

1 spect to articles entered after such re-
2 moval.”.

3 (b) ATPA.—Section 204(b)(3)(B) of the Andean
4 Trade Preference Act (19 U.S.C. 3202(b)(3)(B)) is
5 amended by adding at the end the following new clause:

6 “(viii) REMOVAL OF DESIGNATION OF
7 FABRICS OR YARNS NOT AVAILABLE IN
8 COMMERCIAL QUANTITIES.—If the Presi-
9 dent determines that any fabric or yarn
10 was determined to be eligible for pref-
11 erential treatment under clause (i)(III) or
12 (ii) on the basis of fraud, the President is
13 authorized to remove that designation from
14 that fabric or yarn with respect to articles
15 entered after such removal.”.

16 **SEC. 5006. EFFECTIVE DATE.**

17 This title and the amendments made by this title
18 apply to articles entered, or withdrawn from warehouse
19 for consumption, on or after the 15th day after the date
20 of the enactment of this Act.

21 **TITLE VI—AFRICAN GROWTH**
22 **AND OPPORTUNITY ACT**

23 **SEC. 6001. SHORT TITLE.**

24 This title may be referred to as the “Africa Invest-
25 ment Incentive Act of 2006”.



1 **SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PROD-**
2 **UCTS OF LESSER DEVELOPED COUNTRIES.**

3 (a) IN GENERAL.—Section 112 of the African
4 Growth and Opportunity Act (19 U.S.C. 3721) is
5 amended—

6 (1) by redesignating subsections (c) through (f)
7 as subsections (d) through (g);

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
10 by striking “The” and inserting “Subject to
11 subsection (c), the” ; and

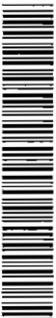
12 (B) by striking subparagraph (B) and re-
13 designating subparagraph (C) as subparagraph
14 (B); and

15 (3) by inserting after subsection (b) the fol-
16 lowing new subsection:

17 “(c) LESSER DEVELOPED COUNTRIES.—

18 “(1) PREFERENTIAL TREATMENT OF PRODUCTS
19 THROUGH SEPTEMBER 30, 2012.—

20 “(A) PRODUCTS COVERED.—In addition to
21 the products described in subsection (b), and
22 subject to paragraph (2), the preferential treat-
23 ment described in subsection (a) shall apply
24 through September 30, 2012, to apparel articles
25 wholly assembled, or knit-to-shape and wholly
26 assembled, or both, in one or more lesser devel-



1 oped beneficiary sub-Saharan African countries,
2 regardless of the country of origin of the fabric
3 or the yarn used to make such articles, in an
4 amount not to exceed the applicable percentage
5 of the aggregate square meter equivalents of all
6 apparel articles imported into the United States
7 in the preceding 12-month period for which
8 data are available.

9 “(B) APPLICABLE PERCENTAGE.—For
10 purposes of subparagraph (A), the term ‘appli-
11 cable percentage’ means—

12 “(i) 2.9285 percent for the 1-year pe-
13 riod beginning on October 1, 2005; and

14 “(ii) 3.5 percent for the 1-year period
15 beginning on October 1, 2006, and each 1-
16 year period thereafter through September
17 30, 2012.

18 “(2) SPECIAL RULES FOR PRODUCTS IN COM-
19 MERCIAL QUANTITIES IN AFRICA.—

20 “(A) PETITION PROCESS.—Upon a petition
21 filed by an interested party (which may include
22 a foreign manufacturer), the Commission shall
23 determine whether a fabric or yarn produced in
24 beneficiary sub-Saharan African countries is
25 available in commercial quantities for use by



1 lesser developed beneficiary sub-Saharan Afri-
2 can countries.

3 “(B) EFFECT OF AFFIRMATIVE DETER-
4 MINATION.—

5 “(i) DETERMINATION OF QUANTITY
6 AVAILABLE.—If the Commission deter-
7 mines under subparagraph (A) that a fab-
8 ric or yarn produced in beneficiary sub-Sa-
9 haran African countries is available in
10 commercial quantities for use by lesser de-
11 veloped beneficiary sub-Saharan African
12 countries, the Commission shall determine
13 the quantity of the fabric or yarn that will
14 be so available in lesser developed bene-
15 ficiary sub-Saharan African countries in
16 the applicable 1-year period beginning
17 after the determination is made.

18 “(ii) DETERMINATIONS.—In each case
19 in which the Commission determines that a
20 fabric or yarn is available in commercial
21 quantities under subparagraph (A) for an
22 applicable 1-year period, the Commission
23 shall determine, before the end of that ap-
24 plicable 1-year period—

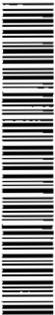


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“(I) whether the fabric or yarn produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding applicable 1-year period; and

“(II) if so, the quantity of the fabric or yarn that will be so available in that succeeding 1-year period, subject to clause (iii).

“(iii) DETERMINATION REGARDING IMPORTED ARTICLES.—After the end of each applicable 1-year period for which a determination under clause (i) is in effect, the Commission shall determine to what extent the quantity of the fabric or yarn determined under clause (i) to be available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries was used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period. To the extent that the quantity so determined was not so used, then the Commission shall add to the quantity of that fabric or



1 yarn determined to be available in the next
2 applicable 1-year period the quantity not
3 so used in the preceding applicable 1-year
4 period.

5 “(C) DENIM.—Denim articles provided for
6 in subheading 5209.42.00 of the Harmonized
7 Tariff Schedule of the United States shall be
8 deemed to have been determined to be in abun-
9 dant supply under subparagraph (A) in an
10 amount of 30,000,000 square meter equivalents
11 for the 1-year period beginning October 1,
12 2006.

13 “(D) PRESIDENTIAL AUTHORITY TO RE-
14 STRICT IMPORTS.—

15 “(i) IN GENERAL.—Subject to clause
16 (ii), the President may by proclamation
17 provide that apparel articles otherwise eli-
18 gible for preferential treatment under
19 paragraph (1) that contain a fabric or yarn
20 determined to be available in commercial
21 quantities under subparagraph (A) may
22 not receive such preferential treatment in
23 an applicable 1-year period unless—

24 “(I) the fabric or yarn in such
25 articles was produced in 1 or more



1 beneficiary sub-Saharan African coun-
2 tries; or

3 “(II) the Commission has deter-
4 mined that the quantity of the fabric
5 or yarn determined under subpara-
6 graph (B) (or (C), as the case may
7 be) to be available in lesser developed
8 beneficiary sub-Saharan African coun-
9 tries for that applicable 1-year period
10 has already been used in the produc-
11 tion of apparel articles receiving pref-
12 erential treatment under paragraph
13 (1) that were entered in that applica-
14 ble 1-year period.

15 “(ii) MANDATORY RESTRICTION.—If a
16 fabric or yarn is determined to be available
17 in commercial quantities under subpara-
18 graph (A) in an applicable 1-year period,
19 and for 2 consecutive applicable 1-year pe-
20 riods the quantities determined to be so
21 available are not used in the production of
22 apparel articles receiving preferential treat-
23 ment under paragraph (1) that were en-
24 tered during those 2 applicable 1-year peri-
25 ods, then beginning in the succeeding ap-



1 applicable 1-year period, apparel articles con-
2 taining that fabric or yarn are ineligible
3 for preferential treatment under paragraph
4 (1) in any succeeding applicable 1-year pe-
5 riod unless the Commission has determined
6 that the quantity of the fabric or yarn de-
7 termined under subparagraph (B) (or (C),
8 as the case may be) to be available in less-
9 er developed beneficiary sub-Saharan Afri-
10 can countries for that applicable 1-year pe-
11 riod has already been used in the produc-
12 tion of apparel articles receiving pref-
13 erential treatment under paragraph (1)
14 that were entered in that applicable 1-year
15 period.

16 “(E) PROCEDURES.—The Commission
17 shall use the procedures prescribed in sub-
18 section (b)(3)(C)(iv) for the Secretary of Com-
19 merce in making determinations under this
20 paragraph.

21 “(3) REMOVAL OF DESIGNATION OF FABRICS
22 OR YARNS NOT AVAILABLE IN COMMERCIAL QUAN-
23 TITIES.—If the President determines that—



1 “(A) any fabric or yarn described in para-
2 graph (2)(A) was determined to be eligible for
3 preferential treatment, or

4 “(B) any fabric or yarn described in para-
5 graph (2)(B) was designated as not being avail-
6 able in commercial quantities,

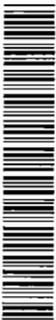
7 on the basis of fraud, the President may remove the
8 eligibility or designation (as the case may be) of that
9 fabric or yarn with respect to articles entered after
10 such removal.

11 “(4) APPLICABILITY OF OTHER PROVISIONS.—
12 Subsection (b)(3)(C) applies to apparel articles eligi-
13 ble for preferential treatment under this subsection
14 to the same extent as that subsection applies to ap-
15 parel articles eligible for preferential treatment
16 under subsection (b)(3).

17 “(5) DEFINITIONS.—In this subsection:

18 “(A) APPLICABLE 1-YEAR PERIOD.—The
19 term ‘applicable 1-year period’ means each of
20 the 12-month periods beginning on October 1 of
21 each year and ending on September 30 of the
22 following year.

23 “(B) COMMISSION.—The term ‘Commis-
24 sion’ means the United States International
25 Trade Commission.



1 “(C) ENTER; ENTRY.—The terms ‘enter’
 2 and ‘entry’ refer to the entry, or withdrawal
 3 from warehouse for consumption, in the cus-
 4 toms territory of the United States.

5 “(D) LESSER DEVELOPED BENEFICIARY
 6 SUB-SAHARAN AFRICAN COUNTRY.—The term
 7 ‘lesser developed beneficiary sub-Saharan Afri-
 8 can country’ means—

9 “(i) a beneficiary sub-Saharan African
 10 country that had a per capita gross na-
 11 tional product of less than \$1,500 in 1998,
 12 as measured by the International Bank for
 13 Reconstruction and Development;

14 “(ii) Botswana; and

15 “(iii) Namibia.”.

16 (b) ADDITIONAL PREFERENTIAL TREATMENT.—Sec-
 17 tion 112(b) of the African Growth and Opportunity Act
 18 (19 U.S.C. 3721(b)) is amended by adding at the end the
 19 following new paragraph:

20 “(8) TEXTILE ARTICLES ORIGINATING EN-
 21 TIRELY IN ONE OR MORE LESSER DEVELOPED BEN-
 22 EFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Tex-
 23 tile and textile articles classifiable under chapters 50
 24 through 60 or chapter 63 of the Harmonized Tariff
 25 Schedule of the United States that are products of



1 a lesser developed beneficiary sub-Saharan African
2 country and are wholly formed in one or more such
3 countries from fibers, yarns, fabrics, fabric compo-
4 nents, or components knit-to-shape that are the
5 product of one or more such countries.”.

6 (c) TECHNICAL AMENDMENT.—Section 112(e)(3) of
7 the African Growth and Opportunity Act (as redesignated
8 by subsection (a)(1) of this section) is amended by striking
9 “subsection (b)” and inserting “subsections (b) and (c)”.

10 **SEC. 6003. TECHNICAL CORRECTIONS.**

11 Section 112 of the African Growth and Opportunity
12 Act (19 U.S.C. 3721) is amended as follows:

13 (1) Subsection (b)(5) is amended by adding at
14 the end the following new subparagraph:

15 “(C) REMOVAL OF DESIGNATION OF FAB-
16 RICS OR YARNS NOT AVAILABLE IN COMMER-
17 CIAL QUANTITIES.—If the President determines
18 that any fabric or yarn was determined to be el-
19 igible for preferential treatment under subpara-
20 graph (A) on the basis of fraud, the President
21 is authorized to remove that designation from
22 that fabric or yarn with respect to articles en-
23 tered after such removal.”.



1 (2) Subsection (f), as redesignated by section
2 6002(a)(1), is amended by adding at the end the fol-
3 lowing:

4 “(5) ENTER; ENTERED.—The terms ‘enter’ and
5 ‘entered’ refer to the entry, or withdrawal from
6 warehouse for consumption, in the customs territory
7 of the United States.”.

8 **SEC. 6004. EFFECTIVE DATE FOR AGOA.**

9 Subsection (g) of section 112 of the African Growth
10 and Opportunity Act (19 U.S.C. 3721), as redesignated
11 by section 6002(a)(1), is amended by striking “2008” and
12 inserting “2015”.

13 **TITLE VII—ANDEAN TRADE**
14 **PREFERENCE ACT**

15 **SEC. 7001. SHORT TITLE.**

16 This title may be cited as the “Andean Trade Pref-
17 erences Extension Act”.

18 **SEC. 7002. ATPA EXTENSION.**

19 (a) TEMPORARY EXTENSION.—Section 208 of the
20 Andean Trade Preference Act (19 U.S.C. 3206) is amend-
21 ed by striking “December 31, 2006” and inserting “June
22 30, 2007”.

23 (b) CONDITIONAL EXTENSIONS.—Section 208 of the
24 Andean Trade Preference Act (19 U.S.C. 3206), as
25 amended by subsection (a), is further amended—

