



# The Supreme Court's *Learning Resources* Decision

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# What the Court Said

The list of things IEEPA empowers a President to do in respect of imports, during peacetime and in the presence of a validly-declared emergency, does not include proclaiming tariffs.

# What the Court Did Not Say

- It did not hold that the President acted unconstitutionally in basing tariffs on IEEPA.
- It did not hold that any of the specifically-IEEPA-authorized actions against imports, such as banning them or limiting them quantitatively, are on shaky ground simply because the power to regulate foreign commerce resides initially in Congress per Art. I Sec. 8.
- It did not clarify what tariff-setting powers the President has, under IEEPA or any other statute, in wartime.
- It did not specify any magic words a statute must contain, in order to be capable of conveying to the President the power to proclaim tariffs.
- It did not, by construing statute A, do all or part or *any* of the work of construing statutes B, C and D.
- It did not hold that tariff-setting has to happen, henceforth, on Capitol Hill. (It did recognize that control over tariff policy **begins** with Congress, but also that several delegations of that authority are in place today ... IEEPA not being one of them.)