



C-122-858
Administrative Review
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April 24, 2020

MEMORANDUM TO: The Record

FROM: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

SUBJECT: Tolling of Deadlines for Antidumping and Countervailing Duty
Administrative Reviews in Response to Operational Adjustments
Due to COVID-19

In response to operational adjustments due to COVID-19, Enforcement and Compliance (E&C) has decided to uniformly toll deadlines for all antidumping duty (AD) and countervailing duty (CVD) administrative reviews conducted pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), by 50 days. The day on which any submission to E&C is due should be calculated under the regulations as usual, except with the addition of 50 days.

This determination applies to every AD/CVD administrative review segment before E&C as of the date of this memorandum. It includes deadlines for actions by E&C (such as preliminary and final determinations in AD/CVD administrative reviews), and also pending deadlines for actions by parties to administrative reviews (such as the submission of AD/CVD questionnaire responses, supplemental questionnaire responses, and case and rebuttal briefs). It applies to administrative reviews of AD/CVD orders as well as administrative reviews of suspension agreements. If the new deadline falls on a weekend or a Federal holiday, in accordance with our regulations, the deadline will be moved to the next business day.

This determination does not apply to any segment of a proceeding other than administrative reviews. For example, it does not apply to AD/CVD investigations being conducted pursuant to sections 701 *et seq.* and 731 *et seq.* of the Act. It also does not apply to deadlines for court-ordered redeterminations and the associated administrative (remand) proceedings, which will continue along the same deadlines as previously established by the court and by Commerce. Thus, AD/CVD investigations and remand proceedings are continuing on schedule. This determination also does not apply to scope inquiries, anti-circumvention proceedings, changed circumstances reviews, or sunset reviews. It does not apply to new shipper reviews, unless a pending new shipper review has been aligned with an administrative review pursuant to 19 C.F.R. § 351.214(j).

By tolling deadlines in administrative reviews, we are responding to operational adjustments due to COVID-19. Tolling administrative review deadlines makes available resources and personnel needed to continue performing E&C's other functions, such as initiating and conducting AD/CVD investigations in accordance with statutory deadlines, as well as conducting remand





proceedings in accordance with deadlines established by the courts. This decision is based on a current assessment of workload demands and staffing availability.

Currently, there are over 200 pending administrative reviews. The simple rule we are adopting for all administrative reviews will permit parties to such reviews to know immediately the status of applicable deadlines, thus reducing the overall disruption. Uniformly tolling deadlines in administrative reviews limits the burden on interested parties. By contrast, case-by-case determinations would require a substantial amount of time from E&C staff, and would leave interested parties at least temporarily uncertain about deadlines. Therefore, case-by-case determinations on internal case deadlines are not the best approach.

Interested parties should contact the E&C staff assigned to a specific administrative review if there are further questions.

