

United States Senate

WASHINGTON, DC 20510

November 18, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Johnson:

The Senate recently voted on a bipartisan basis to end three emergencies declared by the President this year – emergencies related to Canada (S.J. Res. 77), the global goods trade deficit (S. J. Res. 88), and Brazil (S.J. Res. 81) – and thus repeal the sweeping tariffs imposed pursuant to each emergency.¹ We urge you to follow the procedure for expedited consideration laid out in the National Emergencies Act (NEA) and bring these three joint resolutions up for a vote in the coming weeks.

The Administration declared these emergencies under the International Emergency Economic Powers Act (IEEPA), an authority that Congress enacted to provide the President with the power to impose sanctions, export controls, and similar measures to address national emergencies. In these cases, though, the administration is using these emergencies to justify significant and broad-based tariff hikes on the American people without any say from Congress. No president has previously used IEEPA to impose tariffs. Article I, Section 8 of the United States Constitution grants Congress the sole power to “regulate Commerce with foreign Nations” and “lay and collect Taxes, Duties, Imposts and Excises.” Tariffs are taxes, paid by Americans.

Together, the tariffs imposed pursuant to these three so-called emergencies raise America’s effective tariff rate to Great Depression-era levels, undermining decades of congressionally passed trade laws. These tariffs are affecting all Americans. Consumers are paying higher prices on affected goods. Small businesses are struggling to adapt and survive. Workers are losing their jobs, with October data showing U.S. manufacturing has contracted for an eighth straight month.

The drafters of the statute the President is invoking included a fast track process for Congress to act to terminate emergencies under the NEA. Utilizing this privileged process, the U.S. Senate has now voted to terminate each of these emergencies, and each resolution has been sent to the House for consideration pursuant to the NEA.

The law sets out a clear process for expedited consideration. Under the NEA, when one chamber passes such a resolution, the other chamber shall refer that resolution to committee, that committee shall report it out within 15 calendar days, the resolution shall become the pending

¹ The February 2nd emergency related to the Northern Border, the April 2nd emergency related to the goods trade deficit, and the July 30th emergency related to Brazil’s prosecution of their former President.

business, and the chamber shall vote on it within three calendar days.² Instead of following this fast-track process to ensure the House will vote on these measures within 18 calendar days of receiving them, the House has decided to change its own rules and keep these resolutions from going to the floor automatically. It has refused to act on the Senate-passed resolution terminating the emergency declared with respect to Canada, as well as on similar privileged resolutions introduced in the House.³ Instead, a narrow, partisan House majority has voted to tie its own hands and prevent the House from even considering these emergencies as Congress intended. Four times now, the House has voted on party lines for a rule that claims, for the purposes of reading the NEA, one calendar day can stretch all the way from March of one year through January of the next – all to block debate and votes on these emergency declarations and the tariffs imposed pursuant to them.

The tariff actions taken by the President with respect to these emergencies clearly stretch well past the bounds intended by Congress. Multiple courts have found the President's tariffs to exceed the scope of authority under IEEPA. It is imperative that Congress weigh in as well given Congress' constitutional authority over trade and duty to oversee executive action in our system of checks and balances among three coequal branches of government.

The Constitution is clear. Only Congress has the power to impose tariffs. The Senate has voted, determining these emergencies, and the tariffs invoked in response, should end. You should follow the expedited process laid out in the NEA and schedule a vote without delay. The American people deserve to see where their Representatives stand.

Sincerely,



Tim Kaine
U.S. Senator



Ron Wyden
U.S. Senator



Rand Paul, M.D.
U.S. Senator

² 50 U.S. Code § 1622

³ S.J. Res 37