

United States Senate

WASHINGTON, DC 20510

September 21, 2026

The Honorable Jamieson Greer
United States Trade Representative
Executive Office of the President
600 17th Street NW
Washington, DC 20508

Dear Ambassador Greer:

On July 22, 2026, at a Senate Finance Committee hearing, Senator Warren asked you whether the Administration had a plan to ensure that tariff refunds reach the American families who paid higher prices as a result of President Trump's International Emergency Economic Powers Act (IEEPA) tariffs.¹ The Supreme Court struck down those tariffs in February 2026,² after the Administration had illegally collected \$166 billion—the majority of which was passed on to American consumers.³ She also asked you whether the Administration had a plan to make consumers whole if President Trump's questionable new replacement tariffs, imposed in July 2026, are likewise struck down.⁴ You identified no such plans, instead pointing to U.S. Customs' existing process for returning tariffs to "foreign importers of record or domestic importers who paid them."⁵

That response sharpened our concerns that the Administration is prepared to let corporate behemoths pocket the full benefit of tariff refunds, even though American families bear a majority of the costs of these chaotic tariffs through higher prices.⁶

Given these concerns, we write to seek information about what steps, if any, the Administration will take to make consumers whole for the illegal IEEPA tariffs—and, if President Trump's replacement tariffs are also struck down, for those tariffs as well. Without such a plan, President Trump's reckless trade policy risks becoming nothing but a multi-billion-dollar scheme to transfer wealth from consumers to giant corporations.

¹ C-SPAN, "Sen. Warren Presses U.S. Trade Ambassador on Possible Tariff Refunds," July 22, 2026, <https://www.c-span.org/clip/senate-committee/sen-warren-presses-us-trade-ambassador-on-possible-tariff-refunds/5203333>.

² New York Times, "Justices Strike Down Trump's Tariffs," Ann E. Marimow, February 20, 2026, <https://www.nytimes.com/2025/02/20/us/politics/supreme-court-trump-tariffs.html>.

³ Reuters, "US collected \$166 billion under IEEPA duties, customs agency says," March 6, 2026, <https://www.reuters.com/world/us-collected-166-billion-under-ieepa-duties-customs-agency-says-2026-03-06/>; Congressional Budget Office, "The Budget and Economic Outlook: 2026 to 2036," February 2026, p. 30, <https://www.cbo.gov/system/files/2026-02/61882-Outlook-2026.pdf>.

⁴ C-SPAN, "Sen. Warren Presses U.S. Trade Ambassador on Possible Tariff Refunds," July 22, 2026, 01:40, <https://www.c-span.org/clip/senate-committee/sen-warren-presses-us-trade-ambassador-on-possible-tariff-refunds/5203333>.

⁵ *Id.* 02:40.

⁶ Congressional Budget Office, "The Budget and Economic Outlook: 2026 to 2036," February 2026, p. 30, <https://www.cbo.gov/system/files/2026-02/61882-Outlook-2026.pdf>.

The Administration Has No Plan to Provide Consumers Refunds for Trump's Initial Illegal Round of Tariffs

President Trump's tariff fiasco began in 2025, when he invoked IEEPA to impose tariffs on U.S. trading partners across the globe.⁷ For the following ten months, he indiscriminately imposed, withdrew, and re-imposed tariffs on goods from countries across the world,⁸ pushing up prices on everything from school supplies to roofing material.⁹ American consumers will end up paying for 95 percent of Trump's tariffs in the long term,¹⁰ with the tariffs potentially costing families an average of \$2,500 in added expenses.¹¹

Following the Supreme Court's February 2026 decision striking down the IEEPA tariffs, the Administration set up a process to provide refunds to companies that paid the tariffs.¹² That process has paid out about \$122 billion in tariff refunds thus far,¹³ including to some of the world's biggest and most profitable corporations.¹⁴ And even as the corporate refund process unfolds, the Trump Administration has continually tried to avoid having to actually pay out the refunds.¹⁵ CBP went to court to fight the order forcing them to issue refunds, and after losing that fight, they have now delayed the final phase of refund payments indefinitely.¹⁶

But American consumers—who paid the majority of the cost of the IEEPA tariffs—have received no refund or any kind of restitution; only a few of the corporations that have received tariff refunds have

⁷ Tax Foundation, "Liberation Day Was One Year Ago: Did the President's Tariff Promises Happen?," Erica York and Emily Kraschel, March 30, 2026, <https://taxfoundation.org/blog/liberation-day-trump-tariffs/>.

⁸ *Id.*; Reuters, "Countries and industries most exposed to Trump's IEEPA-based tariffs," January 8, 2026, <https://www.reuters.com/business/autos-transportation/countries-industries-most-exposed-trumps-ieepa-based-tariffs-2026-01-08/>.

⁹ Fox News, "Trump breaks 'Day One' promise to lower costs as prices surge across America in first six months," Terry Holt and Andrew Bates, August 6, 2025, <https://www.foxnews.com/opinion/trump-breaks-day-one-promise-lower-costs-prices-surge-across-america-first-six-months>; Center for American Progress, "Trump's Tariff Policies Are Putting a Strain on Back-to-School Budgets," Kennedy Andara and Mimla Wardak, August 19, 2025, <https://www.americanprogress.org/article/trumps-tariff-policies-are-putting-a-strain-on-back-to-school-budgets/>; Roofing Supply Pro, "High Court Tariff Ruling Hits Roofing Supply Chain," Tanja Kern, February 20, 2026, <https://www.roofingcontractor.com/articles/101920-high-court-tariff-ruling-hits-roofing-supply-chain>.

¹⁰ Congressional Budget Office, "The Budget and Economic Outlook: 2026 to 2036," February 2026, p. 30, <https://www.cbo.gov/system/files/2026-02/61882-Outlook-2026.pdf>.

¹¹ Joint Economic Committee Democrats, "UPDATE: Families to Pay \$2,500+ in Tariff Costs This Year," press release, March 13, 2026, <https://www.jec.senate.gov/public/index.cfm/democrats/2026/3/update-families-to-pay-2-500-in-tariff-costs-this-year>.

¹² CBS News, "Trump administration launches tariff refund portal. Here's what to know.," Megan Cerullo, April 20, 2026, <https://www.cbsnews.com/news/how-to-file-for-tariff-refund/>.

¹³ U.S. Court of International Trade, *Freestyle World, Inc. v. U.S. Customs and Border Protection*, "Declaration of Brandon Lord responding to August 27, 2026 court order," September 15, 2026, <https://storage.courtlistener.com/recap/gov.uscourts.cit.19175/gov.uscourts.cit.19175.50.0.pdf>.

¹⁴ Forbes, "Americans' Top Retailers Are Getting Billions In Tariff Refunds—Including Walmart, Target—But Many Consumers Still Aren't," Alison Durkee, August 21, 2026, <https://www.forbes.com/sites/alisondurkee/2026/08/21/americans-top-retailers-are-getting-billions-in-tariff-refunds-including-walmart-target-but-many-consumers-still-arent/>.

¹⁵ Politico, "CBP delays final phase of tariff refund portal," Ari Hawkins, August 20, 2026, <https://subscriber.politicopro.com/article/2026/08/cbp-delays-final-phase-of-tariff-refund-portal-01044165>.

¹⁶ *Id.*

indicated that they have any coherent plan to provide consumer refunds.¹⁷ And the Administration has repeatedly sidestepped questions about how American consumers will get their money back. Treasury Secretary Scott Bessent said that he had “a feeling the American people won’t see” the tariff refund money.¹⁸ You responded to questions about tariff refunds by saying that the courts “created the situation” and you would await their guidance.¹⁹ Senator Warren has written directly to some of the companies receiving giant refunds, and have yet to receive any response indicating a specific plan to provide refunds to consumers.²⁰ The net result of this chaos and incompetence has been a broken IEEPA refund system in which corporations recover billions of dollars while the consumers who paid thousands of dollars in higher prices receive nothing.

Trump’s Latest Rounds of Tariffs Risks Imposing Further Costs on Consumers—With No Refund Plan from the Administration

The Administration is now at risk of repeating that failure with its replacement tariffs. On the same day the Supreme Court struck down his IEEPA tariffs, President Trump imposed a blanket 10 percent tariff on nearly all imports under Section 122 of the Trade Act of 1974.²¹ In May, the Court of International Trade ruled that those tariffs were illegal,²² and the case currently sits pending before an appeals court.²³ On July 20, 2026, President Trump invoked Section 338 of the Tariff Act of 1930—or the *Smoot-Hawley Tariff Act*, most commonly known for its role in exacerbating the Great Depression²⁴—to impose 50 percent tariffs on a broad range of Canadian imports.²⁵ Experts have called the President’s rationale for the tariffs “spurious,”²⁶ “untested,”²⁷ and “misapplied.”²⁸ Just days later, on July 24, 2026, President Trump imposed yet another set of broad new tariffs, this time claiming authority under Section

¹⁷ *Id.*; USA Today, “Companies are seeking billions in tariff refunds. Will you see a dime?,” Ignacio Calderon, Suhail Bhat, and John Heasley, June 10, 2026, <https://www.usatoday.com/story/money/2026/06/10/companies-tariff-refunds-consumers/90392916007/>; Associated Press, “A surprise credit after an overseas purchase: The tariff refunds now flowing through shippers,” Mae Anderson, August 14, 2026, <https://apnews.com/article/tariff-refund-shipping-retail-d4162f466eb83aa97e430a86221ad226>.

¹⁸ Fortune, “Scott Bessent has ‘got a feeling’ that \$175 billion raised under the IEEPA is lost to the American people for good,” Eleanor Pringle, February 23, 2026, <https://fortune.com/2026/02/23/scott-bessent-tariff-supreme-court-ruling-refunds/>.

¹⁹ *Id.*

²⁰ Letters from Senator Elizabeth Warren to Target, Apple, Amazon, Nike, Motorola, Walmart, and Energizer, August 6, 2026, <https://www.warren.senate.gov/newsroom/press-releases/warren-pushes-giant-corporations-to-give-billions-in-tariff-refunds-back-to-consumers/>.

²¹ New York Times, “After Stunning Setback, Trump Finds Other Ways to Impose Tariffs,” Tony Romm and Tyler Pager, February 20, 2026, <https://www.nytimes.com/2026/02/20/us/politics/trump-tariffs-plans.html>.

²² New York Times, “Trade Court Rules Trump’s 10% Global Tariff Is Illegal,” Tony Romm and Ana Swanson, May 7, 2026, <https://www.nytimes.com/2026/05/07/business/economy/trump-global-tariff-ruled-illegal.html>.

²³ Reuters, “US appeals court extends block on ruling against Trump’s 10% global tariff,” Dietrich Knauth, June 11, 2026, <https://www.reuters.com/world/us-appeals-court-extends-block-ruling-against-trumps-10-global-tariff-2026-06-11/>.

²⁴ ABC News, “What to know about the Smoot-Hawley tariffs and what their legacy means for Donald Trump,” Max Zahn, April 3, 2025, <https://abcnews.com/Business/smoot-hawley-tariffs-trump/story?id=116381286>.

²⁵ New York Times, “Trump to Impose 50% Tariff on Many Canadian Goods,” July 20, 2026, <https://www.nytimes.com/2026/07/20/business/economy/trump-tariffs-canada.html>.

²⁶ The Guardian, “Trump is determined to pursue his trade war – and he may be difficult to stop,” Eduardo Porter, August 2, 2026, <https://www.theguardian.com/us-news/2026/aug/02/trump-tariffs-weapon>.

²⁷ Law.com, “‘Untested, Unused, a Blank Slate’: What to Know About the Section 338 Tariffs,” Alyssa Aquino, July 23, 2026, <http://law.com/nationallawjournal/2026/07/23/untested-unused-a-blank-slate-what-to-know-about-the-section-338-tariffs/>.

301 of the Trade Act of 1974.²⁹ These tariffs have already drawn legal challenges from multiple groups of small businesses.³⁰ And on August 23, the President announced a new set of tariffs on billions of dollars of imports³¹ from Canada, employing once again the Section 338 tariff authority that legal experts have called “untested” and “vague.”³²

Like the illegal IEEPA tariffs before them, the costs of these new but similarly chaotic tariffs will be borne by American consumers and small businesses.³³ Despite the legal doubt surrounding the fate of these new tariffs, the Administration has refused to provide a plan as to how it would get refunds back to the American people in the event they are struck down. This means that consumers could once again be left with nothing as giant corporations pocket tariff refunds.

Conclusion and Questions

The Administration has had ample warning that a refund process limited to “foreign importers of record or domestic importers who paid them”³⁴ does not make consumers whole. To determine whether the Administration intends to remedy that failure for the IEEPA tariff refunds and prevent it from recurring with its new replacement tariffs, we request that you respond to the following questions by October 5, 2026:

1. With respect to the IEEPA tariffs struck down by the Supreme Court in February 2026:
 - a. Has the Administration estimated the total additional amount paid by American consumers due to higher prices that resulted from the IEEPA tariffs? If so, please provide the estimate and the methodology used to calculate it.
 - b. What specific actions has the Administration taken to ensure that IEEPA refunds provided to giant corporations are being passed on to consumers?
 - i. Has the Administration monitored whether companies receiving IEEPA refunds have passed those funds on to their customers? If so, please describe the results of that monitoring.

²⁸ Reason, “Prospective Legal Challenges to Trump’s Section 338 Tariffs Against Canada,” Peter E. Harrell and Jennifer Hillman, August 3, 2026, <https://reason.com/volokh/2026/08/03/prospective-legal-challenges-to-trumps-section-338-tariffs-against-canada/>.

²⁹ New York Times, “New U.S. Tariffs Aimed at Over 80 Countries Go Into Effect,” Ana Swanson, July 23, 2026, <https://www.nytimes.com/2026/07/23/business/economy/trump-tariffs.html>.

³⁰ Axios, “Small businesses launch new Trump tariff challenge,” Courtenay Brown, July 27, 2026, <https://www.axios.com/2026/07/27/trump-tariff-court-small-business>.

³¹ CNBC, “As U.S.-Canada trade talks collapse, Carney says retaliatory tariffs will start Sept. 8,” Ian Thomas, August 22, 2026, <https://www.cnbc.com/2026/08/22/us-canada-trade-talks-collapse-ushering-in-wave-of-new-tariffs.html>.

³² New York Times, “Trump’s New Tariffs on Canada Raise Familiar Legal Risks,” Tony Romm, August 25, 2026, <https://www.nytimes.com/2026/08/25/business/trump-canada-tariffs.html>.

³³ Congressional Budget Office, “The Budget and Economic Outlook: 2026 to 2036,” February 2026, p. 30, <https://www.cbo.gov/system/files/2026-02/61882-Outlook-2026.pdf>; Peterson Institute for International Economics, “Trump’s new 50 percent tariffs on Canada, and others in train, will likely raise US consumer prices,” Gary Clyde Hufbauer, July 21, 2026, <https://www.piie.com/blogs/realtime-economics/2026/trumps-new-50-percent-tariffs-canada-and-others-train-will-likely>.

³⁴ C-SPAN, “Sen. Warren Presses U.S. Trade Ambassador on Possible Tariff Refunds,” July 22, 2026, 02:40, <https://www.c-span.org/clip/senate-committee/sen-warren-presses-us-trade-ambassador-on-possible-tariff-refunds/5203333>.

- ii. Has the Administration asked, encouraged, or required any companies that have received IEEPA tariff refunds to pass the benefit of their refunds on to their customers?
 - iii. Has the Administration considered any form of direct IEEPA refunds to consumers, including but not limited to a consumer restitution fund, tax relief, or direct payments?
 - iv. If the Administration has taken no such actions, why not?
2. With respect to each of the three new replacement tariffs imposed by President Trump following the Supreme Court's IEEPA ruling: (1) the 10 percent tariff imposed under Section 122 of the Trade Act of 1974, (2) the 50 percent tariff on Canadian imports imposed under Section 338 of the Tariff Act of 1930, and (3) the tariffs imposed under Section 301 of the Trade Act of 1974, please respond to the following questions. Please respond separately for each new tariff:
- a. Please provide all legal analyses prepared, reviewed, or relied on by the Administration prior to imposing each new tariff, including but not limited to any analysis of:
 - i. The statutory limits of the relevant tariff authority
 - ii. The factual findings and procedural steps required to invoke that authority
 - iii. The risk that a court would find the tariff action unlawful
 - iv. The potential consequences of a court finding the tariff action unlawful, including any resulting refund obligations
 - b. How much revenue has the Administration collected to date under each new tariff?
 - c. Has the Administration estimated the total amount American consumers have paid or are expected to pay through higher prices as a result of each new tariff? If so, please provide the estimate and the methodology used to calculate it.
 - d. Please describe the nature of any contingency plan the Administration has for issuing refunds to consumers if the new tariffs are ultimately held unlawful.

Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Martin Heinrich
United States Senator



Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



Cory A. Booker
United States Senator