



January 5, 2018

Terry Labat, Acting Chair
Committee for the Implementation of Textile Agreements
Room 3001
U.S. Department of Commerce
14th and Constitution Avenue NW
Washington, DC 20230

Re: Commercial Availability Petitions under U.S.-Morocco Free Trade Agreement to Modify the Rules of Origin for Certain Apparel Articles

Dear Ms. Labat:

This letter is transmitted in response to the Federal Register notices dated November 6, 2017, in which CITA invited public comments on two commercial availability requests under the U.S.-Morocco Free Trade Agreement (USMFTA) covering a combined total of twenty fabrics. The National Council of Textile Organizations (NCTO) strongly opposes these two petitions as we represent member companies that produce the subject fabrics domestically as well as their component suppliers. Based on information supplied by our members, all of the fabrics, as outlined below, can be provided in commercial quantities in a timely manner by U.S. producers, and thus the U.S.-Morocco FTA should not be amended.

The requests are summarized as follows:

- 1) A request from the Government of Morocco, on behalf of MODALINE HOLDING, to consider whether the USMFTA rules of origin for pants classified in HTSUS 6204.61.8010; skirts classified in HTSUS 6204.51.0010; and jackets classified in HTSUS 6204.31.2010 should be modified to allow the use of 83–94% wool/4%–15% nylon/1%–7% spandex woven fabric classified in subheading 5112.19 and 5112.20 of the HTSUS that is not originating under the USMFTA.
- 2) A request from the Government of Morocco, on behalf of SALSABILE, to consider whether the USMFTA rules of origin for certain knit apparel to allow the use of 19 fabrics that are not originating under the USMFTA. The fabrics subject to this request, according to the fabric number in the request and organized by specific apparel end-use, are:

Knit apparel classified in chapter 61 of the Harmonized Tariff Schedule of the United States (HTSUS):

- **Fabric 7:** Dyed knit fabric of cotton (51–60%), rayon (30–40%), and nylon (4–10%), classified in subheading 6006.22 of the HTSUS.

Knit apparel and accessories classified in chapter 61 of the HTSUS, except babies' socks and booties of heading 6111 and hosiery of heading 6115:

- **Fabric 8:** Knit fabric of rayon (50–84%), polyester (14–49%), and elastomeric (1–10%), classified in subheadings 6004.10, 6005.41, 6005.42, 6005.43, 6005.44, 6006.41, 6006.42, 6006.43, and 6006.44 of the HTSUS;
- **Fabric 9:** Knit fabric of polyester (50–65%), rayon (30–49%), and elastomeric (1–10%), classified in subheadings 6004.10, 6005.36, 6005.37, 6005.38, 6005.39, 6006.31, 6006.32, 6006.33, and 6006.34 of the HTSUS;
- **Fabric 10:** Knit fabric of rayon (90–99%) and elastomeric (1–10%), classified in subheadings 6004.10, 6005.41, 6005.42, 6005.43, 6005.44, 6006.41, 6006.42, 6006.43, and 6006.44 of the HTSUS;
- **Fabric 11:** Knit fabric of rayon (51–84%) and polyester (16–49%), classified in subheadings 6005.41, 6005.42, 6005.43, 6005.44, 6006.41, 6006.42, 6006.43, and 6006.44 of the HTSUS;
- **Fabric 12:** Knit fabric of polyester (51–65%) and rayon (35–49%), classified in subheadings 6005.36, 6005.37, 6005.38, 6005.39, 6006.31, 6006.32, 6006.33, and 6006.34 of the HTSUS; and
- **Fabric 13:** Knit fabric of synthetic fiber (90–99%) and elastomeric (1–10%), classified in subheadings 6004.10, 6005.37, 6005.38, 6005.39, 6006.32, 6006.33, and 6006.34 of the HTSUS.

Knit shirts; blouses; singlets; tank tops and similar garments; pullovers; sweatshirts; waistcoats (vests) and similar articles; tops; dresses; skirts; and divided skirts classified in headings 6104, 6105, 6106, 6109, 6110, and 6114 of the HTSUS:

- **Fabric 19:** Slub jersey fabric, other than warp knit, of rayon (92–98%), polyester (2–3%), and elastomeric (2–5%), weighing 150–200 g/m², classified in subheadings 6004.10 and 6006.42 of the HTSUS.

Upper body garments classified in headings 6105, 6106, 6109, and 6110 of the HTSUS:

- **Fabric 17:** Knit fabric of cotton (51–70%), rayon (33–49%), and elastomeric (2–7%), weighing up to 275 g/m², classified in subheadings 6004.10, 6006.21, 6006.22, and 6006.24 of the HTSUS.

Upper body garments classified in headings 6105, 6106, 6109, 6110, and 6114 of the HTSUS:

- **Fabric 14:** Knit jersey fabric, other than warp knit, of lyocell (44–50%), rayon (44–50%), and elastomeric (3–9%), weighing 150–220 g/m², classified in subheadings 6004.10 and 6006.42 of the HTSUS;
- **Fabric 15:** Slub jersey fabric of cotton (51–65%) and rayon (35–49%), weighing 120–225 g/m², classified in subheading 6006.22 of the HTSUS;
- **Fabric 16:** Knit jersey fabric, other than warp knit, of rayon (30–36%), acrylic (19–35%), polyester (27–33%), and elastomeric (3–8%), weighing 125–250 g/m², classified in subheadings 6004.10 and 6006.32 of the HTSUS; and
- **Fabric 18:** Knit jersey fabric, other than warp knit, of polyester (43–46%), rayon (43–45%), flax (5–9%), and elastomeric (4–5%), weighing 125–250 g/m², classified in subheadings 6004.10 and 6006.32 of the HTSUS.

Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, classified in heading 6110 of the HTSUS:

- **Fabric 5:** Dyed knit fabric of cotton (50–56%), acrylic (34–40%), and polyester (7–13%), classified in subheadings 6006.22 and 6006.32 of the HTSUS.

Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, classified in subheading 6110.30 of the HTSUS:

- **Fabric 1:** Knit fleece fabric of acrylic (67–73%) and viscose (27–33%), weighing 200–280 g/m², classified in subheading 6001.22 of the HTSUS;
- **Fabric 2:** Dyed knit fabric of nylon (52–58%), wool (27–33%), and acrylic (12–18%), classified in subheading 6006.32 of the HTSUS;
- **Fabric 3:** Dyed knit fabric of nylon (42–48%), viscose (37–43%), and wool (12–18%), classified in subheading 6006.32 of the HTSUS;
- **Fabric 4:** Dyed knit fabric of nylon (41–47%), wool (18–24%), acrylic (18–24%), and mohair (11–17%), classified in subheading 6006.32 of the HTSUS; and
- **Fabric 6:** Dyed knit fabric of polyester (57–63%), wool (27–33%), and nylon (7–13%), classified in subheading 6006.32 of the HTSUS.

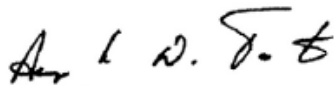
Regarding the above requests on behalf of Modaline Holding and Salsabile, all twenty fabrics are available from our member companies as indicated in individual company responses submitted for the record.

Beyond these product-specific comments, we would also note that our members report that they were not approached by Modaline Holdings or Salsabile, inquiring about domestic availability of such fabrics, and, further, NCTO was not contacted as we often are with any requests to circulate due diligence inquiries to our members. While the due diligence step may not be specifically prescribed under the Morocco FTA as it is under the CAFTA-DR process, it is possible additional companies would have responded if a more exhaustive due diligence process had been undertaken.

Based on the evidence of domestic production by established U.S. producers and the harm that approval of these petitions would inflict on U.S. producers and their suppliers, we respectfully urge CITA to reject these two requests.

We appreciate the opportunity to comment, and please let us know if we can provide any further information.

Sincerely,



Auggie Tantillo
President & CEO
National Council of Textile Organizations