

THE CARMICHAEL COMPASS

"WHEN THE TIDES OF TRADE SHIFT, WE'RE YOUR COMPASS."

Issue 26-023 * June 24, 2026

CAPE Processing of Flagged Entries for Reconciliation

Starting June 29, 2026, CBP will accept entries flagged for reconciliation (entry types 01, 02, 06) for IEEPA tariff refunds when filed with a CAPE declaration. As in CAPE Phase 1, only unliquidated entries and those within 80 days of liquidation will be eligible.

Entries Flagged for Reconciliation Without a Reconciliation Entry on File

After entries flagged for reconciliation are accepted through a CAPE declaration, a customs broker can file the reconciliation entry. The CAPE process removes the IEEPA tariffs from the entries before the reconciliation entry is filed. When the reconciliation entry is filed, CBP will consider all underlying entries to have CAPE declarations as filed and accepted. Once the reconciliation entry is filed, the underlying entries will not be eligible for filing on a CAPE declaration.

Entries Flagged for Reconciliation with a Reconciliation Entry Already on File

Entries flagged for reconciliation that already have a reconciliation entry on file are not part of the June 29, 2026, CAPE deployment. If the deadline to file a flagged reconciliation entry is approaching (for example, less than 30 days left), the Importer should prioritize filing the reconciliation entry over a CAPE declaration. These entries will be included in a future phase of CAPE development.

If you would like Carmichael's assistance with filing for your IEEPA tariff refunds or processing your entries flagged for reconciliation, please contact your local Carmichael representative.

For further information, see [CSMS # 69035485](#).

CPSC eFiling Less than One Month Away

Carmichael International Service would like to remind our clients that mandatory eFiling of the CPSC data is quickly approaching. Effective **July 8, 2026**, all products that fall under the CPSC product certification data requirement (in place since 2008), must be filed via eFiling. Data can be submitted in one of three ways:

- **Reference PGA Message Set** – Importer registers products in the CPSC Product Registry and Certificate Identifiers provided to Carmichael.

- **Disclaim Message Set** – Items that are within CPSC jurisdiction, but no certificate is required.
- **Full PGA Message Set** – Products that require CPSC product certification and all data elements are provided to the broker for submission through ACE.

Please understand that as of July 8, 2026, if an imported product is subject to CPSC and the required message set is not provided at the time of entry to Customs via ACE, the shipment will not be eligible for release. This information must be provided.

To avoid any delays or unnecessarily held shipments, we are asking all our clients to review their items and verify if any of your items fall against the CPSC mandatory list and ensure the proper message set is sent to avoid clearance delays. Importer resources for CPSC eFiling can be found [here](#).

If you have questions, please contact your account manager. We are happy to assist you.

National Marine Fisheries Service Restricts Imports from Philippines

Two blue swimming crab fisheries from the Philippines were restricted beginning June 11, 2026 due to the National Marine Fisheries Service (NOAA Fisheries) denying comparability findings.

For a list of the HTS codes flagged from the Philippines that require Certificates of Admissibility (COA) upon entry, please visit the resources found on the [NOAA website](#). More information on the comparability finding reports can be found [here](#).

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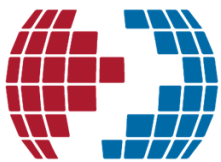
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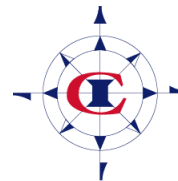
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Supreme Court Will Not Hear China 301 Duty Case Appeals

Last week the U.S. Supreme Court Supreme Court declined to review an appeal of the Court of Appeals for the Federal Circuit's (CAFC) decision to confirm the China 301 duties for List 3 and List 4a are legal. This should be the end of these cases that started in 2020. There were many companies that filed suit on this issue. If your company was one of the thousands that filed on this case, you should check with your Customs Attorney to see if any options have been presented.



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Appeals Court Sides with Administration, Section 122 Tariff Collection Continues

On June 11 the U.S. Court of Appeals for the Federal Circuit sided with the government allowing the continued collection of Section 122 tariffs while the legal challenge brought by a group of U.S. States and small businesses continues. It was the opinion of the court that the administration had demonstrated proof of irreparable harm if the injunction was left in place and that if the tariffs are found unlawful in the end that refunds with interest would mitigate any harm to the importers from the initial payments or any refund delays. This stay of the CIT's decision will remain in place pending the government's appeal. The appeal is based on the balance of payments language in the statute. As the appeal continues through the courts, we will monitor the situation and keep you informed.

The Section 122 duties are due to expire on July 4 unless Congress passes an extension.

CBP CAPE Plans Progress Despite Appeal

Customs and Border Protection (CBP) has informed the U.S. Court of International Trade (CIT), that the expansion of CAPE to include functionality for entries that are flagged for reconciliation will be available on June 29.

Once this recon functionality is deployed, CBP will be expanding CAPE to cover additional categories of finally liquidated entries, though the government continues to argue that it cannot issue refunds for these entries unless the importer has filed suit. Phase three is expected to be ready by the end of July. It should be noted, however, that while CAPE continues to progress it is unknown if refunds for additional phases will be available due to the ongoing appeal process.

But there is some good news for importers. Despite the legal challenges and the ongoing appeal, refund payments for entries submitted in phase one continue. As of June 5, about \$23.7 billion in refunds and interest have been sent to the Treasury Department for disbursement. As this situation continues to develop, we will keep you informed.

CBP Releases New Forced Labor Enforcement Operational Guidance for Importers

U.S. Customs and Border Protection (CBP) is continuing its focus on forced labor. This coincides with the U.S Trade Representative's Section 301 investigation of 60 countries' participation in forced labor enforcement. Importers can expect additional challenges to their imports from countries other than China if these sanctions go through.

Last week CBP announced the publication of its [Forced Labor Enforcement Guidance for Importers](#). This 78-page publication includes education on Withhold Release Orders (WRO's) including why they are issued and how to respond to them along with a lot of information about forced labor. This publication comes in conjunction with the opening of the [Forced Labor Portal](#) on CBP's website.

If you have any questions regarding Forced Labor, you can contact ForcedLabor@cbp.dhs.gov.



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