

[CBP Dec. 21-10, 86 FR 35586, July 6, 2021]

Subpart E—Restrictions on Drawback and Duty-Deferral Programs

§ 182.41 Applicability.

This subpart sets forth the provisions regarding drawback claims and duty-deferral programs under Article 2.5 of the USMCA and applies to any good that is a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534. The provisions of this subpart apply to goods which are entered for consumption, or withdrawn from warehouse for consumption, into the United States on or after July 1, 2020. The requirements and procedures set forth in this subpart for USMCA drawback are in addition to the general definitions, requirements, and procedures for all drawback claims set forth in part 190 of this chapter, unless otherwise specifically provided in this subpart. Also, the requirements and procedures set forth in this subpart for USMCA duty-deferral programs are in addition to the requirements and procedures for manipulation, manufacturing, and smelting and refining warehouses contained in part 19 and part 144 of this chapter, for foreign trade zones under part 146 of this chapter, and for temporary importations under bond contained in part 10 of this chapter.

[CBP Dec. 21-10, 86 FR 35587, July 6, 2021]

§ 182.42 Duties and fees not subject to drawback.

The following duties or fees which may be applicable to a good entered for consumption or withdrawn from warehouse for consumption in the Customs territory of the United States are not subject to drawback under this subpart:

- (a) Antidumping and countervailing duties;
- (b) A premium offered or collected on a good with respect to quantitative import restrictions, tariff-rate quotas or tariff preference levels; and
- (c) Customs duties paid or owed under unused merchandise substitution drawback. There will be no payment of such drawback under 19 U.S.C. 1313(c)(2), 1313(j)(2), and 1313(p), when the basis for drawback is imported duty-paid petroleum derivatives (that is, not articles manufactured under 19 U.S.C. 1313(a) or (b)), pursuant to § 190.173 of this chapter, on goods exported to Canada or Mexico per Article 2.5 of the USMCA.

[CBP Dec. 21-10, 86 FR 35587, July 6, 2021, as amended by CBP Dec. 24-18, 90 FR 6484, Jan. 17, 2025]

§ 182.43 Eligible goods subject to USMCA drawback.

Except as otherwise provided in this subpart, drawback is authorized for an imported good that is entered for consumption and is:

- (a) Subsequently exported to Canada or Mexico;

- (b) Used as a material in the production of another good that is subsequently exported to Canada or Mexico;
or
- (c) Substituted by a good of the same kind and quality as defined in § 182.44(d) of this subpart and used as a material in the production of another good that is subsequently exported to Canada or Mexico.

[CBP Dec. 24-18, 90 FR 6484, Jan. 17, 2025]

§ 182.44 Calculation of drawback.

- (a) **General.** Except in the case of goods specified in § 182.45, drawback of the duties previously paid upon importation of a good into the United States may be granted by the United States, upon presentation of a USMCA drawback claim under this subpart, on the lower amount of:
 - (1) The total duties paid or owed on the good in the United States; or
 - (2) The total amount of duties paid on the exported good upon subsequent importation into Canada or Mexico.
- (b) **Individual relative value and duty comparison principle.** For purposes of this section, relative value will be determined, and the comparison between the duties referred to in paragraph (a)(1) of this section and the duties referred to in paragraph (a)(2) of this section will be made, separately with reference to each individual exported good, including where two components or materials are used to produce one exported good or one component or material is divided among multiple exported goods.
- (c) **Direct identification manufacturing drawback under 19 U.S.C. 1313(a).** Upon presentation of the USMCA drawback claim under 19 U.S.C. 1313(a), in which the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico, the amount of drawback refunded may not exceed 99 percent of the duty paid on such imported merchandise into the United States.
- (d) **Substitution manufacturing drawback under 19 U.S.C. 1313(b).** Upon presentation of a USMCA drawback claim under 19 U.S.C. 1313(b), on which the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico, the amount of drawback is the same as that which would have been allowed had the substituted merchandise used in manufacture been itself imported.
 - (1) **General.** For purposes of drawback under this subpart, the term “same kind and quality” has the same meaning as the 8-digit HTSUS substitution standard established in 19 U.S.C. 1313(b)(1) (see §§ 190.2 and 190.22(a)(1)(i) of this chapter).
 - (2) **Special rule for sought chemical elements.** For purposes of drawback under this subpart, for sought chemical elements, the term “same kind and quality” has the same meaning as the 8-digit HTSUS substitution standard established in 19 U.S.C. 1313(b)(4) (see § 190.22(a)(2) of this chapter).
- (e) **Meats cured with imported salt.** Meats, whether packed or smoked, which have been cured with imported salt may be eligible for drawback in aggregate amounts of not less than \$100 in duties paid on the imported salt upon exportation of the meats to Canada or Mexico (see 19 U.S.C. 1313(f)).
- (f) **Jet aircraft engines.** A foreign-built jet aircraft engine that has been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, may be eligible for drawback of duties paid on the imported merchandise in aggregate amounts of not less than \$100 upon exportation of the engine to Canada or Mexico (19 U.S.C. 1313(h)).

- (g) **Unused goods under 19 U.S.C. 1313(j)(1) that have changed in condition.** An imported good that is unused in the United States under 19 U.S.C. 1313(j)(1) and that is shipped to Canada or Mexico not in the same condition within the meaning of § 182.45(b)(1) may be eligible for drawback under this section except when the shipment to Canada or Mexico does not constitute an exportation under 19 U.S.C. 1313(j)(4).
- (h) **Substitution of finished petroleum derivatives under 19 U.S.C. 1313(p) for derivatives manufactured under 19 U.S.C. 1313(a) or (b).** Upon presentation of a USMCA drawback claim under 19 U.S.C. 1313(p) for manufactured or produced petroleum derivatives in accordance with § 190.174 of this chapter, the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico. The amount of drawback payable may not exceed the amount of drawback attributable to the article manufactured or produced under 19 U.S.C. 1313(a) or (b) which serves as the basis for drawback. For purposes of substitution drawback under this subpart, the term “same kind and quality” is as used in 19 U.S.C. 1313(p) and part 190, subpart Q, of this chapter dealing with substitution of finished petroleum derivatives.
- (i) **Goods sold at retail and returned under 19 U.S.C. 1313(c)(1)(C)(ii).** Upon presentation of the USMCA drawback claim under 19 U.S.C. 1313(c)(1)(C)(ii) for goods ultimately sold at retail by the importer or the person who received the merchandise from the importer, and for any reason returned to and accepted by the importer or the person who received the merchandise from the importer, the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico. The amount of drawback payable may not exceed 99 percent of the duty paid on such imported merchandise into the United States. Substitution pursuant to 19 U.S.C. 1313(c)(2) is not permitted (see § 182.42(c) of this subpart).

[CBP Dec. 21-10, 86 FR 35587, July 6, 2021, as amended by CBP Dec. 24-18, 90 FR 6484, Jan. 17, 2025]

§ 182.45 Goods eligible for full drawback.

- (a) **Goods originating in Canada or Mexico.** A Canadian or Mexican originating good that is dutiable and is imported into the United States is eligible for drawback without regard to the limitation on drawback set forth in § 182.44 if that good is originating under the rules of origin set out in General Note 11, HTSUS, and Appendix A of this part, and is:
 - (1) Subsequently exported to Canada or Mexico;
 - (2) Used as a material in the production of another good that is subsequently exported to Canada or Mexico; or
 - (3) Substituted by a good of the same 8-digit HTSUS subheading number and used as a material in the production of another good that is subsequently exported to Canada or Mexico.
- (b) **Claims under 19 U.S.C 1313(j)(1) for goods in same condition.** A good imported into the United States and subsequently exported to Canada or Mexico in the same condition is eligible for drawback under 19 U.S.C. 1313(j)(1) without regard to the limitation on drawback set forth in § 182.44 .
 - (1) **Same condition defined.** For purposes of this subpart, a reference to a good in the “same condition” includes a good that has been subjected to any of the following operations provided that no such operation materially alters the characteristics of the good:
 - (i) Mere dilution with water or another substance;
 - (ii) Cleaning, including removal of rust, grease, paint or other coatings;

- (iii) Application of preservative, including lubricants, protective encapsulation, or preservation paint;
- (iv) Trimming, filing, slitting or cutting;
- (v) Putting up in measured doses, or packing, repacking, packaging or repackaging; or
- (vi) Testing, marking, labelling, sorting, grading, or inspecting a good.

(2) **Commingling of fungible goods —**

(i) **General —**

(A) **Inventory of other than all non-originating goods.** Commingling of fungible originating and non-originating goods in inventory is permissible provided that the origin of the goods and the identification of entries for designation for same condition drawback are on the basis of an approved inventory management method set forth in the Appendix A to this part (see 19 CFR 102.1).

(B) **Inventory of the non-originating goods.** If all goods in a particular inventory are non-originating goods, identification of entries for designation for same condition drawback must be on the basis of one of the accounting methods in § 190.14 of this chapter, as appropriate.

(ii) **Exception.** Agricultural goods imported from Mexico may not be commingled with fungible agricultural goods in the United States for purposes of same condition drawback under this subpart.

(c) **Goods not conforming to sample or specifications or shipped without consent of consignee under 19 U.S.C. 1313(c)(1)(C)(i).** An imported good exported to Canada or Mexico by reason of failure of the good to conform to sample or specification or by reason of shipment of the good without the consent of the consignee is eligible for drawback under 19 U.S.C. 1313(c)(1)(C)(i) without regard to the limitation on drawback set forth in § 182.44 of this subpart. Such a good must be exported or destroyed within the statutory five-year time period and in compliance with the requirements set forth in part 190, subpart D, of this chapter, as applicable.

(d) **Certain goods exported to Canada or Mexico.** A good provided for in U.S. tariff items 1701.13.20 or 1701.14.20 that is imported into the Customs territory of the United States under any re-export or like program that is used as a material, or substituted for by a good of the same kind and quality that is used as a material, in the production of a good provided for in Canadian tariff item 1701.99.00 or Mexican tariff items 1701.99.01, 1701.99.02, and 1701.99.99 (relating to refined sugar), is eligible for drawback without regard to the limitation on drawback set forth in § 182.44. Same kind and quality for purposes of this subsection means that the imported good and the substituted good must be capable of being used interchangeably in the manufacture or production of the exported or destroyed articles with no substantial change in the manufacturing or production process.

(e) **Certain goods exported to Canada.** Goods identified in Article 2.5.6(g) of the USMCA and in 19 U.S.C. 4534(a)(7) and (8), if exported to Canada, are eligible for drawback without regard to the limitations on drawback set forth in § 182.44.

(f) **Certain goods that are exported or deemed exported.** Goods that are delivered:

- (1) To a duty-free shop,
- (2) For ship's stores or supplies for ships or aircrafts, or

- (3) For the use in a project undertaken jointly by the United States and a USMCA country, and destined to become the property of the United States, are eligible upon exportation for drawback without regard to the limitations on drawback set forth in § 182.44.

[CBP Dec. 21-10, 86 FR 35587, July 6, 2021, as amended by CBP Dec. 24-18, 90 FR 6484, Jan. 17, 2025]

§ 182.46 Filing of drawback claim.

- (a) **Time of filing.** A drawback claim under this subpart must be filed within 5 years after the date of importation of the goods on which drawback is claimed. No extension will be granted unless it is established that a CBP official was responsible for the untimely filing. Drawback will be allowed only if the completed good is exported within 5 years after importation of the merchandise identified or designated to support the claim.
- (b) **Method of filing.** A drawback claim must be filed electronically through a CBP-authorized electronic system (see § 190.51 of this chapter).

[CBP Dec. 21-10, 86 FR 35587, July 6, 2021]

§ 182.47 Completion of claim for drawback.

- (a) **General.** A claim for drawback will be granted, upon the submission of appropriate documentation to substantiate compliance with the drawback laws and regulations of the United States, evidence of exportation to Canada or Mexico, and satisfactory evidence of the payment of duties to Canada or Mexico. Unless otherwise provided in this subpart, the documentation, filing procedures, time and place requirements and other applicable procedures required to determine whether a good qualifies for drawback must be in accordance with the provisions of part 190 of this chapter, as appropriate; however, a drawback claim subject to the provisions of this subpart must be filed separately from any part 190 drawback claim (that is, a claim that involves goods exported to countries other than Canada or Mexico). Claims inappropriately filed or otherwise not completed within the periods specified in § 182.46 of this subpart will be considered abandoned.
- (b) **Complete drawback claim —**
 - (1) **General.** A complete drawback claim under this subpart must consist of the filing of the appropriate completed drawback entry, evidence of exportation (a copy of the Canadian or Mexican customs entry showing the amount of duty paid to Canada or Mexico) and its supporting documents. Each drawback entry filed under this subpart must be filed using the indicator “USMCA Drawback”.
 - (2) **Specific claims.** The following documentation must be submitted to CBP in order for a drawback claim to be processed under this subpart. Missing documentation or incorrect or incomplete information on required customs forms or supporting documentation will result in an incomplete drawback claim.
 - (i) **Manufacturing drawback claim.** The following must be submitted in connection with a claim for direct identification manufacturing drawback or substitution manufacturing drawback:
 - (A) A manufacturing drawback ruling number;
 - (B) CBP Form 7501, or its electronic equivalent, or the import entry number;

- (C) Evidence of exportation and satisfactory evidence of the payment of duties in Canada or Mexico. Satisfactory evidence must include the Canadian or Mexican customs entry number and the amount of duty paid to Canada or Mexico;
 - (D) Waiver of right to drawback. If the person exporting to Canada or Mexico was not the importer or the manufacturer, written waivers executed by the importer or manufacturer and by any intervening person to whom the good was transferred must be submitted in order for the claim to be considered complete; and
 - (E) An affidavit of the party claiming drawback stating that no other drawback claim has been made on the designated goods, that such party has not provided an exporter's certification of origin pertaining to the exported goods to another party except as stated on the drawback claim, and that the party agrees to notify CBP if the party subsequently provides such an exporter's certification of origin to any person.
- (ii) **Unused merchandise drawback claim under 19 U.S.C. 1313(j)(1).** The following must be submitted in connection with a drawback claim covering a good eligible for unused merchandise drawback under 19 U.S.C. 1313(j)(1):
- (A) The foreign entry number and date of entry, the HTSUS classification for the foreign entry, the amount of duties paid for the foreign entry and the applicable exchange rate. For goods in the same condition, a certification from the claimant that provides as follows: "Same condition—The undersigned certifies that the merchandise herein described is in the same condition as when it was imported under the import entry(s) and further certifies that this merchandise was not subjected to any process of manufacture or other operation except the allowable operations as provided for by regulation.";
 - (B) Information sufficient to trace the movement of the imported goods after importation;
 - (C) In-bond application submitted pursuant to part 18 of this chapter, if applicable. This is required for merchandise which is examined at one port but exported through border points outside of that port. Such goods must travel in bond from the location where they were examined to the point of the border crossing (exportation). If examination is waived, in-bond transportation is not required;
 - (D) CBP must be notified at least five business days in advance of the intended date of exportation in order to have the opportunity to examine the goods (see § 190.35 of this chapter);
 - (E) Acceptable documentary evidence of exportation to Canada or Mexico may include originals or copies of any of the following documents that are issued by the exporting carrier: bill of lading, air waybill, freight waybill, export ocean bill of lading, Canadian customs manifest, and cargo manifest. Supporting documentary evidence must establish fully the time and fact of exportation, the identity of the exporter, and the identity and location of the ultimate consignee of the exported goods;
 - (F) If the party exporting to Canada or Mexico was not the importer, a written waiver from the importer and from each intermediate person to whom the goods were transferred is required in order for the claim to be considered complete; and
 - (G) An affidavit of the party claiming drawback stating that no other drawback claim has been made on the designated goods.

- (iii) ***Nonconforming or improperly shipped goods drawback claim.*** The following must be submitted in the case of goods not conforming to sample or specifications, or shipped without the consent of the consignee and subject to a drawback claim under 19 U.S.C. 1313(c)(1)(C)(i):
 - (A) CBP Form 7501, or its electronic equivalent, to establish the fact of importation, the receipt of the imported goods, and the identity of the party to whom drawback is payable (see § 182.48(c) of this subpart);
 - (B) Documentary evidence to support the claim that the goods did not conform to sample or specifications, or were shipped without the consent of the consignee. In the case of nonconforming goods, such documentation may include a copy of a purchase order and any related documents such as a specification sheet, catalogue or advertising brochure from the supplier, the basis for which the order was placed, and copy of a letter or credit memo from the supplier indicating acceptance of the returned merchandise. This documentation is necessary to establish that the goods are, in fact, being returned to the party from which they were procured or that they are being sent to the supplier's other customer directly;
 - (C) CBP Form 7512, or its electronic equivalent, if applicable;
 - (D) Notification of intent to export or waiver of prior notice. CBP must be notified at least five business days in advance of the intended date of exportation in order to have the opportunity to examine the goods (see § 190.42 of this chapter); and
 - (E) Evidence of exportation, as provided in paragraph (b)(2)(ii)(E) of this section.
- (iv) ***Meats cured with imported salt.*** The provisions of paragraph (b)(2)(i) of this section relating to direct identification manufacturing drawback will apply to claims for drawback on meats cured with imported salt filed under this subpart insofar as applicable to and not inconsistent with the provisions of this subpart, and the forms referred to in that paragraph must be modified to show that the claim is being made for refund of duties paid on salt used in curing meats.
- (v) ***Jet aircraft engines.*** The provisions of paragraph (b)(2)(i) of this section relating to direct identification manufacturing drawback will apply to claims for drawback on foreign-built jet aircraft engines repaired or reconditioned in the United States filed under this subpart insofar as applicable to and not inconsistent with the provisions of this subpart and the provisions of part 190, subpart N, of this chapter.
- (vi) ***Substitution of finished petroleum derivatives under 19 U.S.C. 1313(p) for derivatives manufactured under 19 U.S.C. 1313(a) or (b).*** The provisions of paragraph (b)(2)(i) of this section relating to manufacturing drawback will apply to claims for drawback on manufactured or produced petroleum derivatives, in accordance with § 190.174 of this chapter, filed under this subpart insofar as applicable to and not inconsistent with the provisions of this subpart and the provisions of part 190, subpart Q, of this chapter.
- (vii) ***Goods sold at retail and returned under 19 U.S.C. 1313(c)(1)(C)(ii).*** The following must be submitted in the case of goods ultimately sold at retail by the importer or the person who received the merchandise from the importer, and for any reason returned to and accepted by the importer or the person who received the merchandise from the importer and subject to a drawback claim under 19 U.S.C. 1313(c)(1)(C)(ii):

- (A) CBP Form 7501, or its electronic equivalent, to establish the fact of importation, the receipt of the imported goods, and the identity of the party to whom drawback is payable (see § 182.48(c) of this subpart);
 - (B) Documentary evidence to support the claim that the goods were ultimately sold at retail by the importer or the person who received the merchandise from the importer, and were returned to and accepted by the importer or the person who received the merchandise from the importer;
 - (C) CBP Form 7512, or its electronic equivalent, if applicable;
 - (D) Notification of intent to export or waiver of prior notice. CBP must be notified at least five business days in advance of the intended date of exportation in order to have the opportunity to examine the goods (see § 190.42 of this chapter); and
 - (E) Evidence of exportation, as provided in paragraph (b)(2)(ii)(E) of this section.
- (c) **Evidence of exportation and of duties paid in Canada or Mexico.** For purposes of this subpart, evidence of exportation and satisfactory evidence of payment of duties in Canada or Mexico must consist of one of the following types of documentation, provided that, for purposes of evidence of duties paid, such documentation includes the import entry number, the date of importation, the tariff classification number, the rate of duty and the amount of duties paid:
- (1) In the case of Canada, the Canadian entry document, presented with either the K-84 Statement or the Detailed Coding Statement. A Canadian customs document that is not accompanied by a valid receipt is not adequate evidence of exportation and payment of duty in Canada;
 - (2) In the case of Mexico, the Mexican entry document (the “pedimento”);
 - (3) The final customs duty determination of Canada or Mexico, or a copy thereof, with respect to the relevant entry; or
 - (4) An affidavit, from the person claiming drawback, which is based on information received from the importer of the good in Canada or Mexico.

[CBP Dec. 24-18, 90 FR 6484, Jan. 17, 2025]

§ 182.48 Person entitled to receive drawback.

- (a) **General.** The person named as exporter on the notice of exportation or on the bill of lading, air waybill, freight waybill, Canadian or Mexican customs manifest, cargo manifest, or certified copies of these documents, will be considered the exporter and entitled to drawback.
- (b) **Manufacturing drawback.** The person named as the exporter is entitled to claim manufacturing drawback, unless the manufacturer or producer reserves the right to claim drawback. The manufacturer or producer who reserves this right may claim drawback, will receive payment upon production of satisfactory evidence that the reservation was made with the knowledge and consent of the exporter. Drawback also may be granted to the agent of the manufacturer, producer, or exporter, or to the person the manufacturer, producer, exporter, or agent directs in writing to receive the drawback of duties.
- (c) **Nonconforming or improperly shipped goods drawback under 19 U.S.C. 1313(c)(1)(C)(i) and drawback on goods sold at retail and returned under 19 U.S.C. 1313(c)(1)(C)(ii).** The person named as the exporter is entitled to claim rejected merchandise drawback; if the claimant was not the importer of the merchandise

or its agent, the claimant must submit a statement signed by the importer and every other person, other than the ultimate purchaser, that owned the goods, that no other claim for drawback was made on the goods (see § 190.42(b) of this chapter).

- (d) **Unused merchandise drawback under 19 U.S.C. 1313(j)(1).** The person named as the exporter is entitled to claim drawback under 19 U.S.C. 1313(j)(1) unless the exporter has in writing waived its right to claim drawback (see § 190.33 of this chapter).

[CBP Dec. 20-11, 85 FR 39693, July 1, 2020, as amended by CBP Dec. 24-18, 90 FR 6486, Jan. 17, 2025]

§ 182.49 Retention of records.

All records required to be kept by the exporter, importer, manufacturer or producer under this subpart with respect to manufacturing drawback claims, and all records kept by others which complement the records of the importer, exporter, manufacturer or producer, including any person who transfers or enables another person to make or perfect a drawback claim, must be retained for at least three years from the date of liquidation of such claims or longer period if required by law (see §§ 190.10, 190.15, 190.38, and 190.175(c) of this chapter).

[CBP Dec. 21-10, 86 FR 35589, July 6, 2021]

§ 182.50 Liquidation and payment of drawback claims.

- (a) **General.** When the drawback claim has been fully completed by the filing of all required documents, and exportation of the articles has been established and the amount of duties paid to Canada or Mexico has been established, the entry will be liquidated to determine the proper amount of drawback due either in accordance with the limitation on drawback set forth in § 182.44 of this subpart or in accordance with the regular drawback calculation. The liquidation procedures of subpart H of part 190 of this chapter, as appropriate, will control for purposes of this subpart.
- (b) **Time for liquidation.** A drawback claim will not be liquidated until either a written waiver of the right to protest under 19 U.S.C. 1514 is filed with CBP or the liquidation of the import entry has become final under U.S. law. In addition, except in the case of goods covered by § 182.45 of this subpart, a drawback claim must not be liquidated for a period of three years after the date of entry of the goods in Canada or Mexico. A drawback claim may be adjusted pursuant to 19 U.S.C. 4534(e)(1) even after liquidation of the U.S. import entry has become final.
- (c) **Accelerated payment.** Accelerated drawback payment procedures will apply as set forth in § 190.92 of this chapter, as appropriate. However, a person who receives drawback of duties under this procedure must repay the duties paid if a USMCA drawback claim is adversely affected thereafter by administrative or court action.

[CBP Dec. 21-10, 86 FR 35589, July 6, 2021, as amended by CBP Dec. 24-18, 90 FR 6486, Jan. 17, 2025]

§ 182.51 Prevention of improper payment of claims.

- (a) **Double payment of claim.** The drawback claimant must certify to CBP that the claimant has not earlier received payment on the same import entry for the same designation of goods. If, notwithstanding such a certification, such an earlier payment was in fact made to the claimant, the claimant must repay any amount paid on the second claim.

- (b) **Preparation of Certification of Origin.** The drawback claimant must, within 30 calendar days after the filing of the drawback claim under this subpart, submit to CBP a written statement as to whether the claimant has prepared, or has knowledge that another person has prepared, a certification of origin provided for under § 182.12 and pertaining to the goods which are covered by the claim. If, following such 30-day period, the claimant prepares, or otherwise learns of the existence of, any such certification of origin, the claimant must, within 30 calendar days thereafter, disclose that fact to CBP.

[CBP Dec. 21-10, 86 FR 35590, July 6, 2021]

§ 182.52 Subsequent claims for preferential tariff treatment.

If a claim for a refund of duties is allowed by the Canadian or Mexican customs administration under Article 5.11 of the USMCA (post-importation claim) or under any other circumstance after drawback has been granted under this subpart, the appropriate CBP official must reliquidate the drawback claim and obtain a refund of the amount paid in drawback in excess of the amount permitted to be paid under § 182.44.

[CBP Dec. 21-10, 86 FR 35590, July 6, 2021]

§ 182.53 Collection and waiver or reduction of duty under duty-deferral programs.

(a) **General —**

(1) **Definitions.** The following definitions apply for purposes of this section:

- (i) **Date of exportation.** *Date of exportation* means the date of importation into Canada or Mexico as reflected on the applicable Canadian or Mexican entry document (see § 182.47(c)(1) and (2) of this subpart).
- (ii) **Duty-deferral program.** A *duty-deferral program* means any measure which postpones duty payment upon arrival of a good in the United States until withdrawn or removed for exportation to Canada or Mexico or for entry into a Canadian or Mexican duty-deferral program. Such measures govern manipulation warehouses, manufacturing warehouses, smelting and refining warehouses, foreign trade zones, and those temporary importations under bond that are specified in paragraph (b)(5) of this section.

(2) **Treatment as entered or withdrawn for consumption —**

(i) **General.**

- (A) Where a good is imported into the United States pursuant to a duty-deferral program and is subsequently withdrawn from the duty-deferral program for exportation to Canada or Mexico or is used as a material in the production of another good that is subsequently withdrawn from the duty-deferral program for exportation to Canada or Mexico, and provided that the good is a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534 and is not described in § 182.45 of this subpart, the documentation required to be filed under this section in connection with the exportation of the good will, for purposes of this chapter, constitute an USMCA entry or withdrawal for consumption and the exported good must be subject to duty which will be assessed in accordance with paragraph (b) of this section.

- (B) Where a good is imported into the United States pursuant to a duty-deferral program and is subsequently withdrawn from the duty-deferral program and entered into a duty-deferral program in Canada or Mexico or is used as a material in the production of another good that is subsequently withdrawn from the duty-deferral program and entered into a duty-deferral program in Canada or Mexico, and provided that the good is a “good subject to USMA drawback” within the meaning of 19 U.S.C. 4534 and is not described in § 182.45 of this subpart, the documentation required to be filed under this section in connection with the withdrawal of the good from the U.S. duty-deferral program will, for purposes of this chapter, constitute a USMA entry or withdrawal for consumption and the withdrawn good must be subject to duty which will be assessed in accordance with paragraph (b) of this section.
- (C) Any assessment of duty under this section must include the duties and fees referred to in § 182.42(a) and (b) of this subpart and the fees provided for in § 24.23 of this chapter; these inclusions will not be subject to refund, waiver, reduction or drawback.
- (ii) **Bond requirements.** The provisions of § 142.4 of this chapter will apply to each withdrawal and exportation transaction described in paragraph (a)(2) of this section. However, in applying the provisions of § 142.4 of this chapter in the context of this section, any reference to release from CBP custody in § 142.4 of this chapter will be taken to mean exportation to Canada or Mexico.
- (iii) **Documentation filing and duty payment procedures —**
 - (A) **Persons required to file.** In the circumstances described in paragraph (a)(2) of this section, the documentation described in paragraph (a)(2)(iii)(B) of this section must be filed by one of the following persons:
 - (1) In the case of a withdrawal of the goods from a warehouse, the person who has the right to withdraw the goods in accordance with § 144.31 of this chapter;
 - (2) In the case of a temporary importation under bond (TIB) specified in paragraph (b)(5) of this section, the TIB importer whether or not it sells the goods for export to Canada or Mexico unless § 10.31(h) of this chapter applies; or
 - (3) In the case of a withdrawal from a foreign trade zone, the person who has the right to make entry (see § 146.62 of this chapter). However, if a zone operator is not the person with the right to make entry of the good, the zone operator will be responsible for the payment of any duty due in the event the zone operator permits such other person to remove the goods from the zone (§§ 146.67 and 146.68 of this chapter) and such other person fails to comply with the requirements of this provision.
 - (B) **Documentation required to be filed and required filing date.** The person required to file must file CBP Form 7501, or its electronic equivalent, no later than 10 working days after the date of exportation to Canada or Mexico or 10 working days after the goods' being entered into a duty-deferral program in Canada or Mexico. Except where the context otherwise requires and except as otherwise specifically provided in this section, the procedures for completing and filing CBP Form 7501, or its electronic equivalent, in connection with the entry of merchandise under this chapter will apply for purposes of this paragraph. For purposes of completing CBP Form 7501, or its electronic equivalent, under this paragraph, any reference to the entry date will be taken to refer to the date of exportation of the good or the date the good is entered into a duty-deferral program in

Canada or Mexico. The CBP Form 7501, or its electronic equivalent, required under this paragraph, may be transmitted electronically. See §§ 141.62, 141.63, and 144.38 (bonded warehouse) of this chapter.

- (C) **Duty payment.** The duty estimated to be due under paragraph (b) of this section must be deposited with CBP 60 calendar days after the date of exportation of the good. If a good is entered into a duty-deferral program in Canada or Mexico, the duty estimated to be due under paragraph (b) of this section, but without any waiver or reduction provided for in that paragraph, must be deposited with CBP 60 calendar days after the date the good is entered into such duty-deferral program. Nothing precludes the deposit of such estimated duty at the time of filing the CBP Form 7501, or its electronic equivalent, under paragraph (a)(2)(iii)(B) of this section or at any other time within the 60-day period prescribed in this paragraph. However, any interest calculation will run from the date the duties are required to be deposited.

(3) **Waiver or reduction of duties—**

- (i) **General.** Except in the case of duties and fees referred to in § 182.42(a) and (b) of this subpart and fees provided for in § 24.23 of this chapter, CBP may waive or reduce the duties paid or owed under paragraph (a)(2) of this section by the person who is required to file the CBP Form 7501, or its electronic equivalent (see paragraph (a)(2)(iii)(A) of this section) in accordance with paragraph (b) of this section, provided that a claim for waiver or reduction of the duties is filed with CBP within the appropriate 60-day time frame. The claim must be based on evidence of exportation or entry into a Canadian or Mexican duty-deferral program and satisfactory evidence of duties paid in Canada or Mexico (see § 182.47(c) of this subpart).
- (ii) **Filing of claim and payment of reduced duties.** A claim for a waiver or reduction of duties under paragraph (a)(3)(i) of this section must be made on CBP Form 7501, or its electronic equivalent, which must set forth, in addition to the information required under paragraph (a)(2)(iii)(B) of this section, a description of the goods exported to Canada or Mexico, and the Canadian or Mexican import entry number, date of importation, tariff classification number, rate of duty and amount of duty paid. If a claim for reduction of duties is filed under this paragraph, the reduced duties must be deposited with CBP when the claim is filed.
- (iii) **Drawback on goods entered into a duty-deferral program in Canada or Mexico.** After goods within a duty-deferral program in the United States, which were exported from the United States and entered into a duty-deferral program in Canada or Mexico, are then withdrawn from that Canadian or Mexican duty-deferral program either for entry into Canada or Mexico or for export to a non-USMCA country, the person who filed the CBP Form 7501, or its electronic equivalent and the information required in paragraph (a)(2)(iii)(B) of this section, may file a claim for drawback if the goods are withdrawn within five years from the date of the original importation of the good into the United States. If the goods are entered for consumption in Canada or Mexico, drawback will be calculated in accordance with § 182.44 of this subpart.

(4) **Liquidation of entry —**

- (i) **If no claim is filed.** If no claim for a waiver or reduction of duties is filed in accordance with paragraph (a)(3) of this section, CBP will determine the final duties due under paragraph (a)(2)(i) of this section and will post a notice of liquidation of the entry filed under this section in accordance with § 159.9 of this chapter. Where no claim was filed in accordance with this section and CBP fails to liquidate, or extend liquidation of, the entry filed under this section

within one year from the date of entry, upon the date of expiration of that one-year period the entry will be deemed liquidated by operation of law in the amount asserted by the exporter on the CBP Form 7501, or its electronic equivalent, filed under paragraph (a)(2)(iii)(A) of this section. A protest under 19 U.S.C. 1514 and part 174 of this chapter must be filed within 180 days from the date of liquidation under this section.

- (ii) **If a claim is filed.** If a claim for a waiver or reduction of duties is filed in accordance with paragraph (a)(3) of this section, an extension of liquidation of the entry filed under this section will take effect for a period not to exceed three years from the date the entry was filed. Before the close of the extension period, CBP will liquidate the entry filed under this section and will post a bulletin of liquidation in accordance with § 159.9 of this chapter. If CBP fails to liquidate the entry filed under this section within four years from the date of the entry, upon the date of expiration of that four-year period the entry will be deemed liquidated by operation of law in the amount asserted by the exporter on the CBP Form 7501, or its electronic equivalent, filed under paragraph (a)(3)(ii) of this section. A protest under 19 U.S.C. 1514 and part 174 of this chapter must be filed within 180 days from the date of liquidation under this section.

(b) **Assessment and waiver or reduction of duty –**

- (1) **Manipulation in warehouse.** Where a good subject to USMCA drawback under this subpart is withdrawn from a bonded warehouse (see 19 U.S.C. 1562) after manipulation for exportation to Canada or Mexico or for entry into a duty-deferral program in Canada or Mexico, duty will be assessed on the good in its condition and quantity, and at its weight, at the time of such withdrawal from the warehouse and with such additions to, or deductions from, the final appraised value as may be necessary by reason of its change in condition. Such duty must be paid no later than 60 calendar days after the date of exportation or of entry into the duty-deferral program of Canada or Mexico, except that, upon filing of a proper claim under paragraph (a)(3) of this section, the duty will be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the good under this section or the total amount of customs duties paid to Canada or Mexico.
- (2) **Bonded manufacturing warehouse.** Where a good is manufactured in a bonded warehouse (see 19 U.S.C. 1311) with imported materials and is then withdrawn for exportation to Canada or Mexico or for entry into a duty-deferral program in Canada or Mexico, duty will be assessed on the materials in their condition and quantity, and at their weight, at the time of their importation into the United States. Such duty must be paid no later than 60 calendar days after either the date of exportation or of entry into a duty-deferral program of Canada or Mexico, except that, upon filing of a proper claim under paragraph (a)(3) of this section, the duty will be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the materials under this section or the total amount of customs duties paid to Canada or Mexico.
- (3) **Bonded smelting or refining warehouse.** For any qualifying imported metal-bearing materials (see 19 U.S.C. 1312), duty will be assessed on the imported materials and the charges against the bond canceled no later than 60 calendar days after either the date of exportation of the treated materials to Canada or Mexico or the date of entry of the treated materials into a duty-deferral program of Canada or Mexico, either from the bonded smelting or refining warehouse or from such other customs bonded warehouse after the transfer of the same quantity of material from a bonded smelting or refining warehouse. However, upon filing of a proper claim under paragraph (a)(3) of this section, the duty on the imported materials will be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the imported materials under this section or the total amount of customs duties paid to Canada or Mexico.

- (4) **Foreign trade zone.** For a good that is manufactured or otherwise changed in condition in a foreign trade zone (see 19 U.S.C. 81c(a)) and then withdrawn from the zone for exportation to Canada or Mexico or for entry into a Canadian or Mexican duty-deferral program, the duty assessed, as calculated under paragraph (b)(4)(i) or (ii) of this section, must be paid no later than 60 calendar days after either the date of exportation of the good to Canada or Mexico or the date of entry of the good into a duty-deferral program of Canada or Mexico, except that, upon filing of a proper claim under paragraph (a)(3) of this section, the duty will be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the good under this section or the total amount of customs duties paid to Canada or Mexico.
- (i) **Nonprivileged foreign status.** In the case of a nonprivileged foreign status good, duty is assessed on the good in its condition and quantity, and at its weight, at the time of its exportation from the zone to Canada or Mexico, or its entry into a duty-deferral program of Canada or Mexico.
- (ii) **Privileged foreign status.** In the case of a privileged foreign status good, duty is assessed on the good in its condition and quantity, and at its weight, at the time privileged status is elected.
- (5) **Temporary importation under bond.** Except in the case of a good imported from Canada or Mexico for repair or alteration, where a good, regardless of its origin, was imported temporarily free of duty for repair, alteration or processing (subheading 9813.00.05, HTSUS) and is subsequently exported to Canada or Mexico, duty will be assessed on the good on the basis of its condition at the time of its importation into the United States. Such duty must be paid no later than 60 calendar days after either the date of exportation or the date of entry into a duty-deferral program of Canada or Mexico, except that, upon filing of a proper claim under paragraph (a)(3) of this section, the duty will be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the good under this section or the total amount of customs duties paid to Canada or Mexico.
- (c) **Recordkeeping requirements.** If a person intends to claim a waiver or reduction of duty on goods under this section, that person must maintain records concerning the value of all involved goods or materials at the time of their importation into the United States and concerning the value of the goods at the time of their exportation to Canada or Mexico or entry into a duty-deferral program of Canada or Mexico, and if a person files a claim under this section for a waiver or reduction of duty on goods exported to Canada or Mexico or entered into a Canadian or Mexican duty-deferral program, that person must maintain evidence of exportation or entry into a Canadian or Mexican duty-deferral program and satisfactory evidence of the amount of any customs duties paid to Canada or Mexico on the good (see § 182.47(c) of this subpart). Failure to maintain adequate records will result in denial of the claim for waiver or reduction of duty.
- (d) **Failure to file proper claim.** If the person identified in paragraph (a)(2)(iii)(A) of this section fails to file a proper claim within the 60-day period specified in this section, that person, or the FTZ operator, pursuant to paragraph (a)(2)(iii)(A)(3) of this section, will be liable for payment of the full duties assessed under this section and without any waiver or reduction thereof.
- (e) **Subsequent claims for preferential tariff treatment.** If a claim for a refund of duties is allowed by the Canadian or Mexican customs administration under Article 5.11 of the USMCA (post-importation claim) or under any other circumstance after duties have been waived or reduced under this section, CBP may reliquidate the entry filed under this section pursuant to 19 U.S.C. 4534(e) even after liquidation of the entry has become final.

[CBP Dec. 24-18 90 FR 6486, Jan. 17, 2025]

§ 182.54 Verification of claim for drawback, waiver or reduction of duties.

The allowance of a claim for drawback, waiver or reduction of duties submitted under this subpart is subject to such verification, including verification with the Canadian or Mexican customs administration, of any documentation obtained in Canada or Mexico and submitted in connection with the claim, as CBP may deem necessary.

[CBP Dec. 21-10, 86 FR 35590, July 6, 2021]

§ 182.55 Goods exported from duty-deferral programs that are not a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534.

- (a) An importer, or its agent, claiming a good is not a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534 must notify CBP at:

(1) The time of importation and admission into the duty-deferral program; or

(2) The time of filing the documentation required under § 182.53(a)(2)(iii)(B) of this subpart.
- (b) A person must maintain records supporting a claim that a good is not a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534. The records must be made available for examination and inspection by a CBP official in the same manner as provided in part 163 of this chapter in the case of U.S. importer records.