

CIT Rules Against the Administration's Authority on Fentanyl and IEEPA Tariffs

The Court of International Trade (CIT) ruled against President Trump's authority to impose Fentanyl tariffs and Reciprocal tariffs issued under IEEPA. The court ordered the U.S. government to issue an injunction within 10 days (June 7) to stop the collection of the additional tariffs. The CIT is also expected to file an order soon to repeal these tariffs.

The U.S. Government has already filed an appeal of the ruling with the U.S. Court of Appeals for the Federal Circuit (CAFC). The government also filed a motion with the CIT for a stay of the enforcement of the judgement pending the review of the appeal. If the CIT approves the stay, CBP will continue collecting the additional tariffs during the appeal review process. If the CIT denies the motion, then it is expected that the U.S. Government will file an appeal for the stay of the order with the CAFC.

For now, the tariffs still apply pending decisions by the courts. It is not clear if or when refunds will be issued and if they will be automatic. We will have to see the details after the orders are issued. We will watch for responses from both courts, especially on the motions for stays, and will report on them as they come out.



Todd Boice
President