

# Federal Circuit Affirms Use of Section 232 to Implement Steel Tariffs

## WILEY HELPS PERSUADE COURT WITH KEY AMICUS BRIEF FOR MAJOR U.S. STEEL ASSOCIATIONS

February 28, 2020

Washington, DC – Today, the U.S. Court of Appeals for the Federal Circuit affirmed the judgment of the U.S. Court of International Trade (CIT) in *American Institute for International Steel, Inc., et al. v. United States*, maintaining that the government’s use of Section 232 to implement steel tariffs is constitutional. Wiley Rein LLP submitted a persuasive *amicus* brief in this case on behalf of two major U.S. steel associations – the American Iron and Steel Institute (AISI) and the Steel Manufacturers Association (SMA).

The case originated after the President of the United States imposed a 25% tariff on certain imported steel products in March 2018, exercising authority granted to the Executive branch by Section 232 of the Trade Expansion Act of 1962. The American Institute for International Steel, Inc., Sim-Tex, LP, and Kurt Orban Partners, LLC (AIIS) sued the United States at the CIT, arguing that the statute is unconstitutional because it represents an unlawful delegation of power to the Executive branch.

The CIT rejected the challenge, referring to a portion of the U.S. Supreme Court’s *Algonquin* decision, which declares that Section 232 does not violate the nondelegation doctrine. The Wiley team had also drafted and filed an *amicus* brief with the CIT in this case, persuading the CIT to support the U.S. government’s decision to implement Section 232 steel tariffs.

The Wiley team that authored and filed the briefs is led by Alan H. Price, partner and chair of the firm’s International Trade Practice, and partners Maureen E. Thorson, Joshua Turner, and Christopher B. Weld.

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International Trade

The Federal Circuit decision can be read [here](#).