

IN THE SUPREME COURT OF THE UNITED STATES

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No.

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

v.

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

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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MOTION TO EXPEDITE CONSIDERATION OF THE  
PETITION FOR A WRIT OF CERTIORARI  
AND, IF CERTIORARI IS GRANTED,  
BRIEFING AND ARGUMENT ON THE MERITS

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Pursuant to Rule 21 of the Rules of this Court, the Solicitor General, on behalf of the President of the United States and other petitioners, respectfully requests that this Court expedite resolution of this case to the maximum extent feasible, given the enormous importance of quickly confirming the full legal standing of the President's tariffs under the International Emergency Economic Powers Act (IEEPA), Pub. L. No. 95-223, Tit. II, 91 Stat. 1626, and the urgent need for swift resolution. The en banc Federal Circuit's erroneous decision has disrupted highly impactful, sensitive, ongoing diplomatic trade negotiations, and cast a pall of legal uncertainty over the President's efforts to protect

our country by preventing an unprecedented economic and foreign-policy crisis.

As Secretary of the Treasury Scott Bessent explains in the enclosed declaration, the en banc Federal Circuit's 7-4 ruling that the tariffs are unlawful, "though judicially stayed, raises legal uncertainty about [the President's IEEPA] tariffs that gravely undermines the President's ability to conduct real-world diplomacy and his ability to protect the national security and economy of the United States." Bessent Decl. ¶ 3. "The recent decision by the Federal Circuit is already adversely affecting ongoing negotiations. World leaders are questioning the President's authority to impose tariffs, walking away from or delaying negotiations, and/or imposing a different calculus on their negotiating positions." Id. ¶ 7. In addition, "[t]he longer a final ruling is delayed, the greater the risk of economic disruption." Id. ¶ 8. "For example, delaying a ruling until June 2026 could result in a scenario in which \$750 billion-\$1 trillion in tariffs have already been collected, and unwinding them could cause significant disruption." Ibid. Moreover, "[t]he frameworks for trade agreements already in place contain additional provisions whereby the trade partners agree to significant purchases from and/or investments in the United States." Id. ¶ 9. "If these agreed upon frameworks were unwound and the investments and purchases had to be repaid, the economic consequences would be catastrophic." Ibid.

To that end, the government has proposed that the Court adopt a schedule with a decision on the petition for a writ of certiorari by September 10, 2025, and, upon a grant of certiorari, expedited consideration of the merits to the maximum extent feasible. Respondents have indicated that they will acquiesce in, or not oppose, certiorari, and that they agree to a schedule with a decision on the petition by September 10, the government's opening brief on the merits filed by September 19, respondent's brief filed by October 20, the government's reply filed by October 30, and oral argument in the first week of November. The government agrees to this schedule as well.

The Solicitor General thus respectfully requests that this Court expedite its consideration of this case to the maximum extent feasible, and grant review on the expedited schedule agreed to by the government and respondents.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

SEPTEMBER 2025

IN THE SUPREME COURT OF THE UNITED STATES

No.

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

v.

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

**DECLARATION**

I, Scott K. H. Bessent, hereby state as follows:

1. I am the Secretary of the Treasury. I have been the Secretary of the Treasury since January 28, 2025.

2. The statements made herein are based on my personal knowledge, on information provided to me in my official capacity, discovered through reasonable inquiry, and obtained from Treasury Department employees and from various records, systems, and information portals maintained and relied upon by the United States Government in the regular course of business, and on my evaluation of that information.

3. The purpose of this declaration is to confirm, in my capacity as the Secretary of the Treasury, that the recent decision of the U.S. Court of Appeals for the Federal Circuit invalidating the President's tariffs imposed under the International Emergency Economic Powers Act (IEEPA), though judicially stayed, raises legal uncertainty about those tariffs that gravely undermines the President's ability to conduct real-world diplomacy and his ability to protect the national security and economy of the United States. Swift review of that decision is necessary to avoid derailing critical ongoing negotiations with our foreign trading partners and threatening broader U.S. strategic interests internationally.

4. The United States has 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 imposed upon them. In 2025, President Trump and his senior economic advisors concluded that the 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. The United States had last experienced an economic “tipping point” back in 2007, when almost no one foresaw or took any action to prevent the 2008 mortgage crisis. Emergency action is warranted to prevent a financial shock.

5. As of the date of this declaration, the United States has announced frameworks with Japan, Indonesia, the United Kingdom, the Philippines, Vietnam, South Korea, and the European Union. These frameworks set the parameters for continued negotiation regarding binding, final terms of agreements with these foreign trading partners. The President has found that these frameworks align these foreign trading partners with the national security and economic interests of the United States and help address the trade deficit.

6. In addition to the frameworks already reached, and which continue to be negotiated towards binding agreements, the United States is actively negotiating with many other countries to reach ways forward to address the emergencies declared by the President.

7. The recent decision by the Federal Circuit is already adversely affecting ongoing negotiations. World leaders are questioning the President’s authority to impose tariffs, walking away from or delaying negotiations, and/or imposing a different calculus on their negotiating positions. The court’s ruling has taken away substantial negotiating leverage for the president to achieve the best trade deals for the American people.

8. The longer a final ruling is delayed, the greater the risk of economic disruption. For example, delaying a ruling until June 2026 could result in a scenario in which \$750 billion-\$1 trillion in tariffs have already been collected, and unwinding them could cause significant disruption.

9. The frameworks for trade agreements already in place contain additional provisions whereby the trade partners agree to significant purchases from and/or investments in the United States (*e.g.*, the European Union agreed to \$750 billion in energy purchases and \$600 billion in investment, and Japan and South Korea collectively agreed to about \$1 trillion). These agreed upon frameworks total in the multiple trillions of dollars. The longer the delay in a ruling, the greater these commitments will become. If these agreed upon frameworks were unwound and the investments and purchases had to be repaid, the economic consequences would be catastrophic.

10. On August 30, 2025, one day after the Federal Circuit's decision, I received a letter, attached as Exhibit 1 to this declaration, from the parent of a 26-year-old victim of fentanyl homicide.

11. It remains vital to the foreign policy, economy, and national security of the United States for the Court to review the decision below as swiftly as possible to remove legal uncertainty, and to permit the tariffs to remain in effect in light of the ongoing sensitive negotiations and the unusual and extraordinary threats to the United States at issue in this litigation.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 3rd day of September, 2025.

*Scott K. H. Bessent*

/s/ \_\_\_\_\_

Scott K. H. Bessent  
Secretary  
Department of the Treasury

To: The Honorable Scott Bessent  
Secretary of the Treasury  
U.S. Department of the Treasury

Subject: Indefensible and Reprehensible IEEPA Fentanyl Ruling

Dear Secretary Bessent,

I am sending a note as you know that I am the father of a 26-year old victim of fentanyl homicide, to say that I find the court ruling that attempts to block the President's IEEPA powers to impose tariffs on countries that have allowed, profited from, and even encouraged the flow of fentanyl into the US to be repulsive, repugnant, and utterly indefensible.

That starts with the arbitrary questioning by the judicial branch of whether the essentially unfettered flow of drugs that have poisoned half a million Americans constitutes a national emergency or not – a spit in the eye of every family that has lost a loved one as we have. If the fentanyl crisis is not a national emergency, what is?

And it includes second guessing by the judicial branch of the ability of the administration to use economic levers as a tool for advancing border, crime, and other critically important domestic and foreign policy objectives.

That the state of Oregon and Senator Ron Wyden were at the forefront of the litigation is telling. After four years of laying out the welcome mat for murderers and drug dealers under the Biden administration it is remarkable how the democrats and the left waste no opportunity to come to the defense of criminals and drug cartels.

This cannot possibly stand in the court of public opinion, and with the America people.

Respectfully yours,

Sassan Ghahramani