

Dated: August 8, 2005.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Commercial Availability Request under United States- Caribbean Basin Trade Partnership Act (CBTPA)

August 9, 2005.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA)

ACTION: Denial of the request alleging
that certain 100 percent cotton, yarn
dyed in the warp direction, seersucker
fabrics cannot be supplied by the
domestic industry in commercial
quantities in a timely manner under the
CBTPA.

SUMMARY: On June 7, 2005, the
Chairman of CITA received a petition
from Sandler, Travis & Rosenberg, P.A.,
on behalf of their client B*W*A of New
York City, alleging that certain 100
percent cotton, yarn dyed in the warp
direction, plain weave double warp
beam seersucker fabrics, of detailed
specifications, classified in subheadings
5208.42.30, 5208.42.40, 5208.42.50, and
5209.41.60 of the Harmonized Tariff
Schedule of the United States (HTSUS),
cannot be supplied by the domestic
industry in commercial quantities in a
timely manner. The petition requests
that woven shirts, blouses, and
sleepwear of such fabrics be eligible for
preferential treatment under the CBTPA.
CITA has determined that the subject
fabrics can be supplied by the domestic
industry in commercial quantities and
in a timely manner and, therefore,
denies the request.

FOR FURTHER INFORMATION CONTACT:
Richard Stetson, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 211(a) of the CBTPA
amending Section 213(b)(2)(A)(v)(II) of the
Caribbean Basin Economic Recovery Act
(CBERA); Section 6 of Executive Order No.
13191 of January 17, 2001; Presidential
Proclamation 7351 of October 2, 2000.

Background:

The CBTPA provides for quota- and
duty-free treatment for qualifying textile
and apparel products. Such treatment is
generally limited to products

manufactured from yarns and fabrics
formed in the United States or a
beneficiary country. The CBTPA also
provides for quota- and duty-free
treatment for apparel articles that are
both cut (or knit-to-shape) and sewn or
otherwise assembled in one or more
beneficiary countries from fabric or yarn
that is not formed in the United States,
if it has been determined that such
fabric or yarn cannot be supplied by the
domestic industry in commercial
quantities in a timely manner. In
Executive Order No. 13191 (66 FR
7271), CITA has been delegated the
authority to determine whether yarns or
fabrics cannot be supplied by the
domestic industry in commercial
quantities in a timely manner under the
CBTPA. On March 6, 2001, CITA
published procedures that it will follow
in considering requests (66 FR 13502).

On June 7, 2005, the Chairman of
CITA received a petition from Sandler,
Travis & Rosenberg, P.A., on behalf of
their client B*W*A of New York City,
alleging that certain 100 percent cotton,
yarn dyed in the warp direction, plain
weave double warp beam seersucker
fabrics, of detailed specifications,
classified in HTSUS subheadings
5208.42.30, 5208.42.40, 5208.42.50, and
5209.41.60, cannot be supplied by the
domestic industry in commercial
quantities in a timely manner. The
petition requests that woven shirts,
blouses, and sleepwear of such fabrics
be eligible for preferential treatment
under the CBTPA.

On June 13, 2005, CITA published a
notice in the Federal Register requesting
public comments on the petition
particularly with respect to whether
these fabrics can be supplied by the
domestic industry in commercial
quantities in a timely manner. See
**Request for Public Comments on
Commercial Availability Petition under
the United States - Caribbean Basin
Trade Partnership Act (CBTPA)**, 70 FR
34091 (June 13, 2005). On June 29, 2005,
CITA and USTR offered to hold
consultations with the House Ways and
Means Committee and the Senate
Finance Committee, but no
consultations were requested. We also
requested advice from the U.S.
International Trade Commission and the
relevant Industry Trade Advisory
Committees.

Based on the information and advice
received by CITA, public comments,
and the report from the International
Trade Commission, CITA found that
there is domestic production, capacity,
and ability to supply the subject fabrics
in commercial quantities in a timely
manner.

On the basis of currently available
information and our review of this
request, CITA has determined that the
domestic industry can supply the
subject fabrics in commercial quantities
in a timely manner. The request from
B*W*A is denied.

James C. Leonard III,

*Chairman, Committee for the Implementation
of Textile Agreements.*

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States- Caribbean Basin Trade Partnership Act (CBTPA)

August 9, 2005.

AGENCY: The Committee for the
Implementation of Textile Agreements
(CITA)

ACTION: Designation.

EFFECTIVE DATE: August 12, 2005.

SUMMARY: CITA has determined that
certain 100 percent cotton, 2 x 2 twill
weave, flannel fabrics, of ring spun and
combed 2 ply yarns, of the
specifications detailed below, classified
in subheading 5208.43.0000 of the
Harmonized Tariff Schedule of the
United States (HTSUS), cannot be
supplied by the domestic industry in
commercial quantities in a timely
manner. CITA hereby designates men's
and boys' woven cotton shirts and
women's and girl's woven cotton shirts
and blouses, that are both cut and sewn
or otherwise assembled in one or more
eligible CBTPA beneficiary countries
from such fabrics, as eligible for quota-
free and duty-free treatment under the
textile and apparel commercial
availability provisions of the CBTPA
and eligible under HTSUS subheadings
9820.11.27, to enter free of quota and
duties, provided that all other fabrics in
the referenced apparel articles are
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 HTS heading 5602 or
5603 and are wholly formed in the
United States.

FOR FURTHER INFORMATION CONTACT:
Janet Heinzen, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

Background:

The commercial availability provision of the CBTPA provides for duty-free and quota-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and certain procedural requirements have been met. In Presidential Proclamation 7351, the President proclaimed that this treatment would apply to apparel articles from fabrics or yarn designated by the appropriate U.S. government authority in the **Federal Register**. In Executive Order 13191, the President authorized CITA to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner.

On April 8, 2005, the Chairman of CITA received a petition from Oxford Industries alleging that certain 100 percent cotton, 2 x 2 twill weave, flannel fabrics, of ring spun and combed 2 ply yarns, of the specifications detailed below, classified in HTSUS subheading 5208.43.0000, for use in men's and boys' woven cotton shirts and women's and girls' woven cotton shirts and blouses, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested quota- and duty-free treatment under the CBTPA for such apparel articles that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics. On April 14, 2005, CITA requested public comment on the petition. **See Request for Public Comment on Commercial Availability Petition under the United States - Caribbean Basin Trade Partnership Act (CBTPA)**, 70 FR 19735 (April 14, 2005). On May 3, 2005, CITA and the U.S. Trade Representative (USTR) sought the advice of the Industry Trade Advisory Committee for Textiles and Clothing and the Industry Trade Advisory Committee for Distribution Services. On May 3, 2005, CITA and USTR offered to hold consultations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (collectively, the

Congressional Committees). On May 20, 2005, the U.S. International Trade Commission provided advice on the petition.

Based on the information and advice received and its understanding of the industry, CITA determined that the fabrics set forth in the petition cannot be supplied by the domestic industry in commercial quantities in a timely manner. On June 3, 2005, CITA and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and the advice obtained. A period of 60 calendar days since this report was submitted has expired.

CITA hereby designates as eligible for preferential treatment under HTSUS subheading 9820.11.27, men's and boys' woven cotton shirts and women's and girls' woven cotton shirts and blouses, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, from certain 100 percent cotton, 2 x 2 twill weave, flannel fabrics, of ring spun and combed 2 ply yarns, of the specifications detailed below, classified in HTSUS subheading 5208.43.0000, not formed in the United States. The referenced apparel articles are eligible provided that all other fabrics are 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 HTS heading 5602 or 5603 and are wholly formed in the United States, subject to the special rules for findings and trimmings, certain interlinings and de minimis fibers and yarns under section 211(b)(2)(A)(vii) of the CBTPA, and that such articles are imported directly into the customs territory of the United States from an eligible CBTPA beneficiary country.

Specifications:

Fiber Content:	100 percent cotton
Weight:	150 - 160 g/m ²
Width:	148 - 152 centimeters
Thread Count:	50 - 52 warp ends per cm (25-26 x two plies) 45 - 46 filling picks per cm (21-23 x two plies) 92 - 98 thread per square cm (46-49 x two plies)
Yarn Number:	34 metric warp and filling, ring spun and combed, two ply, average yarn number 60-62 metric
Weave:	2 x 2 twill
Finish:	Yarns of different colors; napped

An "eligible CBTPA beneficiary country" means a country which the President has designated as a CBTPA beneficiary country under section

213(b)(5)(B) of the CBERA (19 U.S.C. 2703(b)(5)(B)) and which has been the subject of a finding, published in the **Federal Register**, that the country has satisfied the requirements of section 213(b)(4)(A)(ii) of the CBERA (19 U.S.C. 2703(b)(4)(A)(ii)) and resulting in the enumeration of such country in U.S. note 1 to subchapter XX of Chapter 98 of the HTSUS.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States-Caribbean Basin Trade Partnership Act (CBTPA)

August 9, 2005.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: August 12, 2005.

SUMMARY: CITA has determined that certain 100 percent cotton carbon-embroidered, three or four-thread twill weave fabrics, of the specifications detailed below, classified in subheading 5208.33.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates woven cotton shirts and blouses, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota-free and duty-free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheadings 9820.11.27, to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are 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 HTS heading 5602 or 5603 and are wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION: