CLIENT ALERTS & INSIGHTS

Refunds May Be Available for Section 301 Tariff Duties – Deadline This Week

SEPTEMBER 15, 2020

Authors: Jonathan R. Todd

The potential for domestic U.S. importers to receive refunds of Section 301 duties paid on Chinese goods has captured the attention of the trade community. Sparked by a lawsuit filed last Thursday, many are hopeful for the eventual overturn of List 3 tariffs and a refund of duties paid.

At the heart of this groundswell is a lawsuit filed by HMTX Industries LLC before the U.S. Court of International Trade. The suit alleges that the United States Trade Representative ("USTR") unlawfully escalated the China trade war through imposition of List 3 and List 4a tariffs under Section 301 of the Trade Act. Specifically, the suit asserts that the USTR missed certain filing requirements under the Trade Act and also failed to observe the requirements of the Administrative Procedures Act. If successful, the lawsuit could result in termination of the additional duties and a refund of duties paid by the plaintiff.

Importers wishing to file a similar action in the interest of maximizing the potential of recovery (if any) face a very tight timeline. Out of an abundance of caution, the most conservative deadline for taking action to preserve any right to a refund is this Friday, **September 18, 2020**.

Benesch is helping several clients make necessary filings for preservation of possible rights that they may have available. Please contact us for further information on appropriate courses of action.

Jonathan Todd is a Partner with Benesch's Transportation & Logistics Practice Group. He is a licensed U.S. Customs Broker in addition to an attorney. You may reach him at 216-363-4658 or jtodd@beneschlaw.com.