

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



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## **U.S. Declares National Emergency on Cuba and Announces Tariff Framework Targeting Oil Suppliers**

On Jan. 29, 2026, President Donald J. Trump issued a new executive order titled *Addressing Threats to the United States by the Government of Cuba* and released an accompanying *White House Fact Sheet* outlining the administration’s rationale and policy actions. Effective Jan. 30, 2026, these measures declared a national emergency with respect to threats posed by Cuba’s government and established a mechanism to impose additional tariffs on imports from countries that supply oil to Cuba.

### **National Emergency Declaration and Policy Rationale**

The executive order states that the policies and actions of the Cuban government constitute an “unusual and extraordinary threat” to U.S. national security and foreign policy and invokes the International Emergency Economic Powers Act (IEEPA), the National Emergencies Act (NEA), and section 301 of title 3, U.S. Code to order the creation of a new tariff system. The president grounded his determination on allegations that Cuba supports and aligns with hostile state actors and transnational terrorist groups, including Russia, the People’s Republic of China, Iran, Hamas, and Hezbollah, and hosts foreign military and intelligence activities that jeopardize U.S. interests. The order further cited Cuba’s human rights abuses, repression of political dissent, and efforts to destabilize the Western Hemisphere.

According to the White House Fact Sheet, the actions outlined in the order intend to protect U.S. national security and foreign policy interests by countering what the administration characterizes as Cuba’s “malign influence” and relationships with adversarial states and groups. The fact sheet accuses the Cuban

regime of hosting intelligence facilities, enabling transnational terrorist organizations, and undermining sanctions and stability efforts in the region. The administration frames its measures as part of a broader strategy to hold authoritarian regimes accountable and promote democratic values, aligning with earlier policies implemented in 2025, including [travel restrictions](#) and a [National Security Presidential Memorandum on Cuba policy](#).

### **Tariff Authority on Oil Suppliers**

To address the declared national emergency, the executive order establishes a tariff system whereby the United States may impose additional ad valorem duties on goods imported from any foreign country that directly or indirectly sells or provides crude oil or petroleum products to Cuba. The measures cover suppliers with knowledge that oil may be provided to Cuba through an indirect sale or provision through intermediaries or third countries.

Under the framework: (1) the secretary of commerce will identify countries that supply oil to Cuba and share findings with the secretary of state; (2) in consultation with the Department of State, the Department of the Treasury, the Department of Homeland Security, and the U.S. trade representative, the secretary of state will recommend tariff levels; and (3) the president may then decide whether — and to what extent — to impose such duties.

### **Potential Implications for Trade and Foreign Policy**

This tariff authority represents a novel use of national emergency powers tied specifically to third-country trade relationships involving oil shipments to Cuba that may otherwise have no economic nexus to the United States. Foreign governments with economic ties to Cuba 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 Cuba and expand the scope of the existing U.S. sanctions regime on Cuba.

Additionally, the president's authority to enact tariffs under IEEPA remains uncertain. As we previously [noted in a GT Alert](#), the judicial challenge to the administration's implementation of global tariffs under IEEPA continued on Nov. 5, 2025, when the U.S. Supreme Court heard oral arguments. A decision is expected in early 2026, and whether the Court strikes down all or part of the president's authority to impose import tariffs under IEEPA may limit or prohibit other duties imposed under IEEPA.

### **The Existing U.S. Sanctions Regime on Cuba**

The U.S. embargo against Cuba is a comprehensive set of laws and regulations that restrict virtually all trade, investment, and financial transactions between the United States and Cuba. It originated in the early 1960s after the Cuban government nationalized U.S.-owned property. It has since been codified in U.S. law and implemented through the Cuban Assets Control Regulations, which prohibit U.S. persons from engaging in economic activity with Cuba unless specifically authorized by the U.S. Treasury's Office of Foreign Assets Control (OFAC). The embargo has also historically restricted travel and access to the U.S. financial system for Cuban entities and remains in force today, subject to executive adjustments and licensing policy, as well as the export and reexport of U.S. products, software, and technology under the Department of Commerce's Export Administration Regulations.

#### *Current U.S. Sanctions*

Beyond the baseline embargo, the current U.S. sanctions regime continues to include targeted restrictions, such as maintaining Cuba on the State Sponsors of Terrorism list, visa bans on certain Cuban officials, designation of Cuban entities prohibited from engaging in U.S. transactions, and expanded sanctions on individuals involved in human rights abuses or repression. Recent actions have also tightened financial and remittance-related restrictions and imposed additional penalties on Cuban government or military-linked entities. OFAC and other executive-branch authorities administer these sanctions, and the president or the Department of the Treasury may update them.

### *Helms-Burton*

The Helms-Burton Act (1996) strengthens and codifies the U.S. embargo by extending it to foreign firms and individuals that “traffic” in property expropriated from U.S. nationals after the 1959 Cuban Revolution, effectively restricting trade, investment, and financial transactions with Cuba. Title III of the Act authorizes U.S. nationals to bring lawsuits in U.S. courts against entities benefiting from such property, and Title IV allows denial of visas to executives of foreign companies involved in those activities. Although U.S. presidents have, at times, suspended Title III to ease diplomatic tension, recent U.S. policy reactivated it, opening the door for potential new lawsuits under this provision. The law also underpins restrictive measures that discourage international business with Cuba by linking access to the U.S. market with compliance.

### **Key Takeaways**

The executive order empowers the secretary of state and the secretary of commerce 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 taken by Cuba 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 oil supply chains involving Cuba.

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

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