



**INSTRUCTION BOOKLET FOR
U.S. IMPORTERS' QUESTIONNAIRE
SUBJECT DENIM APPAREL**

**GENERAL INFORMATION, INSTRUCTIONS, AND
DEFINITIONS**

Investigation Nos. AGOA-002 and AGOA-003

Contacts: For questions or further information, please contact Dawn Heuschel (202-205-2577; dawn.heuschel@usitc.gov) or Justino De La Cruz (202-205-3252; justino.delacruz@usitc.gov) of the Commission's Office of Industries and Economics, respectively.

Additional copies of the questionnaire: For additional copies of the questionnaire, you may contact Dawn Heuschel or Justino De La Cruz, use photocopies of this form, or download a copy from the Commission's website at http://www.usitc.gov/ind_econ_ana/research_ana/Ongoing_Inv/index.htm. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 001 202-205-1810.

GENERAL INFORMATION

Background.—On December 20, 2006, the President signed into law amendments to section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) (AGOA), included in Public Law 109-432, that require the Commission to make certain determinations relating to the commercial availability of regional fabric or yarn for use in lesser developed beneficiary (LDB) sub-Saharan African (SSA) countries, and the use of such fabric that is determined to be available. Section 112(c)(2)(C) of AGOA deemed denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States to be available in commercial quantities in the amount of 30 million square meter equivalents during the period October 1, 2006 - September 30, 2007 (fiscal year 2007). In September 2007, the Commission determined, pursuant to section 112(c)(2)(B)(ii), that such denim fabric will be available in commercial quantities during fiscal year 2008, and will be available in the amount of 21,303,613 square meter equivalents. The Commission transmitted its determination and report in that investigation to the President on September 25, 2007 (Commission investigation No. AGOA-07-001, now re-designated as investigation No. AGOA-001, *Commercial Availability of Fabric & Yarns in AGOA Countries: Certain Denim*, Commission Publication 3950, September 2007), available at <http://hotdocs.usitc.gov/docs/pubs/agoa/pub3950.pdf>.

Section 112(c)(2)(B)(iii) of AGOA now requires the Commission to determine the extent to which the denim fabric deemed to be available during fiscal year 2007 for use in LDB SSA countries was used in the production of apparel articles receiving preferential treatment under AGOA that entered the United States during fiscal year 2007. The Commission is also required to determine whether the subject denim fabric will be available in commercial quantities during fiscal year 2009 for use by LDB SSA countries in the production of apparel articles receiving preferential treatment under AGOA, and, if so, the quantity that will be so available. This questionnaire will be used to gather information to help the Commission make the required determinations regarding the use and availability of the subject denim fabric.

Due date of questionnaire.—Return the completed questionnaire to the United States International Trade Commission by no later than **March 20, 2008**.

Confidentiality.—The commercial and financial data furnished in response to this questionnaire that reveal the individual operations of your firm will be treated as confidential business information by the Commission to the extent that such data are not otherwise available to the public; such data will not be published in a manner that will reveal the individual operations of your firm and will not be disclosed except as may be required by law. Section 332(g) of the Tariff Act of 1930 provides that the Commission may not release information that qualifies as confidential business information (under Commission Rule 201.6 (19 CFR § 201.6)) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information. **The Commission may include some or all of the confidential business information submitted in the course of these investigations in the reports it sends to the U.S. Trade Representative (USTR) and the President.** Information submitted in this questionnaire response and throughout these investigations may be used by the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Following transmittal of its report to the USTR and the President, the Commission intends to prepare a public version of each of its reports. Any confidential business information received by the Commission in these investigations and used in preparing the confidential version of the reports will not be published in the public version in a manner that would reveal the operations of the firm supplying the information. Data your firm submits in response to the Commission's questionnaire may be aggregated with data

submitted by other firms, but such aggregated data will not be published in a manner that would reveal the individual operations of your firm.

INSTRUCTIONS

Verification.—The information submitted in the enclosed questionnaire is subject to verification and follow-up by the Commission staff. To facilitate possible verification of data, please keep all supporting documents used in the preparation of the questionnaire response.

Answer all questions.—Do not leave any question or section blank. If the answer to any question is “none,” write “none,” or is “not applicable,” write “NA.” If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates—designated as such by the letter “E”—and explain the basis of your estimates. Answers to questions and any necessary comments or explanations should be supplied in the space provided. If your firm is completing more than one questionnaire in connection with this investigation (i.e., a producers’, importers’, and/or purchasers’ questionnaire), you need not respond to duplicated questions in the questionnaires.

Filing instructions.—Questionnaires may be filed either in paper form or electronically.

OPTIONS FOR FILING IN PAPER FORM

- **Overnight mail service.**—Mail to the following address:

**United States International Trade Commission
Office of Industries
Room 513-E
500 E Street, SW
Washington, DC 20436**

- **Fax.**—Fax to 202.205.2150.

- **U.S. mail.**—Mail to the address above. *This option is not recommended. U.S. mail sent to government offices undergoes additional processing to screen for hazardous materials; this additional processing results in substantial delays in delivery.*

OPTIONS FOR FILING ELECTRONICALLY

This questionnaire is available in “fillable” MS Word form format on the Commission’s website at www.usitc.gov. You may complete the questionnaire electronically, print it out, and submit it in paper form as described above, or you may submit it electronically through one of the following means:

- **Compact disc (CD).**—Copy your questionnaire onto a CD, include a signed certification page (page 1) (either in paper form or scanned PDF copied onto CD), and mail to the address above. *It is strongly recommended that you use an **overnight mail service**. U.S. mail sent to government offices undergoes additional processing which not only results in substantial delays in delivery but may also damage CDs.*
- **E-mail.**—E-mail your questionnaire to one of the project leaders identified on page 1 of the Instruction Booklet; include in the e-mail subject line: CBI Questionnaire, **INV. NO. AGOA-002**. *Please note that submitting your questionnaire by e-mail may subject your firm’s confidential business information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the*

Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.

Note: If you choose to submit this questionnaire electronically, please also include a scanned PDF of the signed certification page (page 1). Your questionnaire will not be accepted into the record without a signed certification page.

DEFINITIONS

Subject Denim.—The denim fabric subject to this investigation is classified in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States (HTSUS) (2007) (Rev. 1). The subject denim is made of a woven fabric containing 85 percent or more by weight of cotton, and is known as a bottom weight fabric weighing more than 200 grams per square meter. It is constructed of a 3-thread or 4-thread twill, including broken twill¹, weave. The fabric is woven of yarns of different colors and is warp-faced, meaning the warp yarns or those yarns that run vertically in the construction of a fabric, make up the appearance of the outside of the fabric. The warp yarns are all the same color and the filling yarns (those yarns that run horizontally in a woven fabric) may be unbleached, bleached, dyed gray, or dyed a lighter shade of color than the warp yarns. Thus the color of the warp yarns largely determines the color of the fabric; blue denim is blue because the warp yarns are dyed blue. Twill woven fabric is characterized by the appearance of a diagonal line running from the bottom left to the top right of the fabric or vice versa.

Subject Denim Apparel.—Ready to wear apparel made of the subject denim fabric, as defined above.

Firm.—An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm.—A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment.—Each facility of a firm involved in the production, importation, and/or purchase of subject denim or subject denim apparel (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

Beneficiary SSA countries.—Countries eligible for apparel benefits under AGOA, including: Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia.

Lesser developed beneficiary SSA countries (LDB SSA countries).— Lesser developed countries eligible for apparel benefits under AGOA, including: Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Swaziland, Tanzania, Uganda, and Zambia.

¹A 3-thread or 4-thread, warp-faced, twill weave is constructed by two warp yarns (for a 3-thread twill) and three warp yarns (for a 4-thread twill) passing over one filling yarn and progressing by one to the right or the left, thus creating the diagonal line prevalent in denim fabric. A broken twill is a type of twill fabric characterized by a zig-zag effect, such as herringbone, where the diagonal line does not run the entire length of the fabric.

Importer.—Any person or firm engaged, either directly or through a parent company or subsidiary, in importing subject denim or subject denim apparel (as defined above) from a foreign manufacturer or through its selling agent.

Imports.—Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities.—Quantities reported should be net of returns.