

February 8, 2008



**U.S. Customs and
Border Protection**

08-057
ENT-1-CL:PD:FO CLH

CLEVELAND AREA PORT PIPELINE

TO: Port Directors, Assistant Port Directors (Trade), Import Specialists, CBP Officers, Entry Specialists, Brokers, Importers, and Other Interested Parties

SUBJECT: INFO: TBT-08-003 Submission of Haiti HOPE Declaration of Compliance for Apparel

REFERENCE: TBT-07-006 Haiti HOPE Implementation Instructions

BACKGROUND:

Title V of the Tax Relief and Health Care Act of 2006 ("the Act"), which was signed into law on December 20, 2006, amended the Caribbean Basin Economic Recovery Act (CBERA 19 U.S.C. 2701-2707) and authorized the President to extend additional trade benefits to Haiti. This trade program, entitled the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE), provides duty-free treatment for certain apparel and wiring sets as long as certain requirements are met. This program was implemented on March 20, 2007.

For shipments of apparel, importers have the option of meeting the value requirement of Haiti HOPE on an entry by entry basis or by aggregation over an applicable one-year period. Importers of record claiming preferential treatment under Haiti HOPE by using the aggregation method, and entering goods under subheading 9820.61.30 of the Harmonized Tariff Schedule (HTS), are required to submit to U.S. Customs and Border Protection (CBP) a declaration of compliance with the value-content requirement within 30 days following the end of the applicable 1-year period.

The declaration of compliance should identify and detail the costs of the beneficiary components of production and non-beneficiary components of production to show that the 50% value-content requirement was satisfied. A separate declaration is required for each importer of record number used to import apparel under the aggregation method, HTS subheading 9820.61.30.

Pursuant to 19 CFR 10.848(b), if an importer fails to submit to CBP a declaration of compliance within 30 days following the ending of the initial applicable one-year period, CBP may deny all claims that were filed during the initial applicable one-year period, as well as any claims entered by that importer during the next succeeding applicable one-year period (December 20, 2007 to December 19, 2008).

Pursuant to 19 CFR 10.844(4), if an importer submits a declaration of compliance, but fails to meet the value-content requirements for duty-free treatment during the initial applicable one-year period under the aggregation method, CBP will deny duty free treatment.

An importer who fails to meet the value content requirements of Haiti HOPE during the initial one-year period will not be able to file claims until the third applicable one-year period (December 20, 2008 to December 19, 2009) and only if their importations during the second applicable one-year period (December 20, 2007 to December 19, 2008) from a producer or entity controlling production meet the increased value content requirement. If this occurs, the importer must submit a declaration of compliance within 30 days of the second applicable one-year period notifying CBP that the increased percentage has been met.


SUBMISSION OF A DECLARATION OF COMPLIANCE:

Declarations of Compliance must be submitted to:

U.S. Customs and Border Protection
Office of International Trade
Textile/Apparel Policy and Programs Division
1300 Pennsylvania Ave., NW.
Washington, D.C. 20229

Although the deadline for the declaration of compliance is January 21, 2008, which is 30 days from the end of the initial applicable one-year period, CBP is extending this deadline to February 21, 2008.

Ports should take no action on entries that claimed Haiti HOPE under the aggregation method during the initial applicable one-year period. Headquarters will issue liquidation instructions for these entries in a subsequent notice after the February 21, 2008 deadline has passed. Any entries that claimed Haiti HOPE outside of HTS 9820.61.30 during the initial applicable one-year period should follow the normal liquidation process.



Marc A. Hurteau
Area Port Director