



US Supreme Court decision leads to termination of certain import duties

The United States government has discontinued a series of import tariffs implemented under the International Emergency Economic Powers Act (IEEPA).

On February 20, 2026, the US Supreme Court issued a decision declaring that IEEPA does not authorize the President to impose tariffs on US imports. In response, an Executive Order (EO) titled “Ending Certain Tariff Actions” was published terminating the collection of the additional duties imposed under IEEPA.

To comply with this EO, US Customs and Border Protection (CBP) published [Cargo Systems Messaging Service \(CSMS\) # 67834313](#) listing the impacted tariff actions implemented under IEEPA and stated the actions will no longer be in effect for goods entered for consumption or withdrawn from warehouse for consumption, on or after 12:00 a.m. eastern time on February 24, 2026. On that date, all Harmonized Tariff Schedule of the United States (HTSUS) numbers related to the IEEPA tariff actions will be inactive in the Automated Commercial Environment (ACE).

Q&A

Q1: Will the US government refund the tariffs that were paid under IEEPA-related actions?

A1: Neither the US government nor the courts have provided direction on potential refunds for tariffs paid under IEEPA related measures. FedEx is taking steps to protect the right to refunds for our customers and the company and will provide additional updates as they become available.

Q2: Does this mean that imports to the US are now duty-free?

A2: The EO and corresponding CSMS message affect IEEPA duties only. Other import duties such as those collected through HTSUS Chapter 1-97 rates and tariffs implemented under Section 122, Section 232 or Section 301 actions remain applicable. For a complete list of the impacted tariff actions, please visit CSMS #67834313.

Q3: Does the removal of IEEPA tariff actions reinstate the US de minimis provisions of 19 U.S.C. 1321 for US import shipments valued less than \$800?

A3: No, the suspension of the US de minimis provisions under EO 14324 remains in place according to the EO titled “Continuing the Suspension of Duty-Free De Minimis Treatment for All Countries” published on February 20, 2026.

Resources

US Supreme Court decision “Learning Resources, Inc. v. Trump, President of the United States” published February 20, 2026

https://www.supremecourt.gov/opinions/25pdf/24-1287_4gcj.pdf?utm

Executive Order “Ending Certain Tariff Actions” published February 20, 2026

<https://www.whitehouse.gov/presidential-actions/2026/02/ending-certain-tariff-actions/>

CBP CSMS #67834313 “Ending Collection of International Emergency Economic Powers Act Duties” published February 22, 2026

https://content.govdelivery.com/bulletins/gd/USDHSCBP-40b11c9?wgt_ref=USDHSCBP_WIDGET_2

Executive Order titled “Continuing the Suspension of Duty-Free De Minimis Treatment for All Countries” published February 20, 2026

<https://www.whitehouse.gov/presidential-actions/2026/02/continuing-the-suspension-of-duty-free-de-minimis-treatment-for-all-countries/>



Regulatory Alert: US imposes temporary import duties under Section 122

The United States imposed a temporary 10% duty on imported articles from all countries, effective February 24, 2026. This additional duty was implemented under Section 122 of the Trade Act of 1974 and will remain in place for 150 days. There are specific exemptions to the duty for certain products, which are outlined below.

Background

On February 20, 2026, a Presidential Proclamation titled “Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems” established a temporary 10% duty on US imports from all countries, effective February 24, 2026, with certain exemptions identified.

On February 23, 2026, US Customs and Border Protection (CBP) issued [Cargo Systems Messaging Service \(CSMS\) #67844987](#) providing implementation instructions for the temporary Section 122 duties, which included the applicable Harmonized Tariff Schedule of the United States (HTSUS) number and identified duty exemptions.

Timeframe

The temporary Section 122 10% duty applies to “articles that are the product of any country entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 24, 2026, and through 12:01 a.m. eastern daylight time on July 24, 2026.”

HTSUS number

The Section 122 duty is applied via HTSUS number 9903.03.01, which states:

Except for products described in headings 9903.03.02–9903.03.11, and other than products for personal use included in accompanied baggage of persons arriving in the United States, articles the product of any country, as provided for in subdivision (aa) of US note 2 to subchapter III of chapter 99 of the HTSUS, will be subject to an additional ad valorem rate of 10%.

Exemptions

The CSMS message details the list of exemptions to the Section 122 duty that may be found in [Annex I](#) and [Annex II](#) of the Presidential Proclamation. Examples of exempted products include:

- 9903.03.02 - Articles loaded onto an ocean vessel at the port of loading and in transit on the final mode of transit prior to entry into the United States, before 12:01 a.m. eastern standard time on February 24, 2026; and are entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern standard time on February 28, 2026.
- 9903.03.05 - Articles of civil aircraft
- 9903.03.06 - Articles subject to Section 232 tariffs
 - Note: While the duty does not “stack” in addition to Section 232 tariffs, if only part of an article is subject to Section 232, then the Section 122 duty applies to the part of the article not covered by Section 232.
- 9903.03.07 - Products of Canada that qualify for duty-free treatment under the United States-Mexico-Canada Agreement (USMCA)
- 9903.03.08 - Products of Mexico that qualify for duty-free treatment under the USMCA
- 9903.03.09 - Products of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua that meet the rules of origin for the Dominican Republic Central America Free Trade Agreement (DR-CAFTA).
- Articles properly classified in Chapter 98 of the HTSUS, except for:
 - Goods entered under heading 9802.00.80. For these goods, the additional duties apply to the value of the article assembled abroad, less the cost or value of such products of the United States.
 - Goods entered under HTSUS subheadings 9802.00.40, 9802.00.50, and 9802.00.60. For HTSUS subheadings 9802.00.40, 9802.00.50, and 9802.00.60, the additional duties apply to the value of repairs, alterations, or processing performed as described in the applicable subheading

Goods that qualify for an exemption should have any applicable Chapter 99 HTSUS subheading(s) noted on the



commercial invoice along with all supporting documentation to substantiate the claim.

Q&A

Q1: Will the temporary Section 122 duty rate remain at 10% or increase to a higher rate?

A1: The current official guidance from the US government sets the rate at 10%, though the statute allows for a higher duty up to a rate of 15%. FedEx will continue to closely monitor the situation and provide updates as they are communicated.

Q2: Is duty drawback available for duties paid related to the Section 122 duties?

A2: Yes, CSMS #67844987 states that duty drawback is available where applicable for duties paid related to Section 122. Content intended for FedEx customers only

Q3: How do I properly certify that my goods qualify for USMCA special tariff treatment?

A3: If your products qualify for special treatment under USMCA, include a completed USMCA Certification of Origin with your shipment documentation. Please visit the Resources section to find the linked USMCA Certification fillable form that includes completion instructions. For shipments valued at or under \$2,500, the following low value statement may be included on the shipment documentation and utilized in place of the more extensive USMCA Certification of Origin:

“I hereby certify that the goods covered by this shipment qualifies as an originating good for the purposes of preferential tariff treatment under USMCA/T-MEC/CUSMA.”

Q4: In light of the Section 122 trade action, what steps should be taken when preparing upcoming US import shipments?

A4: FedEx customers shipping products to the US should ensure that their shipment documentation is complete, and all information required for clearance, including a precise commodity description and the 10-digit HTSUS number, is present on the commercial invoice. Additionally, be sure to include any documentation necessary to substantiate Section 122 duty exemptions, such as certifying USMCA origin (see Q3 above) or including statements on the shipment documentation indicating the product is for civil aviation use.

Resources

Presidential Proclamation “Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems” published February 20, 2026

<https://www.whitehouse.gov/presidential-actions/2026/02/imposing-a-temporary-import-surcharge-to-address-fundamental-international-payments-problems/>

Annex I of Presidential Proclamation “Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems” published February 20, 2026

https://www.whitehouse.gov/wp-content/uploads/2026/02/2026Section122.prc_ANNEX1_FINAL.pdf

Annex II of Presidential Proclamation “Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems” published February 20, 2026

https://www.whitehouse.gov/wp-content/uploads/2026/02/2026Section122.prc_ANNEX2_Final.pdf

CBP CSMS #67844987 published February 23, 2026

https://content.govdelivery.com/bulletins/gd/USDHSCBP-40b3b7b?wgt_ref=USDHSCBP_WIDGET_2&utm_source=906617&utm

FedEx USMCA Certification Fillable Form

https://www.fedex.com/content/dam/fedex/us-united-states/International/upload/FedEx_USMCA_T-MEC_CUSMA_Fillable_Form.pdf

FedEx USMCA Landing Page

<https://www.fedex.com/en-us/shipping/international/usmca-trade.html>