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## PUBLIC DOCUMENT

June 30, 2017

VIA REGULATIONS.GOV (Docket No. USTR-2017-0008)

Office of the United States Trade Representative  
Trade Policy Staff Committee  
AGOA Implementation Subcommittee  
600 17th Street, NW  
Washington, D.C. 20508

**Re: Out-of-cycle Review of African Growth and Opportunity Act Eligibility and Benefits for Rwanda, Tanzania, and Uganda, 82 Fed. Reg. 28217 (June 20, 2017) – Summary of Testimony of the Secondary Materials and Recycled Textiles Association**

Lawrence Bogard, on behalf of the Secondary Materials and Recycled Textiles Association (“SMART”) will testify as to the following:

- SMART is the trade association that represents mostly small- and medium-sized companies (non-profit and for-profit) that are involved in using, converting, and recycling pre- and post- consumer textiles -- otherwise known as used or secondhand clothing.
- SMART requested this out-of-cycle review because in March 2016, Kenya, Rwanda, Tanzania, and Uganda issued a Joint Communiqué in which they announced a ban on the importation of used clothing into its member countries. The first phases of the ban have come into effect. These tariff increases are so high that they amount to a *de facto* ban on secondhand clothing imports.
- SMART is aware of news reports that Kenya has recently announced that it will impose “minimum tariffs” on containers of “used goods.” Depending on how the Kenyan government interprets the term “used goods” this action threatens to negate Kenya’s announced roll back of its tariffs on imported used clothing. For this reason, SMART requests that Kenya also be included in this out-of-cycle review.

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- Banning the importation of secondhand clothing in order to a local industry conflicts with the statutory requirement that AGOA beneficiaries work toward developing market-based economies.
- Banning the importation of secondhand clothing contravenes the statute's requirement that AGOA beneficiaries work toward eliminating barriers to U.S. trade and investment.
- The proposed import ban already has had negative effects on the secondhand clothing industry in the United States.
- Banning the importation of second hand clothing also contravenes the statute's requirement that a beneficiary country "has established or is making continual progress toward establishing ... economic policies to reduce poverty."
- Banning the importation of secondhand clothing would clearly contravene the requirement that AGOA beneficiaries work toward eliminating barriers to U.S. trade and investment, with dramatic negative impacts on the secondhand clothing industry and its employment and crushing effects on SMART's charitable and for-profit stakeholders that supply the industry. It would also create greater poverty in the East African nations by eliminating hundreds of thousands of jobs in the East African Community and making any available clothing far less affordable.
- SMART therefore requests that the Trade Policy Staff Committee recommend suspending duty-free access to the United States under AGOA for all currently eligible apparel imports from Kenya, Tanzania, Rwanda, and Uganda until such time as those countries roll back all increased import duties on used clothing and commit not to implement their proposed ban on imports of used clothing.

Sincerely,



Lawrence J. Bogard  
Peter J. Bogard