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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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May 7, 2026

Mr. Robert Lowenthal
President and Chief Executive Officer
Oppenheimer & Co. Inc.
85 Broad Street
New York, New York 10004

Dear Mr. Lowenthal:

I write regarding recent reports that investment banks and other brokerage firms, including Oppenheimer & Co. Inc., are purchasing the rights to tariff refunds from American small businesses at steep discounts. On February 20, 2026, the Supreme Court struck down President Trump's tariffs issued under the International Emergency Economic Powers Act (IEEPA), giving businesses that paid the illegal tariffs a right to have their money refunded. Yet the Trump administration continues to delay and obfuscate the refund process, putting small businesses in an increasingly difficult financial situation. Reports indicate that investors are paying pennies on the dollar for the rights to refunds of tariffs paid by American companies, and brokers have been actively matching hedge funds and other alternative asset buyers with companies that cannot afford to wait for their full refund.¹ As Ranking Member of the Senate Finance Committee, I am conducting oversight to ensure small businesses harmed by the administration's illegal tariffs are not harmed a second time by opaque deals, aggressive solicitation, or avoidable administrative barriers.

The Supreme Court's decision invalidating Trump's tariff scheme did not address refunds for the thousands of companies that paid the illegal tariffs. Instead, refund logistics have been left to the

¹ Wall Street Journal, "Wall Street Traders Are Pouncing on the Tariff Refund Chaos," Feb. 26, 2026. <https://www.wsj.com/finance/wall-street-traders-are-pouncing-on-the-tariff-refund-chaos>; Bloomberg, "Tariff Refund Trades Surge in Price Even as Key Questions Remain," Feb. 24, 2026. <https://www.bloomberg.com/news/articles/2026-02-24/tariff-refund-trades-surge-in-price-even-as-key-questions-remain>; InvestmentNews, "Tariff refund frenzy draws Wall Street traders, litigation funders into \$130 billion battle," Feb. 26, 2026. <https://www.investmentnews.com/equities/tariff-refund-frenzy-draws-wall-street-traders-litigation-funders-into-130-billion-battle/265449>; Al Jazeera, "Tariff refunds could take years amid US Supreme Court ruling, experts warn," Feb. 20, 2026. <https://www.aljazeera.com/economy/2026/2/20/tariff-refunds-could-take-years-amid-us-supreme-court-ruling-experts-warn>.

Court of International Trade and U.S. Customs and Border Protection (CBP). CBP’s online refund system requires businesses to file a claim to get their money back, rather than using the agency’s existing payment records to issue refunds automatically.² Companies must upload lists of affected entries, pass automated validations, and only then be queued for recalculation and payment. Moreover, CBP is only providing tariff refunds on certain imports, with no timeline for the inclusion of all entry types in later phases.³

CBP’s “opt-in” approach creates costs and uncertainties that disproportionately burden small businesses. Many small businesses do not have the in-house customs expertise, outside counsel budget, or technical resources to navigate a new claims portal and compile entry-by-entry data. Moreover, the administration’s failure to plan ahead for refunds has led to further delays, putting pressure on companies that can no longer afford to wait for the refunds they are owed. This is unacceptable: the government should bear the administrative burden of returning what it unlawfully collected. Small businesses should not have to jump through new hoops to get their money back.

Meanwhile, steep discounts on tariff refund rights illustrate the economic pressure on small businesses. In one well-documented case, a U.S. toymaker sold roughly \$15 million in expected refund rights for about \$2 million – a discount to face value of approximately 87 percent.⁴ Refund rights have continued to trade well below full value even after the Supreme Court’s February decision.⁵ These significant discounts provide stark evidence of the tough choices businesses face when cash flow is tight and refund timelines are uncertain.

Congress, which has constitutional authority “to lay and collect...Duties” and “to regulate Commerce with foreign Nations,” has a strong interest in oversight of the tariff refund process. In order to better understand your firm’s role and policies, and to inform the Committee’s work on trade laws, please provide answers to the following questions and requests for information no later than May 21, 2026:

- 1) For each purchase of tariff refund rights executed, brokered, or otherwise facilitated by your firm since November 5, 2025, please identify:
 - a. the seller (company name);
 - b. the estimated refund amount before any discount;
 - c. the upfront cash paid and the percentage discount;
 - d. any terms that could reduce the seller’s proceeds or claw back payments; and

² CBP Declaration, *Atmus Filtration, Inc. v. United States*, No. 26-01259, ECF No. 39 (Ct. Int’l Trade Mar. 12, 2026).

³ *Id.*

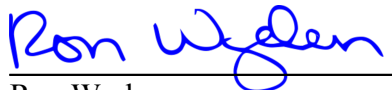
⁴ Reuters via U.S. News, “Toymaker Assesses Next Steps in US Supreme Court Tariff Refund Battle,” Feb. 20–21, 2026. <https://www.usnews.com/news/top-news/articles/2026-02-20/toymaker-assesses-next-steps-in-us-supreme-court-tariff-refund-battle>.

⁵ Wall Street Journal, “Wall Street Traders Are Pouncing on the Tariff Refund Chaos,” Feb. 26, 2026. <https://www.wsj.com/finance/wall-street-traders-are-pouncing-on-the-tariff-refund-chaos>; Bloomberg, “Tariff Refund Trades Surge in Price Even as Key Questions Remain,” Feb. 24, 2026. <https://www.bloomberg.com/news/articles/2026-02-24/tariff-refund-trades-surge-in-price-even-as-key-questions-remain>.

- e. the transaction date.
- 2) Please provide any materials, scripts, or term sheets used to solicit or inform prospective sellers. Please state the disclosures you make about the potential timelines and administrative burdens to obtain refunds.
 - 3) Please explain how your pricing changed after the Supreme Court's decision on February 20, 2026, including any analyses you used to set discounts offered to sellers.
 - 4) Please state whether you have helped, or intend to help, sellers prepare to submit refund claims.
 - 5) Please provide any documents, including but not limited to business or strategic planning documents, related to efforts to target potential sellers of refund rights.
 - 6) Please list any communications your firm has had with CBP or any other U.S. government agency about refund mechanics or any other process relevant to companies selling refund rights.

If you have any questions, you may contact my Senate Finance Committee oversight staff at (202) 224-4515. Thank you for your prompt attention to this important matter.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance