

Trump's Trade Negotiator Says Response to Court Loss Would Be Immediate

If the Supreme Court rules against its tariffs, the Trump administration would begin replacing them immediately, said Jamieson Greer, the United States Trade Representative.



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If the Supreme Court strikes down President Trump's tariffs, the Trump administration plans to begin replacing them almost immediately with other levies, Jamieson Greer, the United States Trade Representative, said in an interview.

Mr. Greer, who is Mr. Trump's top trade negotiator, said in a Jan. 15 interview with The New York Times that, following any adverse ruling, the administration would "start the next day" to reestablish tariffs "to respond to the problems the president has identified."

Mr. Greer expressed optimism that the Supreme Court, which is currently reviewing the president's use of an emergency law that underpins most of his tariffs, would rule in the administration's favor. But Mr. Greer said that he and other advisers had given the president "a lot of different options" to achieve his trade goals at the beginning of the administration, meaning the president could turn to different legal authorities to impose similar tariffs worldwide.

"The reality is the president is going to have tariffs as part of his trade policy going forward," Mr. Greer said.

The Supreme Court has been weighing the legality of the president's use of a 1977 law, called the International Emergency Economic Powers Act, to issue tariffs on trading partners globally over the past year. The court could rule in the coming weeks, potentially as soon as Tuesday, to revoke some or all of that authority.

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Alternately, the court could decide to allow the president's approach. In the last year, Mr. Trump has declared numerous international emergencies to swiftly raise and lower tariffs on trading partners for a variety of reasons. The president has imposed tariffs to reduce trade deficits, stop inflows of illegal drugs and address other international situations.

On Saturday, Mr. Trump outraged the European Union by threatening to impose tariffs on exports from seven European countries unless a deal is made to sell Greenland, a territory of Denmark, to the United States. Ted Murphy, an

attorney at Sidley Austin, said in an emailed response that he believed that Mr. Trump would likely rely on IEEPA, the emergency law being reviewed by the courts, to impose those tariffs.



A protest against President Trump on Saturday in Nuuk, Greenland. Juliette Pavy for The New York Times

“I am not aware of any other trade statutes that would cover this situation (e.g., another nation refusing to sell the United States its sovereign territory),” Mr. Murphy wrote.

Speaking on NBC’s Meet the Press on Sunday, Treasury Secretary Scott Bessent tried to justify the president’s use of the emergency law by saying tariffs were preferred to some sort of armed conflict over Greenland.

“The national emergency is avoiding a national emergency,” Mr. Bessent said, adding that the president was using “the economic might of the U.S. to avoid a hot war.”

Critics called the president’s threats of tariffs against Europe a brazen misuse of the emergency statute. And some legal experts said the president was making his own legal case harder by threatening such an outlandish use of the emergency law.

“Emergency powers are for emergencies,” Senator Rand Paul, a Kentucky Republican, said on Meet the Press. “There’s no emergency with Greenland. That’s ridiculous.”

Stephen Vladeck, a professor of law at the Georgetown University Law Center, said it was “not exactly a good look for the Trump administration, while trying to persuade the Supreme Court to endorse a novel and atextual interpretation of IEEPA” to threaten an even more novel use of the same statute.

“President Trump is doing no favors to his own legal arguments,” Mr. Vladeck added.

But even if the court does rule against Mr. Trump, it remains to be seen how much that would hamper the president’s ability to impose tariffs.

Eswar Prasad, a professor of economics at Cornell University, said that an adverse ruling might force a change in the president’s tactics or tariff authorities, but that Mr. Trump seemed set on his pattern of aggressively using tariffs as a tool to advance his geopolitical ambitions.

“At this rate, it is unlikely that even a Supreme Court ruling will blunt his approach of using tariffs to go after other countries,” Mr. Prasad said.

The president can draw on other powerful tariff laws that allow him to impose import taxes on various products or countries' exports. But those laws typically require either an investigation, a report to be prepared, or an economic or national security rationale, meaning Mr. Trump would have less flexibility to threaten tariffs at a whim. The president has also threatened tariffs on Canada for running TV ads critical of his trade approach, and put tariffs on Brazilian exports for its prosecution of former leader Jair Bolsonaro, a political ally of Mr. Trump.

In the interview, Mr. Greer said that Mr. Trump had other alternatives, like Section 301, which he used in his first term to impose tariffs on Chinese exports, and which had survived many legal challenges. The president could also impose tariffs using Section 232, a national security statute, Section 122, a legal authority that relates to balance of payments issues, or Section 338, which allows the United States to respond when another country uniquely discriminates against it, Mr. Greer said.

"Congress appropriately has delegated a lot of tariff authority to the President of the United States," Mr. Greer said.

Ana Swanson covers trade and international economics for The Times and is based in Washington. She has been a journalist for more than a decade.

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