

Any shipment for entry under the Outward Processing Program which is not accompanied by a valid certification in accordance with the provisions established in the letter to the Commissioner of Customs, dated December 9, 1999 (see 64 FR 69744), shall be denied entry. However, the Government of Romania may authorize the entry and charges to the appropriate specific limits by the issuance of a valid visa. Also see directive dated December 29, 1983, as amended, (49 FR 493).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Consolidation and Amendment of Export Visa Requirements to Include the Electronic Visa Information System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

December 14, 1999.

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

ACTION: Issuing a directive to the Commissioner of Customs consolidating and amending visa requirements.

EFFECTIVE DATE: January 1, 2000.

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

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

In exchange of notes dated December 9 and December 14, 1999, the Governments of the United States and Bangladesh agreed to amend the existing visa arrangement for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200-239, 300-369, 400-469, 600-670, 800-899,

produced or manufactured in Bangladesh and exported on and after January 1, 2000. The amended arrangement consolidates existing provisions and new provisions for the Electronic Visa Information System (ELVIS). The Governments of the United States and Bangladesh will implement a 6-month test phase in which, in addition to the ELVIS requirements, shipments will continue to be accompanied by a visa. This notice supersedes the notice and letter to the Commissioner of Customs, as amended, published in the **Federal Register** on November 17, 1988 (53 FR 46484).

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Goods integrated into GATT 1994 in Stage II by the United States will not require a visa or ELVIS transmission (see **Federal Register** notice 63 FR 53881, published on October 7, 1998).

Interested persons are advised to take all necessary steps to ensure that textile products entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 14, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive supersedes the directive issued to you on November 14, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and pursuant to the Uruguay Round Agreement on Textiles and Clothing and the Export Visa Arrangement, effected by exchange of notes dated December 9 and December 14, 1999, between the Governments of the United States and Bangladesh; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 2000, entry into the customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool,

man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200-239, 300-369, 400-469, 600-670, 800-899, including part categories and merged categories, produced or manufactured in Bangladesh and exported on and after January 1, 2000 for which the Government of Bangladesh has not issued an appropriate export visa and Electronic Visa Information System (ELVIS) transmission fully described below. Should additional categories, part-categories or merged categories become subject to import quotas, the entire category(s), part-category(s) or merged category(s) shall be included in the coverage of this arrangement.

A visa must accompany each shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original export license. The original visa shall not be stamped on duplicate copies of the export license. The original export license with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the export license and/or visa may not be used for this purpose.

Visa Requirements

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numeric digit for the last digit of the year of export, followed by the two character alpha code specified by the International Organization for Standardization (ISO) (the code for Bangladesh is "BD"), and a six digit serial number identifying the shipment; e.g., OBD123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The original signature of the issuing official authorized by the Government of Bangladesh.

4. The correct category(s), part category(s), merged category(s), quantity(s) and unit(s) of quantity in the shipment in the unit(s) of quantity provided for in Annex A of the Export Visa Arrangement, in the U.S. Department of Commerce Correlation, and in the Harmonized Tariff Schedule of the United States Annotated, or successor document and shall be reported in the spaces provided within the visa stamp (e.g., "Cat. 340-510 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment. (For example, quota Category 347/348 may be visaed as "Cat. 347/348" or if the shipment consists solely of Category 347 merchandise, the shipment may be visaed as "Cat. 347," but not as "Cat. 348").

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect, illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the

shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

The categories and units of measure shall be those listed in Annex A of the Export Visa Arrangement and as determined by the U.S. Customs Service.

If the visa is not acceptable then a new correct visa must be obtained from the Government of Bangladesh or a visa waiver may be issued by the U.S. Department of Commerce at the request of the Government of Bangladesh and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive any quota requirement. Visa waivers will only be issued for classification purposes or for one-time special purpose shipments that are not part of an ongoing commercial enterprise.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide the importer a certified copy of that visaed export license for use in obtaining a new correct visaed invoice or a visa waiver.

Only the actual quantity in the shipment and the correct category will be charged to the applicable restraint level.

If a shipment from Bangladesh has been allowed entry into the commerce of the United States with either an incorrect visa or no visa and redelivery is requested but is not made, the shipment will be charged to the correct category limit whether or not a replacement visa or visa waiver is provided.

The Government of the United States will make available to the Government of Bangladesh, upon request, information on the amounts and categories involved for all items subject to quota administered by the U.S. Customs Service.

The complete name and address of a company performing the major production steps in the manufacturing process of the textile products covered by the visa shall be provided on the textile visa document.

ELVIS Requirements:

A. Each ELVIS message will include the following information:

- i. The visa number as defined above.
- ii. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.
- iii. The correct category(s), part category(s), merged category(s), quantity(s) and unit(s) of quantity of the shipment in the unit(s) of quantity provided for in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States Annotated or successor documents.
- iv. The quantity of the shipment in the correct units of quantity
- v. The manufacturer ID number (MID). The MID shall begin with "BD," followed by the first three characters from each of the first two words of the name of the manufacturer, followed by the largest number on the address line up to the first four digits, followed by three letters from the city name.

B. Entry of a shipment shall not be permitted:

i. if an ELVIS transmission has not been received for the shipment from Bangladesh;
ii. if the ELVIS transmission for that shipment is missing any of the following:

- a. visa number
- b. category or part category
- c. quantity
- d. unit of measure
- e. date of issuance
- f. manufacturer ID number;
- iii. if the ELVIS transmission for the shipment does not match the information supplied by the importer with regard to any of the following:
 - a. visa number
 - b. category or part category
 - c. unit of measure;
 - iv. if the quantity being entered is greater than the quantity transmitted;
 - v. if the visa number has previously been used, except in the case of a split shipment, or canceled, except when an entry has already been made using the visa number.

C. A new, correct ELVIS transmission from Bangladesh is required before a shipment that has been denied entry for one of the circumstances described above will be released.

D. Notwithstanding the previous paragraph, a visa waiver may be accepted, at the discretion of the U.S. Department of Commerce, in lieu of an ELVIS transmission if the shipment qualifies as a one-time special purpose shipment that is not part of an ongoing commercial enterprise.

E. Shipments will not be released for forty-eight hours in the event of a system failure. If system failure exceeds forty-eight hours, for the remaining period of the system failure, the U.S. Customs Service will release shipments on the basis of the paper visaed document.

F. If a shipment from Bangladesh is allowed entry into the commerce of the United States with an incorrect visa, no visa, an incorrect ELVIS transmission, or no ELVIS transmission, and redelivery is requested but is not made, the shipment will be charged to the correct category limit whether or not a replacement visa or waiver is provided or a new ELVIS message is transmitted.

G. The U.S. Customs will provide the Government of Bangladesh with a report on visa utilization which is accessible at any time. This report will contain:

- a. visa number
- b. category number
- c. unit of measure
- d. quantity charged to quota
- e. entry number
- f. entry line number

Exempt Certification Requirements

Textiles and textile articles provided for below, which includes Bangladesh items listed in Annex C of the Export Visa Arrangement, will be exempted from the levels of restraint (quotas), visa and ELVIS requirements if they are certified, prior to the shipment leaving Bangladesh, by the placing of the original rectangular-shaped stamped marking in blue ink on the front of the original commercial invoice. The original exempt certification shall not be affixed to duplicate copies of the invoice. The original copy of the invoice with the original exempt certification will be required to enter the

shipment into the United States. Duplicate copies of the invoice and/or exempt certification may not be used.

1. Certain floor coverings: Floor coverings provided for in HTS items 5701.10.1600, 5701.10.4000, 5702.51.2000, 5702.91.3000, 5702.92.0010, 5702.99.1010.

2. Handloomed fabrics, handmade and folklore products:

- a. Handloomed fabrics of the cottage industry
- b. Handmade textile products made in the cottage industry from handloomed fabrics; and
- c. Particular traditional folklore handicraft products as listed in Annex C of the Export Visa Arrangement.

Requirements for exempt certification stamp: Each exempt certification stamp will include the following information:

1. Date of issuance;
2. Signature of issuing official;
3. The basis for the exemption, which shall be noted as:

a. Floor Coverings - HTS number 5701.10.1600 (or whichever HTS number is applicable).

- b. Handloomed fabric
- c. Hand-made textile product
- d. The name of the particular traditional folklore handicraft product (Bangladeshi item) as listed below.

Should a shipment be exported from Bangladesh with an incorrect exempt certification (i.e. the date of issuance, signature or basis for exemption is missing, incorrect or illegible or has been crossed out or altered in any way), then the exempt certification shall not be accepted and entry shall not be permitted until a replacement certification is issued.

Should a shipment be exported from Bangladesh without an exempt certification being issued prior to the date of exportation or the merchandise does not qualify for the exemption, then an exempt certification shall not be accepted and entry shall not be permitted. In such a case, a visa or a visa waiver must be obtained prior to release of any portion of the shipment. If quotas are in force, the shipment will be charged to the appropriate quota level.

Shipments not requiring visas, ELVIS transmissions or exempt certifications:

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued \$800 or less do not require a visa, an ELVIS transmission or exempt certification for entry and shall not be charged to Agreement levels.

Other provisions:

Except as provided for above, any shipment which is not accompanied by a valid and correct visa and ELVIS transmission, or exempt certification in accordance with the foregoing provisions, shall be denied entry by the Government of the United States unless the Government of Bangladesh authorizes the entry and any charges to the agreement levels.

An invoice may cover visaed merchandise or exempt certification merchandise but not both.

After a six-month test phase is completed, both governments will conduct a joint

assessment and make recommendations regarding the elimination of the visa stamp on the commercial invoice.

Effective on January 1, 2000, neither a visa nor an ELVIS transmission will be required for products integrated in the second stage of the integration of textiles and clothing into GATT 1994 from WTO member countries

(see directive dated September 30, 1998) A visa and ELVIS transmission will continue to be required for non-integrated products.

The visa stamp remains unchanged.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Merged and Part Categories

| Category | Designation in Agreement | Conversion Factor to SME | Unit |
|-------------------|---------------------------------|--------------------------|-----------|
| Merged Categories | | | |
| | 336/636 | 37.90 | dozen |
| | 338 and 339 | 6.00 | dozen |
| | 340 and 640 | 20.10 | dozen |
| | 342 and 642 | 14.90 | dozen |
| | 347 and 348 | 14.90 | dozen |
| | 351 and 651 | 43.50 | dozen |
| | 352 and 652 | 11.30 | dozen |
| | 638 and 639 | 12.96 | dozen |
| | 645 and 646 | 30.80 | dozen |
| | 647 and 648 | 14.90 | dozen |
| Part Categories | | | |
| | 369-S Cotton Shop Towels | 8.50 | kilograms |
| | 369-O Other Cotton Manufactures | 8.50 | kilograms |

Bangladeshi Items

Bangladeshi Items—Continued

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These are the items that are uniquely and historically traditional Bangladeshi products. All these items mentioned in this list are made from woven fabric. Additional items may be included after consultations and mutual agreement of both Governments.

Embroidered Kaftan Ankle length loose fitting dress with embroidery around top and bottom with side slits of about 18 inches from the lower hem and with traditional Bangladeshi hand embroidery or hand batik printing.

Panjabi This is a men's and boys' shirt type garment made from cotton or man-made fabric, plain or colored, hand embroidered, or printed, or batik decorated, or batik printed, without collar and with half or full sleeve, with partial front opening with or without buttons. The tails extend from finger tip to knee. This is a typical Muslim ceremonial dress of Bangladeshi men and boys and has been used from ancient times for Muslim festivals.

Bell-Sleeve Evening Blouse

Salwar

A women's garment traditionally used by Bangladeshi women and girls for covering upper part of the body and traditionally worn under a sari, made from cotton or man-made fabric, patterned or plain, embroidered or printed. A short, tight fitting blouse ending above the waist with untapered half sleeve without collar. This is a women's folklore blouse, having a long Bangladeshi tradition.

Plain or designed or printed, loose fitting trousers secured with drawstring or hooks with legs that are straight or baggy with extra fullness at the thighs made from cotton or man-made fiber fabrics, traditionally worn with kameez. Must be imported with a kameez, and, if for women or girls, with a dopatta.

Kameez

Dopatta

Lungi

Long tunic, untapered, plain or printed or embroidered, half, three quarter, or full sleeve, made from cotton or man-made fiber fabric traditionally worn with salwar with length down to knee level, with partial opening with button in front or back. Must be imported with a sawlar, and, if for women or girls, with a dopatta.

A long scarf measuring from 72 to 120 inches long and 36 to 40 inches wide traditionally worn by Muslim women or girls in Bangladesh with salwar and kameez. Must be imported with a salwar and kameez.

A traditional garment worn as outerwear from waist-down to ankle, 45 to 50 inches in width and having a circumference of 70 to 80 inches, in tubular form, made from cotton or man-made fiber fabric.

Bangladeshi Items—Continued

| | |
|---------------------|--|
| Borka | A loose overall, two piece garment dress, ankle length, with hood portion containing veil for covering face worn by Muslim women and girls of Bangladesh when going out of the house. Made from cotton or man-made fiber of a solid color, with a full front opening with buttons. |
| Kurta | A men's or boys' shirt type garment similar to a panjabi, of mid-thigh length of cotton or man-made fiber fabric, with no collar or a one inch stand up collar, with full or half sleeves, with a partial front opening with or without buttons. |
| Batwa | Small drawstring pouches used by women and girls for carrying betel nut and small personal things. Printed or hand embroidered. |
| Nakshi Kantha | Traditional hand stitched, extensively hand embroidered, wall hanging with a design depicting rural life or folklore motifs made from cotton, silk, or man-made fibers. |
| Batik Wall Hangings | Cut pieces of cotton, silk, or man-made fiber fabric that have been printed using the batik process. |

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Consolidation and Amendment of Export Visa Requirements to Include the Electronic Visa Information System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

December 14, 1999.

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

ACTION: Issuing a directive to the Commissioner of Customs consolidating and amending visa requirements.

EFFECTIVE DATE: January 1, 2000.

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

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

In exchange of notes dated December 10, 1999, the Governments of the United States and Sri Lanka agreed to amend the existing visa arrangement for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200-239, 300-369, 400-469, 600-670, 831-859, produced or manufactured in Sri Lanka and exported on and after January 1, 2000. The amended arrangement consolidates existing provisions and new provisions for the Electronic Visa Information System (ELVIS). The Governments of the United States and Sri Lanka will implement a 6-month test phase in which, in addition to the ELVIS requirements, shipments will continue to be accompanied by a visa. This notice supersedes the notice and letter to the Commissioner of Customs, as amended, published in the **Federal Register** on September 7, 1988 (53 FR 34573).

A description of the textile and apparel categories in terms of Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Goods integrated into GATT 1994 in Stage II by the United States will not require a visa or ELVIS transmission (see **Federal Register** notice 63 FR 53881, published on October 7, 1998).

Interested persons are advised to take all necessary steps to ensure that textile products entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 14, 1999.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive supersedes the directive issued to you on September 1, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and pursuant to the Uruguay Round Agreement on Textiles and Clothing and the Export Visa Arrangement, effected by

exchange of notes dated December 10, 1999, between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 2000, entry into the customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200-239, 300-369, 400-469, 600-670, 831-859, including part categories and merged categories, produced or manufactured in Sri Lanka and exported on and after January 1, 2000 for which the Government of Sri Lanka has not issued an appropriate export visa and Electronic Visa Information System (ELVIS) transmission fully described below. Should additional categories, part-categories or merged categories become subject to import quotas, the entire category(s), part-category(s) or merged category(s) shall be included in the coverage of this arrangement.

A visa must accompany each shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original invoice. The original visa shall not be stamped 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. Duplicates of the invoice and/or visa may not be used for this purpose.

Visa Requirements

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numeric digit for the last digit of the year of export, followed by the two character alpha code specified by the International Organization for Standardization (ISO) (the code for Sri Lanka is "LK"), and a six digit serial number identifying the shipment; e.g., 0LK123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The original signature of the issuing official authorized by the Government of Sri Lanka.

4. The correct category(s), part category(s), merged category(s), quantity(s) and unit(s) of quantity in the shipment in the unit(s) of quantity provided for in Annex A of the Export Visa Arrangement, in the U.S. Department of Commerce Correlation, and in the Harmonized Tariff Schedule of the United States Annotated, or successor document and shall be reported in the spaces provided within the visa stamp (e.g., "Cat. 340-510 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment. (For example, quota Category 347/348 may be visaed as "Cat. 347/348" or if the shipment consists solely of Category 347 merchandise, the shipment