

January 4, 2007

ENT-14 OT:TPP:TE JS

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
OFFICE OF FIELD OPERATIONS

FROM: Acting Executive Director, Trade Policy and Programs
Office of International Trade

SUBJECT: TBT-06-027-01 Extension for Filing of Retroactive Claims
under the Dominican Republic – Central America – United
States Free Trade Agreement (CAFTA-DR)

BACKGROUND:

Section 205 of the CAFTA-DR provides for the retroactive application of the preferential tariff provisions of the Agreement to qualifying textile or apparel goods of eligible CAFTA-DR countries that were entered or withdrawn from warehouse for consumption on or after January 1, 2004 and before the date of entry into force of the Agreement with respect to that country. CBP established by regulation that such requests for retroactive refunds would be accepted until December 31, 2006 or 90 days after the entry into force of the Agreement with respect to that country, whichever is later. This time period was published on March 7, 2006 in the Federal Register (71 FR 11304).

CBP is in the process of issuing a Federal Register notice to extend the time period for filing retroactive CAFTA-DR claims. Until that is published, this administrative notice is being issued to allow the extension of retroactive claims, under Section 205 of the Act, to be filed with CBP up until 90 days after the last country enters into the Agreement for that country or any other CAFTA-DR country.

Textile and apparel goods will qualify for retroactive treatment provided that they would have qualified as an originating good from one of the eligible CAFTA-DR countries under the tariff shift rules in General Note 29 of the Harmonized Tariff Schedule.

A textile and apparel good is defined as the following:

HTS 4202.12, 4202.22, 4202.32, or 4202.92, Textile Luggage and Handbags
All of Section XI, Chapters 50-63, Textile and Textile Articles

HTS 6601, Umbrellas
HTS 7019, Glass Fibers and Articles thereof
HTS 9404.90, Pillows, Quilts, Comforters

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, CBP shall liquidate or reliquidate qualifying articles as duty free and refund any excess duties paid with interest. The requests must be filed at the port of entry and must contain sufficient information to enable CBP to locate the entry or reconstruct the entry if it cannot be located.

All requests for retroactive benefits must cite the regulation 19 CFR 10.699 and may be submitted to CBP either by letter or as a protest (section 514) on a CBP Form 19. Requests submitted by letter will be converted to a 514 by the port of entry. CAFTA-DR claims on entries not eligible for retroactive benefits under 19 CFR 10.699 must be submitted under 520(d).

ACTION:

CBP will accept requests that cite 19 CFR 10.699 for retroactive treatment under CAFTA-DR until 90 days after the last country enters into the Agreement for that country or any other CAFTA-DR country.

Please pass this memorandum to Port Directors, Assistant Port Directors, Import Specialists, CBP Officers, Entry Specialists, Brokers, Importers and other interested parties.

INFORMATION:

If you have any questions regarding the retroactive CAFTA-DR benefits, please contact Ms. Jacqueline Sprungle, at (202) 344-2277, Ms. Nancy Mondich, at (202) 344-2166, Ms. Susan Thomas, at (202) 344-3719, or Mr. Robert Abeis, at (202) 344-1959.

(signed Janet L. Labuda for)
Anne Maricich