

President Trump Order on Reciprocal Tariffs

On April 2, 2025, President Trump invoked his authority under the <u>International Emergency Economic Powers</u> <u>Act of 1977</u> (IEEPA) to "address the national emergency posed by the large and persistent trade deficit that is driven by the absence of reciprocity in our trade relationships and other harmful policies".

Using the IEEPA authority, President Trump imposed a 10% tariff on all countries. This will take effect April 5, 2025 at 12:01 a.m. EDT.

President Trump also imposed an individualized reciprocal higher tariff on the countries with which the United States has the largest trade deficits. All other countries will continue to be subject to the original 10% tariff baseline.

This will take effect April 9, 2025 at 12:01 a.m. EDT.

This order allows the President to increase or decrease tariffs based on future actions of trade partners. The order has no sunset date.

NOTE: It is unclear if there will be a formal process or if a "decrease" would be to remove a country from the list altogether or if there is a permanent 10% tariff floor no matter what a country does.

- Some goods will not be subject to the Reciprocal Tariff. These include:
 - o (1) articles subject to 50 USC 1702(b);
 - (2) steel/aluminum articles and autos/auto parts already subject to Section 232 tariffs;
 - o (3) copper, pharmaceuticals, semiconductors, and lumber articles;
 - (4) all articles that may become subject to future Section 232 tariffs;
 - o (5) bullion; and
 - (6) energy and other certain minerals that are not available in the United States.

NOTE: It is unclear if there will be a formal process to exempt additional items from the minimum 10% tariffs, similar to the regularly updated exemption list put out by USTR.

For Canada and Mexico, the existing fentanyl/migration IEEPA orders remain in effect, and are unaffected by this order. This means <u>USMCA compliant goods</u> will continue to see a 0% tariff, non-USMCA compliant goods will see a 25% tariff, and non-USMCA compliant energy and potash will see a 10% tariff.

In the event the existing fentanyl/migration IEEPA orders are terminated, USMCA compliant goods would continue to receive preferential treatment, while non-USMCA compliant goods would be subject to a 12% reciprocal tariff.

Keeping copper and other critical minerals related to energy from further tarriffs represents a huge win for NECA members. Any NECA member that has experienced a significant business impact from President Trump's trade agenda is encouraged to contact their member of Congress and the NECA Government Affairs Team for further discussion. Additional regulatory alerts will be provided as the landscape evolves.