

PRESIDENT TRUMP AUTHORIZES 90-DAY TEMPORARY POSTPONEMENT OF SPECIFIC IMPORT DUTIES DUE TO COVID-19

On Saturday, April 18, 2020, President Trump signed an [executive order](#) giving the Secretary of the Treasury, Steven Mnuchin, the authority to provide additional support to certain U.S businesses, including those part of the critical supply chain for U.S manufacturers during the COVID-19 pandemic. The U.S Customs and Border Protection (CBP) and the Treasury Department announced a joint [Temporary Final Rule](#) which gives importers the option to postpone payment of certain duties, taxes, and fees for 90 days. The Secretary of the Treasury stated this action protects U.S. jobs and helps businesses get through this time.

The temporary postponement is limited. It does not permit the return of any deposits of estimated duties, taxes, and fees that have been paid. Also, it does not apply to any entry, or withdrawal from warehouse, for consumption where the entry summary includes merchandise subject to antidumping and countervailing duties (AD/CVD), or duties assessed pursuant to Section [201](#), [232](#), and [301](#). In addition, this postponement will not apply to tariffs Trump has imposed on Chinese goods, washing machines, solar energy products, and steel and aluminum products. Furthermore, it is only available to importers undergoing significant hardship and applies to payments for goods imported in March and April of 2020.

To qualify for the postponement, an importer must demonstrate significant financial hardship by proving that its operation was fully or partially suspended during March and April 2020 due to orders from a competent governmental authority limiting commerce and travel; further, these companies must be able to show a 60 percent decline in gross receipts (over the same period in 2019) to qualify and the losses must result from partial or full closure due to government order. Eligible importers do not need to file additional documentation with CBP to be eligible for this postponement but must maintain documentation as part of their books and records, establishing that they meet the requirements for relief.

Sources:

- 1) Federal Register, 4/20/20, retrieved 4/22/20 <https://www.cbp.gov/sites/default/files/assets/documents/2020-Apr/Temporary-Postponement-of-Payment-Period%20for-DTF-20-4-2020-1.pdf>
- 2) Executive Order, 4/20/20, retrieved 4/22/20 <https://www.whitehouse.gov/presidential-actions/executive-order-national-emergency-authority-temporarily-extend-deadlines-certain-estimated-payments/>

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