

Appeals Court Revives Trump's Tariffs After Lower Court Struck Them Down

A federal appeals court on Tuesday temporarily revived President Trump's 10% global tariff for three importers who had won a reprieve last week, pausing a lower court ruling that declared the duties unlawful.

The U.S. Court of Appeals for the Federal Circuit issued a short-term administrative stay and said it is considering whether to extend the pause further. The move comes after the U.S. Court of International Trade ruled May 7 that the tariffs, imposed under Section 122 of the Trade Act of 1974, exceeded the administration's legal authority.

While the stay is in effect, two small businesses and the state of Washington must resume paying the levies they had briefly been excused from. Washington qualified as an importer because it pays duties through the University of Washington, a public research institution.



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The businesses and Washington state have seven days to file opposition to a longer stay. The Federal Circuit said it will consider those filings before deciding whether to keep the lower court ruling on hold through the remainder of the appeal.

The Trump administration appealed the trade court decision on May 8, the day after the ruling. The trade court did not issue a sweeping injunction blocking collection of the tariffs government-wide; its ruling initially applied only to the three parties that brought the case.

Trump signed the 10% global tariff in February 2026 as a replacement after the U.S. Supreme Court struck down the broader tariffs the administration had imposed across 2025. The new duties were authorized under a provision of the 1974 Trade Act that allows emergency tariffs for balance-of-payments reasons.

The 10% global tariff is scheduled to expire in July unless Congress votes to extend it.

The administration's appeal argues the trade court's ruling is legally flawed and that the executive branch has broad authority over trade policy under the statute. Opponents contend Congress never intended Section 122 to be used for routine protectionist levies.

A decision on whether to grant a full stay pending appeal could come within days.

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