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Recent News

CBP Announces Intent to Distribute Byrd Amendment Funds for FY 2010; Certifications due by August 2, 2010

U.S. Customs and Border Protection (CBP) has [published](#) in the Federal Register notice of its intent to distribute assessed antidumping and countervailing duty duties available for distribution in fiscal year 2010 pursuant to the Continued Dumping Subsidy and Offset Act of 2000 (CDSOA), also known as the Byrd Amendment. The notice lists the individual AD/CVD duty orders and findings for which funds may become available for distribution, together with the list of affected domestic producers associated with each order or finding that are potentially eligible to receive a distribution. Affected domestic producers have until close of business on August 2, 2010 to file written certifications with CBP.

The CDSOA, 19 U.S.C. 1675c, required that the revenues from AD/CV duties assessed on or after October 1, 2000 be distributed on an annual basis to the affected domestic producers for specified qualifying expenditures. Although the Byrd Amendment has been [repealed](#), all duties on entries of goods made and filed before October 1, 2007 will still be distributed. The distribution process will continue until all entries made before October 1, 2007, are

liquidated and the duties are collected. Due to the statutory nature of AD and CV administration, distributions will continue for an unknown term. However, the amount of money available for distribution will diminish over time

CBP states that as a result of a number of recent court decisions as well as other pending cases concerning who can receive CDSOA distributions, it has calculated and withheld from distribution an amount corresponding to the pro-rata share of all domestic producers who have timely filed facially accurate certifications starting in 2006, despite the fact that some of these claimants may not have appeared on the list of affected domestic producers prepared by the International Trade Commission (ITC). CBP will determine the proper recipients of these funds once certain legal issues are resolved. As a result, domestic producers who are not on the ITC list but believe they nonetheless are eligible for a distribution under one or more AD and/or CV duty cases are required, as are all potential claimants that do appear on the list, to file their certifications no later than August 2, 2010.