

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date December 27, 2004

No.: 05-016

SUBJECT Entries identified to Liquidate or Re-Liquidate per Miscellaneous Trade and Technical Corrections Act of 2004 TCF FY05-0479

On December 15, 2004, a memorandum was issued regarding the enactment of The Miscellaneous Trade and Technical Corrections Act of 2004, Public Law (P.L.) 108-429. P.L. 108-429 instructs CBP to liquidate/reliquidate specific identified entries, as well as entries affected by retroactive duty suspensions, reductions, and retroactive preferential tariff treatment.

CBP is instructed to liquidate/reliquidate entries that apply to the provisions of the following sections:

- Sections 1451 through 1457 - Duty suspensions and reductions
- Sections 1501 and 1503 through 1536 – Liquidation/reliquidation of certain entries and drawbacks entries as described in each section.
- In Section 2003 - Articles eligible for preferential treatment under the Andean Trade Preferences Act (ATPA)
- In Section 2004 (K) – Technical amendments for African Growth and Opportunity Act (AGOA)

With the exception of Sections 1507, 1508, 1509, 1510, 1511, and 1516, in order for CBP to liquidate/reliquidate the affected entries of the above reference sections, filers must submit a written request to CBP. Filers failing to submit such request will not receive the benefits afforded by each section. In Sections 1507, 1508, 1509, 1510, 1511, and 1516, CBP is instructed to take immediate action to liquidate/reliquidate entries without necessitating any action by the filer. Although filers are not required to submit documentation to CBP to affect the liquidation/reliquidation, CBP may request copies of the CF-7501 as entered. Filers failing to respond to such request cannot receive the benefits of reliquidation.

CBP prefers that the request for liquidation/reliquidation be filed using protest or Post Entry Amendment (PEA) procedures. However if not, the request must contain the same information that is required with a protest or PEA. At a minimum, such requests must include a copy of the CF-7501 as entered.

When filers submit copies of CF-7501 to affect the liquidation/reliquidation, they must include a certification statement signed by the Importer of Record or Authorized Agent. The certification statement must indicate if the entry liquidated as entered or if not, state the changes made at liquidation with supporting documentation such as notice of action, post entry amendment or supplemental information letter. Additionally, all requests must indicate if the entry was subject to protest or a drawback claim and provide detailed information. Field Offices should be aware that such requests will be submitted to them and must ensure that any requests submitted pertain to the applicable sections of law referenced above.

Field Offices must adhere to the instructions for each section within P.L. 108-429 and must ensure that the appropriate time frames for processing are met. Where P.L. 108-429 does not instruct CBP to re-liquidate with the payment of interest, no interest is to be issued. Field Offices must review the entries listed in Sections 1501 and 1503 through 1536 to determine which of the identified entries were filed in their port.

/s/

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