

Alert | **Export Controls & Economic Sanctions/ International Trade**



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U.S. Announces Tariff Framework Targeting Countries that Acquire Goods or Services from Iran

On Feb. 6, 2026, President Donald J. Trump issued a new executive order titled *Addressing Threats to the United States by the Government of Iran* and released an accompanying *White House Fact Sheet* outlining the administration’s rationale and policy actions. Effective Feb. 7, 2026, these measures reaffirm the ongoing national emergency with respect to threats posed by Iran’s government and establish a mechanism to impose additional tariffs on imports from countries that acquire any goods or services from Iran.

National Emergency Declaration and Policy Rationale

The executive order reaffirms the ongoing national emergency with respect to Iran, finding that the policies and actions of the Iranian government constitute an “unusual and extraordinary threat” to U.S. national security, foreign policy, and economy. The president grounded his determination on allegations of Iran’s pursuit of nuclear capabilities, support for terrorism, ballistic missile development, repression of protestors, and regional destabilization that endangers American security, allies, and interests.

Tariff Authority Covering Any Country that Directly or Indirectly Purchases, Imports, or Otherwise Acquires Any Goods or Services from Iran

To address the national emergency, the executive order establishes a tariff system to impose additional import duties on any country that directly or indirectly purchases, imports, or otherwise acquires any

goods or services from Iran. The executive order does not explain how the Secretary of Commerce will identify impacted countries, nor does it address the process that U.S. agencies may follow in implementing the order. Guidance, rules, or regulations may follow. Timing for the imposition of any additional tariffs and which countries the administration may identify first also remain uncertain.

The executive order empowers the Secretary of Commerce to find that a country directly or indirectly purchases, imports, or otherwise acquires any goods or services from Iran. The term “indirectly” includes “purchases, imports, or other acquisitions of Iranian goods and services through intermediaries or third countries where the origin of the good or service can reasonably be traced to Iran, as determined by the Secretary of Commerce.” Upon an affirmative finding, the Department of Commerce must inform the Secretary of State, who determines – in consultation with other agency heads – “whether and to what extent” the government should impose an additional import duty. If the Secretary of State determines that the government should impose an additional duty, he will inform the president. The president ultimately decides whether – and to what extent – to impose an additional duty.

For affected countries, the additional import duties may be stacked on top of other duties, including Section 232 duties, antidumping and countervailing duties, and duties designated by the president’s use of the International Emergency Economic Powers Act (IEEPA) – more commonly referred to as reciprocal tariffs. The Trump administration may impose additional tariffs as a blanket tariff on imports from the country or may set duties that apply only to certain goods.

Potential Implications for Trade and Foreign Policy

This tariff authority follows use of national emergency powers tied specifically to third-country trade relationships **involving oil sales to Cuba**. This executive order applies a broader approach to Iran, capturing transactions that may otherwise have no economic nexus to the United States. Foreign governments with economic ties to Iran may face increased scrutiny and potential tariffs on U.S. imports, depending on the Department of Commerce’s findings and subsequent interagency recommendations. These actions may threaten to impact third-country business with Iran as a form of secondary sanctions on top of existing U.S. sanctions impacting Iran.

This executive order relies on both IEEPA and Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), which authorizes the president to modify the tariff schedule. As **noted in a prior GT Alert**, the Supreme Court is actively reviewing the president’s authority to impose tariffs under IEEPA. A decision may come as soon as Feb. 20, 2026. If the Court strikes down or limits the president’s tariff authority under IEEPA, its decision may also impact the Iran-related tariffs designated by this executive order.

The Existing U.S. Sanctions Regime on Iran

The U.S. sanctions regime targeting Iran is among the most comprehensive and complex sanctions frameworks that the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) administers. OFAC grounds its regime primarily in IEEPA and implements it through a combination of statutes, executive orders, and regulations, most notably the Iranian Transactions and Sanctions Regulations (ITSR), 31 C.F.R. Part 560. Following the United States’ withdrawal from the Joint Comprehensive Plan of Action (JCPOA) in 2018, the government restored certain sanctions that had been suspended during the JCPOA process and expanded them further, pursuant to Executive Order 13846, restoring broad restrictions on Iran’s energy, financial, shipping, and other sectors.

Comprehensive Trade Embargo Applicable to U.S. Persons

The ITSR implement a near-total trade and investment embargo on Iran by U.S. persons, including U.S. companies, U.S. financial institutions, and U.S. persons wherever located. These restrictions, rooted in executive orders 12959, 13059, and 13599, generally prohibit, all U.S. person dealings directly or indirectly with Iran, including among other things, the export, reexport, sale, or supply of goods, technology, or services to Iran, as well as the importation of Iranian-origin goods and services. The restrictions also broadly prohibit U.S. financial institutions from processing transactions involving Iran or its government, including U.S. dollar-clearing transactions, subject to limited general and specific licensing exceptions as administered by OFAC.

Secondary Sanctions and Non-U.S. Person Exposure

In parallel with the U.S. person embargo, the United States imposes secondary sanctions on non-U.S. persons under authorities, including the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the Iran Freedom and Counter-Proliferation Act of 2012, and Executive Order 13846. These measures target activities of non-U.S. persons and entities involved in specified Iran-related activities, including transactions involving Iran's energy, shipping, shipbuilding, financial, metals, and insurance sectors. Non-U.S. persons engaging in sanctionable conduct may risk consequences, including designation on OFAC's Specially Designated Nationals and Blocked Persons List or loss of access to the U.S. financial system.

Targeted and Program-Specific Sanctions Authorities

In addition to comprehensive and sector-based measures, the Iran sanctions regime includes a wide range of targeted authorities addressing discrete national security and foreign policy concerns. The government has designated Iranian individuals and entities under Executive Order 13224 (counterterrorism), Executive Order 13382 (weapons of mass destruction proliferation), the Countering America's Adversaries Through Sanctions Act, executive orders 13553 and 13606 (human rights abuses), and Executive Order 13694, as amended (malicious cyber activities). These overlapping designations frequently apply to the same actors, potentially increasing compliance risk and requiring careful diligence, even where a transaction may appear permissible under one sanctions authority.

Key Takeaways

The executive order empowers the Secretary of State, the Secretary of Commerce, and the U.S. Trade Representative to take all actions necessary to implement and effectuate this order and to begin rulemaking and implementation. It also allows the president to modify actions in response to changing circumstances, including compliance steps or retaliation taken by Iran or affected countries. Companies with international trade, energy, and foreign investment interests should monitor forthcoming guidance from the departments of Commerce and State and may wish to assess potential tariff exposure tied to supply chains involving Iran.

We will continue to monitor actions taken pursuant to this order and any additional guidance or modifications.

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