subject to such verification as the port
director deems necessary. In the event
that the port director is prevented
from obtaining the necessary
verification, the port director may
treat the entry as fully dutiable.

Subpart D—Textile and Apparel
Articles Under the African
Growth and Opportunity Act

§ 10.211 Applicability.

Title I of Public Law 106–200 (114
Stat. 251), entitled the African Growth
and Opportunity Act (AGOA), author-
izes the President to extend certain
trade benefits to designated countries
in sub-Saharan Africa. Section 112 of
the AGOA, codified at 19 U.S.C. 3721,
provides for the preferential treatment
of certain textile and apparel articles
from beneficiary countries. The provi-
sions of §§10.211–10.217 of this part set
forth the legal requirements and proce-
dures that apply for purposes of obtain-
ing preferential treatment pursuant to
section 112.

§ 10.212 Definitions.

When used in §§10.211 through 10.217,
the following terms have the meanings
indicated:

Apparel articles. “Apparel articles”
means goods classifiable in Chapters 61
and 62 and headings 6501, 6502, 6503, and
6504 and subheadings 6406.99 and 6505.90
of the HTSUS.

Assembled in one or more beneficiary
countries. “Assembled in one or more
beneficiary countries” when used with reference to
textile or apparel articles
means that all fabric
components used in the assembly of
the article were cut from fabric in one
or more beneficiary countries.

Beneficiary country. “Beneficiary
country” means a country listed in
section 107 of the African Growth and
Opportunity Act (19 U.S.C. 3706) which
has satisfied the requirements of
section 113 of the African Growth and
Opportunity Act (19 U.S.C. 3722) and
which the President has designated as
a beneficiary sub-Saharan African
country under section 506A of the

Cut in one or more beneficiary
countries. “Cut in one or more beneficiary
countries” when used with reference to
apparel articles means that all fabric
components used in the assembly of
the article were cut from fabric in one
or more beneficiary countries.

Foreign. “Foreign” means of a country
other than the United States or a
beneficiary country.

HTSUS. “HTSUS” means the Har-
monized Tariff Schedule of the United
States.

Knit-to-shape articles. “Knit-to-
shape,” when used with reference to
sweaters or other apparel articles,
means any apparel article of which 50
percent or more of the exterior surface
area is formed by major parts that
have been knitted or crocheted directly
to the shape used in the apparel arti-
cle, with no consideration being given
to patch pockets, appliques, or the
like. Minor cutting, trimming, or sew-
ing of those major parts will not affect
the determination of whether an ap-
parel article is “knit-to-shape.”

Knit-to-shape components. “Knit-to-
shape,” when used with reference to
textile components, means components
that are knitted or crocheted from a
yarn directly to a specific shape con-
taining a self-start edge. Minor cutting
or trimming will not affect the deter-
mination of whether a component is
“knit-to-shape.”

Major parts. “Major parts” means in-
tegral components of an apparel article
but does not include collars, cuffs,
waisbands, plackets, pockets, linings,
paddings, trim, accessories, or similar
parts or components.

NAFTA. “NAFTA” means the North
American Free Trade Agreement en-
tered into by the United States, Can-
da, and Mexico on December 17, 1992.

Originating. “Originating” means
having the country of origin deter-
mimed by application of the provisions
of §102.21 of this chapter.
§ 10.213 Articles eligible for preferential treatment.

(a) General. The preferential treatment referred to in §10.211 applies to the following textile and apparel articles that are imported directly into the customs territory of the United States from a beneficiary country:

(1) Apparel articles sewn or otherwise assembled in one or more beneficiary 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, (including fabrics not formed from yarns, if those 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;

(2) Apparel articles sewn or otherwise assembled in one or more beneficiary 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, (including fabrics not formed from yarns, if those 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 Chapter 61 or 62 of the HTSUS, if, after that assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTSUS, but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes in a beneficiary country;

(3) Apparel articles sewn or otherwise assembled in one or more beneficiary countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary 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 those fabrics are classifiable under heading 5602 or 5603 of the HTSUS and are wholly formed in the United States).