

BREAKING: US Supreme Court Rules Trump's 2025 IEEPA Tariffs are Unlawful

Hinshaw Alert | 2 min read

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Today, the US Supreme Court has finally delivered its long-awaited ruling, holding that President Trump's 2025 IEEPA tariffs were unconstitutional and not authorized by the International Emergency Economic Powers Act (IEEPA).

The US Supreme Court in [LEARNING RESOURCES, INC., ET AL. v. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.](#) found that authorization granted for the President by IEEPA to “regulate”–“importation” cannot be interpreted to mean a power to impose tariffs that are “unbounded in scope, amount, and duration.” The Supreme Court held that such an interpretation would deprive Congress of its taxing power, which “very clear[ly] includes the power to impose tariffs.”

Moreover, Chief Justice John Roberts stressed in his majority opinion that the Framers of the US Constitution “gave Congress alone... access to the pockets of the people.” Such power has not been vested in the Executive Branch, even more so – “*taxing exports is expressly forbidden by the Constitution*”. The US Supreme Court did not provide any guidance on how IEEPA tariffs collected from importers shall be returned.

Please note that today's Supreme Court ruling has no effect on tariffs imposed pursuant to Section 232 (applicable to aluminum, steel, copper, and certain derivative products; vehicles and parts, wood products, as well as semiconductors and electronics) and Section 301 (primarily imposed on products imported from China).

During a [White House press conference](#) scheduled in response to the Supreme Court ruling, **President Trump announced plans to impose a 10 percent global tariff.**

We are Here to Help

Hinshaw's international corporate and transactional attorneys can assist clients with a structured approach to maintain eligibility to receive refunds, modifications to the ACE (the “Automated Commercial Environment” web-portal for trade users for importing and exporting goods) portal, filing protests, extensions of liquidations, post-

summary corrections, and other maneuvers to facilitate tariff refunds. Failure to take action can affect any refund recovery, and certain actions are time-sensitive.

Distributors, importers, and manufacturers may also have paid tariffs. We are assisting clients in evaluating the downstream impact of refunds or potential refunds. We will create a plan for your business to evaluate and preserve rights to refunds based on the nature of your business and relationships.

We will continue to closely monitor legal developments and potential refund processes adopted by the CBP. In the meantime, timely action remains the most important determinant of refund eligibility. **Please contact Hinshaw's international corporate and transactional attorneys for inquiries:** Megan Mathias, Justyna Regan, or your Hinshaw attorney for more information.

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