

Joshua Kagan Quoted on Legal Challenges to Section 301 Forced Labor Tariffs

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Special Counsel [Joshua Kagan](#) was quoted in the *International Trade Today* article, "Section 301 Tariffs More Difficult to Challenge Than IEEPA and Section 122, Lawyers Say." The article explores the legal hurdles facing challenges to the Trump administration's Section 301 forced labor tariffs and examines how courts may evaluate the U.S. Trade Representative's investigation under the Administrative Procedure Act.

Joshua shared his perspective on the strength of potential legal challenges, noting that while critics may argue the investigation was a pretext for continuing the administration's broader trade agenda, that does not necessarily undermine the validity of the underlying findings. "I think two things can be true," Joshua said. "I think both [it] can be a 'pretextual investigation,' and also it can be one that is based on actual evidence that exists in the world that involves the agency following the necessary administrative steps."

Joshua also highlighted the role tariff incentives have played in encouraging countries to adopt forced labor import prohibitions, observing that multiple countries enacted such measures during the investigation. He further noted that Section 301 tariffs are likely to be more difficult to challenge than tariffs imposed under the International Emergency Economic Powers Act because "not only does 301 authorize duties, it has a preference for duties."

Read the full article [here](#).