

IEEPA Authorization of Tariffs Litigation

The Brennan Center has filed amicus curiae briefs in several cases that challenge President Trump’s invocation of the International Emergency Economic Powers Act to authorize widespread global tariffs.

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On February 1, 2025, President Donald Trump issued three executive orders imposing tariffs— of varying levels— on imports from Mexico, Canada, and China. On April 2, 2025, President Trump broadened the scope of tariffs to include the entire globe, imposing a 10 percent tariff on all U.S. trading partners and “reciprocal tariffs” of up to 50 percent on almost 90 specific companies. The legal authority the President relied on to impose the tariffs is the International Emergency Economic Powers Act (IEEPA), a statute that becomes available when the president declares a national emergency under the National Emergencies Act (NEA). IEEPA authorizes presidents to impose economic

sanctions and regulate economic transactions during national emergencies that involve an “unusual and extraordinary threat” to the U.S. national security, foreign policy, or economy.

Various corporations and state governments responded to President Trump’s tariffs by filing suit in different federal courts. The Brennan Center has filed *amicus curiae* briefs in several of these cases. Drawing on the Center’s [extensive research](#) ^[link-1] in this area, the briefs detail the legislative history of the NEA and IEEPA, demonstrating that Congress enacted both the NEA and IEEPA to rein in the presidential use of emergency powers and to ensure they

could not be used to displace non-emergency laws. This legislative history, the briefs argue, weighs in favor of strictly construing the terms of IEEPA, including both the requirement of an “unusual and extraordinary threat” and the substantive authorities provided by law, which do not explicitly include tariffs. The Brennan Center has filed *amicus* briefs in the following cases:

Emily Ley Paper et al., v. Trump in the Northern District of Florida.

Amicus brief [\[link-2\]](#) on behalf of the Brennan Center for Justice in support of the plaintiffs’ opposition to the motion to transfer the case to the United States Court of International Trade filed May 12, 2025.

- Update: On May 20, 2025, the District Court granted the defendants’ motion to transfer the case to the U.S. Court of International Trade. The same day, plaintiffs signaled their intent to appeal to the United States Court of Appeals for the Eleventh Circuit.
- On June 16, 2025, the case proceedings have been stayed pending a final, unappealable decision in *V.O.S. Selections, Inc. v. United States and Oregon v. U.S. Department of Homeland Security*.

State of California et al., v. Trump et al., in the Northern District of California.

Amicus brief [\[link-3\]](#) on behalf of the Brennan Center for Justice in support of plaintiffs filed on May 20, 2025.

- Update: On June 2, 2025, the District Court denied the defendant’s motion to transfer the case to the U.S. Court of International Trade and dismissed the case without prejudice. The same day, the plaintiffs filed an appeal to the United States Court of Appeals for the Ninth Circuit. On July 7, 2025, the Brennan Center for Justice filed an ***amicus brief*** [\[link-4\]](#) in support of California in its appeal.

V.O.S. Selections, Inc. v. Trump, in the Court of Appeals for the Federal Circuit. On July 8, 2025, the Brennan Center for Justice filed an ***amicus brief*** [\[link-5\]](#) in support of *V.O.S. Selections*.

- Update: On August 29, the Court of Appeals for the Federal Circuit issued a decision in favor of *V.O.S. Selections, Inc* and other Plaintiffs-Appellees. Defendants-Appellants appealed to the Supreme Court of the United States. On September 9, the Supreme Court announced that it will hear the case on the first week of the November 2025 argument

session. The case will be heard on
November 5, 2025.

*Learning Resources, Inc., and
Hand2Mind, Inc, v. Trump*, in Court of
Appeals for the District of Columbia
Circuit. On July 28, the Brennan Center
for Justice filed an **amicus brief** [\[link-
6\]](#) in support of Learning Resources and
Hand2Mind.

- On September 9, the Supreme
Court announced that it will hear
the case on the first week of the
November 2025 argument ses-
sion. The case will be heard on
November 5, 2025.

Links

[link-1](#): extensive research <https://www.brennancenter.org/our-work/policy-solutions/checking-presidents-sanctions-powers>

[link-2](#): Amicus brief <https://www.brennancenter.org/our-work/court-cases/amicus-brief-emily-ley-paper-et-al-v-trump>

[link-3](#): Amicus brief <https://www.brennancenter.org/our-work/court-cases/amicus-brief-state-california-et-al-v-trump-et-al>

[link-4](#): amicus brief [https://www.brennancenter.org/media/14114/download/california-v-trump-ninth-circuit-amicus-brief.pdf?
inline=1](https://www.brennancenter.org/media/14114/download/california-v-trump-ninth-circuit-amicus-brief.pdf?inline=1)

[link-5](#): amicus brief <https://www.brennancenter.org/media/14122/download/25-1812-amicus-final.pdf?inline=1>

[link-6](#): amicus brief [https://www.brennancenter.org/media/14197/download/learning-resouces-v-trump-bcj-amicus-brief-as-
filed.pdf?inline=1](https://www.brennancenter.org/media/14197/download/learning-resouces-v-trump-bcj-amicus-brief-as-filed.pdf?inline=1)
