

**SUPPORTING STATEMENT**  
**Court-Ordered Refunds under the International Emergency Economic Powers Act**  
**Worksheet**  
**OMB No. 1651-0NEW**

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Background

On February 20, 2026, the U.S. Supreme Court ruled in *Learning Resources, Inc. v. Trump* that all tariffs imposed by the President under the International Emergency Economic Powers Act (IEEPA), which U.S. Customs and Border Protection (CBP) has collected pursuant to the President’s Executive Orders and associated provisions in the Harmonized Tariff Schedule of the United States (HTSUS) since February 3, 2025, were unlawful. In so holding, the Supreme Court affirmed the August 29, 2025 judgment of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *V.O.S. Selections, Inc. v. Trump*, which in turn had affirmed-in-part, vacated-in-part, and remanded-in-part the May 28, 2025 decision of the U.S. Court of International Trade (CIT) in that case. On March 2, 2026, the CAFC issued its formal mandate to the CIT.

On March 4, 2026, the CIT ordered in *Atmus Filtration, Inc. v. United States* “that, with respect to any and all unliquidated entries that were entered subject to the IEEPA duties, U.S. Customs and Border Protection is hereby directed to liquidate those entries without regard to the IEEPA duties,” and “[a]ny liquidated entries for which liquidation is not final shall be reliquidated without regard to IEEPA duties.” On March 5, 2026, the CIT amended its March 4, 2026, order in *Atmus Filtration, Inc. v. United States* to clarify that it applies to entries made “subject to the IEEPA duties imposed by the Executive Orders considered by the Supreme Court in *Learning Resources, Inc. v. Trump*.” On March 6, 2026, the CIT suspended its March 4, 2026, order, as amended, “to the extent that it directs immediate compliance,” to allow CBP time to develop an automated tool capable of processing the unprecedented volume and value of refunds covered by the CIT order. On the same day, the CIT also ordered the government to provide periodic status reporting on this development. The government submitted detailed status reports to the court on March 12, 2026, and March 19, 2026.

On March 20, 2026, the CIT again amended its Amended Order of March 5, 2026, to clarify that it applies to “any and all unliquidated entries that were

entered subject to IEEPA duties” as well as to any such “liquidated entries for which liquidation is not final,” provided, however, that “nothing in this order addresses issues concerning duty free de minimis treatment under 19 U.S.C. § 1321 that are otherwise before this Court” in *Axle of Dearborn, Inc. v. Department of Commerce*. The CIT’s March 20, 2026, order continued to suspend the Amended Order of March 5, 2026, “to the extent that it requires immediate compliance,” and ordered that the government file another status report on March 31, 2026, “describing the progress Customs has made toward the completion of a process to issue refunds of IEEPA duties paid with interest,” and join another closed settlement conference with the Court later the same day to further discuss the same. In accordance with this order, the government submitted a detailed status report and attended a closed settlement conference on March 31, 2026. On April 6, 2026, the plaintiff in *Atmus Filtration, Inc. v. United States* filed a notice of voluntary dismissal in its case, which the CIT granted on April 8, 2026.

On April 7, 2026, the CIT lifted the stay on *Euro-Notions Florida, Inc. v. United States*, CIT Ct. No. 25-00595, another pending case challenging the IEEPA duties, and issued an injunctive order substantively identical to its March 4, 2026, order, as amended, in *Atmus Filtration, Inc.* Accordingly, the *Euro-Notions Florida, Inc.* case has replaced the *Atmus Filtration, Inc.* case as the test case for the IEEPA refund process. On April 8, 2026, the CIT issued an order in *Euro-Notions Florida, Inc.* ordering the government to file another status update on April 14, 2026, regarding CBP’s progress on the IEEPA duty refund process and join another closed settlement conference with the Court later the same day.

Specifically, the Department of Homeland Security (DHS) and CBP have initiated the development of the Consolidated Administration and Processing of Entries (CAPE) tool to handle the volume of tariff refunds anticipated in the timeframe required by the CIT. While the CIT has not set a timeframe to date, the Court has signaled that refunds be issued as quickly as possible because of the accrual of interest. Further, while the order to refund IEEPA duties with interest is currently suspended “to the extent that it requires immediate compliance,” the CIT is closely monitoring CBP’s progress to timely complete the development of CAPE and can lift the suspension of its order at any time.

The CAPE tool will be accessed through CBP’s Automated Commercial Environment (ACE), which is the CBP-operated system used to report, manage, process, and track U.S. imports and exports.

The tariffs assessed under IEEPA from February 3, 2025 to February 24, 2026 total an estimated \$166 billion, with over 53 million entry summaries requiring processing in order to issue accurate refunds with required interest. Prior to CAPE, refunds were reviewed and processed entry summary-by-entry summary. Given the volume and values of the entries affected by the CIT order, CBP is

unable to process the refunds owed in a timely or efficient manner using the existing process. The CAPE tool allows CBP to process multiple entry summaries by the same importer on a single submission, which will lead to a single refund for a given importer rather than multiple refund transactions. Importers are able to file as many CAPE Declarations as they need. Thus, potentially thousands of refund transactions can be consolidated into a single payment that is directly deposited into an IOR's account (or the account of their designated party) on file. The request for a refund that will be filed through CAPE will be called a "CAPE Declaration".

The new CAPE tool allows—

- Automated processes to be leveraged to the fullest extent possible to segment risk and execute millions of mathematical calculations with precision.
- CBP personnel to focus on those refund Declarations that are considered "high risk" due to the dollar values involved or the risk profile of the IOR.
- CBP personnel to determine with confidence which lines on an entry summary are eligible for an IEEPA refund while ensuring the remaining duties (including duties owed for AD/CVD remedies and Section 232 tariffs), tax, and fees that are owed the U.S. government are retained and collected as usual.
- CBP personnel to ensure that the precise duty owed to the IOR is refunded directly to the IOR's account—no overpayments or payments to an erroneous party.

IORs will submit the information related to their refund request to CBP through the ACE Portal. Alternatively, IORs may have their information submitted to CBP using a licensed customs broker. Brokers are licensed through CBP to conduct customs business on behalf of their IOR clients. In order to receive a refund through the CAPE process, the IOR, or their designated broker, must have an active and up-to-date ACE Portal account and supporting profile. If a broker is filing a Declaration on an IOR's behalf, they must be the "notify party" designated in the appropriate ACE account. Only ACE account holders will be able to file a Declaration through the CAPE tool.

Most small businesses do not have an ACE account and instead enlist the assistance of a licensed customs broker to conduct business on their behalf. They will continue to be able, and are expected, to use their customs brokers for the IEEPA refunds process and CAPE. Based on public comments received, CBP may develop an alternative process for small businesses if it is determined that using ACE and CAPE is overly burdensome for those businesses.

It is also important to note that the Federal Government no longer disburses paper checks. This was established in Executive Order 12247 as implemented by CBP the Interim Final Rule (IFR) *Electronic Refunds* (91 FR 21) in January

2026. CBP is currently holding refunds for filers who do not have an ACH account on file in ACE. CBP will continue to do the same for IEEPA Refunds. As noted in the IFR: “If an importer believes that one of the waiver criteria in [31 CFR part 208](#) applies and seeks payment of its refund via a U.S. Treasury check, the importer must notify CBP's Revenue Division in writing at [frn-achrefundsupport@cbp.dhs.gov](mailto:frn-achrefundsupport@cbp.dhs.gov).” CBP does not believe it is necessary at this time to create a procedure outside the one established in the IFR.

The term “Declaration filer” will be used going forward to cover both IORs who file their own IEEPA refund requests or their designated licensed customs broker.

### **Proposed Emergency Changes**

*The following modified information collection listed below is being submitted to OMB for consideration of approval on an emergency clearance, with the justification of an unanticipated event and reasons to believe following the normal PRA process is likely to prevent or disrupt the collection of information and cause public harm.*

To submit an IEEPA refund declaration, an IOR, or their broker, will submit a Comma-Separated Values (CSV) file with a list of entry summary numbers to the CAPE tool through the ACE Portal. Depending on the Declaration, this file may contain only a few lines of data or thousands of lines of data (there is a limit of 9,999 entries per Declaration). If the file submitted is rejected based on the screening and validation CBP will conduct prior to accepting a Declaration, the Declaration filer will need to adjust their CSV file and resubmit. CBP will issue technical guidance to filers to minimize the number of rejections/resubmissions.

Although the CIT has suspended its order “to the extent that it directs immediate compliance,” the order indicates that this suspension was based on the CBP declaration filed in that case on March 6, 2026, which declared that CBP anticipates that CAPE would be ready for use within 45 days of the date of that declaration. Accordingly, April 20, 2026 is the anticipated deployment date for CAPE, and any delay will pose risks for CBP in following CIT orders and for returning those duties deemed refundable with the end of IEEPA.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information collected by CBP is necessary to allow CBP to timely and efficiently refund the duties owed to importers as a result of the U.S. Supreme Court decision and the subsequent rulings of the CIT based on importers' requests.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The entire purpose of developing CAPE is to expeditiously manage a burdensome review and certification through the use of automation. All submissions from IORs or their brokers will be in the form of an electronic CSV file uploaded into the ACE Portal for further CAPE processing.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

CBP must collect the information to timely, efficiently, and accurately refund duties collected under IEEPA in compliance with the CIT order.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection should greatly minimize the burden to small businesses relative to the current process, who may upload their CSV file directly to the ACE Portal or use a licensed customs broker to file their refund declaration.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the information were not collected, CBP would not be able to timely comply with the orders of the Court of International Trade.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

Court orders as described above.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

This collection is being submitted as an emergency and does not require notice or comment prior to initial approval. CBP will solicit public comments during the next extension/revision as required by 5 CFR 1320.8(d).

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no offer of monetary or material value for this information collection.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

This information collected is covered by PIA:  
DHS/CBP/PIA-003 Automated Commercial Environment (ACE), dated July 31, 2015

And SORN:  
DHS/CBP-001 Import Information System (IIS), dated July 26, 2016 (Vol. 81, Page 48826).

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature associated with this collection.

- 12. Provide estimates of the hour burden of the collection of information.**

	TOTAL ANNUAL	NO. OF RESPONDENT	NO. OF RESPONSES	TOTAL	
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**provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The estimated annual cost to the Federal Government associated with the review of these Declarations is \$1,646,081. This is based on the number of responses, (495,000 entry summaries), with 10 percent of them requiring review (49,500 reviews), multiplied by the time burden to review and process each response (25 minutes) = 20,625 hours, multiplied by the average hourly loaded rate for other CBP Officers (\$79.81)<sup>3</sup> = \$1,646,081.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.**

This is a new information collection.

**16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information collection will not be published.

**17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate**

CBP will display the expiration date for OMB approval of this information collection.

**18. “Certification for Paperwork Reduction Act Submissions.”**

CBP does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods**

No statistical methods were employed.

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<sup>3</sup> CBP bases this wage on the FY 2025 salary and benefits of the national average of CBP Officer Positions. Source: Email correspondence with CBP's Office of Finance on June 15, 2025.