



From: Broydrick & Associates
Date: February 24, 2026
Re: Post–SCOTUS Ruling Tariffs

On Friday February 20th, 2026, the Supreme Court issued an opinion finding tariffs imposed by the Trump Administration under IEEPA illegal. In response to this ruling, the President issued a statement casting a 10% tariff across the board under a different legislative authority. The President later posted on Truth Social that the tariffs would be raised to 15%.

Despite the Truth Social post and before any tariffs had gone into effect, Customs and Border Patrol (CBP) circulated a memo late Monday night stating that tariffs would be imposed on all countries beginning on Tuesday, February 24th, 2026 at 12:01 am and to last 150 days as permitted by Section 122.¹

A White House official, in response to the President’s post and the memo circulated by CBP, stated that the 10% tariff would go into effect as planned and the administration would work to issue new guidance to raise the tariff rate to 15%.²

Notably, the White House stated that the tariff rate would be 15%. This implies that the tariffs will not be “stacked” on top of the 10% tariff already implemented by the CBP. Going beyond the 15% threshold would likely be met with further legal challenges as to the scope of authority the statute grants the executive.

Under the Executive Order, the President is using Section 122 to implement the tariffs. Section 122 grants authority to the President to enact temporary tariffs for up to 150 days without Congressional approval.

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Additional information is available at the Department of Justice, Washington, D.C

¹ <https://content.govdelivery.com/bulletins/gd/USDHSCBP-40b3b7b>

² <https://www.bbc.com/news/articles/cd6zn3ly22yo>

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