

# THE CARMICHAEL C MPASS

"WHEN THE TIDES OF TRADE SHIFT, WE'RE YOUR COMPASS."

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## Supreme Court will Hear the Two Cases that the CAFC was Remanding Back to the CIT

Last week the U.S. Court of Appeals for the Federal Circuit (CAFC) affirmed with CIT on the President's unlimited authority under IEEPA to set reciprocal tariffs and the fentanyl tariffs on Canada, Mexico, and China. The CAFC set up to remand the cases back to the CIT on October 14 for further consideration. However, the Administration asked for an immediate review of the two cases and the Supreme Court accepted the request and put them on their calendar. The opening brief is set to be filed by September 19, and any amicus briefs are due by September 23. The plaintiffs are to have their reply to the brief by October 20. This would set up oral arguments to start in the first week of November. This case is moving rapidly now. We will watch the developments closely.

## New Products Added to the List of Reciprocal Tariffs

On September 5, President Trump issued an Executive Order that modified the list of items that are exempt from reciprocal tariffs. The full list of exempted articles is listed on Annex II of the order. There is also a list of items that are "Potential Tariff Adjustments for Aligned Partners" that may be considered for future exemption. These are important as several of the reciprocal agreements are frameworks that are still not final. The Executive Order with annexes can be found at: [Modifying The Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and](#)

[Security Agreements – The White House.](#)

A quick link to the Annex II for review can

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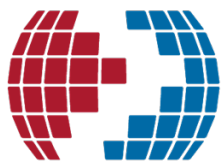
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## U.S. Japan Agreement Implemented

The U.S. - Japan Agreement was signed on September 4. It sets a baseline rate of 15% on nearly all imports. If an article has a most favored nation (MFN) rate of less than 15%, an IEEPA tariff of the difference between 15% and the MFN rate will be assessed. If the MFN rate is over 15%, that rate will stand and no IEEPA tariff will be assessed. These duty changes have been declared to be retroactive to August 7. If refunds are due for overpayment due to the changes, post summary corrections will not be accepted by CBP until guidance on the agreement is published.



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