub-Saharan African country. Exceptions include fabrics and yarns not imported as part of a finished apparel product, and products determined by the U.S. Government to be import sensitive. A listing of products currently eligible for GSP is provided at Annex 3. A listing of additional products that are potentially eligible for duty-free treatment under AGOA is provided at Annex 2. A final list of additional products that will be eligible for duty-free treatment under AGOA will be published in the *Federal Register* by the end of 2000 and will be available at the Internet web site www.agoa.gov. The African Growth and Opportunity Act also permits duty-free entry for certain apparel products. Further details on apparel benefits are provided in Chapter 5.

How do I tell if the products I want to export are eligible for duty-free access to the U.S. market?

There are three basic means by which a product may have duty-free access to the U.S. market. For many products, the U.S. has already set the tariff at zero for all countries' exports of that product. In addition, many products are already eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP) Program. Under the African Growth and Opportunity Act, many more products will be eligible for duty-free access to the U.S., providing duty-free and quota-free U.S. market access for essentially all products from eligible sub-Saharan African countries.

The first step in determining the United States' tariff rate for a product is to determine what the U.S. Harmonized Tariff Schedule (HTSUS) number is for the product(s). An electronic version of the HTSUS is available on the Internet at <http://www.usitc.gov/taffairs.htm>. An alphabetized index and listing of articles, is located at the back of the HTSUS.

Once the product HTSUS number is known, you may determine the U.S. tariff rate by consulting the HTSUS (or the International Trade Commission's U.S. Tariff and Import Database (under the Links button of the www.agoa.gov Internet site). Alternatively, you may use this Guide to determine if your product is eligible for duty-free treatment under GSP (see Annex 3 which lists all GSP eligible products (for all GSP countries) and Annex 2 which includes within the list those products that are eligible for GSP only for countries that are GSP "least developed beneficiary countries") or is potentially eligible for duty-free treatment under the African Growth and Opportunity Act (see Annex 2 with a list of products that are potentially eligible for duty-free treatment under AGOA). A determination on what products will be eligible for duty-free treatment under AGOA is expected by the end of 2000. It is important to note that if a product is not listed as eligible for duty-free treatment under GSP or under AGOA it may be because the tariff is already zero for all countries.

In order to receive duty-free market access for a product under the GSP program or under AGOA, the product must be produced or manufactured in a GSP or AGOA beneficiary country and must meet the GSP or AGOA rules of origin requirements. A list of GSP beneficiary countries is provided at Annex 1. A list of designated sub-Saharan African beneficiary countries is provided in Annex 1.

What are the main benefits available to exporters from eligible sub-Saharan African countries?

First, as detailed above, zero duties apply to U.S. imports of eligible products from eligible countries in sub-Saharan Africa. "Eligible products" are those currently receiving duty-free treatment under the U.S. GSP program, plus an expanded list of products (excluding textiles and apparel) not otherwise eligible for duty-free treatment under GSP. A detailed list of these products is found in Annex 3 of this Guide.

Second, a guarantee of GSP benefits for eligible sub-Saharan African countries through September 30, 2008 (the GSP program is scheduled to expire for non-sub-Saharan African countries on September 30, 2001 and must be renewed by Congress if duty-free treatment is to resume). In addition, the GSP program's "competitive needs" limitation which prohibits the importation of GSP-eligible products above a certain level is waived for eligible sub-Saharan countries under the AGOA.

Third, duty-free treatment for imports of sub-Saharan African apparel, some of which may be made with sub-Saharan African textiles and yarn. This benefit will give exporters in eligible Sub-Saharan Africa countries a decided advantage in exporting apparel to the United States. While sub-Saharan African apparel that meets AGOA's criteria will continue to be duty-free through September 30, 2008, U.S. imports of apparel from all other suppliers with which the United States does not have free trade agreements will continue to be assessed regular tariff duties, which average 17.5% of the value of the apparel product. However, apparel products made with sub-Saharan African fabrics or yarns or third-country fabrics or yarns may lose duty-free benefits if the U.S. Secretary of Commerce determines that imports into the United States of those products are "surging" -- in other words, being imported in such increased quantities as to cause the U.S. industry producing the same or a similar product serious damage or threat thereof.

Fourth, establishment of an U.S.-sub-Saharan Africa Trade and Economic Cooperation Forum which institutionalizes a Presidential and Cabinet-level dialogue between the U.S. and the countries of sub-Saharan Africa.

Fifth, expanded support from the Overseas Private Investment Corporation and the U.S. Export-Import Bank that will increase the interest of American exporters and investors in undertaking projects in sub-Saharan Africa.

Can a country lose AGOA benefits?

Yes. The President must conduct an annual review of each sub-Saharan African country's progress towards meeting the AGOA eligibility criteria. The President must terminate the designation of any beneficiary sub-Saharan African country if he determines that the country is not making continual progress towards meeting the eligibility criteria.

What specific requirements must be met to import merchandise under AGOA?

The imported merchandise must be eligible for AGOA benefits; produced in a designated beneficiary sub-Saharan Africa country; meet the value-added requirements for non-textile/apparel products, and the various specific requirements for different apparel products; be imported directly into the United States from a beneficiary sub-Saharan Africa country; be accompanied by import documentation that claims AGOA benefits on the appropriate shipping documents.

What are the rule of origin requirements for qualifying AGOA apparel products?

The rules vary with the product. The U.S. Customs Service has issued interim Customs Regulations on the African Growth and Opportunity Act. These interim regulations are available at www.agoa.gov. General information on apparel rules of origin is included at Annex 4. In general, apparel qualifying for duty-free benefits may be made with U.S. fabric in turn made with U.S. yarn, sub-Saharan African fabric in turn made with sub-Saharan African yarn (subject to quantitative limit) or, in the case of least developed sub-Saharan Africa countries, third-country fabric (subject to quantitative limits). Certain third country fabrics and yarns may also be used by sub-Saharan African apparel producers provided such fabrics are on a short supply list - maintained by the Department of Commerce (contained in Annex 5 to this Guide). Third-country yarn and fiber may also be used to produce cashmere or certain wool knit-to-shape sweaters.

What are the rule of origin requirements for other products?

The item must be the growth, product, or manufacture of a beneficiary developing country and the sum of (a) the cost or value of materials produced in a one or more beneficiary countries plus (b) the direct cost of processing performed in those countries may not be less than 35 percent of the appraised value of the product when it enters the United States. Up to 15 percentage points of that 35 percent may be derived from U.S. parts or materials used to produce the product in a beneficiary sub-Saharan Africa country or countries for new products designated for GSP benefits for AGOA beneficiaries. Their products also enjoy cumulation benefits. Questions regarding rule of origin requirements for specific products and/or

classification of products may be directed to the U.S. Customs Service by writing to: Director, National Commodity Specialist Division, U.S. Customs Service, 6 World Trade Center, New York, New York 10048.

What is meant by the requirement that the article be "imported directly"?

The article must be shipped directly from the beneficiary country to the United States without passing through the territory of any other country. Or, if shipped through the territory of any other country, the merchandise must not have entered the commerce of that country while in route to the United States. In all cases, the invoices, bills of lading and other documents connected with the shipment must show that the United States is the final destination of the imported article. (See 19 CFR 10.175(d) for the U.S. Customs Service definition of "imported directly.")

How can the correct HTSUS classification of a product be determined?

Questions about a specific product HTSUS number should be referred to the U.S. Customs Service by writing to: Director, National Commodity Specialist Division, U.S. Customs Service, 6 World Trade Center, New York, New York 10048. General information from U.S. Customs including information on classification and rules of origin can be found at www.customs.gov

Who makes the determinations regarding AGOA product and country eligibility?

The apparel and textile benefits provided under AGOA are generally specified in the African Growth and Opportunity Act. The GSP Subcommittee of the Trade Policy Staff Committee, chaired by the Office of the United States Trade Representative, reviews non-apparel/textile product coverage. All Executive Branch Agencies directly involved in trade participate in the inter-agency review of GSP eligibility modifications including expansion of GSP product coverage for eligible sub-Saharan African countries through AGOA. The U.S. Customs Service determines the classification of products and whether or not they meet the requirements specified in the Act.

Country eligibility decisions are made through an inter-agency process involving all relevant Executive Branch Agencies and chaired by the Office of the United States Trade Representative. Recommendations on product coverage and country eligibility are provided to the President whose final decisions are printed in the *Federal Register*.

How can an exporter in an AGOA beneficiary country know the value at which the U.S. Customs authorities will appraise an article?

In most cases, U.S. Customs will appraise the merchandise at the transaction value, that is, the price actually paid or payable for the merchandise when sold for export to the United States. This value would include the following elements:

1. The packing costs incurred by the buyer
2. The selling commission incurred by the buyer
3. The value of any assistance provided to the producer free of charge by the buyer

4. The royalty or license fee that the buyer is required to pay as a condition of the sale
5. The proceeds accruing to the seller of any subsequent resale, disposal, or use of the imported merchandise

In general, shipping and other costs related to transporting the GSP articles from the port of export to the United States are included neither in the value of the article nor in the value-added calculation.

What costs may be included in the direct costs of processing?

The direct costs of processing include all costs, whether directly incurred in, or those that can be reasonably allocated to the growth, production, manufacture, or assembly of the merchandise in question. These include the following:

- Actual labor costs involved in producing the goods, fringe benefits, and on-the-job training costs
- Engineering, supervisory, quality control, and similar personnel costs
- Dies, molds, and tooling costs, as well as depreciation on machinery and equipment
- Research, development, design, blueprints and engineering, and inspection and testing costs

What costs may not be included in the direct costs of processing?

The costs that may not be included in the direct costs of processing are those that are not directly attributable to the merchandise being considered or are not "costs" of manufacturing. These costs include profit and general expenses and business overhead such as administrative salaries, casualty and liability insurance, advertising, and sales representative's salaries, commissions, or expenses.

What is an "effective visa system," related to apparel/textile shipments?

An effective visa system, applicable to the textile and apparel products that claim benefits under AGOA, is a government-industry process that demonstrates that the goods for which benefits are claimed were in fact produced in a sub-Saharan Africa country or countries according to the rules of origin required to claim those benefits. The U.S. Government has provided countries with guidance on what the United States believes is required by an effective visa system. This includes the requirement that each shipment be covered by an original visa stamped on an original invoice. The visa must contain certain information such as the date of the visa, the quantity of goods being shipped, the preference grouping the goods qualify under, and a country code. In addition, governments must agree to cooperate with the U.S. Customs Service to prevent unlawful transshipment and use of counterfeit documentation, must agree to permit verification visits to factories, producers, exporters, and/or manufacturers, and must require factories, producers, exporters, and manufacturers to retain proper records relating to the production of goods for a period of five years.

What are the apparel/textile preference groupings?

The following are general descriptions of the preference groups. Articles under preference group "T" must be determined through bilateral consultations between the United States and sub-Saharan African

countries.

- A: Apparel assembled from U.S.-formed and cut fabric from U.S. yarn. [19 CFR 10.213(a)(1)]
- B: Apparel assembled and further processed from U.S.-formed and cut fabric from U.S. yarn. [19 CFR 10.213(a)(2)]
- C: Apparel cut and assembled from U.S. fabric from U.S. yarn and thread. [19 CFR 10.213(a)(3)]
- D: Apparel assembled from regional fabric from yarn originating in the U.S. or one or more beneficiary countries. [19 CFR 10.213(a)(4)]
- E: Apparel assembled in one or more lesser developed beneficiary countries. [19 CFR 10.213(a)(5)].
- F: Sweaters knit to shape in chief weight of cashmere. [19 CFR 10.213(a)(6)]
- G: Sweaters knit to shape with 50 percent or more by weight of fine wool. [19 CFR 10.213(a)(7)]
- H: Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the United States or a beneficiary country (as identified in NAFTA) or designated as not available in commercial quantities in the United States. [19 CFR 10.213(a)(8) or (a)(9)]
- I: Handloomed, handmade or folklore articles.[19 CFR 10.213(a)(10)]

Do the apparel products that are eligible for duty-free and quota-free benefits under the AGOA have to satisfy the 35% value-added requirement of the GSP program?

No. Apparel products eligible for benefits under the AGOA must meet the preference grouping requirements set forth in the AGOA apparel provisions. These requirements do not include the 35% value-added requirement. The 35% value-content requirement applies to those products currently eligible for GSP treatment (which do not include most textile and apparel products), as well as additional products (again excluding textiles and apparel) that may be designated as eligible for duty-free treatment under the expansion of the GSP program for AGOA beneficiary countries.

Which countries are considered to be "lesser developed beneficiary" countries under the AGOA?

The majority of countries in sub-Saharan Africa would be considered lesser developed countries under the AGOA. The criterion requires that a country's per capita GNP as measured by the World Bank in 1998 be under \$1,500. Annex 1 includes a list of lesser-developed AGOA beneficiary countries.

How will apparel exports from sub-Saharan Africa be counted against the cap on imports of apparel made with regional or third-country fabric?

On a "first-come, first-served" basis. This means that eligible imports from any eligible country will be counted against the cap as they are imported. Once the cap is filled, products may still be imported; however, the prevailing normal trade relations tariff rate will be assessed. For the first year, two-thirds of the cap was made available on October 2, 2000. The remaining one-third of the cap, plus any quantity remaining unfilled from the earlier two-thirds of the cap, will be made available on January 1, 2001. The yearly cap period begins on October 1 of each year and runs through September 30 of the next year.

What is "transshipment"?

AGOA describes transshipment as a claim for a textile or apparel article for duty-free benefits that is

false with respect to country of origin, manufacture, processing or assembly of the article or any of its parts.

If transshipment is found, the United States will deny all benefits for future textile or apparel shipments from the transshipping sub-Saharan African exporter for five years.

For apparel/textiles, what types of records must be kept and by whom?

Exporters, producers, or manufacturers are required to keep proper records relating to the production of goods, including materials used in production, information relating to the place of production, the number and identification of the types of machinery used in production, and the number of workers employed in production. These records should be retained for five years. If the U.S. Customs Service visits the facility of a producer or exporter in a beneficiary country, it may also expect to see inventory records, documentation for payments for raw material purchases, export/shipping records, contracts with subcontractors, payroll records, cutting records, assembly records, letters of credit and out-processing records.

Chapter 4

Trade Benefits (Non-Apparel/Textile)

AGOA builds on existing U.S. programs designed to increase trade and investment between the United States and developing countries. AGOA expands benefits available under the Generalized System of Preferences (GSP) program. GSP offers duty-free treatment to imports of selected products from specific beneficiary countries. Duty-free treatment for a broader range of products is provided for imports from least developed beneficiary developing countries. The GSP program must be renewed by Congress each time it expires; it is currently scheduled to expire September 30, 2001. Detailed information about the program, including the products and countries eligible for duty-free benefits, can be found on the Internet at: <http://www.ustr.gov/reports/gsp/index.html>, or under the Links button on the www.agoa.gov Internet site.

Duty-Free Treatment for Products

U.S. imports from most sub-Saharan Africa countries are already eligible to receive duty-free access for some 4,650 products under the U.S. GSP program. Another 1,783 products imported from least-developed sub-Saharan African countries are also eligible to receive duty-free treatment. A list of products currently eligible for GSP is contained in Annex 2. However, the GSP program excludes from this extensive list of products duty-free treatment for textiles, apparel, watches, footwear, handbags, luggage, flat goods, work gloves and leather wearing apparel, and certain electronic, steel and glass products as well as other products that are deemed import-sensitive. In addition, under GSP, benefits may be lost when imports from a beneficiary country reach prescribed thresholds. Finally, GSP benefits for all products imported from all beneficiary countries expire on September 30, 2001 unless renewed by Congress.

AGOA provides three important benefits to eligible sub-Saharan African exporters. First, it extends the duty-free treatment under the GSP program for eligible sub-Saharan African countries through September 30, 2008. Second, the AGOA eliminates most of the limitations of the GSP program for eligible sub-Saharan African countries. Third, AGOA expands the product coverage of the GSP program but only for products of sub-Saharan Africa.

AGOA permits the President to extend duty-free treatment to imports of essentially all products, except textiles and apparel, if they are the "growth, product or manufacture" of a beneficiary sub-Saharan Africa country, meet a value-added requirement, and the President determines that the products are not import-sensitive in the context of imports from beneficiary sub-Saharan Africa countries. Annex 3 provides a full list of the products under review. Textile and apparel benefits are treated separately from GSP under AGOA. The U.S. GSP Subcommittee is currently conducting a review of these products and it is expected that the President will announce the final list of products eligible for duty-free treatment under AGOA before the end of the year 2000. The list will be published in the U.S. *Federal Register* and will be made available on the Internet at www.agoa.gov.

This provision of AGOA gives sub-Saharan African suppliers a competitive edge over suppliers in other countries with which the United States does not have a free trade agreement. The tariff rates on many of these products can be quite high, and reducing them to zero for sub-Saharan

Africa exporters in eligible sub-Saharan African countries will enable those suppliers to compete more

effectively with suppliers elsewhere.

More Certainty for Duty-Free Benefits

Regular and expanded GSP duty-free benefits will remain in place for sub-Saharan African exporters through September 30, 2008, irrespective of whether or not the GSP program applicable to other developing countries is extended past September 30, 2001. This benefit provides more certainty for both sub-Saharan African exporters and their U.S. customers, each of whom will likely incorporate sub-Saharan African suppliers more securely into their international sourcing plans as a result of the assurance that duty-free treatment will not lapse for some time.

End of Competitive Need Limits for Sub-Saharan Africa

AGOA also exempts eligible sub-Saharan African countries from normal GSP program limitations on value and percentage of trade in a specific product, known as “competitive need limitations.” Normally, a GSP participant loses benefits for a certain product if imports of that product into the United States account for more than 50 percent of total U.S. imports of that product, or if imports reach a certain value (\$90 million in 1999). AGOA amends the GSP statute to exempt sub-Saharan Africa beneficiary countries from these competitive need limitations. This benefit will also contribute to a more secure long-term sourcing relationship between sub-Saharan African exporters and U.S. customers.

GSP Rule of Origin for Imports from Sub-Saharan Africa

A product must meet the GSP program rules of origin to qualify for duty-free access to the U.S. under the GSP program. The GSP rules of origin require that a product be the "growth, product or manufacture" of a beneficiary sub-Saharan African country and that:

- The article must be imported directly from the beneficiary country into the United States; and
- The sum of the cost or value of materials produced in the beneficiary country plus the direct processing costs must equal at least 35 percent of the appraised value of the product at the time of entry into the United States.

Imported materials may be counted toward the 35 percent but only if the materials are “substantially transformed” into new and different constituent materials of which the eligible article is composed. If an imported article has been produced in part in several countries that are members of an association of countries contributing to the regional economic integration of its members, the articles will be accorded duty-free entry if the value of their collective production of the article accounts for at least 35 percent of the appraised value of the article. The level of value added is the same as would be required for a product imported from a single country. The U.S. Customs Service is charged with determining whether an article meets the GSP rule-of-origin requirements. Members of the West African Economic and Monetary Union (WAEMU), the Southern African Development Community (SADC), and the Tripartite Commission on East African Cooperation (EAC) are potentially eligible for this cumulation benefit. The President has delegated to the U.S. Trade

Representative the responsibility for determining which members of these organizations qualify for the

cumulation benefit under the GSP program.

AGOA Rule of Origin for Imports from Sub-Saharan Africa

A product must meet the AGOA program rules of origin to qualify for duty-free access to the U.S. under AGOA. The AGOA rules of origin require that a product be the "growth, product or manufacture" of a beneficiary sub-Saharan Africa country and that:

- The article must be imported directly from the beneficiary country into the United States; and
- The sum of (a) the cost or value of materials produced in a one or more beneficiary countries plus (b) the direct cost of processing performed in those countries is not less than 35 percent of the appraised value of the product when it enters the United States. Up to 15 percentage points of that 35 percent may be derived from U.S. parts or materials used to produce the product in a beneficiary Sub-Saharan Africa country or countries.

General Rule of Origin Guidelines

In most cases, U.S. Customs will appraise the merchandise at the transaction value, that is, the price actually paid or payable for the merchandise when sold for export to the United States. This value would include the following elements:

1. The packing costs incurred by the buyer
2. The selling commission incurred by the buyer
3. The value of any assistance provided to the producer free of charge by the buyer
4. The royalty or license fee that the buyer is required to pay as a condition of the sale
5. The proceeds accruing to the seller of any subsequent resale, disposal, or use of the imported merchandise

In general, shipping and other costs related to transporting the GSP articles from the port of export to the United States are included neither in the value of the article nor in the value-added calculation.

The direct costs of processing include all costs, whether directly incurred in or those that can be reasonably allocated to the growth, production, manufacture, or assembly of the merchandise in question. These include the following:

- Actual labor, fringe benefits, and on-the-job training costs
- Engineering, supervisory, quality control, and similar personnel costs
- Dies, molds, and tooling costs, as well as depreciation on machinery and equipment
- Research, development, design, blueprints and engineering, and inspection and testing costs

The costs that may not be included in the direct costs of processing are those that are not directly attributable to the merchandise being considered or are not "costs" of manufacturing. These costs include profit and general expenses and business overhead such as administrative salaries, casualty and liability insurance, advertising, and sales representative's salaries, commissions, or expenses.

Questions regarding rule of origin requirements for specific products may be directed to: Director, National Commodity Specialist Division, U.S. Customs Service, 6 World Trade Center, New York, New York 10048.

Chapter 5

Trade Benefits for Textiles and Apparel

AGOA extends duty-free and quota-free benefits to imports of a number of apparel items, and textile products used to make those goods, produced in eligible sub-Saharan African countries. In most instances, these benefits are available without limits on the total volume of apparel exported from eligible sub-Saharan African countries to the United States. In two specific instances, however, the volume of U.S. imports of particular types of apparel exported from eligible Sub-Saharan Africa countries is subject to a cap.

In order for apparel/textile products of a country to be eligible for duty-free treatment, the AGOA beneficiary country must be designated as eligible for apparel/textile benefits. Such a designation requires that the United States determine that the country has an effective visa system to prevent the unlawful transshipment of apparel/textile articles and the use of counterfeit documents relating to the importation of the articles into the United States. USTR will publish a Federal Register notice when it designates a country(ies) as eligible for AGOA apparel/textile benefits. This information will be available at www.ustr.gov and at www.agoa.gov

Duty-Free, Quota-Free Treatment

AGOA provides that the following five types of textile and apparel products imported from eligible sub-Saharan African countries can enter the United States duty-free and quota-free. It should be recognized that many complicated factors may be involved in customs issues and that this information is for general information purposes only. Customs regulations pertaining to AGOA are available at www.agoa.gov under product eligibility. For answers to specific questions or to request a ruling, direct enquiries to: Director, National Commodity Specialist Division, U.S. Customs Service, 6 World Trade Center, New York, New York 10048.

- Apparel assembled in sub-Saharan Africa from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States.
- Apparel cut and assembled in sub-Saharan Africa, using U.S. thread, from fabrics wholly formed in the United States from yarns wholly formed in the United States.
- Sweaters knit to shape from cashmere or certain wool. The sweaters must be in chief weight of cashmere, or 50 percent or more by weight of merino wool measuring 18.5 microns in diameter. Fiber and yarn can come from any country, including countries outside sub-Saharan Africa.
- Apparel cut or knit to shape and assembled in sub-Saharan Africa from third-country yarn or fabric in short supply. The yarns and fabrics considered in "short supply" is derived from the North American Free Trade Agreement (see Annex 401 of the NAFTA). Briefly, they currently include, among others, silk, linen, fine-count cotton circular knit fabrics for certain apparel, cotton velveteen, fine wale cotton corduroy, Harris Tweed, batiste fabrics, and nine types of lightweight high-thread count broadwoven fabrics for men's and boy's shirts. (A list of "short supply" yarns and fabrics is provided at Annex 5. Additional yarns and fabrics may be added in the future through procedures detailed in the AGOA).

- Handloomed, handmade and folklore articles. Products covered under this category will be determined through U.S. consultations with the beneficiary country (or countries) and must also be certified by the competent authority of the beneficiary country (or countries) as a handloomed, handmade, or folklore article.
- Certain other apparel products will be duty-free and quota-free up to a specified cap (aggregate level of imports of these products from all beneficiary sub-Saharan African countries) that is based on U.S. total apparel imports in a previous 12-month period. The specific products covered under the cap are:
 - Apparel assembled in sub-Saharan Africa from fabric wholly formed in sub-Saharan Africa from U.S. or sub-Saharan African yarn.
 - Apparel assembled in sub-Saharan Africa from non-U.S., non-sub-Saharan African fabric ("third country" fabric). Only lesser-developed sub-Saharan African countries, defined as those with a per capita gross national product of less than \$1,500 a year in 1998 as measured by the World Bank, may export apparel wholly assembled in their countries, regardless of the origin of the fabric, through September 30, 2004. According to the World Bank's 1999/2000 World Development Report, which gives 1998 data, all sub-Saharan African countries except Botswana, Equatorial Guinea, Gabon, Mauritius, Namibia, Seychelles, and South Africa fall below this per capita threshold and are eligible to use third-country fabric in their duty-free apparel exports to the United States through September 30, 2004.

The single cap on preferential treatment for these two categories of apparel is as follows:

Share of Total U.S. Apparel Imports, Measured In Square Meter Equivalents, In Previous 12-Month Period for Which Data Are Available

October 1, 2000 – September 30, 2001	1.50%
October 1, 2001 – September 30, 2002	1.78%
October 1, 2002 – September 30, 2003	2.06%
October 1, 2003 – September 30, 2004	2.34%
October 1, 2004 – September 30, 2005	2.62%
October 1, 2005 – September 30, 2006	2.90%
October 1, 2006 – September 30, 2007	3.18%
October 1, 2007 – September 30, 2008	3.50%

The duty-free cap is not allocated among countries. It will be filled on a "first-come, first-served" basis. In any year that the cap is met, subject apparel products from sub-Saharan Africa may still enter the United States; however, they will be assessed the prevailing normal trade relations duty rate (Column 1 rates detailed in the Harmonized Tariff System of the United States) at the time of entry. For the first year, two-thirds of the cap was made available on October 2, 2000. The remaining one-third of the cap, plus any quantity remaining unfilled from the earlier two-thirds of the cap, will be made available on January 1, 2001.

In addition to the cap on these imports, AGOA includes protection for U.S. industries from surges in apparel imports wholly assembled in sub-Saharan Africa countries from regional and third-country fabric and yarn. The Secretary of Commerce will monitor these apparel imports on a monthly basis. If the

Secretary determines that there has been a surge of imports in such increased quantities as to cause serious damage, or threat thereof, to U.S. producers, then the President must suspend benefits for that particular product from the sub-Saharan African country or countries that are exporting it. The Secretary will only make a determination after a notice has been published in the *Federal Register* and a thorough investigation has been concluded.

Quotas on Imports from Kenya and Mauritius

Existing U.S. quotas on textile and apparel products imported into the United States from Kenya and Mauritius will be terminated within 30 days after the U.S. Government has determined that each country has adopted an effective visa system to prevent the transshipment of textile and apparel articles and the use of counterfeit importation documents.

Findings and Trimmings

An apparel article is eligible for benefits even if the article contains findings or trimmings of foreign origin, if the value of such findings and trimmings does not exceed 25 percent of the cost of the components of the assembled article. Examples of findings and trimmings include sewing thread (except when used to assemble in sub-Saharan Africa U.S.-cut fabric), hooks and eyes, snaps, buttons, "bow buds," decorative lace trims, elastic strips, and zippers. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and used in the production of brassieres.

Certain Interlinings

Certain interlinings are eligible for duty-free treatment as findings and trimmings. The interlinings permitted include only a chest type plate, a "hymo" piece, or "sleeve header" made of woven or weft-inserted warp knit construction, and made of coarse animal hair or man-made filaments. This benefit will terminate if the President determines such interlinings are made in the United States in commercial quantities.

De Minimis Rule

Apparel products assembled in sub-Saharan Africa which would otherwise be considered eligible for AGOA benefits but for the presence of some fibers or yarns not wholly formed in the United States or the beneficiary sub-Saharan African country will still be eligible for benefits as long as the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

Chapter 6

Customs-Related Requirements for Apparel Benefits: Protection Against Transshipment

Preferential treatment for textile and apparel articles under AGOA is conditioned on the enforcement of measures to prevent transshipment. Transshipment is defined as the use of false information in claiming the country of origin, manufacture, processing, or assembly of an article or any of its components. This false information is used to export an article duty-free to the United States when it otherwise would be deemed dutiable and/or counted against a quota. When transshipment occurs, the benefits of AGOA accrue to others outside of sub-Saharan Africa, taking away jobs and opportunities from sub-Saharan African countries and people and diminishing the benefits eligible sub-Saharan African countries receive from AGOA. Anti-transshipment measures are aimed at protecting both sub-Saharan African countries and their producers as well as the U.S. market and domestic industry.

In order for an eligible sub-Saharan African country to export qualifying apparel products to the United States duty-free, the United States must determine that the country has met certain customs-related requirements including (the specific provisions are contained in Section 113 of the AGOA):

- adoption of an effective visa system, domestic laws, and enforcement measures to prevent illegal transshipment and the use of counterfeit documents relating to the importation of eligible apparel products into the United States;
- enactment of legislation or issuance of regulations that allow the U.S. Customs Service to thoroughly investigate allegations of transshipment;
- agreement to report total imports and exports of the covered articles in that country;
- agreement to cooperate fully with the United States to address and take action necessary to prevent circumvention;
- agreement to require all producers and exporters of covered articles to maintain complete records of production and all materials used in that production for at least two years after production or export; and
- agreement to provide documentation to the U.S. Customs Service establishing country of origin of covered articles. These documents include production records, factory information, the number and type of machinery used in production, number of workers employed in production, and certification from both the manufacturer and the exporter.
- implementation of or substantial progress toward implementation of procedures and requirements similar to the relevant procedures and requirements under chapter five of the NAFTA.

The U.S. Customs Service will provide technical assistance to beneficiary sub-Saharan Africa countries in developing and implementing an appropriate visa system, legislation and regulations and in training their officials in anti-transshipment enforcement. Customs will also send production verification

teams to at least four beneficiary sub-Saharan African countries each year.

An exporter, any successor of the exporter, and any other entity owned or operated by the principal of the exporter, from a beneficiary sub-Saharan African country that has been determined to have engaged in transshipment of apparel or textiles will lose all apparel and textile duty-free benefits for a period five years. Other penalties may also be applied.

Chapter 7

Country Eligibility Requirements

The benefits established by AGOA are targeted towards the 48 countries of sub-Saharan Africa. However, sub-Saharan African countries do not automatically receive all of the benefits of AGOA. Certain AGOA trade benefits will be extended only to those countries that meet specific eligibility criteria. These criteria were developed in consultation with sub-Saharan African countries and reflect an understanding that additional U.S. market access provided under AGOA will only generate sustainable economic growth and development if countries have appropriate domestic policies. The criteria constitute "best practice" policies that will ultimately attract trade and investment and foster widely-shared prosperity.

Sub-Saharan African countries designated as eligible or beneficiary countries must undergo an annual review of their status. Countries may be added or withdrawn from the list of eligible or beneficiary countries during this annual review. The President will monitor, review, and report annually to Congress each country's progress towards meeting the criteria. The President must terminate the designation of a country as a beneficiary sub-Saharan African country if he determines that the country is no longer making continual progress towards meeting the eligibility criteria. If the President terminates a country's designation, it will be effective January 1 of the year following the year in which the determination is made.

In considering the eligibility of sub-Saharan African countries for AGOA beneficiary status, the AGOA required the President to consider the countries based on the existing criteria under the Generalized System of Preferences program as well as new AGOA criteria and a new GSP criterion. These new criteria include whether these countries have established or are making continual progress toward establishing, a market-based economy, the rule of law, the elimination of barriers to U.S. trade and investment, economic policies to reduce poverty, the protection of internationally recognized worker rights, and a system to combat corruption. Additionally, countries (1) cannot engage in activities that undermine U.S. national security or foreign policy interests, (2) cannot engage in gross violations of internationally-recognized human rights, (3) cannot provide support for acts of international terrorism, and (4) must have implemented their commitments to eliminate the worst forms of child labor.

Eligibility to receive certain benefits under AGOA derives from Section 104(a) of the AGOA, section 502(b) of the Trade Act of 1974, as amended (containing the GSP eligibility criteria), and section 506A of the Trade Act of 1974. Section 104(a) is provided below in its entirety. A summary of relevant parts of Section 502(b) is also included below.

“SEC. 104. ELIGIBILITY REQUIREMENTS

(a) In General.-- The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country--

(1) has established, or is making continual progress toward establishing--

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) the elimination of barriers to United States trade and investment, including by--

(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

(ii) the protection of intellectual property; and

(iii) the resolution of bilateral trade and investment disputes;

(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs;

(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(2) does not engage in activities that undermine United States national security or foreign policy interests; and

(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

(b) Continuing Compliance: If the President determines that an eligible sub-Saharan African country is not making continual progress in meeting the requirements described in subsection (a)(1), the President shall terminate the designation of the country made pursuant to subsection (a).”

Summary of Section 502(b) of the Trade Act of 1974 as amended.

To be eligible for the GSP benefits, a country must:

1. Not be a Communist country unless its products receives normal trade relations treatment, it is a member of the World Trade Organization and International Monetary Fund or is not dominated or controlled by international communism (Sec. 502(b)(2)(A));

2. Not be a party to an arrangement or participates in any action that withholds or has the effect of withholding vital commodity resources or raises their prices to unreasonable levels, causing serious disruption of the world economy (Sec. 502(b)(2)(B));

3. Not afford preferential treatment to products of a developed country which has or is likely to have a significant adverse effect on U.S. commerce (Sec. 502(b)(2)(C));
4. Not have nationalized, expropriated or otherwise seized property, including trademarks, patents, or copyrights owned by a U.S. citizen without compensation (Sec. 502(b)(2)(D));
5. Recognize or enforce arbitral awards to U.S. citizens or corporations (Sec. 502(b)(2)(E));
6. Not aid or abet, by granting sanctuary from prosecution, any individual or group which has committed international terrorism (Sec. 502(b)(2)(F));
7. Take steps to afford internationally-recognized worker rights, including the right of association, the right to organize and bargain collectively, freedom from compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health (Sec. 502(b)(2)(G)).
8. Implement its commitments to eliminate the worst forms of child labor, as defined by the International Labor Organization's Convention 182 (Sec. 502(b)(2)(H); this provision was added by the Trade and Development Act of 2000 in Section 412). To determine whether a country is complying with this provision, the President should consider (1) whether the country has adequate laws and regulations proscribing the worst forms of child labor; (2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures; (3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor; (4) whether social programs exist in the country to prevent ht engagement of children in the worst forms of child labor; (5) whether the country has a comprehensive policy for the elimination of the worst forms of child labor and (6) wither the country is making continual progress toward eliminating the worst forms of child labor.

Failure to meet criteria 4 through 7 may not prevent the granting of GSP eligibility if the President determines that such a designation would be in the national economic interest of the United States.

In addition, the President must take into account:

1. A country's expressed desire to be designated a beneficiary country (Sec. 502(c)(1));
2. The country's level of economic development (Sec. 502(c)(2));
3. Whether other major developed countries extend GSP to the country (Sec. 502(c)(3));
4. The extent to which the country provides "equitable and reasonable access" to its markets and basic commodity resources and refrains from unreasonable export practices(Sec. 502(c)(4));
5. The extent to which the country provides adequate and effective protection of intellectual property rights (Sec. 502(c)(5)), and
6. The extent to which the country has taken action to reduce trade-distorting investment practices and

policies and reduce or eliminate barriers to trade in services (Sec. 502(c)(6)) and

7. Whether the country has taken or is taking steps to afford internationally-recognized worker rights, as defined above in item 7 (Sec. 502(c)(7)).

Chapter 8

Other AGOA Provisions (Non-Trade Program)

While AGOA primarily focuses on preferential trade programs, it also includes a number of complementary provisions.

AGOA creates a Presidential and Cabinet-level U.S.-Sub-Saharan Africa Trade and Economic Cooperation Forum that will institutionalize America's economic engagement with Africa, and secure, through structured dialogue -- on all levels of government, the private sector, and the non-governmental organization (NGO) community -- practical policies for strengthening trade and investment and building mutually beneficial economic opportunities between the United States and sub-Saharan Africa.

AGOA urges Congress and the President to work together with the international community to make bilateral and multilateral debt relief available to those countries most in need of it.

In addition, AGOA directs the U.S. Overseas Private Investment Corporation to increase loans, guarantees, and insurance that support projects in sub-Saharan Africa, including those undertaken by women entrepreneurs and those that maximize employment opportunities for poor individuals. The United States Export-Import Bank activities in sub-Saharan Africa will also be expanded. These provisions of AGOA will provide greater certainty to U.S. exporters and investors of support in their initiatives in sub-Saharan Africa.

AGOA directs the United States to provide technical assistance to companies and governments in sub-Saharan Africa. This assistance will be used, for example, to liberalize trade and promote exports, facilitate the integration of sub-Saharan African countries into the World Trade Organization, and promote regulatory and fiscal reforms.

MARKET ACCESS OF AGRICULTURAL PRODUCTS

Who initiates the import request?

- **The national animal and/or plant health authorities of the exporting country**
- **An importer located in the United States**

What Agencies are responsible for which products and why?

- **Aphis restrictions are in effect due to disease and/or pest conditions in a country. Restrictions protect the national animal and plant health of the U.S.**
- **F&W restrictions are in effect to protect endangered and threatened species**
- **FSIS restrictions are in effect to ensure meat and poultry are processed under standards equivalent to those of the United States. Restrictions protect human health**
- **FDA has authority over all meat products not covered by FSIS and all other foods to protect human health**

Determine which U.S. Agencies have regulatory authority over the agricultural product

Animal and Health Inspection Service (APHIS)

- All live animals and animal products
- All live plants and plant products
- APHIS determines enterability of a commodity based on the disease and pest status of the exporting country

Fish and Wildlife Service

- all animals, plants and their products which are CITES listed
- CITES: International agreement which protects endangered and threatened species

Food Safety and Inspection Services (FSIS)

- All meat and poultry
- processed products containing more than 3% raw meat
- Generally, freedom from disease must be established by APHIS before FSIS works with national authorities to approve meat inspection system**

Food and Drug Administration (FDA)

- Jurisdiction over imported foods, fish and meats not covered by FSIS (such as game meat)
- No permit required. Inspection at port of entry.

UNITED STATES DOMESTIC CONTACT INFORMATION

ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

<http://www.aphis.usda.gov>

Information on import of
plants and plant products:

Information on import of animals and products:

APHIS-PPQ	APHIS-VS
Unit 133	Unit 38
4700 River Road	4700 River Road
Riverdale, Maryland 20737	Riverdale, Maryland 20737
Tel. 301-734-8261/8262	Tel. 301-737-3277

FOOD SAFETY AND INSPECTION SERVICE (FSIS):

<http://fsis.usda.gov/oa/programs/import.htm>

Information for countries wishing to become eligible to export
meat and poultry:

International Policy Division
Food Safety and Inspection Service
U.S. Department of Agriculture
Washington, D.C. 20250
Tel. 202-501-7472/7515

FISH AND WILDLIFE SERVICES (F&W):

<http://endangered.fws.gov/contacts.html>

Information on CITES:

U.S. Fish and Wildlife Services
Division of Endangered Species
Mail Stop 420ARLSQ
1849 C St., NW
Washington, D.C. 20240
Tel. 703-358-2104 (permit unit)

FOREIGN AGRICULTURE SERVICE

<http://www.fas.gov>

Information on Tariffs, Quotas and GSP
FAS
1400 Independence Ave. SW
Washington, DC 20250
Tel. 202-720-0762

FOOD AND DRUG ADMINISTRATION

<http://vm.cfsan.fda.gov/~lrd/import.html>

Division of Import
Operations and Policy
15800 Crabbs Branch Way
Rockville, Maryland 20855
Tel. 301-443-6553

Chapter 10

Time Line of Important Dates

October 2	Presidential Designation of AGOA Beneficiary Countries
Post - October 2	AGOA Textile and Apparel Benefits go into effect for AGOA Beneficiary Countries that have been Determined to Meet the Customs-Related Requirements**
October 6	The U.S. International Trade Commission Publishes its Advice to the President on the Probable Economic Effect on U.S. Industries of the Elimination of U.S. Import Duties under AGOA for Products that are Potentially Eligible for such Treatment (see <i>Federal Register</i> notice of May 25 available on the Internet site www.agoa.gov).
mid-late October	Regional AGOA Seminars for COMESA, IOC, and SADC Countries held in Kenya and Madagascar.
October 20	Deadline for Submissions of Public Comments on U.S. International Trade Commission advice to the President
November	Regional AGOA Seminars for ECOWAS, WAEMU and CEMAC Countries held in Gabon and Nigeria.
November/ December	Presidential Designation of Additional Products Eligible for Duty-Free Treatment Under AGOA
2001	
January*	Possible Presidential Designation of Additional AGOA Beneficiary Countries

* Tentative

** The United States will determine which countries meet these requirements through a consultation process with sub-Saharan African countries based on the requirements detailed in Section 113 of the African Growth and Opportunity Act. It is expected that these determinations will be made as the requirements are met and not at any specific date.