MILLER & COMPANY P.C.
ATTORNEYS AT LAW

Briefings

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FOREIGN IOR REQUIREMENTS

● U.S. Customs and Border Protection (CBP) has issued an Interim Final Rule defining U.S. and foreign Importers of Record (IORs) and establishing new qualification, declaration, and broker verification requirements. U.S. incorporation and a U.S. address alone will not establish U.S. IOR status; entities must also meet ownership or real property criteria, while foreign IORs must be Customs Trade Partnership Against Terrorism (CTPAT) validated or use a CTPAT-validated Customs broker. The rule takes effect January 5, 2027, with comments due the same day. See our November 6 "What's New" for additional details. 91 Fed. Reg. 69977 (Nov. 6, 2026).

● Failure to meet these requirements may result in entry rejections. Customs brokers needing additional time to comply must request delayed compliance.

● CBP has added three new data fields to CBP Forms 3461 and 7501 to identify: (1) U.S. IOR status; (2) whether a broker is acting as the IOR on behalf of another party; and (3) the principal represented under a power of attorney (POA) when required. CBP will implement validation checks and may reject Customs entries that do not satisfy the new requirements. CSMS #70381183 (Nov. 6, 2026).

● CBP has published updated CATAIR chapters and error dictionaries for the heightened IOR requirements. CSMS #70409426 (Nov. 10, 2026); CSMS #70449794 (Nov. 16, 2026)..

U.S.-CANADA TRADE

● On October 23, President Trump issued Proclamation 11076 modifying the scope of Canadian goods subject to 50% Section 338 tariffs, effective October 30. Covered goods remain subject to these tariffs regardless of USMCA eligibility and in addition to applicable Section 232 tariffs. See our October 26 "What's New" for additional details. 91 Fed. Reg. 68861 (Oct. 30, 2026); CSMS #70314289 (Oct. 29, 2026).

● At the Toronto Global Forum on October 22, Canada's chief negotiator Janice Charette said informal discussions continue, but cautioned that she does not think Canada and the U.S. are going back to tariff-free trade.

SECTION 338 CHALLENGE

On October 20, Gellert Global Group Corp. filed suit in the U.S. Court of International Trade (CIT) challenging the Section 338 tariffs and import restrictions on Canadian goods. Gellert argues that Section 301 superseded or limits Section 338, that the Section 338

SUPPLY CHAIN VISIBILITY

Comments on CBP's Heightened Import Disclosures for Supply Chain Visibility Advance Notice of Proposed Rulemaking (ANPR) are due December 1. CBP has requested comments on foreign export documentation, supply chain party identification, and technologies to improve supply chain traceability that will potentially affect all importers, so we encourage comments to be filed. 91 Fed. Reg. 56408 (Sept. 2, 2026).

BLANKET FTZ CBP FORM 216

Foreign-Trade Zone (FTZ) Operators should ensure that a blanket CBP Form 216 is on file for each FTZ User/Applicant operating in their FTZ, including contract manufacturing operations (CMOs) and third-party logistics providers (3PLs). Contact Marshall Miller or Amanda Ward with questions.

FTZ BOARD ACTIONS

● Limited-scope production approvals have become increasingly common as the FTZ Board continues to place restrictions on certain foreign-status components. The Board recently authorized production of power cords, but with a one-year limitation on the use of vinyl chloride polymer molding resin as a foreign-status component. 91 Fed. Reg. 69240 (Nov. 3, 2026).

● In another action, the FTZ Board approved limited production activity on three mint oil blends with strict annual import caps requiring that the company submit a report documenting its domestic and foreign sourcing within one year or face a Board review of its import privileges. 91 Fed. Reg. 72515 (Nov. 10, 2026).

● The FTZ Board recently declined to authorize two production notifications involving cosmetic products and renewable fuels. In both cases, the Board determined that the proposed activity warranted further review and advised that authorization would require submission of a formal production authority application. The decisions highlight the possibility that proposed FTZ production activity may require the more extensive application process. 91 Fed. Reg. 68488 (Oct. 30, 2026); 91 Fed. Reg. 68489 (Oct. 30, 2026).

● Contact Marshall Miller, Amanda Ward, or Linda King with questions.

FTZ FINANCIAL SAVINGS

Before considering closing your FTZ manufacturing operation due to a decline in inverted duty savings because of the Privileged Foreign (PF) status admission requirement in Trade Remedy Tariffs, remember that tariff

BIS AFFILIATES RULE DELAY

On November 9, the Bureau of Industry and Security (BIS) published a Final Rule that delays the application of its "Affiliates Rule" from November 9 until January 10, 2027. Under the rule, subsidiaries of listed entities will also be subject to sanctions if they are 50% or more owned by a listed entity or entities. This rule will have a substantial impact on the necessary due diligence for restricted parties screening, so exporters should already be preparing. Contact Sean Murray or Chuck Ballard with questions. 91 Fed. Reg. 70789 (Nov. 9, 2026).

RARE EARTH EXPORTS

China has extended the implementation of its rare earth export controls from November 10 until January 10, 2027. This action is part of the current "trade truce" between the U.S. and China.

301 EXTENSIONS

● The U.S. Trade Representative (USTR) has announced a two-month extension for all 178 current Section 301 product exclusions on Chinese imports that were originally scheduled to expire on November 9. These tariff exemptions, which cover 164 general products and 14 solar manufacturing items, will now remain active through January 9, 2027. 91 Fed. Reg. 72610 (Nov. 10, 2026).

● USTR had requested public comments by October 30 on further suspension of its Section 301 China shipbuilding action. The USTR has further suspended its Section 301 shipbuilding actions and tariffs from November 9 to January 9, 2027. 91 Fed. Reg. 67388 (Oct. 26, 2026); 91 Fed. Reg. 72608 (Nov. 10, 2026).

● USTR has extended the deadline to February 28, 2027, to reach a decision in its Section 301 investigation into Vietnam's intellectual property (IP) protection and enforcement practices, stating that the case involves complex issues requiring extra time. 91 Fed. Reg. 72609 (Nov. 10, 2026).

IEEPA REFUNDS

● In International Emergency Economic Powers Act (IEEPA) litigation, the U.S. Court of International Trade (CIT) has confirmed CBP will accept entries subject to Protests for CAPE Phase 3 litigants and confirmed CAPE Phase 3 will apply on a rolling basis to CIT litigants. Contact Brian Murphy or Sean Murray with questions about filing IEEPA refund cases.

● The IEEPA class action litigation includes a Scheduling Order with dates into December 2026. Freestyle World,

tariffs exceed statutory and constitutional authority, and that duties on newly covered products violated the 30-day waiting period. It seeks relief for a proposed class of affected importers, including an injunction and duty refunds with interest. Gellert Global Group Corp. v. Trump, CIT Case No. 26-04636 (Oct. 20, 2026).

ACE ACCOUNT UPDATES

- CBP recently updated its ACE Account Application to facilitate merging two or more existing ACE Portal Sub-Accounts under a single Top Account. CSMS #70362316 (Nov. 5, 2026).
- Effective October 29, CBP moved the ACE standalone ACH Refund Authorization tab into a new Financial Transactions tab and also removed the manual "Get Info/Refresh" button so the ACE Portal now automatically retrieves and displays the most current ACH refund data. CSMS #70297853 (Oct. 27, 2026).
- Contact Brenda Zeller with ACE Portal account management and access questions.

RUSSIA ENERGY TRADE

After announcing a deal with Russian President Putin on October 9, President Trump issued Executive Order (EO) 14436 on October 16 implementing the Lindsey O. Graham Sanctioning Russia and Iran Act of 2026, but waiving its additional 500% duties on Russian goods and 100% duties targeting major Russian energy purchasers and sanctions-evasion facilitators. The Office of Foreign Assets Control (OFAC) has issued General License (GL) 135, which authorizes the importation of Russian diesel fuel through April 7. On October 29, Representatives Lloyd Doggett (D-TX) and Marcy Kaptur (D-OH) separately urged CBP to block Russian diesel imports, arguing that OFAC GL 135 cannot override the statutory ban on Russian energy imports. Their letter warns that importers and others knowingly handling unlawfully imported diesel could face criminal penalties and forfeiture. 91 Fed. Reg. 66627 (Oct. 21, 2026).

AMERICA FIRST FOR SEAFOOD

The White House has announced the America First Seafood Strategy (AFSS), an initiative to prioritize American seafood production. Policies include introducing a "U.S. Caught Seafood" label, financial assistance programs, a nationwide "Eat American Seafood" campaign, and reducing regulatory and compliance oversight.

AGOA RWANDA & S. AFRICA

USTR has notified Congress of its intent to remove Rwanda and South Africa from eligibility under the African Growth and Opportunity Act (AGOA) effective January 1, 2027, stating that both countries failed to meet AGOA eligibility requirements due to trade and investment barriers and U.S. national security and foreign policy interests. Additional concerns cited for Rwanda include human rights, worker rights, political freedoms, and the rule of law, while corruption concerns were cited for South Africa.

holding costs, Weekly Entry/MPF, scrap/waste, and exports continue to be areas of substantial savings. FTZ Board applications for new FTZ projects are more than double what they were in the past. It may be time to re-assess FTZ savings. Contact Mandy Helm for a copy of our new FTZ Savings Memorandum and Excel Worksheet.

232 POLYSILICON TEST

CBP recently activated four HTSUS Chapter 99 classifications in the ACE Certification (CERT) environment to test Section 232 duties on polysilicon and its derivatives ahead of the December 4 effective date. CSMS #70422566 (Nov. 12, 2026). See our August 13 "What's New" for additional details on the Section 232 tariffs and other trade measures.

POSTAL DE MINIMIS UPDATES

- CBP has delayed mandatory formal Customs entries for international postal de minimis shipments to January 20, 2027. 91 Fed. Reg. 66638 (Oct. 22, 2026).
- CBP has expanded ACE Entry Type 13 testing for informal mail entries up to $2,500 to allow filings without full electronic Partner Government Agency (PGA) data. 91 Fed. Reg. 66707 (Oct. 22, 2026).

NEW WCO VALUATION RULE

The World Customs Organization (WCO) Technical Committee on Customs Valuation (TCCV) adopted Advisory Opinion 28.1 during its 63rd Session, held October 12-16. The new opinion clarifies that customs values under the transaction value method should be based on verified documentation when additional documents indicating a different price actually paid or payable are discovered during a physical inspection.

CBP TESTING NEW PORTAL

CBP is testing a new Client Representative Technical Assistance Portal (CRTAP). CRTAP is a centralized location for secure, standardized information submissions, which CBP is reviewing to replace submissions by telephone or email. The voluntary testing will run for 45 days, starting December 4. 91 Fed. Reg. 69566 (Nov. 4, 2026).

FORCED LABOR BANS

On October 28, the Department of Homeland Security announced it was banning imports from three Chinese biotechnology and genetic testing companies, BGI Genomics Co. Ltd, MGI Tech Co Ltd., and Shenzhen BGI Technology Co Ltd., and adding them to the Uyghur Forced Labor Prevention Act (UFLPA) Entity List due to their ties to forced labor in Xinjiang.

CHINA SCRUTINY

The House Select Committee on the Chinese Communist Party (CCP) has released a report on the CCP's industrial policy efforts to expand Chinese manufacturing that have undermined Western manufacturing. The report focuses on the aerospace, biomanufacturing, semiconductor, and machine tool industries.

Inc. v. CBP, CIT Case No. 26-01088, ECF No. 66, 67-1, 69 (Oct. 29 & Nov. 5 & 10, 2026).

232 METAL CONTENT

The plaintiff in the CIT litigation challenging the Section 232 steel content value methodology has argued the Section 232 steel tariffs are void in their entirety because CBP has never defined the value to be reported. Both sides have filed dispositive motions, but the CIT has not yet issued a ruling. Express Fasteners, Ltd. v. U.S., CIT Case No. 26-00853, ECF No. 25 (Oct. 19, 2026).

EXEMPTIONS/REFUND SCRUTINY

Jamie Raskin (D-MD), ranking member of the House Judiciary Committee, has sent President Trump a letter criticizing tariff exemptions and requesting records on Brazilian meat, diamonds, smart phones, antiques, sugar, gold and other products benefiting from tariff exemptions. Democratic lawmakers have sent a letter to the Government Accountability Office (GAO) requesting an audit of CBP actions on IEEPA refunds, refund payments, importers passing on refunds downstream, and IEEPA refund effects on product availability, employment, etc.

232 WIND TURBINES

President Trump has issued Proclamation 11074 on the Section 232 investigation into imports of wind turbines and their parts and components. President Trump agreed with the Commerce determination that the imports posed a national security threat, but instead of tariffs, the President directed USTR to pursue negotiations with foreign trading partners. 91 Fed. Reg. 68001 (Oct. 28, 2026).

232 ROBOTICS TARIFFS

In Proclamation 11077, issued on October 28, President Trump concurred with the Commerce determination in a Section 232 investigation that imports of robotics, industrial machinery, and their parts and components affect U.S. national security. No new tariffs have been announced, but federal officials have been directed to negotiate trade agreements with foreign partners and report back by April 26, 2027. 91 Fed. Reg. 69199 (Nov. 2, 2026).

FTZ STATISTICS

FOREIGN-TRADE ZONES BOARD
ACTIVITY AS 11/15/2026

	Approved
Zones	312
Subzones*	932

	Pending
Zones	3
Subzones	18

*From Fed. Reg. Notices

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