Nos. 24-1287 & 25-250

In the Supreme Court of the United States

LEARNING RESOURCES, INC., ET AL., PETITIONERS

v.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS

v.

V.O.S. SELECTIONS, INC., ET AL.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT AND ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

OPENING BRIEF FOR THE RESPONDENTS IN No. 24-1287 AND THE PETITIONERS IN No. 25-250

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QUESTIONS PRESENTED

1. Whether the International Emergency Economic Powers Act (IEEPA), Pub. L. No. 95-223, Tit. II, 91 Stat. 1626, authorizes the tariffs imposed by President Trump pursuant to the national emergencies declared or continued in Proclamation 10,886 and Executive Orders 14,157, 14,193, 14,194, 14,195, and 14,257, as amended.

2. If IEEPA authorizes the tariffs, whether the statute unconstitutionally delegates legislative authority to the President.

3. Whether the district court in No. 24-1287 lacked subject-matter jurisdiction.

PARTIES TO THE PROCEEDING

Petitioners in No. 24-1287 (plaintiffs-appellees below) are Learning Resources, Inc., and hand2mind, Inc.

Respondents in No. 24-1287 and petitioners in No. 25-250 (defendants-appellants below) are Donald J. Trump, President of the United States; the United States Department of Homeland Security; Kristi Noem, Secretary of Homeland Security; United States Customs and Border Protection (CBP); Rodney S. Scott, Commissioner of CBP; the Office of the United States Trade Representative; Jamieson Greer, United States Trade Representative; and Howard W. Lutnick, Secretary of Commerce. Respondents in No. 24-1287 also include Scott Bessent, Secretary of the Treasury; the United States Department of the Treasury; and the United States Department of Commerce. Petitioners in No. 25-250 also include the Executive Office of the President; and the United States of America.*

Respondents in No. 25-250 are V.O.S. Selections, Inc.; Plastic Services and Products, LLC d/b/a Genova Pipe; MicroKits, LLC; FishUSA Inc.; and Terry Precision Cycling LLC (plaintiffs-appellees in Nos. 25-cv-66 and 25-1812). Respondents also include the States of Oregon; Arizona; Colorado; Connecticut; Delaware; Illinois; Maine; Minnesota; Nevada; New Mexico; New York; and Vermont (plaintiffs-appellees in Nos. 25-cv-77 and 25-1813).

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* All individual defendants were sued in their official capacities and their successors, if any, have automatically been substituted in their respective places. See Sup. Ct. R. 35.3; Fed. R. App. P. 43(c)(2).

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OPINIONS BELOW

The opinion of the district court in *Learning Resources* (24-1287 Pet. App. 3a-43a) is reported at 784 F. Supp. 3d 209. The opinion of the Federal Circuit in *V.O.S. Selections* (25-250 Pet. App. 1a-136a) is available at 2025 WL 2490634. The opinion of the Court of International Trade in *V.O.S. Selections* (25-250 Pet. App. 139a-197a) is reported at 772 F. Supp. 3d 1350.

JURISDICTION

The district court in *Learning Resources* issued a preliminary injunction on May 29, 2025. The government filed a notice of appeal on May 30, 2025. The D.C. Circuit's jurisdiction rests on 28 U.S.C. 1292(a)(1). The petition for a writ of certiorari before judgment was filed on June 17, 2025, and granted on September 9, 2025. The jurisdiction of this Court rests on 28 U.S.C. 1254(1) and 2101(e).

The judgment of the Federal Circuit in *V.O.S. Selections* was entered on August 29, 2025. The petition for a writ of certiorari was filed on September 3, 2025, and granted on September 9, 2025. The jurisdiction of this Court rests on 28 U.S.C. 1254(1).

STATUTORY PROVISIONS INVOLVED

Pertinent statutory provisions are reproduced in the appendix to this brief (App., *infra*, 1a-9a).

INTRODUCTION

These consolidated cases address President Trump's lawful imposition of tariffs under the International Emergency Economic Powers Act (IEEPA), Pub. L. No. 95-223, Tit. II, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*), which the President, in his exercise of power over the military and foreign affairs, has determined are necessary to rectify America's country-killing trade deficits and to stem the flood of fentanyl and other lethal drugs across our borders. To the President, these cases present a stark choice: With tariffs, we are a rich nation; without tariffs, we are a poor nation. The President has stated that "[o]ne year ago, the United States was a dead country, and now, because of the trillions of dollars being paid by countries that have so badly abused us, America is a strong, financially viable, and respected country

again." CAFC Doc. 154, at 1 (Aug. 11, 2025).* "Suddenly revoking the President's tariff authority under IEEPA," he warns, "would have catastrophic consequences for our national security, foreign policy, and economy." *Ibid.* The President has made clear that "[i]f the United States were forced to pay back the trillions of dollars committed to us, America could go from strength to failure the moment such an incorrect decision took effect." *Id.* at 1-2.

In short, President Trump and his advisors have determined that erroneously invalidating the IEEPA tariffs "would have catastrophic consequences for our national security, foreign policy, and economy." CAFC Doc. 154, at 1. The President observes that "[t]hese deals for trillions of dollars have been reached, and other countries have committed to pay massive sums of money," *ibid.*—which, he projects, could reach $15 trillion. The President has emphasized: "If the United States were forced to unwind these historic agreements, * * * the economic consequences would be ruinous, instead of unprecedented success." *Id.* at 1-2.

President Trump's IEEPA tariffs are plainly lawful. Congress has long granted the President broad authority to employ tariffs to address emergencies. IEEPA continues that tradition by expressly authorizing the President to "regulate * * * importation" of foreign goods to address declared national emergencies. 50 U.S.C. 1702(a)(1)(B). Since the early days of the Republic, "regulating" trade has always encompassed the imposition of tariffs, and IEEPA's broader statutory

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* Unless otherwise indicated, record citations are to Federal Circuit No. 25-1812 and district court No. 25-cv-1248 (D.D.C.), and "Pet. App." citations are to the appendix to the government's petition for a writ of certiorari in No. 25-250.

scheme confirms that "regulat[ing] importation" includes the use of tariffs.

Presidents have relied on IEEPA to address a wide array of emergencies and "IEEPA embodies an eyes-open congressional grant of broad emergency authority in this foreign-affairs realm." Pet. App. 66a (Taranto, J., dissenting). President Trump determined that tariffs are best suited to address the trade-deficit and drug-trafficking emergencies, and those determinations warrant deference. IEEPA provides that Congress and the political process, not the judiciary, serve as the principal monitor and check on the President's exercise of IEEPA authority.

In spite of the lawfulness of the IEEPA tariffs, and the President's determination of their country-saving impact, the lower courts wrongly invalidated the tariffs. These erroneous decisions jeopardize the President's efforts to deal with major national emergencies without any sound legal basis.

In fact, the lower courts could not agree on why, exactly, IEEPA does not authorize these tariffs. The district court in *Learning Resources* incorrectly concluded that IEEPA does not authorize any tariffs at all, largely because IEEPA does not expressly use the word "tariffs." That rationale imposes an unjustifiable "magic words" requirement, contrary to this Court's case law. The Court of International Trade instead held that because another statute (Section 122 of the Trade Act of 1974) addresses balance-of-payment deficits, IEEPA cannot cover the same ground. But the statutes are overlapping and mutually reinforcing—IEEPA addresses emergencies whether or not they involve trade deficits, and Section 122 addresses trade deficits whether or not they involve declared emergencies.

By contrast, the en banc Federal Circuit, in a 7-4 decision, incorrectly held that IEEPA might authorize *some* tariffs—just not these tariffs, or any other tariffs that the court considers too enduring, too significant, or too widespread. But neither IEEPA nor the major-questions doctrine allows courts to fashion such atextual, know-it-when-you-see-it limitations on the President's emergency powers. In fact, such limitations are in direct violation of the separation of powers. Here, where the President's foreign-policy authority includes "all that he possesses in his own right plus all that Congress can delegate," and his actions are "supported by the strongest of presumptions and the widest latitude of judicial interpretation." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 635, 637 (1952) (Jackson, J., concurring).

If affirmed, the erroneous lower-court decisions would "cause significant and irreparable harm to the foreign policy, trade policy, and national security of the United States." CAFC Doc. 158, at 35 (Aug. 29, 2025) (Greer). The Secretary of State explains that "[s]uspending the effectiveness of the tariffs would lead to dangerous diplomatic embarrassment, which emboldens allies and adversaries alike," and "would likewise interrupt ongoing negotiations midstream." *Id.* at 28. As he underscores, the erroneous decisions "expose the United States to the risk of retaliation by other countries based on a perception that the United States lacks the capacity to respond rapidly to retaliation." *Ibid.* Upholding the invalidation, the Secretary of Commerce notes, "would have devastating and dire consequences. It would * * * resign the United States to permanent dependency on foreign supply chains, and accelerate the drift toward America's decline into a vassal state to

global manufacturing powers that include our geopolitical rivals." *Id.* at 17. "Curtailing presidential authority now," he warns, "would be catastrophic." *Id.* at 16.

STATEMENT

A. The Declarations Of Emergencies

From the outset of his Administration, President Trump and his senior advisors recognized that the United States stood at "a 'tipping point,' *i.e.*, the brink of a major economic and national-security catastrophe," Mot. to Expedite 2a (Bessent)—even a "1929-style result," CAFC Doc. 154, at 1. The United States' annual goods trade deficit had exploded to $1.2 trillion per year—increasing "over 40 percent in the past 5 years alone." Executive Order No. 14,257, 90 Fed. Reg. 15,041, 15,044 (Apr. 7, 2025). As the Secretary of the Treasury states, "[t]he United States ha[d] suffered trade imbalances for many decades at the hands of its major trading partners and their imposition of asymmetrical, higher tariffs on us than we impose on them." Mot. to Expedite 2a. "[B]y the end of 2024, foreigners owned approximately $26 trillion more of U.S. assets than Americans owned of foreign assets"—a "catastrophic reversal" that "financed foreign control of American manufacturing, supply chains, and economic life, weakening the independence of our Nation." CAFC Doc. 158, at 5 (Lutnick). The President and his advisors recognized that "conditions underlying and arising from" those deficits created "an ongoing economic emergency of historic proportions." *Id.* at 6 (Lutnick).

On his first day in office, President Trump ordered an emergency investigation to determine the causes of the crisis by April 1, 2025. The results, the President determined, were tragic for America. "Large and persistent annual U.S. goods trade deficits," the President

found, "have led to the hollowing out of our manufacturing base [and] inhibited our ability to scale advanced domestic manufacturing capacity." 90 Fed. Reg. at 15,041. He found that they have "undermined critical supply chains" and "rendered our defense-industrial base dependent on foreign adversaries." *Ibid.* Asymmetric tariffs and non-tariff barriers, he determined, have created "highly unbalanced" trade relationships that are rapidly corroding the "domestic production" that "is the bedrock of [America's] national and economic security." *Id.* at 15,042-15,043.

The President has consistently and unequivocally stated that "increasing domestic manufacturing is critical to U.S. national security." 90 Fed. Reg. at 15,043. Due to "the persistent decline in U.S. manufacturing" from the trade deficits, he explained, "[t]he need to maintain robust and resilient domestic manufacturing capacity is particularly acute," especially "in certain advanced industrial sectors." *Ibid.* Foreign control of "key inputs" for manufacturing and supplying our military, the President affirms, is a grave threat our national security. *Ibid.*

The President also determined that the crisis threatens our basic economic security: "Increased reliance on foreign producers for goods also has compromised U.S. economic security by rendering U.S. supply chains vulnerable to geopolitical disruption and supply shocks." 90 Fed. Reg. at 15,043. In addition, he explained that "[t]he decline of U.S. manufacturing capacity threatens the U.S. economy * * * through the loss of" five million "manufacturing jobs." *Ibid.* Those losses "were concentrated in specific geographical areas," where "social trends, like the abuse of opioids," spiked, thus "impos[ing] profound costs on the U.S. economy." *Id.* at

15,043-15,044. The President explained that those deficits reflect a hollowing out of our agricultural sector, and "a nation [cannot] long survive if it cannot produce its own food." *Id.* at 15,044. "The future of American competitiveness," the President stated, "depends on reversing these trends." *Ibid.*

Meanwhile, the President perceived another national crisis arising from unchecked trafficking of fentanyl and other deadly drugs into the United States. By January 20, he found, "[h]undreds of thousands of Americans ha[d] tragically died from drug overdoses because of the illicit narcotics that have flowed across the southern border," Proclamation No. 10,886, 90 Fed. Reg. 8327, 8327 (Jan. 29, 2025), and criminal cartels had "flooded the United States with deadly drugs, violent criminals, and vicious gangs," Executive Order No. 14,157, 90 Fed. Reg. 8439, 8439 (Jan. 29, 2025). Those cartels, he explained, "functionally control, through a campaign of assassination, terror, rape, and brute force nearly all illegal traffic across the southern border of the United States." *Ibid.*

Accordingly, the President found that "the sustained influx of illicit opioids and other drugs has profound consequences on our Nation, endangering lives and putting a severe strain on our healthcare system, public services, and communities." Executive Order No. 14,193, 90 Fed. Reg. 9113, 9113 (Feb. 7, 2025). "The flow of illicit drugs like fentanyl to the United States," he stated, "has created a public health crisis in the United States." *Ibid.* That crisis, he observed, is "killing approximately two hundred Americans per day, putting a severe strain on our healthcare system, ravaging our communities, and destroying our families." Executive Order No. 14,195, 90 Fed. Reg. 9121, 9121 (Feb. 7, 2025).

President Trump acted decisively to address those crises. On April 2, 2025, the President declared a national emergency relating to the goods trade deficits, finding that it "constitute[s] an unusual and extraordinary [foreign] threat to the national security and economy of the United States." 90 Fed. Reg. at 15,041. In particular, the President found, the "large and persistent annual U.S. goods trade deficits" have "atrophied" our nation's "domestic production capacity," and "compromised U.S. economic security by rendering U.S. supply chains vulnerable to geopolitical disruption and supply shocks." *Id.* at 15,043-15,044. Those deficits, "and the concomitant loss of industrial capacity, have compromised military readiness," and "this vulnerability can only be redressed through swift corrective action to rebalance the flow of imports into the United States." *Id.* at 15,045. Using his broad IEEPA powers, the President addressed that unusual and extraordinary threat by imposing an additional duty of at least 10 percent on most imported goods. *Ibid.* The President has continued to take additional actions to address the national emergency. See App., *infra*, 17a-21a (listing actions).

President Trump has likewise declared IEEPA emergencies and imposed tariffs to address the drug-trafficking crisis. In January 2025, the President declared the flow of contraband drugs like fentanyl through illicit distribution networks, and the resulting public-health crisis, to be a national emergency. 90 Fed. Reg. at 8327; 90 Fed. Reg. at 8439. On February 1, 2025, the President found that the failures of Canada, Mexico, and China to act to curtail that flow constituted unusual and extraordinary threats. Executive Order No. 14,193, 90 Fed. Reg. 9113 (Feb. 7, 2025); Executive Order No. 14,194, 90 Fed. Reg. 9117 (Feb. 7, 2025); Ex-

ecutive Order No. 14,195, 90 Fed. Reg. 9121 (Feb. 7, 2025). Invoking his IEEPA powers, the President addressed those emergencies by imposing a 25 percent duty on most Canadian and Mexican imports and a 10 percent duty on most Chinese imports. 90 Fed. Reg. at 9114, 9118, 9122-9123. Since that time, the President has paused and adjusted those duties following negotiations and in response to international events. See App., *infra*, 10a-16a (listing actions).

The President and his senior advisors believe that the tariffs have had swift and dramatic results. Due to tariffs, they observe, "more than 75 * * * trading partners * * * approached the United States to address the lack of trade reciprocity in our economic relationships and our resulting national and economic security concerns." Executive Order No. 14,266, 90 Fed. Reg. 15,625, 15,626 (Apr. 15, 2025). Those ongoing "trade negotiations have been one of the country's top foreign policy priorities for the last several months." CAFC Doc. 158, at 28 (Rubio). By late August, "the United States ha[d] announced trade deals with the European Union (EU), Indonesia, the Philippines, Vietnam, Japan, South Korea, and the United Kingdom." *Id.* at 36 (Greer). Those bilateral framework agreements abolish the lopsided tariff and non-tariff barriers that those partners have long imposed on us. *Id.* at 10 (Lutnick), 36-39 (Greer). In addition, to rectify past imbalances, those partners have agreed to make trillions of dollars of purchases and investments in the U.S. economy, focused in sectors crucial to our national security. *Ibid.* For example, the EU has agreed to make $750 billion in energy purchases and $600 billion in investments, and Japan and South Korea collectively have agreed to almost $1 trillion in investments. *Id.* at 11-13 (Lutnick),

31-32 (Bessent). Meanwhile, the United States is also "actively negotiating with dozens of [additional] countries to reach agreements to address the emergencies declared by the President"—negotiations which "remain in a delicate state." *Id.* at 27 (Rubio). Likewise, "[n]egotiations with Mexico, Canada, and China are also ongoing in order to address" the drug-trafficking crisis. *Id.* at 25 (Rubio).

The President's negotiators attest that those historic deals and negotiations were achieved solely because of the IEEPA tariffs. "President Trump's use of reciprocal tariffs under IEEPA has brought foreign powers to the negotiating table to fundamentally change these intolerable dynamics." CAFC Doc. 158, at 7 (Lutnick). "None of these agreements would be possible without the imposition of tariffs to regulate imports and bring other countries to the table." *Id.* at 38 (Greer).

In addition, the President is now "exercising his IEEPA authority in connection with highly sensitive negotiations he is conducting to end the conflict between the Russian Federation and Ukraine," including by imposing IEEPA tariffs to sanction India for purchasing Russian oil. CAFC Doc. 158, at 26 (Rubio).

Vitally, the Congressional Budget Office recently projected that the IEEPA tariffs will reduce the national deficit by $4 trillion in upcoming years. CAFC Doc. 158, at 19. Overall, the President and his Cabinet officials have determined that the tariffs are promoting peace and unprecedented economic prosperity, and that the denial of tariff authority would expose our nation to trade retaliation without effective defenses and thrust America back to the brink of economic catastrophe. See *Id.* at 8-9 (Lutnick).

B. Statutory Background

1. For over a century, Congress has supplemented the President's constitutional power over foreign affairs and national security by delegating to him the authority to manage foreign trade in response to international conditions, including by imposing tariffs. See *Marshall Field & Co.* v. *Clark*, 143 U.S. 649, 680 (1892).

This Court has repeatedly upheld presidential exercises of such authority. In 1813, the Court upheld an 1810 statute that authorized the President to reinstate the terms of the Non-Intercourse Act of March 1, 1809, ch. 24, 2 Stat. 528, and prohibit imports from either Great Britain or France if either nation "violate[d] the neutral commerce of the United States." *Cargo of Brig Aurora* v. *United States*, 7 Cranch 382, 384 (citation omitted); see *id.* at 388. In 1892, the Court upheld the constitutionality of the Tariff Act of 1890, ch. 1244, 26 Stat. 567, which authorized the President to suspend an exemption for certain products from import duties "for such time as he shall deem just" "whenever, and so often as [he] shall be satisfied," that the exporting country "imposes duties or other exactions" on American products that "he may deem to be reciprocally unequal and unreasonable." *Marshall Field*, 143 U.S. at 680 (citation omitted). And in 1928, the Court upheld the Tariff Act of 1922, ch. 356, 42 Stat. 858, which empowered the President to raise import duties "whenever the President * * * shall find" that existing tariffs do not equalize the differences between foreign and domestic production costs, and to modify the tariffs "when he determines" that "the differences in costs of production have changed." *J.W. Hampton, Jr., & Co.* v. *United States*, 276 U.S. 394, 401-402 (citation omitted).

Congress has since enacted many other statutes authorizing the Executive to impose or modify tariffs or duties on imports, including Section 338 of the Tariff Act of 1930, ch. 497, 46 Stat. 704-706 (19 U.S.C. 1338) (Smoot-Hawley); the Reciprocal Tariff Act, ch. 474, 48 Stat. 943 (19 U.S.C. 1351 *et seq.*); Section 232 of the Trade Expansion Act of 1962, Pub. L. No. 87-794, 76 Stat. 877 (19 U.S.C. 1862); Title II of the Trade Act of 1974, Pub. L. No. 93-618, 88 Stat. 2011 (19 U.S.C. 2251 *et seq.*); and Title III of the Trade Act of 1974, 88 Stat. 2042 (19 U.S.C. 2411 *et seq.*).

Most relevant here, the 1917 Trading with the enemy Act (TWEA), ch. 106, § 11, 40 Stat. 422-423, authorized the President to specify foreign goods that may not be imported during wartime "except at such time or times, and under such regulations or orders * * * as the President shall prescribe." In 1941, Congress expanded that authority to peacetime, permitting the President to

> investigate, *regulate*, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, *importation* or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest.

First War Powers Act, 1941, ch. 593, § 301, 55 Stat. 839-840 (emphases added) (amending TWEA).

In 1971, President Nixon imposed peacetime tariffs that were upheld under TWEA. See Proclamation No. 4074, 36 Fed. Reg. 15,724 (Aug. 17, 1971). Finding that a "prolonged decline in the international monetary reserves" of the United States over a number of years had seriously threatened its "international competitive po-

sition" and potentially impaired national security, *ibid.*, President Nixon "declared a national emergency with respect to the balance-of-payments crisis and under that emergency imposed a surcharge on imports," H.R. Rep. No. 459, 95th Cong., 1st Sess. 5 (1977) (IEEPA House Report); see 36 Fed. Reg. at 15,724. In *United States* v. *Yoshida International, Inc.*, 526 F.2d 560 (C.C.P.A. 1975), the Federal Circuit's predecessor upheld those tariffs under TWEA, rejecting an argument that TWEA's "regulate importation" language does not authorize tariffs. *Id.* at 575-576.

2. In 1976 and 1977, Congress modified TWEA through two new laws: the National Emergencies Act (NEA), Pub. L. No. 94-412, 90 Stat. 1255, and IEEPA. The NEA "authorized" "the President" "to declare [a] national emergency" "[w]ith respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power." 50 U.S.C. 1621(a).

Congress placed only procedural, not substantive, limits on national-emergency declarations, giving itself principal oversight authority. National-emergency declarations must be "immediately * * * transmitted to the Congress and published in the Federal Register." 50 U.S.C. 1621(a); see 50 U.S.C. 1641(a)-(c). Congress may terminate a national emergency at any time. 50 U.S.C. 1622(a)(1). Congress must meet within six months of the national-emergency declaration, and periodically thereafter, to consider terminating it. 50 U.S.C. 1622(b). And national-emergency declarations automatically terminate after one year unless the President notifies Congress that the emergency "continue[s]." 50 U.S.C. 1622(d).

IEEPA, in turn, separated the President's authority to act in wartime and peacetime. Congress limited TWEA to periods of declared wars. 50 U.S.C. 4302. IEEPA then extended the President's powers to periods of declared national emergencies during peacetime. See *Regan* v. *Wald*, 468 U.S. 222, 227-228 (1984). IEEPA authorizes the President to exercise those powers "to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States." 50 U.S.C. 1701(a).

Once the President declares a national emergency relating to such a threat, IEEPA grants the President deliberately broad powers, including to "regulate[] or prohibit" certain foreign monetary transactions, 50 U.S.C. 1702(a)(1)(A), and to "confiscate" certain property during "armed hostilities," 50 U.S.C. 1702(a)(1)(C). As relevant here, IEEPA empowers the President to

> investigate, block during the pendency of an investigation, *regulate*, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, *importation* or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest.

50 U.S.C. 1702(a)(1)(B) (emphases added). That operative language was "directly drawn" from TWEA. *Dames & Moore* v. *Regan*, 453 U.S. 654, 671 (1981). And the broad powers that IEEPA grants to the President are "essentially the same as" those under TWEA. *Wald*, 468 U.S. at 228. Congress recognized that those "new authorities should be sufficiently broad and flexi-

ble to enable the President to respond as appropriate and necessary to unforeseen contingencies." IEEPA House Report 10.

Unlike TWEA, IEEPA contains an enumerated list of exceptions to those broad grants of authority. See 50 U.S.C. 1702(b)(1)-(4). The President may not, for example, "regulate or prohibit, directly or indirectly," certain "communication[s]" that "do[] not involve a transfer of anything of value"; certain "donations" like "food, clothing, and medicine, intended to be used to relieve human suffering"; the "importation" or "exportation" of certain "information or informational materials"; or "transactions ordinarily incident" to personal travel. *Ibid.* None of those exceptions is at issue here.

Congress also expanded its oversight authority beyond the NEA baseline. 50 U.S.C. 1703(d). The President "shall consult regularly with the Congress so long as [IEEPA] authorities are exercised." 50 U.S.C. 1703(a). The President also is directed to "immediately transmit to the Congress a report" on the emergency, with updates at least every six months. 50 U.S.C. 1703(b) and (c).

C. Proceedings Below

Petitioners in *Learning Resources* (No. 24-1287) and respondents in *V.O.S. Selections* (No. 25-250) are plaintiffs who collectively allege that IEEPA does not authorize the trade or trafficking tariffs. The *Learning Resources* plaintiffs filed suit in the United States District Court for the District of Columbia; the *V.O.S. Selections* plaintiffs filed suit in the Court of International Trade (CIT).

1. **Learning Resources**

The district court denied the government's motion to transfer the case to the CIT, rejecting the government's argument that the court lacked subject-matter jurisdiction under 28 U.S.C. 1337(c) and 1581(i)(1). See 24-1287 Pet. App. 18a-21a. As relevant here, Section 1581 provides that the CIT has exclusive jurisdiction over "any civil action" against the federal government "that arises out of any law of the United States providing for * * * tariffs, duties, fees, or other taxes on the importation of merchandise for reasons other than the raising of revenue" or for "administration and enforcement with respect to" those matters. 28 U.S.C. 1581(i)(1)(B) and (D). Section 1337 in turn provides that "[t]he district courts shall not have jurisdiction under this section of any matter within the exclusive jurisdiction of the Court of International Trade." 28 U.S.C. 1337(c). The district court viewed its jurisdiction as depending on whether IEEPA authorizes tariffs at all. 24-1287 Pet. App. 18a.

The district court then granted a preliminary injunction prohibiting the government from collecting the tariffs from plaintiffs, finding that the President's power under IEEPA to "regulate importation" likely does not include the power to impose tariffs at all. See 24-1287 Pet. App. 21a-37a.

2. **V.O.S. Selections**

a. The CIT granted summary judgment to plaintiffs, vacated the tariff orders, and entered a universal permanent injunction against the tariffs' imposition. Pet. App. 139a-197a.

The CIT first held that it had exclusive jurisdiction under Section 1581 because plaintiffs' claims arose out of the President's modifications to the Harmonized Tariff Schedule, and such modifications are considered "law

of the United States setting tariffs." Pet. App. 160a; see 19 U.S.C. 3004(c)(1) (presidential "modification[s]" to the schedule "shall be considered to be statutory provisions of law for all purposes").

The CIT next held that IEEPA does not authorize the trade tariffs. Pet. App. 169a-181a. The CIT acknowledged (*id.* at 174a-175a) that IEEPA's authorization to "regulate importation" empowers the President to impose *some* tariffs, but held that Section 122 of the Trade Act of 1974, 88 Stat. 1987 (19 U.S.C. 2132), "removes the President's power to impose remedies in response to balance-of-payments deficits." Pet. App. 178a. Section 122 authorizes "temporary import surcharge[s]" of up to 15 percent for up to 150 days "to deal with large and serious United States balance-of-payments deficits." 19 U.S.C. 2132(a). In the CIT's view, any tariff that "responds to an imbalance in trade * * * must conform with the limits of Section 122," even if the tariff otherwise complies with IEEPA. Pet. App. 179a-180a.

The CIT further held that the trafficking tariffs do not satisfy IEEPA's requirement that the President exercise his authorities only to "deal with" a threat underlying a declared emergency. Pet. App. 193a; see *id.* at 181a-196a. In the CIT's view, the tariffs were "'pressure' or 'leverage' tactics" and thus insufficiently "direct" to satisfy IEEPA's "'deal with'" requirement. *Id.* at 193a.

The CIT declared the tariffs unlawful, issued a universal permanent injunction against the tariffs, and ordered the government to revert to prior tariff rates within 10 days. Pet. App. 199a-200a.

b. Sitting initially en banc, the Federal Circuit in a 7-4 decision affirmed the declaratory relief but vacated

the injunction in its entirety and remanded to the CIT to reconsider the scope of injunctive relief, if any. Pet. App. 1a-136a.

i. In a per curiam opinion, the en banc Federal Circuit held that IEEPA did not authorize the challenged tariffs. Pet. App. 25a-46a. The court agreed that the CIT had exclusive jurisdiction, *id.* at 21a-25a, but relied on grounds different from the CIT's to affirm on the merits.

The Federal Circuit purported not to address "whether IEEPA authorizes any tariffs at all," and (unlike the CIT) did not categorically rule out IEEPA tariffs to address balance-of-payments deficits. Pet. App. at 25a. Instead, the court held, IEEPA does not authorize "tariffs of the magnitude of the" challenged tariffs. *Id.* at 38a; see *id.* at 25a-42a. The court stated that "whenever Congress intends to delegate to the President the authority to impose tariffs, it does so explicitly." *Id.* at 30a. The court found it significant that IEEPA does "not use the term 'tariff' or any of its synonyms, like 'duty' or 'tax.'" *Id.* at 27a.

The Federal Circuit contemplated that IEEPA might authorize some tariffs, but held that to interpret IEEPA as authorizing "unlimited tariffs" would "run[] afoul of the major questions doctrine." Pet. App. 34a. The court explained that although past Presidents had invoked IEEPA, they mostly did so "to freeze assets, block financial transfers, place embargoes, or impose targeted sanctions," not to impose tariffs. *Id.* at 36a. The court distinguished the tariffs imposed by President Nixon under TWEA as "'limited'" in "time, scope, and amount." *Id.* at 40a (brackets and citation omitted).

ii. Judge Cunningham, joined by Judges Lourie, Reyna, and Stark, filed an opinion expressing additional

views. Pet. App. 47a-62a. In her view, IEEPA does not authorize *any* tariffs, and a contrary interpretation would violate the nondelegation doctrine. *Ibid.*

iii. Judge Taranto, joined by Chief Judge Moore and Judges Prost and Chen, dissented. Pet. App. 63a-136a. He explained that the plain meaning of "regulate importation" encompasses tariffs, and that the omission of "additional limits" reflects that "IEEPA embodies an eyes-open congressional grant of broad emergency authority in this foreign-affairs realm, which unsurprisingly extends beyond authorities available under non-emergency laws." *Id.* at 66a; see *id.* at 93a-113a, 121a-123a. Judge Taranto also rebutted the CIT's different rationales. See *id.* at 113a-121a, 124a-136a.

SUMMARY OF ARGUMENT

I. A. By authorizing the President to "regulate importation," IEEPA plainly authorizes the President to impose tariffs, which are a traditional and commonplace way to regulate imports. This Court has long recognized that regulating trade includes imposing taxes or tariffs. President Nixon imposed tariffs that were upheld under identical language in IEEPA's predecessor statute, which the Court has recognized authorized "essentially the same" actions as IEEPA. That IEEPA does not use the word "tariff" is immaterial; this Court has repeatedly rejected such magic-words requirements. Indeed, the Court has held that a statute authorizing the President to "adjust imports" includes tariffs, making this an easier case.

B. Plaintiffs argue that even if IEEPA authorizes tariffs, it does not authorize "unlimited" tariffs. But neither plaintiffs nor the Federal Circuit, which endorsed this position, identify what limited tariffs are acceptable, or how to tell. They also overlook the limits

that Congress fashioned in IEEPA itself, including the time limit on emergencies, the enumerated list of exceptions, and congressional oversight. The Federal Circuit relied on the major-questions doctrine in interpreting IEEPA to allow some tariffs but not these ones. But that doctrine is an aid to interpret ambiguous statutory terms, not a license to impose atextual limits based on judges' policy views of which tariffs go too far. The Court also has never applied the doctrine in the foreign-affairs context, where Congress presumptively does grant the President broad powers to supplement his Article II authority. The major-questions doctrine has particularly little force when, as here, the statutory delegation is to the President directly, concerns emergencies, and copies language from a predecessor statute that was held to authorize the challenged action.

C. No alternative rationales justify invalidating these tariffs. The CIT deemed the trade tariffs invalid because they did not satisfy the requirements for tariffs imposed under Section 122 of the Trade Act of 1974, which imposes 15-percent and 150-day limits on non-emergency tariffs to address balance-of-payments deficits. But IEEPA and Section 122 are complementary statutes with different requirements and limitations, and each should be given full effect in its own domain. The CIT deemed the trafficking tariffs invalid because collecting duties on lawful goods does not directly "deal with" drug traffickers. But the tariffs "deal with" the declared national emergencies because that phrase is broad enough to encompass actions that serve as leverage. And the President's determinations that the goods trade deficits and contraband trafficking *are* emergencies resulting from unusual or extraordinary threats are essentially judicially unreviewable. IEEPA instead im-

poses comprehensive procedures to ensure that Congress periodically reviews the basis for those emergencies and whether to terminate them.

II. Plaintiffs alternatively contend that if IEEPA authorizes tariffs, that authority would violate the nondelegation doctrine, which prohibits Congress from delegating legislative power outside the legislative branch. See *FCC* v. *Consumers' Research*, 145 S. Ct. 2482, 2496-2497 (2025). That doctrine has little or no force in the foreign-affairs context, where the President enjoys inherent Article II authority and Congress "must of necessity paint with" a "broader" brush. *Zemel* v. *Rusk*, 381 U.S. 1, 17 (1965). Delegating supplemental powers to the primary actor in the foreign-affairs arena does not trigger any of the concerns underlying the nondelegation doctrine in the domestic context. Thus, this Court has repeatedly rejected constitutional challenges to broad congressional delegations to the President to regulate international trade, including through tariffs. And even if the domestic version of the nondelegation doctrine applied, IEEPA would satisfy it. IEEPA prescribes both a general policy (to deal with certain foreign threats that constitute an emergency) and sufficiently clear boundaries for the President to exercise IEEPA powers (including default time limits on emergencies, enumerated exceptions to IEEPA's authorizations, and detailed congressional reporting requirements).

III. The *Learning Resources* district court lacked jurisdiction. The CIT has exclusive jurisdiction over "any civil action" against the government that "arises out of any law" providing for tariffs or their administration and enforcement, 28 U.S.C. 1581(i)(1). Presidential "modification[s]" to the Harmonized Tariff Schedule

qualify as such "law[s]," 19 U.S.C. 3004(c)(1)(C). And plaintiffs' claims "arise[] out of" those modifications; they seek to declare the modifications unlawful, enjoin their enforcement, and set them aside.

ARGUMENT

IEEPA's authorization to "regulate importation" of foreign goods clearly encompasses the authority to impose tariffs—a traditional and commonplace means of "regulating" imports since the Founding. As Judge Taranto explained, "IEEPA embodies an eyes-open congressional grant of broad emergency authority in this foreign-affairs realm," Pet. App. 66a, and this Court has long upheld delegations to the President to regulate international trade through tariffs. Plaintiffs' motte-and-bailey retreat to the position that IEEPA might authorize *some* tariffs, just not these ones, is textually incoherent and would simply invite judges to impose their own policy preferences as to which IEEPA tariffs go too far. Plaintiffs accuse the government's position of lacking limiting principles, but IEEPA itself imposes limits on the President's authority to impose tariffs, including a default one-year limit on emergencies, an enumerated list of exceptions to the authority to regulate, and comprehensive reporting requirements. Congress thus gave itself, not federal courts, primary oversight over the President's exercise of IEEPA powers.

I. IEEPA AUTHORIZES THE CHALLENGED TARIFFS

A. Authority to "Regulate Importation" Includes Tariffs

1. IEEPA's plain text authorizes the President to impose the challenged tariffs. Under IEEPA, "[a]t the times and to the extent specified in section 1701," the President may "regulate * * * importation" of "any property in which any foreign country or a national

thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States." 50 U.S.C. 1702(a)(1)(B). The power to "regulate importation" plainly encompasses the power to impose tariffs. "Regulate" is a broad term that encompasses monetary exactions. When paired with "importation," the resulting phrase unambiguously encompasses tariffs.

The ordinary meaning of "regulate" is to "fix, establish or control; to adjust by rule, method, or established mode; to direct by rule or restriction; to subject to governing principles or laws." *Black's Law Dictionary* 1156 (5th ed. 1979); see *The American Heritage Dictionary of the English Language* 1096 (1969) (*American Heritage*) ("[t]o control or direct according to a rule"; "[t]o adjust in conformity to a specification or requirement"). In the context of commerce or trade, that self-evidently encompasses the imposition of monetary exactions, such as taxes or tariffs, to adjust or control the trade. "The laying of a duty on imports, although an exercise of the taxing power, is also an exercise of the power to regulate foreign commerce." *McGoldrick* v. *Gulf Oil Corp.*, 309 U.S. 414, 428 (1940).

That "regulation" of commerce or trade includes tariffs has been understood since the Founding. As Chief Justice Marshall observed, the "right to regulate commerce, even by the imposition of duties, was not controverted." *Gibbons* v. *Ogden*, 9 Wheat. 1, 202 (1824). Justice Story likewise explained that "[n]o one can doubt or deny, that a power to regulate trade involves a power to tax it," and that "the power to regulate commerce includes the power of laying duties to countervail the regulations and restrictions of foreign nations." 2 Joseph Story, *Commentaries on the Constitution of the United*

States §§ 1076, 1083, at 523, 530 (1833) (Story). James Madison, too, rejected the argument "that a power to regulate trade does not involve a power to tax it." Letter from James Madison to Joseph C. Cabell, Sept. 18, 1828 (Madison), Library of Congress, www.loc.gov/resource/mjm.22_0553_0561.

When "regulate" is paired with "importation," the resulting phrase even more clearly encompasses tariffs. Tariffs historically have been one of the most common ways to "regulate importation." See pp. 12-13, *supra*. To "lay duties" is "a common means of executing the power" to "regulate commerce." Story § 1084, at 531; see § 1076, at 523-524 ("a familiar mode" and "no novelty"); *Board of Trustees* v. *United States*, 289 U.S. 48, 58 (1933) (same); cf. *Free Speech Coalition, Inc.* v. *Paxton*, 145 S. Ct. 2291, 2307 (2025) (authorization to government to prohibit certain items "permits [the government] to employ the ordinary and appropriate means of enforcing such a prohibition").

Context reinforces that "regulate importation" is a broad grant of authority. "Regulate" appears amid a list of nine intentionally capacious verbs, including "block," "nullify," "void," "prevent," and "prohibit," 50 U.S.C. 1702(a)(1)(B)—so it would be particularly anomalous to read "regulate importation" as excluding the "less extreme, more flexible tool for pursuing the same objective." Pet. App. 97a (Taranto, J., dissenting). And IEEPA expressly carves out authority to "regulate or prohibit, directly or indirectly," an enumerated list of items, 50 U.S.C. 1702(b), demonstrating both that the original grant of authority is broad enough to include indirect methods, and that "regulate [and] prohibit" are metonymic stand-ins for that broad and overlapping panoply of authorities.

IEEPA's history confirms that it encompasses tariffs. Shortly before IEEPA's enactment, President Nixon imposed tariffs that the Federal Circuit's predecessor upheld under the TWEA provision authorizing the President to "regulate importation." *United States* v. *Yoshida International, Inc.*, 526 F.2d 560 (C.C.P.A. 1975). This Court has recognized that IEEPA's language was "directly drawn" from TWEA, *Dames & Moore* v. *Regan*, 453 U.S. 654, 671 (1981), and that the "authorities granted to the President" under IEEPA "are essentially the same as those" under TWEA, *Regan* v. *Wald*, 468 U.S. 222, 228 (1984); see *id.* at 228 n.8 (listing differences, all immaterial here). "[W]hen Congress 'adopts the language used in an earlier act,' [courts] presume that Congress 'adopted also the construction given'" to that language. *Georgia* v. *Public.Resource.Org*, 590 U.S. 255, 270 (2020) (brackets and citation omitted). Congress indisputably knew of the "construction given" to TWEA. See IEEPA House Report 5 (citing *Yoshida*'s interpretation of TWEA as authorizing the "imposition of duties").

The lower courts brushed away that history by characterizing the Nixon tariffs as more "'limited'" in "time, scope, and amount." Pet. App. 40a (citation omitted); see 24-1287 Pet. App. 35a. But as Judge Taranto explained, those supposed limits did not actually exist. Pet. App. 104a-109a. The NEA and IEEPA contain their own limits—such as the default one-year time limit on emergencies, an enumerated list of exceptions, and congressional reporting requirements, see 50 U.S.C. 1622, 1641, 1702, 1703—that differ from those under TWEA. The courts did not claim that the tariffs here violate any of those unique constraints. And in any event, "[i]t is the obvious role of emergency laws to con-

fer authority that Congress has not conferred in non-emergency laws." Pet. App. 109a (Taranto, J., dissenting).

2. The *Learning Resources* court's contrary view (24-1287 Pet. App. 18a-37a) that IEEPA does not authorize any tariffs at all is textually and contextually untenable. The Federal Circuit disclaimed holding that IEEPA does not "authorize[] any tariffs at all," even as some of its reasoning suggested otherwise. Pet. App. 25a; see *id.* at 25a-33a. Both courts' reasoning lacks merit.

a. The lower courts primarily emphasized that IEEPA "d[oes] not use the term 'tariff' or any of its synonyms, like 'duty' or 'tax.'" Pet. App. 27a; see 24-1287 Pet. App. 21a-22a. But this Court has repeatedly rejected such "magic words" requirements in a variety of statutory contexts. *E.g.*, *Soto* v. *United States*, 605 U.S. 360, 371 (2025); *FAA* v. *Cooper*, 566 U.S. 284, 291 (2012). The lower courts also asserted that "whenever Congress intends to delegate to the President the authority to impose tariffs, it does so explicitly." Pet. App. 30a; see 24-1287 Pet. App. 24a-25a. Again, "even if Congress 'typically' confers the authority to" take certain actions using a particular term, "that standard practice does not bind legislators to specific words or formulations." *Soto*, 605 U.S. at 371 (citation omitted).

In any event, the lower courts mischaracterized Congress's practice. In *FEA* v. *Algonquin SNG, Inc.*, 425 U.S. 548 (1976), this Court addressed a statutory provision authorizing the President "to adjust the imports" of a product—without mentioning "tariffs" or "duties" in that provision. *Id.* at 555 (citation omitted). Nonetheless, the Court held, that phrase encompassed not just "quantitative methods—*i.e.*, quotas" to prescribe

import quantities, but also "monetary methods—*i.e.*, license fees" for "effecting such adjustments." *Id.* at 561. Like the license fees in *Algonquin* (imposed per barrel of oil there), a tariff also is a "monetary method" (imposed ad valorem). Cf. *id.* at 553. And because "regulate importation" is broader than "adjust imports," the authority to impose tariffs under IEEPA follows *a fortiori* from this Court's decision in *Algonquin*.

The Federal Circuit attempted to distinguish *Algonquin* by noting that a neighboring provision in the statute at issue used the term "duty." Pet. App. 29a-30a. But *Algonquin* did not rely on that neighboring provision; it simply analyzed the text, context, and history of the "adjust the imports" provision. See 426 U.S. at 561-562. Further, *Algonquin* rejected the argument that "reading the statute to authorize the action taken by the President 'would be an anomalous departure' from 'the consistently explicit, well-defined manner in which Congress has delegated control over foreign trade and tariffs.'" *Id.* at 557 (citation omitted). This Court thus has already rejected the very reasoning that the lower courts embraced here.

b. The lower courts erred (Pet. App. 34a; 24-1287 Pet. App. 24a) in relying on the associated-words canon to conclude that because the other verbs in the operative IEEPA provision do not encompass tariffs, "regulate" must be read to exclude tariffs. Under that canon, when words in a list "have something in common, they should be assigned a permissible meaning that makes them similar." Scalia & Garner, *Reading Law* 195 (2012). Critically, the "common quality suggested by a listing should be its *most general quality*—the least common denominator, so to speak—relevant to the context." *Id.* at 196 (emphasis added).

The most general quality of IEEPA's capacious string of verbs—"investigate, block * * * , regulate, direct and compel, nullify, void, prevent or prohibit"—is that they are means to control an equally capacious string of property transactions ("acquisition, holding," etc.). 50 U.S.C. 1702(a)(1)(B). None of those verbs details the specific mechanism of control; a regulation or prohibition, for instance, could be an asset freeze, an embargo, a quota, or any number of other means of control. In the context of "importation," tariffs easily qualify as one such means. The lower courts' myopic focus on whether the other verbs specifically encompass tariffs violates the least-common-denominator requirement and, if taken seriously, would strip "regulate" of nearly all effect. The better contextual reading is that IEEPA covers the waterfront: from "compel" to "prohibit" and everything in between ("regulate")—the common quality being their breadth.

c. The lower courts observed (Pet. App. 31a; 24-1287 Pet. App. 22a) that Congress's constitutional power to "regulate" interstate and foreign commerce and to impose "Taxes" and "Duties" are in separate clauses of Article I, Section 8, and thus concluded that "regulate" and "duties" are mutually exclusive concepts. That is incorrect. The plain meaning of "regulation" *includes* the imposition of taxes or duties, as the Framers uniformly recognized. See *Gibbons*, 9 Wheat. at 202; Story §§ 1076-1083, at 523-530; Madison, *supra*. That the Constitution grants the federal government an *additional*, broader power to tax non-commercial and domestic activity does not constrict the power to (or meaning of) regulate. "[T]he taxing power is a distinct power and embraces the power to lay duties, [but] it does not follow that duties may not be imposed in the exercise of

the power to regulate commerce." *Board of Trustees*, 289 U.S. at 58. The lower courts' contrary reasoning conflicts with the longstanding "rule of interpretation of the constitution * * * that the natural import of a single clause is not to be narrowed, so as to exclude implied powers resulting from its character, simply because there is another clause, which enumerates certain powers, which might otherwise be deemed implied powers within its scope." 1 Story § 449, at 435.

d. The *Learning Resources* district court reasoned (24-1287 Pet. App. 30a) that "regulate importation" cannot include duties because IEEPA also authorizes the President to "regulate * * * exportation," 50 U.S.C. 1702(a)(1)(B), and imposing duties on exports would be unconstitutional. That reasoning lacks merit. For one thing, the premise is incorrect: the Constitution states that "[n]o Tax or Duty shall be laid on Articles exported from any State," U.S. Const. Art. I, § 9, Cl. 5—and thus permits duties on exports from the territories or the District of Columbia. More fundamentally, "regulate importation" can include duties whether or not "regulate exportation" does. That does not render the statute a "chameleon," *Clark* v. *Martinez*, 543 U.S. 371, 382 (2005); it simply means that "regulate" carries its ordinary (fixed) meaning, whose broad contours are contextually shaped by the object of the regulation.

Even if "regulate exportation" were best read to include tariffs, it would not justify an artificially narrow reading of "regulate importation." Where, as here, a broad statute contains a long list of verbs and a long list of permissible objects of those verbs, the various terms should be given their ordinary meanings with the understanding that *certain permutations* might be excluded or unenforceable as applied. Cf. *Department of*

Agriculture Rural Development Rural Housing Service v. *Kirtz*, 601 U.S. 42, 61 (2024) (statutory term "means what the [statute] says it means, even if" some permutations might implicate "a valid constitutional defense"). As the Court explained in an analogous context, that is "the linguistic price paid for having a single statutory provision that covers" "many different kinds" of actions, and "the law does not require legislators to write extra language specifically exempting, phrase by phrase, applications in respect to which a portion of a phrase is not needed." *Robers* v. *United States*, 572 U.S. 639, 643-644 (2014). For example, there may well be particular exercises of IEEPA that implicate other constitutional provisions, such as the Takings Clause or the First Amendment. That would not justify unduly narrow readings of the statutory terms, which would rob IEEPA of its intended breadth.

e. The lower courts thought that interpreting "regulate importation" to include tariffs "would mean, for example, that Congress delegated to the SEC power to tax substantial swaths of the American economy by granting the SEC the authority to regulate various activities," Pet. App. 32a, or that EPA's authority to "'promulgate regulations establishing emissions standards'" would allow it "to raise revenue by imposing fees, tariffs, or taxes," 24-1287 Pet. App. 28a-29a (citation omitted). That misconstrues the government's argument: when the broad term "regulate" is paired with "importation" in a foreign-affairs delegation to the President, the resulting phrase is best read to include the power to impose tariffs because that is a traditional and commonplace way to regulate importation. The grant of authority to SEC to "regulate the trading" of certain securities consistent with its mission to protect

investors and maintain fair, orderly, and efficient markets, 15 U.S.C. 78i(h)(1) and (2), or to EPA to regulate emissions standards consistent with its mission to protect human health and the environment, 42 U.S.C. 7412(d), does not naturally carry the same inference or have the same pedigree.

B. The Major-Questions Doctrine Does Not Support Reading IEEPA to Prohibit Some Tariffs But Not Others

Despite expressing skepticism that IEEPA authorizes tariffs, the Federal Circuit ultimately declined to hold so broadly. See Pet. App. 25a. Instead, the court contemplated that IEEPA might authorize *some* tariffs, just not "tariffs of the magnitude" of the tariffs challenged here. *Id.* at 38a; see *id.* at 34a-39a. That echoes plaintiffs' fallback claim that even if IEEPA authorizes tariffs, it does not authorize "unlimited" or "unbounded" tariffs.

That claim attacks a strawman. IEEPA and the NEA itself impose limits, including a default one-year limit on emergencies, 50 U.S.C. 1622(d); an enumerated list of exceptions, 50 U.S.C. 1702(b)(1)-(4); and a slew of procedural and reporting requirements that allow Congress to oversee and override the President's determinations, 50 U.S.C. 1622(a)-(c), 1631, 1641, 1703. Those limits are not toothless: courts have found exercises of IEEPA authority to violate the exceptions, *e.g.*, *Marland* v. *Trump*, 498 F. Supp. 3d 624, 636-641 (E.D. Pa. 2020), and Congress recently exercised its powers to terminate a national emergency, see Act of Apr. 10, 2023, Pub. L. No. 118-3, 137 Stat. 6. Neither the lower courts nor plaintiffs have explained what additional atextual limits might apply, or from where those limits would be derived (if not from IEEPA's text).

The Federal Circuit grounded its holding that these tariffs go too far on the major-questions doctrine, under which, "in certain extraordinary cases, both separation of powers principles and a practical understanding of legislative intent make [courts] 'reluctant to read into ambiguous statutory text' the delegation claimed to be lurking there." *West Virginia* v. *EPA*, 597 U.S. 697, 723 (2022) (citation omitted). The court's reliance on that doctrine was misplaced for several interrelated reasons.

1. This Court has applied the major-questions doctrine only as a guide to interpreting "ambiguous" statutory terms. *West Virginia*, 597 U.S. at 723 (citation omitted); *Alabama Association of Realtors* v. *Department of Health & Human Services*, 594 U.S. 758, 764 (2021) (per curiam); *Utility Air Regulatory Group* v. *EPA*, 573 U.S. 302, 324 (2014). Here, the phrase "regulate importation" unambiguously includes tariffs. See Part I.A, *supra*.

The Federal Circuit's textually incoherent holding—that "regulate importation" authorizes the imposition of some tariffs, but not others, depending on their duration, amount, or scope—invites judges to gauge the legality of tariffs based on their own policy views of how long is too long, how much is too much, or how many countries are too many. That holding improperly twists the major-questions doctrine from one that restores power from unelected agencies to Congress, see *Biden* v. *Nebraska*, 600 U.S. 477, 503 (2023), into one that transfers power to an unelected judiciary.

This Court has not applied the major-questions doctrine in a way that would permit such judicial policymaking through the imposition of atextual limits. Instead, the doctrine asks whether an ambiguous statutory term encompasses a particular exercise of author-

ity, full stop—for instance, whether "drug delivery devices" in the Food, Drug, and Cosmetic Act includes cigarettes; whether "air pollutant" in a particular provision of the Clean Air Act includes greenhouse gases; or whether authority in a public-health statute "to prevent the * * * spread of communicable diseases" includes prohibiting landlords from evicting tenants. See *FDA* v. *Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 159-161 (2000); *Utility Air*, 573 U.S. at 324; *Alabama Realtors*, 594 U.S. at 764. The Court did not suggest that FDA could regulate some cigarettes but not others, that EPA could regulate some greenhouse gases but not others, or that CDC could prohibit some evictions but not others. Nor did the Court suggest that those agencies could regulate those things as long as the regulations did not go too far, or last too long. That would be illogical and inconsistent with the description of the major-questions doctrine as an "interpretive tool." *Nebraska*, 600 U.S. at 511 (Barrett, J., concurring).

The phrase "regulate importation" either includes the authority to impose tariffs or it does not; and if it does, any limits must be found in IEEPA's text—which *does* contain limits, *e.g.*, 50 U.S.C. 1701, 1702(b), 1703—and not simply created by judges under the aegis of the major-questions doctrine.

2. Independently, "the major questions canon has not been applied by this Court in the national security or foreign policy contexts, because the canon does not reflect ordinary congressional intent in those areas." *FCC* v. *Consumers' Research*, 145 S. Ct. 2482, 2516 (2025) (Kavanaugh, J., concurring). In those areas, Congress and the President enjoy concurrent constitutional authority, so the presumption flips: "Congress specifies limits on the President when it wants to restrict Presi-

dential power." *Ibid.* Foreign policy and national security also are uniquely within the President's expertise. Cf. *Department of the Navy* v. *Egan*, 484 U.S. 518, 529-530 (1988). When Congress authorizes the President to impose tariffs (as multiple overlapping statutes, including IEEPA, do), that should *eliminate* doubts about the President's authority, not create them. Cf. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 635-637 (1952) (Jackson, J., concurring).

That IEEPA addresses foreign-policy emergencies —the most major of major questions—underscores why "'common sense as to the manner in which Congress would have been likely to delegate' such power" to the President, *West Virginia*, 597 U.S. at 722-723 (brackets and citation omitted), counsels a broad reading of the statutory delegation. "Congress can hardly have been expected to anticipate in any detail" the "nature of" or requisite "responses to" the sorts of "international crises" that IEEPA covers. *Dames & Moore* v. *Regan*, 453 U.S. 654, 669 (1981). As Judge Taranto explained, "IEEPA embodies an eyes-open congressional grant of broad emergency authority in this foreign-affairs realm, which unsurprisingly extends beyond authorities available under non-emergency laws." Pet. App. 66a.

Accordingly, there is no "'mismatch[]'" between the breadth of the asserted power and the "narrow[ness]" of the statute. *Nebraska*, 600 U.S. at 517 (Barrett, J., concurring) (citation omitted). IEEPA is the opposite of "narrow." IEEPA addresses national emergencies (the most important of circumstances) and authorizes the President (the most important person in government—and uniquely situated to react quickly) to respond to those emergencies. IEEPA, in short, is *all about* major questions, and the more natural presumption is that

Congress intends broad language conferring emergency powers to be construed broadly, not narrowly. Indeed, IEEPA authorizes the President to "prohibit" importation altogether, so it would make little sense to apply the major-questions doctrine to curtail the more modest authority to "regulate" importation.

3. Further, the major-questions doctrine provides no basis to artificially narrow IEEPA's text because that doctrine addresses the "particular and recurring problem" of "*agencies* asserting highly consequential power beyond what Congress could reasonably be understood to have granted." *West Virginia*, 597 U.S. at 724 (emphasis added). Those concerns dissipate where, as here, Congress delegates authority directly to the President—"the most democratic and politically accountable official in Government," *Seila Law LLC* v. *CFPB*, 591 U.S. 197, 224 (2020). Congress is far more likely to grant "consequential power" to the President than it is to grant such power to an agency as a matter of course.

Relatedly, the major-questions doctrine counsels "skepticism" where "an agency claims to discover in a long-extant statute an unheralded power to regulate 'a significant portion of the American economy.'" *Utility Air*, 573 U.S. at 324 (citation omitted). Presidential authority to impose tariffs is hardly "unheralded": Congress has long granted Presidents capacious authority over tariffs and international trade, and President Nixon's tariffs in particular were upheld under IEEPA's predecessor. IEEPA also has long been understood to authorize similar exercises of emergency authority, such as "to require American oil companies and entities they control to sell any oil they acquire or can acquire abroad * * * and to sell it only to nations specified by

the President and in quantities the President specifies." *Diverting Oil Imports to United States Allies*, 4A OLC Op. 295, 295 (1981). As *Algonquin* long ago recognized, there is no substantive difference between directly specifying the quantities of a foreign product to be sold and exploiting price-demand curves (via tariffs) to achieve the same end.

Nor is IEEPA some "little-used backwater" of a statute. *West Virginia*, 597 U.S. at 730. "IEEPA is the most frequently cited emergency authority when the President declares a national emergency"; as of January 2024, "Presidents ha[d] issued roughly 4.5 executive orders citing IEEPA" each year since 1990. Casey & Elsea, Congressional Research Service, R45618, *The International Emergency Economic Powers Act: Origins, Evolution, and Use* 16-17 (Jan. 30, 2024). Presidents have invoked IEEPA to deal with emergencies ranging from the Iranian hostage crisis to the 9/11 attacks to the Sierra Leone diamond trade to bulk-power system electric equipment. See Executive Order No. 12,170, 44 Fed. Reg. 65,729 (Nov. 15, 1979); Executive Order No. 13,224, 66 Fed. Reg. 49,079 (Sept. 25, 2001); Executive Order No. 13,194, 66 Fed. Reg. 7389 (Jan. 23, 2001); Executive Order No. 13,920, 85 Fed. Reg. 26,595 (May 4, 2020). IEEPA is thus an oft-tapped wellspring, not a little-used backwater.

C. Alternative Arguments For Affirmance Lack Merit

1. Section 122 of the Trade Act of 1974 does not displace IEEPA

The CIT incorrectly concluded that the trade tariffs addressing goods trade deficits are unlawful because they do not satisfy the limits in Section 122 of the Trade Act of 1974, 19 U.S.C. 2132. Section 122 provides that

whenever "fundamental international payments problems require special import measures to restrict imports," including "to deal with large and serious United States balance-of-payments deficits," "the President shall proclaim, for a period not exceeding 150 days," "a temporary import surcharge, not to exceed 15 percent ad valorem, in the form of duties (in addition to those already imposed, if any) on articles imported into the United States." 19 U.S.C. 2132(a). The CIT held that even if IEEPA's text authorizes tariffs to address balance-of-payments problems, those tariffs must nevertheless satisfy the 150-day and 15-percent limitations because Section 122 "removes the President's power to impose remedies" that IEEPA otherwise authorizes as to balance-of-payments imbalances. Pet. App. 178a; see *id.* at 177a-181a.

That holding is incorrect. Section 122 and IEEPA each provides an independent source of authority; the President's choice to exercise his authority under one does not compel him to comply with the terms of the other. Although both Section 122 and IEEPA address tariffs, courts "approach federal statutes touching on the same topic with a 'strong presumption' they can coexist harmoniously. Only by carrying a 'heavy burden' can a party convince us that one statute 'displaces' a second." *Kirtz*, 601 U.S. at 63 (citation omitted). Here, the two statutes are "merely complementary." *Ibid.* Section 122 is available to address balance-of-payments deficits whether or not they rise to the level of a declared emergency. IEEPA is available to address emergencies whether or not they involve balance-of-payments deficits. That Section 122 contains scope and duration limits that IEEPA omits is hardly surprising given that Congress naturally gave the President

broader leeway in the narrower circumstance of an emergency covered by IEEPA. See Pet. App. 113a-121a (Taranto, J., dissenting).

For similar reasons, the CIT's reasoning cannot be defended under the canon that "the specific governs the general." *RadLAX Gateway Hotel, LLC* v. *Amalgamated Bank*, 566 U.S. 639, 645 (2012) (citation omitted). Neither Section 122 nor IEEPA can be deemed the more "specific" statute because each applies to different circumstances (only some of which overlap). The two statutes thus "are complementary and have separate scopes and purposes," and there is no "difficulty in fully enforcing each statute according to its terms." *POM Wonderful LLC* v. *Coca-Cola Co.*, 573 U.S. 102, 118 (2014). That is especially true given the vast array of statutes that authorize tariffs, see p. 13, *supra*, which Congress plainly intended to operate in parallel with full force. For example, if a balance-of-payments deficit is the product of discriminatory trade practices, the President may impose tariffs under either Section 122 or Section 338 of the Tariff Act of 1930 (19 U.S.C. 1338)—or both. It would make little sense to apply the general/specific canon to artificially limit the scope of either statute. The same goes for IEEPA.

2. The trafficking tariffs "deal with" the national emergencies

The CIT held that IEEPA does not authorize the trafficking tariffs because the phrase "deal with" in IEEPA requires "a direct link between an act and the problem it purports to address," and precludes actions that merely "aim to create leverage to 'deal with' th[e stated] objectives." Pet. App. 191a-192a; see *id.* at 190a-196a. But the intransitive verb "deal," when paired with "with," is a broad term that simply means "[t]o be occu-

pied or concerned," "[t]o behave in a specified way toward another," or "[t]o take action." *American Heritage* 339; cf. *Public Citizen* v. *FMCSA*, 374 F.3d 1209, 1221 (D.C. Cir. 2004) ("'Deal with,' in the sense meant here, means 'to take action with regard to someone or something.'") (brackets and citation omitted).

Nothing in that broad definition supports the CIT's proposition that one can "deal with" a problem only directly, not indirectly through leverage. See Pet. App. 134a-136a (Taranto, J., dissenting). History is littered with counterexamples, including this Court's recognition that IEEPA permits using property to "serve as a 'bargaining chip' to be used by the President when dealing with a hostile country." *Dames & Moore*, 453 U.S. at 673. Plaintiffs assert (Oregon Cert. Resp. 8) that "[t]axing tomatoes does not 'deal with' fentanyl." But imposing duties on Mexican tomatoes "deals with" Mexico's failure to curtail fentanyl-smuggling in the same way that taking away the car keys "deals with" a teenager's failure to do chores: It serves as leverage to incentivize a change in behavior.

Besides, whether a given action in fact "deal[s] with" an identified threat or emergency in the areas of foreign affairs and national security is a question that resists meaningful judicial review because of its discretion-laden nature and the lack of judicially manageable standards. See *Webster* v. *Doe*, 486 U.S. 592, 599-601 (1988). At a minimum, courts should give substantial deference to the President's determinations. See *Wald*, 468 U.S. at 242 ("Matters relating 'to the conduct of foreign relations * * * are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference.'") (citation and ellipsis omitted); *Haig* v. *Agee*, 453 U.S. 280, 292 (1981) ("Mat-

ters intimately related to foreign policy and national security are rarely proper subjects for judicial intervention.").

In another national-security and foreign-relations context, this Court stated that courts should not scrutinize "'[w]hether the President's chosen method' of addressing perceived risks is justified from a policy perspective." *Trump* v. *Hawaii*, 585 U.S. 667, 686 (2018) (citation omitted). There, the President suspended the entry of aliens from certain countries not because each and every covered alien necessarily posed a threat, but in part as leverage to encourage those countries to improve their vetting and information sharing. The Court made clear that second-guessing that use of leverage would be "inconsistent with the broad statutory text and the deference traditionally accorded the President in this sphere." *Ibid.* So too here.

3. The President's emergency and threat determinations should be upheld

IEEPA's authorities "may be exercised to deal with any unusual and extraordinary threat" originating overseas "if the President declares a national emergency with respect to such threat." 50 U.S.C. 1701(a). Plaintiffs argued below that a "longstanding trade deficit is neither an 'emergency' nor 'an unusual and extraordinary threat.'" CAFC Doc. 92, at 57 (July 8, 2025) (V.O.S. Selections C.A. Br.); see *id.* at 56-61; CAFC Doc. 100, at 41-45 (July 8, 2025) (Oregon C.A. Br.); DDC Doc. 9, at 43-46 (Apr. 24, 2025) (Learning Resources Mot. for Prelim. Inj.). No lower court accepted those arguments, and for good reason.

Setting aside the compelling justifications for the emergency declarations reflected in the Executive Orders and the sworn statements of four Cabinet-level of-

ficials, the President's determinations in this area are not amenable to judicial review. Judges lack the institutional competence to determine when foreign affairs pose an unusual and extraordinary threat that requires an emergency response; that is a task for the political Branches. The NEA and IEEPA delegate to the President the authority to declare and respond to emergencies, and "[h]ow the President chooses to exercise the discretion Congress has granted him is not a matter for our review." *Dalton* v. *Specter*, 511 U.S. 462, 476 (1994). That both the NEA and IEEPA include various congressional reporting requirements underscores that Congress envisioned itself, not the courts, as the principal monitor of the President's exercise of authority.

It is unclear how courts could meaningfully review an emergency declaration or determination of an unusual and extraordinary threat, given that Presidents are neither agencies nor required to provide detailed reasons for their decisions. Cf. *Hawaii*, 585 U.S. at 685-686; *Franklin* v. *Massachusetts*, 505 U.S. 788, 827 (1992) (Scalia, J., concurring in part and in the judgment). Presidents often have made their determinations in a single sentence—including in the very first IEEPA action, undertaken in response to the Iranian hostage crisis of 1979, in which President Carter simply declared that "the situation in Iran constitutes an unusual and extraordinary threat." 44 Fed. Reg. at 65,729; see *Executive Power With Regard to the Libyan Situation*, 5 OLC Op. 432, 434 (1981) ("A presidential declaration of emergency under IEEPA can be short and to the point.").

Even if judicially manageable standards could be found, review of presidential determinations would have to be highly deferential. See *Hawaii*, 585 U.S. at 686;

Wald, 468 U.S. at 242; *Agee*, 453 U.S. at 292. The President indisputably complied with the NEA's procedural requirements in declaring the relevant emergencies here. See 50 U.S.C. 1621, 1622, 1631, 1641. And contrary to plaintiffs' assertions, nothing in the NEA or IEEPA precludes emergencies resulting from "longstanding" threats. The 1979 hostage-crisis emergency, for example, is still "ongoing." Notice of Nov. 1, 2024, 89 Fed. Reg. 87,761 (Nov. 4, 2024).

Nor does IEEPA estop a President from responding to longstanding but theretofore unaddressed threats that eventually rise to the level of an emergency. Presidents have used IEEPA to respond to longstanding threats ranging from South Africa's "policy and practice of apartheid," Executive Order No. 12,532, 50 Fed. Reg. 36,861 (Sept. 10, 1985), to global "human rights abuse and corruption" whose "prevalence and severity" had "reached such scope and gravity that they threaten[ed] the stability of international political and economic systems," Executive Order No. 13,818, 82 Fed. Reg. 60,839 (Dec. 26, 2017). Here, "President Trump and his senior economic advisors concluded that decades of cumulative, uncorrected trade imbalances had brought the United States to a 'tipping point,' *i.e.*, the brink of a major economic and national-security catastrophe." Mot. to Expedite 2a (Bessent). Those conclusions warrant judicial respect, not second-guessing.

II. IEEPA DOES NOT VIOLATE THE NONDELEGATION DOCTRINE

IEEPA's authorization of tariffs does not amount to "a functionally limitless delegation of Congressional taxation authority" in violation of the Constitution. Pet. App. 58a; see *id.* at 169a-172a.

A. "[I]n the national security and foreign policy realms, the nondelegation doctrine (whatever its scope with respect to domestic legislation) appropriately has played an even more limited role in light of the President's constitutional responsibilities and independent Article II authority." *Consumers Research*, 145 S. Ct. at 2516 (Kavanaugh, J., concurring); see *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936) (greater delegation permissible in areas implicating "the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations").

Constitutional "limitations" on Congress's authority to delegate are thus "less stringent in cases where the entity exercising the delegated authority itself possesses independent authority over the subject matter." *United States* v. *Mazurie*, 419 U.S. 544, 556-557 (1975). Where the President possesses both his own inherent constitutional authority and a broad delegation of authority from Congress, "his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate," and his actions are "supported by the strongest of presumptions and the widest latitude of judicial interpretation." *Youngstown*, 343 U.S. at 635-637 (Jackson, J., concurring). It follows that "Congress may assign the President broad authority regarding the conduct of foreign affairs or other matters where he enjoys his own inherent Article II powers." *Gundy* v. *United States*, 588 U.S. 128, 170-171 (2019) (Gorsuch, J., dissenting).

Relevant here, Article II gives the President the "lead role in foreign policy." *American Insurance Association* v. *Garamendi*, 539 U.S. 396, 415 (2003) (citations and ellipsis omitted). When Congress delegates

"authority over matters of foreign affairs," therefore, it "must of necessity paint with a brush broader than that it customarily wields in domestic areas." *Zemel* v. *Rusk*, 381 U.S. 1, 17 (1965).

Accordingly, Congress may, without running afoul of the Constitution, "invest the President with large discretion in matters arising out of the execution of statutes relating to trade and commerce with other nations." *Marshall Field & Co.* v. *Clark*, 143 U.S. 649, 691 (1892); see *Department of Transportation* v. *Association of American Railroads*, 575 U.S. 43, 80 n.5 (2015) (Thomas, J., concurring in the judgment) (discussing *Marshall Field* and finding it "likely the Constitution grants the President a greater measure of discretion in the realm of foreign relations").

This Court has thus long approved broad congressional delegations to the President to regulate international trade, including through tariffs. *E.g.*, *Algonquin*, 426 U.S. at 558-560; *J.W. Hampton, Jr., & Co.* v. *United States*, 276 U.S. 394, 406, 409 (1928); *Marshall Field*, 143 U.S. at 680; *Cargo of Brig Aurora* v. *United States*, 7 Cranch 382, 384-388 (1813); see p. 7, *supra* (describing the delegations). IEEPA resembles those statutes, and those precedents are sufficient to uphold the delegation of authority here.

B. Even if the domestic version of the nondelegation doctrine were applicable, IEEPA would easily pass muster. Congress at most "commit[ted] something to the discretion" of the Executive, *Wayman* v. *Southard*, 10 Wheat. 1, 46 (1825), which is permissible so long as Congress sets forth "an intelligible principle to which the person or body authorized to [act] is directed to conform," *J.W. Hampton*, 276 U.S. at 409. Congress must delineate both "'the general policy'" and "'the bounda-

ries of [the] delegated authority,'" so that "both 'the courts and the public'" can "'ascertain whether the [executive]' has followed the law." *Consumers' Research*, 145 S. Ct. at 2497 (citations omitted).

IEEPA satisfies those standards. It prescribes a general policy for Presidents to pursue: "to deal with any unusual and extraordinary [foreign] threat * * * to the national security, foreign policy, or economy of the United States" during a declared "national emergency" by "regulat[ing] * * * importation" of certain property, among other options. 50 U.S.C. 1701(a), 1702(a)(1)(B).

IEEPA also erects sufficient boundaries, even if not in the form of numerical limits on rate or duration: the President may exercise his authorities only "to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared," and may not exercise those authorities to "regulate or prohibit, directly or indirectly," an enumerated list of items, such as "informational materials." 50 U.S.C. 1701(b), 1702(b). In addition, national emergencies have a one-year time limit and other boundaries. 50 U.S.C. 1622. Congress itself extensively oversees the President's exercise of authority in this area. 50 U.S.C. 1622, 1641, 1703.

As noted, this Court has repeatedly upheld multiple statutes granting the President broad authority to set or change tariffs. See *Algonquin*, 426 U.S. at 558-560; *J.W. Hampton*, 276 U.S. at 409; *Marshall Field*, 143 U.S. at 683-689. And lower courts have uniformly rejected nondelegation challenges to similar delegations of tariff authority, *e.g.*, *Yoshida*, 526 F.2d at 580-581; *PrimeSource Building Products, Inc.* v. *United States*, 59 F.4th 1255, 1263 (Fed. Cir. 2023), cert. denied, 144 S. Ct. 345 (2023), and 144 S. Ct. 561 (2024); and to

IEEPA in general, see *United States* v. *Shih*, 73 F.4th 1077, 1092 (9th Cir. 2023) (collecting cases), cert. denied, 144 S. Ct. 820 (2024). The same result is warranted here.

III. THE *LEARNING RESOURCES* DISTRICT COURT LACKED JURISDICTION

As the en banc Federal Circuit and the CIT unanimously and correctly concluded, the CIT had exclusive subject-matter jurisdiction over these suits. Pet. App. 21a-25a, 65a, 159a-161a. The *Learning Resources* district court therefore did not. The CIT has "exclusive jurisdiction" over "any civil action commenced against" the government "that arises out of any law of the United States providing for * * * tariffs, duties, fees, or other taxes on the importation or merchandise for reasons other than the raising of revenue" or for "administration and enforcement with respect to" such matters. 28 U.S.C. 1581(i)(1)(B) and (D). And district courts lack jurisdiction over matters within the CIT's exclusive jurisdiction. 28 U.S.C. 1337(c); see *K Mart Corp.* v. *Cartier, Inc.*, 485 U.S. 176, 182-183 (1988).

The executive orders implementing the challenged tariffs qualify as "law[s]" providing for "tariffs" or for "administration and enforcement with respect to" tariffs under Section 1581 because they modified the Harmonized Tariff Schedule, and "[e]ach modification or change made to the Harmonized Tariff Schedule by the President under authority of law (including section 604 of the Trade Act of 1974)" "shall be considered to be statutory provisions of law for all purposes." 19 U.S.C. 3004(c)(1)(C). These cases also "arise[] out of" those modifications. 28 U.S.C. 1581(i)(1)(B). The crux of plaintiffs' claims is that because of the "revisions to the [Harmonized Tariff Schedule]," plaintiffs "must pay ad-

ditional tariffs to the federal government." *Learning Resources* Compl. ¶ 24. Plaintiffs seek a declaration that the "modifications to the [Harmonized Tariff Schedule]" "are unlawful," an injunction against their enforcement, and an order "set[ting] aside" the modifications. *E.g.*, *id.* ¶¶ 73-74, 89-90, 99, 113. The challenges to the tariffs at issue here thus fall within the CIT's exclusive jurisdiction.

The district court concluded that the CIT would have exclusive jurisdiction only if IEEPA authorizes the tariffs at issue here. See 24-1287 Pet. App. 19a. That is incorrect. Plaintiffs' claims arise out of the modifications to the Harmonized Tariff Schedule regardless of whether IEEPA authorizes those modifications. Plaintiffs similarly argue (24-1287 Cert. Reply 4-5) that the modifications were not made "under authority of law," 19 U.S.C. 3004(c)(1)(C), because IEEPA does not authorize them. But Section 3004 states that "authority of law" includes "section 604 of the Trade Act of 1974," *ibid.*, and Section 604 authorizes the President to modify the Harmonized Tariff Schedule to reflect "actions" taken under "Acts affecting import treatment," 19 U.S.C. 2483. IEEPA plainly is an Act *affecting* import treatment.

The district court and plaintiffs would thus improperly collapse jurisdiction and the merits. It is one thing for jurisdictional and merits issues to "overlap," *Perry* v. *MSPB*, 582 U.S. 420, 435 (2017), but quite another for a court to rule on the merits in order to determine whether it had authority to rule on the merits. This Court has cautioned against interpreting jurisdictional statutes in a way that "would make a court's jurisdiction * * * dependent upon the merits of the claim." *Garland* v. *Aleman Gonzalez*, 596 U.S. 543, 554 (2022). "[T]he

consequences are alone enough to condemn" such an approach. *Steel Co.* v. *Citizens for a Better Environment*, 523 U.S. 83, 92 (1998). Where, as here, Congress has provided for review of a class of cases in a particular court, "it would be nonsensical to say that the jurisdiction of the reviewing body is limited to instances in which the underlying decision construes and applies the statute correctly." *Michael Simon Design, Inc.* v. *United States*, 609 F.3d 1335, 1341 (Fed. Cir. 2010). "Congress of course did not create such a strange scheme" here. *Steel Co.*, 523 U.S. at 93.

CONCLUSION

The judgment of the district court in No. 24-1287 should be vacated and the case remanded with instructions to dismiss for lack of jurisdiction. The judgment of the court of appeals in No. 25-250 should be reversed.

Respectfully submitted.

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SEPTEMBER 2025

APPENDIX

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APPENDIX A

1. 19 U.S.C. 2483 provides:

Consequential changes in Tariff Schedules of the United States

The President shall from time to time, as appropriate, embody in the Harmonized Tariff Schedule of the United States the substance of the relevant provisions of this chapter, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

2. 19 U.S.C. 3004(c)(1) provides:

Enactment of Harmonized Tariff Schedule

(c) Status of Harmonized Tariff Schedule

(1) The following shall be considered to be statutory provisions of law for all purposes:

(A) The provisions of the Harmonized Tariff Schedule as enacted by this chapter.

(B) Each statutory amendment to the Harmonized Tariff Schedule.

(C) Each modification or change made to the Harmonized Tariff Schedule by the President under authority of law (including section 604 of the Trade Act of 1974 [19 U.S.C. 2483]).

3. 28 U.S.C. 1337(c) provides:

Commerce and antitrust regulations; amount in controversy, costs

(c) The district courts shall not have jurisdiction under this section of any matter within the exclusive jurisdiction of the Court of International Trade under chapter 95 of this title.

4. 28 U.S.C. 1581(i)(1) provides:

Civil actions against the United States and agencies and officers thereof

(i) In addition to the jurisdiction conferred upon the Court of International Trade by subsections (a)-(h) of this section and subject to the exception set forth in subsection (j) of this section, the Court of International Trade shall have exclusive jurisdiction of any civil action commenced against the United States, its agencies, or its officers, that arises out of any law of the United States providing for—

(A) revenue from imports or tonnage;

(B) tariffs, duties, fees, or other taxes on the importation of merchandise for reasons other than the raising of revenue;

(C) embargoes or other quantitative restrictions on the importation of merchandise for reasons other than the protection of the public health or safety; or

(D) administration and enforcement with respect to the matters referred to in subparagraphs (A)

through (C) of this paragraph and subsections (a)-(h) of this section.

5. 50 U.S.C. 1701 provides:

Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 1702 of this title may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this chapter and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

6. 50 U.S.C. 1702 provides:

Presidential authorities

(a) In general

(1) At the times and to the extent specified in section 1701 of this title, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit—

(i) any transactions in foreign exchange,

(ii) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of any foreign country or a national thereof,

(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;

(B) investigate, block during the pendency of an investigation, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and.

(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to

time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.

(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in paragraph (1) either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. In any case in which a report by a person could be required under this paragraph, the President may require the production of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) Compliance with any regulation, instruction, or direction issued under this chapter shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this chapter, or any regulation, instruction, or direction issued under this chapter.

(b) Exceptions to grant of authority

The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly—

(1) any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value;

(2) donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under section 1701 of this title, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances; or

(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 46043 of this title, or under section 46053 of this title to the extent that such controls promote

the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18; or

(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

(c) Classified information

In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.

7. 50 U.S.C. 1703 provides:

Consultation and reports

(a) Consultation with Congress

The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this chapter and shall consult regularly with the Congress so long as such authorities are exercised.

(b) Report to Congress upon exercise of Presidential authorities

Whenever the President exercises any of the authorities granted by this chapter, he shall immediately transmit to the Congress a report specifying—

(1) the circumstances which necessitate such exercise of authority;

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

(c) Periodic follow-up reports

At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) with respect to an exercise of authorities under this chapter, the President shall report to the Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b).

(d) Supplemental requirements

The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act [50 U.S.C. 1641].

APPENDIX B

Trafficking Tariff Actions

January 20, 2025:

Proclamation No. 10,886, *Declaring a National Emergency at the Southern Border of the United States*, 90 Fed. Reg. 8327 (Jan. 29, 2025)

> Declared a national emergency regarding the United States' southern border, including the fact that the southern border is overrun by cartels, criminal gangs, known terrorists, human traffickers, smugglers, unvetted military-age males from foreign adversaries, and illicit narcotics that harm Americans, including America.

Executive Order No. 14,157, *Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specifically Designated Global Terrorists*, 90 Fed. Reg. 8439 (Jan. 29, 2025)

> Declared a national emergency regarding cartels and other transnational organizations, finding that such organizations and their activities constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President explained that those organizations "have engaged in a campaign of violence and terror throughout the Western Hemisphere that has not only destabilized countries with significant importance for our national interests but also flooded the United States with deadly drugs, violent criminals, and vicious gangs." Among other things, the President created a process by which such organizations will be designated as "Foreign Terrorist Organ-

izations" or "Specifically Designated Global Terrorists" under applicable law.

February 1, 2025:

Executive Order No. 14,193, *Imposing Duties To Address the Flow of Illicit Drugs Across Our Northern Border*, 90 Fed. Reg. 9113 (Feb. 7, 2025)

Expanded the scope of the national emergency declared in Proclamation No. 10,886 to include Canada's failure to do more to address drug and human traffickers, criminals at large, and the flood of illicit drugs into the United States. To deal with that threat, the President imposed a tariff of 10 percent on imports of energy and energy resources originating from Canada and a tariff of 25 percent on all other imports of Canada, and suspended duty-free de minimis treatment for low-value imports of Canada (19 U.S.C. 1321(a)(2)(C)).

Executive Order No. 14,194, *Imposing Duties To Address the Situation at Our Southern Border*, 90 Fed. Reg. 9117 (Feb. 7, 2025)

Expanded the scope of the national emergency declared in Proclamation No. 10,886 to include Mexico's failure to address the sustained influx of illegal aliens and illicit drugs into the United States and Mexico's failure to arrest, seize, detain, or otherwise intercept drug and human traffickers, criminals at large, and illicit drugs. To deal with that threat, the President imposed a tariff of 25 percent on imports of Mexico and suspended duty-free de minimis treatment for low-value imports of Mexico.

Executive Order No. 14,195, *Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China*, 90 Fed. Reg. 9121 (Feb. 7, 2025)

> Expanded the scope of the national emergency declared in Proclamation No. 10,886 to include the failure of the People's Republic of China (PRC) to arrest, seize, detain, or otherwise intercept chemical precursor suppliers, money launderers, other transnational criminal organizations, criminals at large, and drugs. To deal with that threat, the President imposed a tariff of 10 percent on imports of the PRC and suspended duty-free de minimis treatment for low-value imports of the PRC.

February 3, 2025:

Executive Order No. 14,197, *Progress on the Situation at Our Northern Border*, 90 Fed. Reg. 9183 (Feb. 10, 2025)

> Because Canada took immediate steps designed to address the trafficking emergency, the President paused the tariffs on imports of Canada while the President assessed if those steps will be sufficient to alleviate the emergency.

Executive Order No. 14,198, *Progress on the Situation at Our Southern Border*, 90 Fed. Reg. 9185 (Feb. 10, 2025)

> Because Mexico took immediate steps designed to address the trafficking emergency, the President paused the tariffs on imports of Mexico while the President assessed if those steps will be sufficient to alleviate the emergency.

February 5, 2025:

Executive Order No. 14,200, *Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China*, 90 Fed. Reg. 9277 (Feb. 11, 2025)

> Paused the suspension of duty-free de minimis treatment for low-value imports of the PRC until the Secretary of Commerce notifies the President that adequate systems are in place to implement the suspension.

March 2, 2025:

Executive Order No. 14,226, *Amendment to Duties To Address the Flow of Illicit Drugs Across Our Northern Border*, 90 Fed. Reg. 11,369 (Mar. 6, 2025)

> Paused the suspension of duty-free de minimis treatment for low-value imports of Canada until the Secretary of Commerce notifies the President that adequate systems are in place to implement the suspension.

Executive Order No. 14,227, *Amendment to Duties To Address the Situation at Our Southern Border*, 90 Fed. Reg. 11,371 (Mar. 6, 2025)

> Paused the suspension of duty-free de minimis treatment for low-value imports of Mexico until the Secretary of Commerce notifies the President that adequate systems are in place to implement the suspension.

March 3, 2025:

Executive Order No. 14,228, *Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain*

in the People's Republic of China, 90 Fed. Reg. 11,463 (Mar. 7, 2025)

> Because the PRC continued to not take steps to address the trafficking emergency, the President increased the tariff on imports of the PRC from 10 percent to 20 percent.

March 6, 2025:

Executive Order No. 14,231, *Amendment to Duties To Address the Flow of Illicit Drugs Across Our Northern Border*, 90 Fed. Reg. 11,785 (Mar. 11, 2025)

> The President effectively ended the pause on the additional trafficking tariffs on goods of Canada. To minimize disruptions to the automotive industry, the President exempted imports of Canada that qualified for duty-free treatment under the USMCA (United States-Mexico-Canada Agreement) and reduced tariffs on imports of potash originating from Canada from 25 percent to 10 percent.

Executive Order No. 14,232, *Amendment to Duties To Address the Flow of Illicit Drugs Across Our Southern Border*, 90 Fed. Reg. 11,787 (Mar. 11, 2025)

> The President effectively ended the pause on the additional trafficking tariffs on goods of Mexico. To minimize disruptions to the automotive industry, the President exempted imports of Mexico that qualified for duty-free treatment under the USMCA and reduced tariffs on imports of potash originating from Mexico from 25 percent to 10 percent.

April 2, 2025:

Executive Order No. 14,256, *Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain*

in the People's Republic of China as Applied to Low-Value Imports, 90 Fed. Reg. 14,899 (Apr. 7, 2025)

> To deal with trafficking emergency involving the PRC and because the Secretary of Commerce notified the President that adequate systems were in place, the President ended the pause of the suspension of duty-free de minimis treatment for low-value imports of the PRC.

April 29, 2025:

Executive Order No. 14,289, *Addressing Certain Tariffs on Imported Articles*, 90 Fed. Reg. 18,907 (May 2, 2025)

> Set rules for overlapping tariffs, including which tariffs take precedence and whether certain tariffs "stack" (*i.e.*, apply cumulatively).

July 30, 2025:

Executive Order No. 14,324, *Suspending De Minimis Treatment for All Countries*, 90 Fed. Reg. 37,775 (Aug. 5, 2025)

> To deal with the trafficking emergencies involving Canada and Mexico and because the Secretary of Commerce notified the President that adequate systems were in place, the President ended the pause of the suspension of duty-free de minimis treatment for low-value imports of Canada and Mexico and determined that it was necessary to continue to suspend duty-free de minimis treatment for low-value imports of the PRC. To deal with the trade-deficit-related emergency and because the Secretary of Commerce notified the President that adequate systems were in place, the President suspended duty-free de minimis treatment of low-value imports globally. Each de-

termination to suspend duty-free de minimis treatment was independent of the other.

July 31, 2025:

Executive Order No. 14,325, *Amendment to Duties to Address the Flow of Illicit Drugs Across Our Northern Border*, 90 Fed. Reg. 37,957 (Aug. 6, 2025)

Because Canada retaliated and continued not to sufficiently address the trafficking emergency, the President increased tariffs on imports of Canada from 25 percent to 35 percent but maintained the exemption for USMCA-qualifying products and the lower tariff rate of 10 percent on imports of energy, energy resources, and potash originating from Canada.

APPENDIX C

Trade Tariff Actions

April 2, 2025:

Executive Order No. 14,257, *Regulating Imports With a Reciprocal Tariff To Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits*, 90 Fed. Reg. 15,041 (Apr. 7, 2025)

> Declared a national emergency involving the United States's exploding goods trade deficit and the consequences of that trade deficit, and found that those conditions constitute an unusual and extraordinary threat to the United States' economy and national security. To deal with that threat, the President imposed reciprocal tariffs on certain imports of foreign trading partners and determined that duty-free de minimis treatment for low-value imports should be suspended once the Secretary of Commerce notifies the President that adequate systems are in place to implement the suspension.

April 8, 2025:

Executive Order No. 14,259, *Amendment to Reciprocal Tariffs and Updated Duties as Applied to Low-Value Imports From the People's Republic of China*, 90 Fed. Reg. 15,509 (Apr. 14, 2025)

> Because the PRC retaliated, the President increased tariffs on imports of the PRC.

April 9, 2025:

Executive Order No. 14,266, *Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment*, 90 Fed. Reg. 15,625 (Apr. 15, 2025)

> Because of significant steps taken by foreign trading partners (except the PRC) to remedy non-reciprocal trade arrangements and align sufficiently with the United States on economic and national security matters, the President paused the additional reciprocal tariffs for 90 days and set a baseline tariff rate of 10 percent. Because the PRC increased retaliation, the President increased tariffs on imports of the PRC.

April 11, 2025:

Presidential Memorandum, *Clarification of Exceptions Under Executive Order 14257 of April 2, 2025, as Amended*, www.whitehouse.gov/presidential-actions/2025/04/clarification-of-exceptions-under-executive-order-14257-of-april-2-2025-as-amended

> Clarified the scope of imports of semiconductors that are subject to reciprocal tariffs.

April 29, 2025:

Executive Order No. 14,289, *Addressing Certain Tariffs on Imported Articles*, 90 Fed. Reg. 18,907 (May 2, 2025)

> Set rules for overlapping tariffs, including which tariffs take precedence over another and whether certain tariffs apply cumulatively (*i.e.*, stack).

May 12, 2025:

Executive Order No. 14,298, *Modifying Reciprocal Tariff Rates to Reflect Discussions With the People's Republic of China*, 90 Fed. Reg. 21,831 (May 21, 2025)

> Because the PRC took a significant step toward remedying non-reciprocal trade arrangements and addressing the concerns of the United States involving economic and national-security matters, the President paused the additional tariffs on the PRC for 90 days and set a baseline reciprocal tariff of 10 percent.

June 16, 2025:

Executive Order No. 14,309, *Implementing the General Terms of the United States of America-United Kingdom Economic Prosperity Deal*, 90 Fed. Reg. 26,419 (June 23, 2025)

> Implemented the framework agreement between the United Kingdom and the United States.

July 7, 2025:

Executive Order No. 14,316, *Extending the Modification of the Reciprocal Tariff Rates*, 90 Fed. Reg. 30,823 (July 10, 2025)

> Extended the pause on additional reciprocal tariffs from July 9, 2025, to August 1, 2025.

July 30, 2025:

Executive Order No. 14,324, *Suspending De Minimis Treatment for All Countries*, 90 Fed. Reg. 37,775 (Aug. 5, 2025)

> To deal with the trade-deficit-related emergency and because the Secretary of Commerce notified the

President that adequate systems were in place, the President suspended duty-free de minimis treatment for low-value imports globally. To deal with the trafficking emergencies involving Canada and Mexico and because the Secretary of Commerce notified the President that adequate systems were in place, the President also ended the pause of the suspension of duty-free de minimis treatment for low-value imports of Canada and Mexico and determined that it was necessary to continue to suspend duty-free de minimis treatment for low-value imports of the PRC. Each determination to suspend duty-free de minimis treatment was independent of the other.

July 31, 2025:

Executive Order No. 14,326, *Further Modifying the Reciprocal Tariff Rates*, 90 Fed. Reg. 37,963 (Aug. 6, 2025)

After receiving information and recommendations from senior officials, the President ended the pause on country-specific reciprocal tariffs. The President set tariffs tailored to each trading partner.

August 11, 2025:

Executive Order No. 14,334, *Further Modifying Reciprocal Tariff Rates to Reflect Ongoing Discussions With the People's Republic of China*, 90 Fed. Reg. 39,305 (Aug. 14, 2025)

Extended the pause on certain additional tariffs for the PRC from August 12, 2025, to November 10, 2025.

September 4, 2025:

Executive Order No. 14,345, *Implementing The United States-Japan Agreement*, 90 Fed. Reg. 43,535 (Sept. 9, 2025)

> Implemented the framework agreement between Japan and the United States.

September 5, 2025:

Executive Order No. 14,346, *Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements*, 90 Fed. Reg. 43,737 (Sept. 10, 2025)

> Updated the scope of products subject to reciprocal tariffs, implemented the framework agreement between the European Union and the United States, and set up a structure to implement final trade and security agreements and framework agreements between the United States and foreign trading partners.