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CBP States CAPE Phase 3 Will Deploy on October 6, 2026

On September 15, 2026, U.S. Customs and Border Protection ("CBP") Executive Director of Trade Programs Brandon Lord [filed](#) a declaration in *Freestyle World, Inc. v. United States*, Court No. 26-01088, stating that CBP will deploy Phase 3 of the Consolidated Administration and Processing of Entries ("CAPE") program in the Automated Commercial Environment ("ACE") on **October 6, 2026**. CAPE Phase 3 covers *finally liquidated* entries filed by plaintiffs for which the U.S. Court of International Trade ("CIT") has ordered reliquidation.

We note, however, the October 6 deployment date does not apply to all CIT plaintiffs at this time. CBP states that plaintiffs who submitted a valid importer of record ("IOR") number to CBP by July 30, 2026, "will be able to file CAPE declarations for Phase 3 as of October 6, 2026." For plaintiffs who provided an IOR number after July 30, CBP states that it "will provide additional instructions regarding CAPE Phase 3." Accordingly, those plaintiffs must wait for further instructions from CBP before submitting a Phase 3 declaration.

The CIT heard oral argument on the pending motion for class certification in *Freestyle* on August 19, 2026. As of this writing, the Court has not issued a ruling on class certification. We will continue to monitor the case and CBP guidance re: CAPE Phase 3. Stay tuned.

FMC Final Rule Clarifies Procedures for Filing Charge Complaints on Carrier Fees

On September 1, 2026, the Federal Maritime Commission ("FMC") issued a [final rule](#), *Charge Complaint Procedures*, clarifying that Charge Complaints under 46 U.S.C. § 41310 are not limited to the FMC's Interim Procedure. A Charge Complaint may be filed through the Interim Procedure, as a private party formal complaint under 46 C.F.R. § 502.62, or as a small claims complaint under 46 C.F.R. § 502.304.

The FMC states that a claim meeting the requirements of 46 U.S.C. § 41310(a) "must be resolved under the terms of 46 U.S.C. 41310" regardless of the procedure used.



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Accordingly, the burden-shifting requirement continues to apply to demurrage or detention charges, with the common carrier bearing the burden of establishing the reasonableness of the charge. A Charge Complaint filed under the traditional complaint process must concern charges assessed by a common carrier, include the applicable bills of lading numbers and invoices, and allege a violation of 46 U.S.C. § 41104(a), § 41102, or both.

Please note that the FMC also clarified that “[t]here is no statute of limitations for a Charge Complaint,” although the disputed charge or fee must have been assessed on or after June 16, 2022, when the Ocean Shipping Reform Act of 2022 became effective. The Interim Procedure and traditional complaint process may not run simultaneously, and a filer may not file a duplicate claim that has already been decided on the merits.

U.S. Modifies Section 338 Duties and Imposes Import Bans on Certain Canadian Goods Beginning September 29

On September 8, 2026, the President issued Proclamations [11064](#) and [11065](#) modifying the list of Canadian products subject to the additional ad valorem duties under Section 338. Effective September 15, 2026, the modified list includes 122 additional HTSUS classifications subject to HTSUS 9903.03.12 or 9903.03.14. Certain HTSUS classifications were also removed and are no longer subject to Section 338 duties.

On September 11, 2026, CBP issued [CSMS #69851916](#), *Modifying Section 338 Additional Duties on Certain Goods of Canada*, providing guidance on modifications to the Section 338 duties imposed on certain products of Canada. The 50% additional ad valorem duties under HTSUS 9903.03.12, 9903.03.13, and 9903.03.14 became effective on August 22, 2026, after the three-day suspension under Proclamation 11056 lapsed.

CBP confirmed that the additional duties imposed under HTSUS 9903.03.12 through 9903.03.14 “are eligible for drawback.” The additional duties generally do not apply where entry is properly claimed under an applicable Chapter 98 HTSUS classification, subject to the exceptions and valuation rules.



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Goods subject to the additional duties that are admitted into a U.S. foreign trade zone generally may only be admitted in "privileged foreign status," unless eligible for admission in domestic status.

Finally, on September 8, 2026, the President issued a series of proclamations imposing import bans on certain Canadian [dairy](#), [alcoholic beverage](#), and [motor vehicle](#) products. Under each proclamation, covered products "are excluded from importation into the United States" effective for goods imported on or after 12:01 a.m. Eastern Time on September 29, 2026. Products subject to the import bans that were imported before September 29, but not yet entered for consumption or withdrawn from warehouse for consumption, will remain subject to the applicable 50% duty rate.

Accordingly, importers and customs brokers should review the applicable HTSUS classifications and the September 8 proclamations before importing affected Canadian products. We will continue to monitor CBP guidance with respect to the implementation of the September 29 import bans. Stay tuned.

CBP Issues Guidance for 232 Duties on Unmanned Aircraft Systems and Components

On September 2, 2026, CBP issued [CSMS #69738151](#), *Section 232 Duties on Imports of Unmanned Aircraft Systems and Unmanned Aircraft Systems Components*, providing guidance on the implementation of Presidential Proclamation 11055. The Proclamation imposes additional duties of 10% to 100% on certain imports of unmanned aircraft systems ("UAS") and UAS components, effective September 3, 2026, and a 25% additional duty on certain other UAS components, effective February 9, 2027. Effective September 3, importers of covered goods classified in Chapters 85/88 of the HTSUS must report the applicable Chapter 99 classification under HTSUS 9903.08.20 through 9903.08.26.

CSMS 69738151 provides for rates applicable to certain trading partners, under which 9903.08.23 provides a 10% additional ad valorem rate of duty for qualifying products of the United Kingdom, and 9903.08.24 provides a 15% additional ad valorem rate of duty, described as the "combined column one and Section 232 duty rate," for qualifying products of Japan, Liechtenstein, South Korea, Switzerland, Taiwan, and EU member countries.



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However, CBP specifically instructs filers under both classifications "DO NOT REPORT ANY DUTIES UNDER THIS HTSUS CLASSIFICATION UNTIL FURTHER GUIDANCE IS PROVIDED."

Please note, articles eligible for special tariff treatment under any of the free trade agreements or preference programs listed in General Note 3(c)(i) may continue to claim the applicable special rate of duty, and the Section 232 duties "shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading." Goods for which entry is claimed under Chapter 98 also remain eligible for Chapter 98, subject to the applicable terms and CBP regulations.

Finally, manufacturing drawback under 19 U.S.C. § 1313(a), (b) is also available for the 232 UAS duties where the applicable conditions are satisfied. The article must not be of a type subject to an antidumping or countervailing duty order; must be a product of a "Trade Agreement Partner," which includes the United Kingdom, European Union, Japan, South Korea, Switzerland, Liechtenstein, Mexico, Canada, and any trading partner with which the U.S. concludes a trade and security agreement; and must have at least 85% of its content be a product of Trade Agreement Partners. Please stay tuned for further updates.

CBP Enhanced IOR Verification Begins September 18, 2026

As we previously reported, on August 19, 2026, CBP issued a notice, "[Accuracy of Importer of Record Data Submitted to CBP](#)," announcing enhanced enforcement procedures for information submitted by new and existing importers of record on CBP Form 5106, including the immediate voiding of IOR numbers containing inaccurate information, effective September 18, 2026.

Beginning September 18, if CBP determines that an IOR or customs broker acting on the IOR's behalf has failed to provide complete and accurate information, CBP "will void the IOR number," rendering the number invalid for any purpose, including entering imported merchandise into the U.S. CBP may also take other enforcement action, as appropriate.

CBP specifically requires physical addresses, email addresses, phone numbers, EINs, and any SSNs provided on Form 5106 to be accurate and complete and to belong directly to the IOR.



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Customs brokers submitting Form 5106 on behalf of an importer must have a valid power of attorney executed directly with the IOR and must exercise due diligence to ensure that the information submitted is accurate.

Congress Sends Russia Sanctions Bill to President Trump with New Tariff Authority

On September 16, 2026, the U.S. House of Representatives voted 262-159 to agree to the Senate amendments to H.R. 5334, the [*Lindsey O. Graham Sanctioning Russia and Iran Act of 2026*](#). The Senate previously passed the legislation by a vote of 86-11 on August 7, 2026, and the bill now goes to President Trump for signature.

Specifically, Section 112 of the Act requires the President, no later than 30 days after enactment, to "increase the rate of duty for all goods" imported from Russia "to a rate of up to 500 percent ad valorem." The additional duties would apply in addition to any other applicable duty, fee, tax, exaction, or charge.

Further, Section 113 requires the President, no later than 30 days after enactment, to increase the rate of duty on all goods imported from certain countries "to a rate of up to 100 percent ad valorem," including countries that knowingly make new purchases of Russian-origin crude oil or natural gas and are among the five largest importers, by total volume, of Russian-origin crude oil or natural gas, as well as the "top 5 countries facilitating Russian oil sanctions evasion." The bill directs USTR, in consultation with the Secretary of State and the Secretary of Energy, to reassess every 180 days the five largest importers of Russian-origin crude oil and natural gas based on the most recent 12-month period.

As of this writing, the bill has passed Congress but has not yet been enacted. We will continue to monitor the bill and any implementing tariff action if signed into law. Stay tuned.

CBP Merchandise Processing Fee (MPF) Update Effective October 1, 2026

U.S. Customs and Border Protection (CBP) has implemented its annual inflation-based adjustment to customs user fees effective **October 1, 2026**.



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For importers, the **Merchandise Processing Fee (MPF) rate remains unchanged at 0.3464%** of the entered value. However, the **minimum and maximum MPF amounts have increased** as follows:

Minimum MPF: Increased from **\$33.58** to **\$34.58**

Maximum MPF: Increased from **\$651.50** to **\$670.86**

The increase primarily impacts entries that fall at the minimum or maximum MPF thresholds. Most entries that are assessed MPF based solely on the 0.3464% ad valorem rate will see no change.

With tariff measures, entry requirements, and customs fees continuing to evolve, importers should review how these updates may affect their products and upcoming shipments. For guidance on tariff classification, importer of record information, or other customs questions, please contact your CHB team. We'll continue monitoring these developments and share further updates as they become available.

Best regards,

Your CHB team