

**INSTRUCTIONS AND CERTIFICATION FORM TO APPLY FOR  
DISTRIBUTION OF AD AND CVD DUTIES  
UNDER THE “BYRD AMENDMENT”**

These materials are designed to assist eligible AHPA members in applying to receive under the so-called “Byrd Amendment” a portion of the antidumping (“AD”) and countervailing (“CVD”) duties collected on certain imports of honey from Argentina and China during the U.S. government’s 2022 fiscal year (*i.e.*, between October 1, 2021 and September 30, 2022). These duties will be distributed to eligible domestic producers in November or December 2022.

Your claim for a distribution (formally called a “certification”) must be **RECEIVED** by U.S. Customs and Border Protection (“CBP”) no later than Monday, August 1, 2022.

- To avoid missing this deadline, your certification should be completed and forwarded to CBP no later than Thursday, July 28, 2022, using an overnight delivery service that will provide you with a receipt that shows the date and time when CBP received your application.
- If you submit your certification in hard copy (*i.e.*, paper), you need to submit **THREE COPIES** of the certification. Specifically, you should submit an original and two copies of your signed, completed certification.
- Alternatively, if you submit your certification electronically (via [www.pay.gov](http://www.pay.gov)), you do not need to submit paper copies of your certification to CBP.

**I. WHO IS ELIGIBLE TO APPLY**

You can apply to receive AD and CVD duties assessed and collected on imported honey from China and/or Argentina in connection with CBP’s fiscal year (“FY”) 2022 distribution of those duties if your company:

- Was a member of the AHPA in good standing (including having fully paid its dues) in 2000, when the Petition requesting AD/CVD honey trade investigations was filed;
- Has fully paid all of its membership dues for each year from 2000 to 2022;
- Has continuously produced and sold raw honey from 2000 to 2022; and
- Is not a member of Sioux Honey Association (“SHA”) or, if it is an SHA member, it will not receive any part of the distributions SHA will receive for fiscal year 2022.

If you have any questions concerning your company’s eligibility to apply, please contact Cassie Cox, whose contact information appears in the AHPA cover letter.

## **II. COMPLETING YOUR CERTIFICATION**

You may apply for a distribution of duties under the Byrd Amendment in fiscal year 2022 by one of two means – by submitting three hard copies (paper) of a certification, or by submitting your claim electronically via [www.pay.gov](http://www.pay.gov). Instructions for each method follow below.

### **A. Applying for Distribution by Hard Copy (Paper) Certification**

If you will be applying for a distribution by submitting hard copies (paper) of your certification to CBP, you should complete the form appended in Attachment 1. That form (CBP Form 7401) requests basic information about your company and includes an attestation you're your company meets the legal requirements to receive a payment under the Byrd Amendment.

If your company filed a certification for fiscal year 2021, all of the information required for this year's submission will be identical from your 2021 certification. Because there was no distribution in fiscal year 2021 under the three AD and CVD orders (*i.e.*, AD order on China, and AD and CVD orders on Argentina), there is no need to change the information from your 2021 certification.

The certification must be signed by someone legally authorized to bind your company. The easiest approach is to have the same person sign all of the documents. Because these documents are making specific and binding legal representations to the United States Government, we strongly recommend that you satisfy yourself that everything being reported is accurate and truthful.

Once your certification has been completed and signed, you will need to send the original and two copies of the certification to CBP at the following address:

U.S. Customs and Border Protection  
Revenue Division  
Attn: CDSOA Team  
6650 Telecom Drive, Suite 100  
Indianapolis, IN 46278

Three copies of your company's certification must be sent so they are **RECEIVED** by CBP by not later than Monday, August 1, 2022. Merely placing the package in the mail, or having a 8/1/22 postmark as the date of mailing is not sufficient to satisfy the filing requirements. *As a reminder, in order for your claims to be properly filed and accepted by Customs, you need to submit an original and two copies of the certification.*

We recommend that you file your application using a method that allows you to track and confirm delivery. This would include hand delivery, or use of an overnight mail service (FedEx, DHL, UPS, USPS) that allows you to track your package.

*Of course, you should keep copies of everything that you send to Customs for your own*

records.

**B. Applying for Distribution Electronically**

You may also complete and submit the certification form electronically at [www.pay.gov](http://www.pay.gov). A link to the site is available on the AHPA website. In completing the certification form on-line, you should follow the same instructions stated above (except that you do not need to submit paper copies of the certification to CBP).

**C. Additional Explanation Regarding Identification of the Correct Amount of Qualifying Expenditures Not Previously Reimbursed**

Your certification will report all “qualifying expenditures” your company has incurred from December 10, 2001 - when the AD and CVD orders went into effect - through September 30, 2007, the date on which the Byrd Amendment was effectively repealed (and the date after which affected domestic producers may not report any new qualifying expenditures).

Because the Byrd Amendment was repealed effective on September 30, 2007, your company may not report any qualifying expenditures your company incurred after that date, and your FY 2022 certifications should be based on your company’s previously reported qualifying expenditures (minus the amount of distributions previously received).

Information on the amount of distributions made to individual claimants by CBP in connection with the AD and CVD orders on honey from China and Argentina can be accessed at: <http://www.cbp.gov/trade/priority-issues/adcvd/continued-dumping-and-subsidy-offset-act-cdsoa-2000>. The reports identifying the amounts distributed to individual claimants are typically released by U.S. Customs and Border Protection in the “Annual Reports” published for each fiscal year (typically in November or December of each calendar year).

**III. QUESTIONS**

If you have any questions about preparing your certification that are not answered by these materials, please contact me as follows:

Cassie Cox  
PO Box 435  
Mendon, UT 84325  
281-900-9740  
[cassie@ahpanet.com](mailto:cassie@ahpanet.com)

Please contact me only after you have fully reflected on the problem, and have attempted to resolve it by consulting the instructions. If I am unable to resolve your question, I will present it to the Kelley Drye attorneys.