United States Senate
WASHINGTON, DC 20510

November 11, 2026

Andrew N. Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Ferguson:

We write to urge you to open an investigation to determine whether giant corporations that have received massive tariff refunds from the United States government have engaged in unfair or deceptive practices or unfair methods of competition,[1] or have otherwise violated federal competition or consumer protection laws, by refusing to provide tariff refunds to their customers.

In April 2025, President Trump imposed sweeping, across-the-board tariffs on U.S. trading partners under the authority of the International Emergency Economic Powers Act (IEEPA).[2] These tariffs were passed on to consumers by giant retailers that increased prices, with many companies sharing messages with their customers explaining the need to raise prices in light of the new tariffs.[3] Corporate executives admitted that they were passing on tariff costs to consumers — a Walmart executive acknowledged that "the magnitude of these increases is more than any retailer can absorb."[4] American consumers will end up paying for 95 percent of Trump's tariffs,[5] with the tariffs costing families an average of $2,500 in added expenses.[6] But in February of this year, the Supreme Court declared that these tariffs from President Trump were illegal, and the government began the process of providing refunds — not to consumers, but to

[1] 15 USC 45

[2] 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/.

[3] CNBC, "Here are the retailers raising prices as Trump tariffs take hold," Ali McCadden, May 31, 2025, https://www.cnbc.com/2025/05/31/trump-tariffs-here-are-the-retailers-raising-prices.html; The Guardian, "Majority of US companies say they have to raise prices due to Trump tariffs," Lauren Aratani, May 20, 2025, https://www.theguardian.com/us-news/2025/may/20/trump-tariffs-prices-allianz-report.

[4] Business Insider, "Abercrombie & Fitch, Walmart, Nike, and other major brands that say Trump's tariffs are pushing them to raise prices," Ayelet Sheffery, Catherine Boudreau, Sarah Jackson et. al.,, November 25, 2025, https://www.businessinsider.com/companies-raising-prices-increases-trump-tariffs-2025.

[5] 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.

[6] 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.

corporations and importers.[7] In fact, the Administration's refund program — set up through the Homeland Security Department's Customs and Border Protection agency (CBP)—has paid out more than $100 billion in tariff refunds thus far,[8] including to some of the world's biggest and most profitable corporations.[9]

But the American consumer—who paid almost the full cost of the IEEPA tariffs—have received no direct refunds or restitution. The Trump Administration has repeatedly sidestepped Congressional inquiries about how American consumers will get their money back.[10] The Administration has also failed to even provide any guidance to corporations regarding passing along tariff refunds to their consumers, allowing firms to simply pocket these large sums. Indeed, almost none of the corporations that have received tariff refunds have indicated that they have any coherent plan to return these refunds quickly and directly to consumers.[11] Indeed, others have explicitly referred to these refunds as a boon to their bottom line–the CEO of multi-billion dollar furniture company Wayfair called the tariff refunds "sort of a one-time working capital benefit companies will get."[12] The CEO of Lowe's told the press that the company didn't plan to invest tariff refunds in lower consumer prices, instead preferring to boost shareholder earnings.[13] Apparel company Levi Strauss said they would use most of their multi-million dollar tariff refund on holiday season marketing.[14] Eyewear company Warby Parker described the company's forays into artificial intelligence as "fully funded by the tariff benefits."[15]

Senator Warren wrote to six large, profitable corporations who had received multi-million dollar (or even billion-dollar) refunds and who had also increased their consumer prices after the

---

[7] 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; CBS News, "How consumers can get a refund for Trump tariffs struck down by Supreme Court," Megan Cerullo, August 14, 2026, https://www.cbsnews.com/news/how-to-get-a-tariff-refund-ieepa/.

[8] 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

[9] 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/.

[10] 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; Response from CBP Commissioner Rodney Scott to Senator Warren, on file with the office of Senator Warren.

[11] *Id.*; USA Today, "Companies are seeking billions in tariff refunds. Will you see a dime?," Ignacio Calderon, Suhail Bhat, and John Heasly, 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.

[12] Business of Home, "What should home brands do with their tariff refunds?," Aidan Taylor, September 10, 2026, https://businessofhome.com/articles/what-s-everyone-doing-with-their-tariff-refund.

[13] CNBC, "The 'choose your own adventure' earnings: Why retailers are handling tariff refunds so differently," Laya Neelakandan, August 30, 2026, https://www.cnbc.com/2026/08/30/trump-tariff-refunds-walmart-home-depot-target.html.

[14] The Wall Street Journal, "Brands Say They're Pouring Tariff Refunds Into Marketing," Patrick Coffee, October 9, 2026, https://www.wsj.com/cmo-today/brands-say-theyre-pouring-tariff-refunds-into-marketing-fc7b8c32.

[15] *Id*.

imposition of tariffs.[16] Not a single one of these corporations provided any assurance that they will actually pass along refunds directly to their consumers.[17] Some companies provided evidence of their investment in their company's U.S.-based development, and some provided vague assurances of lower prices in the future, but none indicated any plans to provide direct restitution to consumers who paid inflated prices due to IEEPA tariffs.

Walmart said they are "already putting [tariff refunds] to work for customers," by "investing tariff refunds back into price leadership."[18] They did not quantify their pricing efforts or share figures indicating how much of their refund has been dedicated to lowering prices. Nike did not substantively respond to questions about how their tariff refund would be deployed.[19] Apple pointed to their ambitious investment plans in the U.S. and indicated that tariff refund cash would be invested in those ventures, though they didn't provide specific projects or numbers.[20] Target pointed to a lack of price increases and upcoming holiday promotional prices rather than any plan to refund consumers, as well as planned investments in the U.S.[21] Energizer admitted that "Beyond our disclosed expectation that the remaining refund balance will contribute to cash generation needed for the operation of and investment in our business, we have not identified any specific allocation" for tariff refunds.[22]

These answers - or the silences in lieu of answers - are alarming. They indicate what appears to be a massive theft from the middle class, facilitated by the Trump Administration and giant corporations that raised prices for middle class consumers in response to Trump tariffs and now are now pocketing their refunds.

The Federal Trade Commission (FTC) has "a broad mandate to protect consumers from fraud and deception in the marketplace."[23] The Federal Trade Commission Act (FTC Act) outlaws "[u]nfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce," and the FTC is responsible for enforcing this statute on behalf of Americans.[24] The FTC has found that conduct that is "exploitative,… abusive, deceptive, [or] predatory" may be investigated as an unfair method of competition.[25] By increasing consumer prices, ostensibly due to tariff costs, and then refusing to provide refunds to consumers when they are later reimbursed for those tariff costs, corporations may be in violation of the FTC Act. This practice allows companies to increase prices, using tariffs as an excuse,

---

[16] Office of Senator Elizabeth Warren, "Warren Pushes Giant Corporations to Give Billions in Tariff Refunds Back to Consumers," press release, August 7, 2026, https://www.warren.senate.gov/newsroom/press-releases/warren-pushes-giant-corporations-to-give-billions-in-tariff-refunds-back-to-consumers/.

[17] Responses from companies, on file with the Office of Senator Elizabeth Warren.

[18] Response from Walmart to Senator Warren, on file with the Office of Senator Elizabeth Warren.

[19] Response from Nike to Senator Warren, on file with the Office of Senator Elizabeth Warren.

[20] Response from Apple to Senator Warren, on file with the Office of Senator Elizabeth Warren.

[21] Response from Target to Senator Warren, on file with the Office of Senator Elizabeth Warren.

[22] Response from Energizer to Senator Warren, on file with the Office of Senator Elizabeth Warren.

[23] U.S. Federal Trade Commission, "Protecting Consumers," https://www.ftc.gov/news-events/topics/truth-advertising/protecting-consumers.

[24] 15 U.S.C. §§ 41-58, as amended.

[25] U.S. Federal Trade Commission, "Policy Statement Regarding the Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act," November 10, 2022, p. 9, https://www.ftc.gov/system/files/ftc_gov/pdf/P221202Section5PolicyStatement.pdf.

with no accountability to consumers when those tariffs are struck down and refunded, and nothing consumers can do to right this wrong. Keeping the windfall from the tariff refunds could also give companies an unfair advantage over their competitors.

It is important that the FTC establish a precedent here that will prevent giant corporations from trying to rip off consumers on tariff-related matters. 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.[26] In May, the Court of International Trade ruled that those tariffs were illegal,[27] and the case currently sits pending before an appeals court.[28] 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 Depression—to impose 50 percent tariffs on a broad range of Canadian imports.[29] Experts have called the President's rationale for the tariffs "spurious,"[30] "untested,"[31] and "misapplied."[32] Just days later, on July 24, 2026, President Trump imposed yet another set of broad new tariffs, this time claiming authority under Section 301 of the Trade Act of 1974.[33] These tariffs have already drawn legal challenges from multiple groups of small businesses.[34] And on August 23, the President announced a new set of tariffs on billions of dollars of imports from Canada, employing once again the Section 338 tariff authority that legal experts have called "untested" and "vague."[35]

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.[36] Despite the legal doubt

---

[26] 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.

[27] 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.

[28] 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/.

[29] New York Times, "Trump to Impose 50% Tariff on Many Canadian Goods," July 20, 2026, Ana Swanson and Ian Austen, https://www.nytimes.com/2026/07/20/business/economy/trump-tariffs-canada.html.

[30] 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.

[31] 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/.

[32] Reason, The Volokh Conspiracy, "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/.

[33] 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.

[34] 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.

[35] 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.

[36] 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-

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.

Given the magnitude of the costs of President Trump's tariff chaos to consumers, we urge you to take action. The FTC should investigate whether companies that increased their prices due to IEEPA tariffs and then received tariff refunds which were not refunded to consumers violated federal law, including engaging in an unfair method of competition or an unfair or deceptive practice. The agency should act quickly to hold accountable any corporation that is ripping off consumers.

Thank you for your attention to this important matter.

Sincerely,

Elizabeth Warren
United States Senator

Richard Blumenthal
United States Senator

Sheldon Whitehouse
United States Senator

Elissa Slotkin
United States Senator

Tammy Baldwin
United States Senator

Cory A. Booker
United States Senator

Edward J. Markey
United States Senator

Mark Kelly
United States Senator

canada-and-others-train-will-likely.