U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

NOV 1 0 2010

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MEMORANDUM FOR: Directors, Field Operations

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

SUBJECT: TBT-10-006 Amendments under the Haiti Economic Lift Program Act of 2010 (HELP Act) for Certain Apparel and Other Articles

REFERENCE: QBT-08-108 2009 Apparel Subject to Restraint Limits and/or Visa Requirements Under Haiti HOPE II
TBT-07-006 Haiti HOPE Implementation Instructions
TBT-07-008 Haiti HOPE Entry Processing Update
TBT-08-003 Submission of Haiti HOPE Declaration of Compliance for Apparel
TBT-08-013 Amendments under Haiti HOPE II for Certain Apparel and Other Articles

BACKGROUND

On May 24, 2010 the Haiti Economic Lift Program of 2010 (HELP Act) was signed into law, expanding the Caribbean Basin Economic Recovery Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (Haiti HOPE II) to contribute to Haiti's economic growth and development. Presidential Proclamation 8596, dated November 1, 2010 and published in the *Federal Register* (75 FR 213) on November 4, 2010, implements provisions of the HELP Act, which modify HOPE II. The Proclamation, Annex II, identifies the changes to the Harmonized Tariff Schedule (HTS) Chapter 98, Subchapter XX.

The modifications are in effect as of November 1, 2010 for goods that are entered or withdrawn from warehouse, for consumption, and will continue for the specific time period provided for under each subdivision as noted. This administrative notice details the modifications set forth in Annex II of the Proclamation.

SUMMARY OF CHANGES

1) Preferential duty treatment for products under headings 9820.61.25 and 9820.61.30 is extended to 2018, modifying the percentage of value added for the annual period.
2) Two new headings are inserted into the HTS:
   9820.61.45
   9820.63.05
3) As outlined in QBT 10-103, Tariff Preference Level limits have been increased for knit and woven apparel.

ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT

The existing HTS provisions introduced under Haiti HOPE I and II remain in effect when making a claim for preferential treatment under Haiti HOPE. Modifications have been made to the existing provisions to address changes to goods subject to quantitative limits. In addition to these changes, two new headings have been added to the HTS.

EXISTING HOPE PROVISIONS

9820.61.25 and 9820.61.30 — The applicable annual restraint period has been extended to 2018. The applicable annual percentages have been changed to the following:

| | |
|---|---|
| Beginning on December 20 in 2006 – 2014 | 50 percent |
| Beginning on December 20 in 2015 – 2016 | 55 percent |
| Beginning on December 20 in 2017 | 60 percent |

NEW HOPE PROVISIONS

9820.61.45 This subheading provides for any of the apparel articles listed below and found in HTS Chapter 98, Subchapter XX, U.S. Note 6 (q)(ii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabrics components, components knit-to-shape, or yarns. Apparel meeting this requirement and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

The apparel articles that are eligible for this treatment are described in the following statistical reporting numbers of the tariff schedule:

6101.30.1000, 6101.30.1500, 6101.90.0500, 6101.90.9010, 6101.90.9020, 6101.90.9030, 6102.30.0500, 6102.30.1000, 6102.90.9010, 6102.90.9015, 6103.22.0010, 6103.22.0050, 6103.23.0005, 6103.23.0007, 6103.23.0025, 6103.23.0036, 6103.23.0037, 6103.23.0075, 6103.29.0500, 6103.29.0510, 6103.29.0520, 6103.29.1010, 6103.29.1015, 6103.29.1050, 6103.31.0000, 6103.33.1000, 6103.33.2000, 6103.39.1000, 6103.39.8020, 6103.39.8030,

6104.22.0010, 6104.22.0030, 6104.22.0060, 6104.23.0010, 6104.23.0020, 6104.23.0025, 6104.23.0036, 6104.29.0510, 6104.29.0560, 6104.29.1010, 6104.29.1050, 6104.29.2010, 6104.29.2012, 6104.29.2014, 6104.29.2022, 6104.29.2049, 6104.29.2051, 6104.29.2055, 6104.33.1000, 6104.39.2020, 6104.39.2030, 6104.44.2020, 6104.49.9010, 6104.49.9030, 6104.52.0010, 6104.52.0020, 6104.59.8010, 6105.90.1000, 6105.90.8010, 6105.90.8020, 6105.90.8030, 6106.20.1020, 6106.90.1010, 6106.90.1020, 6106.90.2510, 6106.90.2520, 6106.90.2530, 6106.90.3010, 6106.90.3020, 6106.90.3030, 6107.21.0010, 6107.21.0020, 6107.21.0030, 6107.22.0010, 6107.22.0015, 6107.22.0025, 6107.91.0030, 6107.91.0040, 6107.91.0090, 6107.99.1030, 6108.31.0010, 6108.31.0020, 6108.32.0015, 6110.11.0070, 6110.12.2070, 6110.12.2080, 6110.19.0070, 6110.19.0080, 6110.20.1031, 6110.20.1033, 6110.30.1050, 6110.30.1060, 6110.30.1550, 6110.30.1560, 6110.30.2051, 6110.30.2053, 6110.30.2061, 6110.30.2063, 6112.11.0010, 6112.11.0020, 6112.11.0030, 6112.11.0040, 6112.12.0010, 6112.12.0020, 6112.12.0030, 6112.12.0040, 6112.19.1010, 6112.19.1020, 6112.19.1030, 6112.19.1040, 6112.20.1010, 6112.20.1020, 6112.20.1030, 6112.20.1040, 6113.00.9015, 6113.00.9025 or 6113.00.9030.

9820.63.05 This subheading provides for any made-up textile article listed below and found in Chapter 98, Subdivision XX, U.S. Note 6 (r)(ii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns. Apparel meeting this requirement and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

The apparel articles that are eligible for this treatment are described in the following statistical reporting numbers of the tariff schedule:

5601.10.2000, 5601.22.0090, 5601.29.0010, 5601.29.0020, 5601.29.0090, 5701.10.9000, 5701.90.1030, 5701.90.2010, 5701.90.2020, 5701.90.2030, 5702.31.1000, 5702.31.2000, 5702.32.1000, 5702.32.2000, 5702.39.2010, 5702.42.2090, 5702.50.2000, 5702.50.4000, 5702.50.5200, 5702.50.5600, 5702.91.3000, 5702.91.4000, 5702.92.1000, 5702.92.9000, 5702.99.0500, 5702.99.1500, 5703.10.2000, 5703.10.8000, 5703.20.1000, 5703.20.2010, 5703.20.2090, 5703.30.2000, 5703.30.8030, 5703.30.8080, 5704.10.0010, 5704.10.0090, 5705.00.2005, 5705.00.2015, 5705.00.2030, 5807.10.0510, 5807.10.0520, 5807.90.0510, 5807.90.0520, 6301.30.0010, 6301.30.0020, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6301.90.0020, 6301.90.0030, 6302.39.0010, 6302.60.0010, 6302.60.0020, 6302.60.0030, 6302.91.0005, 6302.91.0015, 6302.91.0035, 6302.91.0045, 6302.91.0050, 6304.11.2000, 6304.11.3000, 6304.19.3040, 6304.19.3060, 6304.91.0020, 6304.91.0040, 6304.91.0050, 6304.91.0070, 6304.92.0000, 6304.93.0000, 6304.99.1500, 6304.99.3500, 6304.99.6010, 6304.99.6020, 6304.99.6040, 6305.20.0000, 6305.32.0010, 6305.32.0020, 6305.32.0050, 6305.32.0060, 6305.39.0000,

6305.90.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.3020, 6307.90.8910, 6307.90.8940, 6307.90.8945, 6308.00.0020, 6406.10.7700, 6406.10.9020, 6406.10.9040, 6406.10.9060, 6406.10.9090, 9404.90.1000 or 9404.90.9505.

ACTION

The modifications established by Haiti HELP set forth in this administrative notice are effective November 1, 2010. Claims for preferential tariff treatment under these modifications for qualifying textile and apparel goods entered, or withdrawn from warehouse for consumption, on or after November 1, 2010 may be made if all requirements are met as outlined in this notice.

Please pass this notice to port directors, assistant port directors (trade), import specialists, CBP officers, entry specialists, brokers, importers and other interested parties.

INFORMATION

For additional information, please contact International Trade Specialist Diane Liberta at (202) 863-6241, Import Specialist Nancy Mondich at (202) 863-6524, or Textile Operations Branch Chief Robert Abels at (202) 863-6503.

Cynthia F. Whittenburg

cc: Assistant Directors, Trade, Field Operations
Assistant Directors, Border Security
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National Import Specialists