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CIT Finds Section 122 Tariffs Unlawful, but Only Bars Tariff Collection From 3 Importers

The Court of International Trade on May 7 [found](#) that President Donald Trump improperly used Section 122 of the Trade Act of 1974 to impose a 10% global tariff to address "balance-of-payments deficits." Judges Mark Barnett and Claire Kelly, part of a three-judge panel, issued a permanent injunction against the collection of the tariffs that applies only to Washington state and importers Burlap and Barrel and Basic Fun in their capacity as importers. The court concluded that Trump unlawfully used "trade and current account deficits to stand in the place of balance-of-payment deficits within the meaning of the statute." Judge Timothy Stanceu dissented from the ruling, disagreeing on the legislative history of the statute and how it was used by the Trump administration.

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