

February 3, 2025

## U.S. Sanctions Policy in the 119<sup>th</sup> Congress: Recent Executive Actions and Legislative Implications

Through a series of executive actions in January 2025, President Donald Trump has ordered changes to several U.S. sanctions programs. The 119<sup>th</sup> Congress may seek to influence future executive actions through legislation and oversight, as prior Congresses have.

### Recent Executive Actions

On January 20, President Trump issued executive order (E.O.) 14148, “Initial Rescissions of Harmful Executive Orders and Actions,” revoking several sanctions-related executive actions taken by President Joe Biden, including

- E.O. 14022 of April 1, 2021, “Termination of Emergency With Respect to the International Criminal Court”;
- E.O. 14115 of February 1, 2024, “Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank”;
- presidential memorandum of January 14, 2025, “Certification of Rescission of Cuba’s Designation as a State Sponsor of Terrorism”; and
- national security memorandum 29 (NSM-29) of January 14, 2025, “Memorandum on the Revocation of National Security Presidential Memorandum 5” (NSPM-5) of January 16, 2017, “Strengthening the Policy of the United States Toward Cuba.”

By executive order, President Trump also set in motion the process for designating certain entities as terrorist groups, including as “Foreign Terrorist Organizations” (FTOs). On January 20, the President issued E.O. 14157, “Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists.” On January 22, the President issued E.O. 14175, “Designation of Ansar Allah as a Foreign Terrorist Organization.”

On January 20, President Trump further directed executive branch reviews of certain U.S. immigration and trade policies through the presidential memorandum “America First Trade Policy” and executive orders, such as E.O. 14161, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats” and E.O. 14159, “Protecting the American People Against Invasion.” The outcomes of these reviews may result in changes in the application of U.S. visa sanctions and the imposition of restrictive trade policies to advance U.S. foreign policy or national security interests, among other developments.

On February 1, drawing on authorities pursuant to the International Emergency Economic Powers Act (IEEPA, P.L. 95-223; 50 U.S.C. 1701 et seq.), President Trump issued three executive orders to impose tariffs, which were to be effective February 4, on Mexico, China, and Canada, saying that they were in response to the “sustained influx” into the United States of “illegal aliens and illicit opioids” (Mexico), “synthetic opioids” (China), and “illicit opioids and other drugs” (Canada). On February 3, President Trump and Mexican President Claudia Sheinbaum agreed to delay tariffs in exchange for greater cooperation on counternarcotics and other matters. Canadian Prime Minister Justin Trudeau also announced a pause on tariffs in exchange for enhanced counternarcotics measures.

Other sanctions policy developments may emerge as the Trump Administration explores the scope and limits of sanctions in furtherance of its geostrategic or domestic policy objectives. Such developments could affect a wide range of countries, including U.S. adversaries and potentially also allies (e.g., Colombia, which President Biden designated as a “Major Non-NATO Ally” in 2022).

### U.S.-Colombia Relations and Sanctions

On January 26, Colombian President Gustavo Petro refused to allow U.S. military aircraft transporting Colombian deportees to land in Colombia. President Trump reacted by announcing on social media that he had directed his Administration to take immediate “urgent and decisive retaliatory measures,” including tariffs, travel bans, and visa sanctions, including on Colombian government officials and their family members; enhanced inspections of in-bound Colombian nationals and cargo; and other banking and financial sanctions based on powers provided to the President pursuant to IEEPA.

The two countries appeared to deescalate tensions by the end of the day, with Colombia agreeing to accept deportees and the White House announcing that “the fully drafted IEEPA tariffs and sanctions will be held in reserve.” However, U.S. Secretary of State Marco Rubio did render certain Colombian nationals ineligible for U.S. visas and admission, pursuant to Section 212(a)(3)(C) of the Immigration and Nationality Act (INA; 8 U.S.C. 1182(a)(3)(C)). According to a State Department press release, “Measures will continue until Colombia meets its obligations to accept the return of its own citizens.”

### Initial Sanctions Implications and Related Legislation

Executive actions in the first week of the Trump Administration indicate an evolving sanctions policy landscape. Congress has played a key role in shaping sanctions policy by establishing in statute an array of

sanctions-related authorities from which the executive branch can draw. Statutory provisions also provide limits to such sanctions authorities and specify criteria and processes for their invocation and revocation. The 119<sup>th</sup> Congress may continue to shape sanctions policy through legislation.

**International Criminal Court (ICC) Sanctions:** Despite President Trump’s revocation of E.O. 14022, which terminated the IEEPA-based sanctions program targeting persons associated with the ICC, no new sanctions on the ICC are in effect. President Biden’s April 1, 2021, termination of E.O. 13928 also terminated the national emergency with respect to the ICC, pursuant to which IEEPA-based sanctions can be invoked. Section 202 of the National Emergencies Act (P.L. 94-412; 50 U.S.C. 1622) further provides that a national emergency automatically terminates after one year, unless the President publishes in the *Federal Register* and transmits to Congress a notice of the emergency’s continuation.

- In the 119<sup>th</sup> Congress, the House passed H.R. 23, the Illegitimate Court Counteract Act. If enacted, the act would direct the President to impose sanctions with respect to the ICC within 60 days of enactment. On January 29, the Senate did not invoke cloture on the motion to proceed to the measure (54 yea, 45 nay).

**West Bank-Related Sanctions:** On January 24, in furtherance of E.O. 14148, Treasury’s OFAC removed reference on its website to the West Bank-related sanctions program and all persons previously designated under E.O. 14115, an IEEPA-based sanctions program, from the SDN List.

**Cuba’s Status as a State Sponsor of Terrorism (SSOT):** Cuba remains designated as an SSOT, a status that then-Secretary of State Michael Pompeo assigned to Cuba in January 2021, pursuant to several statutory authorities, including the Foreign Assistance Act of 1961 (P.L. 87-195, as amended) and Arms Export Control Act (P.L. 90-629, as amended). The Biden Administration initiated, but did not complete, the process to rescind Cuba’s SSOT designation. As specified in law, including Section 1745 of the Export Controls Act of 2018 (P.L. 115-232; 50 U.S.C. 4813), the President may rescind a country’s SSOT designation if he certifies to Congress, 45 days in advance, that the country is not engaged in international terrorism support. President Biden did this on January 14, but E.O. 14148 effectively ended the SSOT rescission process.

- Bills introduced in the 119<sup>th</sup> Congress reflect divergent views on Cuba sanctions policy. On the one hand, see H.R. 450, “To prohibit the removal of Cuba from the list of state sponsors of terrorism until Cuba satisfies certain

conditions, and for other purposes.” On the other, see S. 136, “A bill to lift the trade embargo on Cuba, and for other purposes.”

**The State Department’s List of Restricted Entities and Subentities Associated with Cuba (Cuba Restricted List):** Pursuant to NSM-29, then-Secretary of State Antony Blinken rescinded the Cuba Restricted List on January 16. Prior to its anticipated publication in the *Federal Register*, the State Department posted a notice announcing the Cuba Restricted List’s rescission. That notice is now listed on the *Federal Register* website as withdrawn. Sanctions policies governed by the CACR were not updated to reflect NSM-29 before President Biden’s term ended. For example, the CACR continues to refer to the Cuba Restricted List.

**Terrorism Designations:** Through executive orders, President Trump has initiated a process for designating new entities as terrorist groups, including “certain international cartels” and “other transnational organizations, such as Tren de Aragua (TdA) and La Mara Salvatrucha (MS-13), as well as *Ansar Allah* (commonly referred to as the Houthis). E.O. 14157 requires the Secretary of State, within 14 days, to recommend the designation of any cartel or other transnational organization as an FTO, pursuant to Section 219 of the INA (8 U.S.C. §1189), or a “Specially Designated Global Terrorist” (SDGT), pursuant to E.O. 13224, as amended. President Trump’s executive order regarding the Houthis, E.O. 14175, also does not immediately designate the group as an FTO, but indicates that the Trump Administration intends to take such action. Section 219 of the INA requires the Secretary of State to notify Congress seven days in advance of an intended designation and to publish the designation in the *Federal Register* seven days after providing congressional notification.

- Bills in the 118<sup>th</sup> Congress sought to designate certain drug trafficking organizations or transnational criminal organizations as FTOs. See, for example, S. 1048, Ending the NARCOS Act of 2023; H.R. 1564/S. 698, Drug Cartel Terrorist Designation Act; H.R. 7566, CARTEL Act of 2024; and H.R. 2633, Terrorist Organization Classification Act of 2023. Similarly, bills in the 118<sup>th</sup> Congress also sought to designate the Houthis as an FTO, including Standing Against Houthi Aggression Act (H.R. 6046, which passed the House, and S. 3192).

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IF12894

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