Olsson Frank Weeda
Terman Matz PC

2000 Pennsylvania Avenue NW
Suite 4003
Washington, DC 20006
www.ofwlaw.com

Phone: (202)789-1212 • Fax (202)234-3550

Jessica R. Rifkin
Principal
jrifkin@ofwlaw.com

Thomas J. O'Donnell
Of Counsel
todonnell@ofwlaw.com

Robert M. Kossick, Jr.
Principal
rkossick@ofwlaw.com

Denise Calle
Principal
dcalle@ofwlaw.com

April M. Bartosch – Supervisory Regulatory Specialist
abartosch@ofwlaw.com

MEMORANDUM

April 10, 2026

BY ELECTRONIC MAIL

FROM: Olsson Frank Weeda Terman Matz PC

RE: Updates to IEEPA Duty Refund Process: CBP confirms that Phase 1 of CAPE will launch on April 20

CBP published a webpage on April 10 regarding the launch of the first phase of CAPE and how importers and Customs brokers should prepare. We summarize key points below:

- CBP confirms that Phase 1 of CAPE will launch on **April 20**. Phase 1 is limited to unliquidated entries and entries within 80 days of liquidation.
- An Automated Commercial Environment ("ACE") account with ACH functionality enabled is required. CAPE declarations will be submitted in a new CAPE tab in ACE.
    - **Note for brokers**: Filers cannot use the Automated Broker Interface to file a CAPE declaration.
- Users permitted to submit CAPE declarations in the ACE portal are limited to Importers of Record and authorized Customs Brokers. No third party filers.
- CAPE submissions must use a Comma-Separated Values (.CSV) file. The file will be required to include only the list of entries for which refunds of IEEPA duties are being requested. Each individual submission is limited to 9,999 entries. Importers and brokers can file multiple declarations.
- Refunds are generally expected to be issued within 60-90 days following acceptance of the CAPE submission, *unless further compliance review is warranted.*

- Entries that are extended, suspended, or under review, as well as warehouse entries, may be included in a CAPE submission. These entries will maintain their liquidation status and receive validated refunds upon liquidation.
- Filed and accepted CAPE declarations cannot be amended. Additional entries after the fact will require additional submission.
- Accepted declarations will be validated and receive a CAPE claim number. Validation will encompass the following:
    - Confirmation that the submitter is the importer of record or their Customs broker.
    - The information is properly formatted.
    - The identified entry summary numbers exist in ACE.
    - At least one dutiable IEEPA HTS Chapter 99 code was declared on each entry summary.
    - No entry summary numbers are duplicated or previously submitted.
- Refund status can be monitored through ACE reports. The REV-603 Trade Refund Report covers successful refunds or a modified report can include the refund prompt.
- *CBP notes that members of the trade community are prohibited from initiating an IEEPA duty refund request by filing a Post Summary Correction.*

Preparation for CAPE Phase 1

To optimize your position to obtain a refund, submit a declaration in CAPE as soon as the option becomes available. Ensure the following is completed ***before*** April 20:

1. Set up an ACE account with an Importer subaccount if you have not already. Enable ACH functionality and link a bank account. CBP has stated that this is the only method through which refunds will be issued.
    - We recommend exercising caution with respect to who has access to ACE accounts, as account access means refund access and therefore a high target for fraudsters. Choose a strong password; access the site on a secure Internet connection; and limit access to essential personnel. Included ACE access in employee onboarding and termination.
2. Determine who will submit the CAPE declaration – the IOR or authorized broker.
3. Ensure CBP Form 5106 information is up to date (Importers of Records often change corporate information but fail to update their CBP Form 5106. The form now requires the email address of a designated point of contact, and discrepancies can arise when the name, address, or POC details are outdated. Most importantly, the email address listed on the 5106 must match the one used in ACE to ensure consistency and proper communication).
4. Compile a list of entries on which IEEPA duties were paid.
    - During Phase 1, submissions should include only unliquidated entries and entries liquidated in the preceding 80 days.

CBP has stated that subsequent phases of CAPE will focus on entries covered by an open protest; entries flagged for reconciliation; entries designated on a drawback claim; entries not filed in ACE or missing a liquidation status in ACE; entries subject to Antidumping/Countervailing Duties; and

entries for which liquidation is final. We will share information on the next phases of CAPE as it becomes available.

We encourage all importers of record who are owed an IEEPA-duty refund to submit a declaration via CAPE. However, A government appeal of the CIT's refund order is possible. For this reason, we advise the continued monitoring of entries to identify liquidation dates and protest deadlines and file as necessary. Unless and until a CAPE declaration is submitted as part of Phase 1, protests continue to serve as an additional safeguard for refund rights. This is especially important for entries that will not be encompassed in CAPE Phase 1.

Background

On April 7, 2026, the Court of International Trade ("CIT") granted a motion to dismiss filed by plaintiff Atmus Filtration, Inc. in its case challenging the legality of widespread tariffs implemented under the International Emergency Economic Powers Act ("IEEPA"). This case served as the lead among many such cases and was the context for CIT Senior Judge Richard Eaton's March directive to Customs and Border Protection ("CBP") to issue refunds to importers for IEEPA-based tariffs. CBP is in the process of building out a system designed to handle the volume of transactions that will result. The completion of this system, known as the Consolidated Administration and Processing of Entries ("CAPE") portal, must meet a deadline of April 20, 2026.

The dismissal of *Atmus Filtration, Inc. v. United States* has understandably raised uncertainty as to the development of CAPE, and particularly whether it will still be subject to the April 20 deadline. On April 7, Judge Eaton selected a new case, *Euro-Notions Florida, Inc. v. United States*, to serve as the lead to the IEEPA duty challenges. He reissued his directive for IEEPA duty refunds and maintained the internal deadline for CAPE's completion. As a result, CBP must continue to prepare to issue refunds on the same timeline established during *Atmus Filtration v. United States*. The primary impact of the dismissal and subsequent selection of a new lead case is a reset of the deadline for the current Administration to appeal – now June 8, 2026 (previously May 3).

***

We hope you find this update useful. OFW will continue to monitor updates regarding the IEEPA duty refund process. Please contact us if you have any questions or seek additional information. Please send ACE questions to Denise Calle (dcalle@ofwlaw.com). Please send litigation questions to Jessica Rifkin (jrifkin@ofwlaw.com).