

February 25, 2005

ENT-14 FO:TCF:TEO:TO SST

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS

FROM: Acting Executive Director, Trade Compliance and Facilitation
Office of Field Operations

SUBJECT: TBT-05-006 Mauritius Eligibility as a Lesser Developed
Beneficiary Country (LDBC) under the African Growth and
Opportunity Act (AGOA) (TCF TC#05-0872)

REFERENCE: TBT-05-002, TBT-04-032, TBT-04-033, TBT-01-011

BACKGROUND:

The Miscellaneous Trade and Technical Corrections Act of 2004, which was signed into law by President Bush on December 3, 2004, set forth changes to the AGOA to identify Mauritius as a LDBC for the one-year period of October 1, 2004 to September 30, 2005. Goods eligible under this preference are classified in HTS 9819.11.12 and must be accompanied with an original visa issued by the Government of Mauritius under Grouping 5. Goods produced in Mauritius and claimed under this preference criterion may use no more than 5% of the quantitative limits. The Committee for the Implementation of Textile Agreements (CITA) is responsible for establishing and publishing these levels.

In a February 24, 2005 Federal Register Notice (70 FR 9125), the Office of the United States Trade Representative (USTR) designated Mauritius as a LDBC and directed the Harmonized Tariff Schedule of the United States (HTS) be modified to reflect this designation. U.S. Note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by inserting "Mauritius" in alphabetic sequence in the list of countries effective for the one-year period ending at midnight September 30, 2005. At that time, "Mauritius" shall be deleted from this note.

For goods entered prior to the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (October 1, 2004 through December 2, 2004), notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, Customs and Border Protection (CBP) shall liquidate or reliquidate articles as free of duty and free of any quantitative limitations (excluding any tariff preference levels) entries that meet the new

preference requirements. Liquidation or reliquidation may be made only if a request is filed with CBP within 90 days after the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 and the request contains sufficient information to enable CBP to locate the entry or reconstruct the entry if it cannot be located. Requests for liquidation or reliquidation must meet all AGOA documentation requirements at the time claims are made (AGOA visa, AGOA certificate of origin, etc.) The requests must be made at the port of entry by COB March 3, 2005.

Until CITA publishes the quantitative levels for Mauritius, CBP cannot process the requests for liquidation or reliquidation. Once CITA provides the restraint limits, CBP will issue a QBT with quota processing information and CBP may then take action on the requests.

For all goods entered on or after December 3, 2004, claims cannot be made until the CITA publishes the limits. Importers will have the opportunity to file post entry amendments for these goods once the QBT is issued.

ACTION:

Ports may accept requests for liquidation or reliquidation for goods from Mauritius claimed under grouping 5 for the period of October 1, 2004 to December 2, 2004, if all documentation requirements have been met. These requests must be submitted by COB March 3, 2005. Do not process these requests until CBP issues a QBT providing the quantitative levels from CITA and quota processing instructions.

Importers cannot make claims for preferential tariff treatment under the Mauritius LDDB provision for merchandise entered, or withdrawn from warehouse, for consumption on or after December 3, 2004 until CITA issues the appropriate quantitative limits. Once the QBT is issued claims can be made.

INFORMATION:

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

If you have any questions regarding this memorandum, please contact Ms. Susan Thomas, at (202) 344-3719, Ms. Jackeline Martel, at (202) 344-2277, or Mr. Robert Abels, at (202) 344-1959.

/signed Janet L. Labuda for/
Lawrence J. Rosenzweig