



	Statutory Justification?	Without Rate Limit?	Blanket Product Coverage?	Global Application?	Immediately Actionable?	No Checks & Balances?
IEEPA	National Emergency	✓	✓	✓	✓	
Section 232	National Security	✓	✗	✗	✗	✓
Section 301	«Unfair» Trade Practice	✓	✓	✗	✗	✓
Section 338	US-specific Discrimination	50%	✓	✗	✗	✓
Section 122	Balance of Payments Deficit	15%	✓	✓	✓	✗



Trump Scorecard	Without Rate Limit?	Blanket Product Coverage?	Global Application?	Immediately Actionable?	No Checks & Balances?
					

1 Statutory Justification

“To deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States”

2 Scope Limitation

None – potentially universal coverage (all products, countries, or individuals).

3 Procedural Requirements

Declaration of national emergency

4 Permissible Actions

- Broad authority to regulate any form of international commerce
- Can block transactions and freeze assets

5 Maximum Duration

- No statutory time limit
- Continues as long as declared emergency persists
- Subject to annual renewal under National Emergencies Act

6 Domestic Checks & Balances

Before action: President must consult with Congress "in every possible instance"

After action:

- Must report to Congress on actions taken, countries targeted, and measure details
- Congress may terminate the emergency by a resolution in both chambers

7 Precedents

Direct Implementation:

- 1979: Iran transaction blocking
- 1985: Nicaragua embargo

Attempted/Threatened:

- 2019: Trump threatened Mexico with tariffs to deal with illegal migration

Related Precedent:

- 1971: Nixon's 10% cross-cutting import surcharge under the Trade With the Enemy Act (TWEA)
Today, TWEA only applies in times of war.



Trump Scorecard	Without Rate Limit?	Blanket Product Coverage?	Global Application?	Immediately Actionable?	No Checks & Balances?
					

1 Statutory Justification

“An article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security”

2 Scope Limitation

Only specific “articles” and their derivatives.

3 Procedural Requirements

- Requires Commerce Department investigation (self-initiated or by request)
- Must consult Department of Defense
- Commerce Department determination that imports threaten national security

4 Permissible Actions

- Any import-related action the President judges appropriate including tariffs but also trade-limiting agreements with exporters

5 Maximum Duration

- No statutory time limit
- Continues until executive determines threat is resolved

6 Domestic Checks & Balances

After action:

- Report to Congress about actions (not) taken

7 Precedents

- 2018: Trump steel tariffs (25%) and aluminum tariffs (10%) on import from most countries. Later adjustments for Canada & Mexico (removal) and Turkey (doubling). Quota agreements with the EU, Japan, South Korea and the UK.

Trump Scorecard	Without Rate Limit? 	Blanket Product Coverage? 	Global Application? 	Immediately Actionable? 	No Checks & Balances? 
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1 Statutory Justification

- Burden US commerce, including through shipping subsidies.
- Are in violation of international agreements or "otherwise unfair and inequitable".
- Are "unreasonable" by:
 - Denying fair market access, IP rights, or enterprise opportunities
 - Engaging in export targeting
 - Violating labour rights (association, child labor, wages, safety)
 - Failing to enforce agreements with US across sectors (trade, IP, investment, etc.)

2 Scope Limitation

Country-specific

3 Procedural Requirements

- Requires USTR investigation (self-initiated or by request)
- Must consult with the accused trading partner
- Determines whether violation falls within or outside of existing US trade agreement

4 Permissible Actions

Options:

- Any import restriction including withdrawal of concessions
- Binding agreement with trading partner to eliminate or offset the burden

Mandatory Actions (Section 301(a)):

- Required for trade agreement violations
- Must be equivalent to burden on US commerce

Discretionary Actions (Section 301(b)):

- "All appropriate and feasible action"
- No value equivalence required

5 Maximum Duration

- No statutory time limit
- Four-year review cycle
- Continues if domestic industry requests extension

6 Domestic Checks & Balances

None, post-action reporting to Congress for certain foreign export targeting measures.

7 Precedents

- 2020: Investigation against Digital Services Taxes in Europe and several Emerging Markets. Halted in 2021 after political compromise.
- 2019: Investigation against EU subsidies for large civil aircraft. Halted in 2021 after political agreement.
- 2017: Investigation against Chinese IP and innovation practices. Tariffs in force, expanded in 2024 to include EVs, batteries, critical minerals, solar cells and more.

Trump Scorecard	Without Rate Limit?	Blanket Product Coverage?	Global Application?	Immediately Actionable?	No Checks & Balances?
	50%				

1 Statutory Justification

“Discriminates in fact against the commerce of the United States [to place it] at a disadvantage compared with the commerce of any foreign country”

2 Scope Limitation

- Country-specific initially
- Can expand to benefitting third countries

3 Procedural Requirements

- USITC has to “ascertain” whether discrimination against the US occurs
- USITC has to alert the President and issue recommendations

4 Permissible Actions

- Tariffs up to 50% ad valorem
- Complete import prohibition in case discrimination continues

5 Maximum Duration

- No statutory time limit
- Continues while discrimination persists

6 Domestic Checks & Balances

None

7 Precedents

None



Trump Scorecard	Without Rate Limit?	Blanket Product Coverage?	Global Application?	Immediately Actionable?	No Checks & Balances?
	15%				

1 Statutory Justification

“Whenever fundamental international payments problems require [action]—

1. To deal with large and serious United States balance-of-payments deficits.
2. To prevent an imminent and significant depreciation of the dollar [...], or
3. To cooperate with other countries in correcting an international balance-of-payments disequilibrium,”

2 Scope Limitation

- In general must apply to all trading partners.
- President can restrict action to countries with “large or persistent” BOP surpluses.

3 Procedural Requirements

None

4 Permissible Actions

- Import surcharges up to 15%
- Import quotas
- Can combine quotas and surcharges

5 Maximum Duration

- 150 days
- Extension requires explicit Congressional action

6 Domestic Checks & Balances

After action: Congressional approval for extension beyond 150 days

Inaction: Report to Congress in case remedies are not imposed on national security grounds despite the existence of the payments problem

7 Precedents

None



- 🔗 Claussen & Meyer (2024). How 'Economic Security' is Re-Shaping Presidential Power.
- 🔗 Congressional Research Service (2024). The International Emergency Economic Powers Act (IEEPA) and Tariffs: Historical Background and Key Issues
- 🔗 Hufbauer (2016). Could a President Trump Shackle Imports?
- 🔗 Maryuma et al. (2024). Making Tariffs Great Again: Does President Trump Have Legal Authority to Implement New Tariffs on U.S. Trading Partners and China?
- 🔗 Packard & Lincicome (2024). Presidential Tariff Powers and the Need for Reform.
- 🔗 Wolff (2024). Trump II Tariffs: Who Said he Could do That?