

Department of Commerce at the request of the Government of the Republic of El Salvador, 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 the quota requirement.

If import quotas are in force, U.S. Customs Service shall charge only the actual quantity in the shipment to the correct category limit. If a shipment from El Salvador has been allowed entry into the commerce of the United States with either an incorrect visa or no visa, and redelivery is requested but cannot be made, U.S. Customs shall charge the shipment to the correct category limit whether or not a replacement visa or visa waiver is provided.

Each shipment of textile products which has been assembled in the Republic of El Salvador wholly from components cut in the United States from U.S.-formed fabric which is subject to the Guaranteed Access Level shall be so certified by the Government of the Republic of El Salvador. This certification shall be presented to the U.S. Customs Service before entry, or withdrawal from warehouse for consumption, into the customs territory of the United States (the 50 states, the District of Columbia and Puerto Rico).

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

Each certification shall include the following information:

1. The certification number. The certification number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for El Salvador is "SV"). The first two codes shall be followed by the number "2" and a five-

digit serial number identifying the shipment; e.g., 5SV200002.

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.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation, as amended.

U.S. Customs shall not permit entry if the shipment does not have a certification number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the certification is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the certification is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable level.

Entry of textile products subject to the certification system outlined above into the customs territory of the United States will be permitted only for those shipments accompanied by:

- A. A valid certification by the Government of the Republic of El Salvador.

- B. A completed copy of the CBI Export Declaration (U.S. Department of Commerce Form ITA-370P) with a proper declaration by the Republic of El Salvador assembler that the articles were subject to assembly in the Republic of El Salvador from parts described on that CBI Export Declaration; and

- C. A proper importer's declaration.

Any shipment which is not accompanied by a valid and correct certification in accordance with the foregoing provisions shall be denied entry by the Government of the United States. If U.S. Customs determines that the certification is invalid because of an error, and the remaining documentation fulfills requirements for entry under the Caribbean Basin Textile Special Access Program, then a new certification from the Government of the Republic of El Salvador must be obtained or a visa waiver issued by the U.S. Department of Commerce at the request of the Government of the Republic of El Salvador must be obtained and presented to the U.S. Customs Service before any portion of the shipment will be released.

Any shipment found not to be in compliance with the provisions of the Special Access Program relating to trade in textile products wholly assembled of U.S. components cut from U.S. formed fabrics, may be permanently denied entry under this program.

Effective on January 11, 1995, you are directed to establish a Guaranteed Access Level for cotton and man-made fiber textile products in Categories 340/640 at 1,000,000 dozen for the period beginning on January 1, 1995 and extending through December 31, 1995.

Beginning on January 11, 1995, you are directed to start signing the first section of the form ITA-370P for shipments of U.S. formed and cut parts in Categories 340/640 that are destined for El Salvador and subject to the GAL established for Categories 340/640 the January 1, 1995 through December 31, 1995 period.

Visaed merchandise and products eligible for the Caribbean Basin Textile Special Access Program may not appear on the same invoice.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.\$250 or less, do not require a visa or certification for entry and shall not be charged to agreement levels.

Facsimiles of the visa stamps are enclosed with this letter.

The actions taken concerning the Government of the Republic of El Salvador with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

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