** Legal Bases for Sanctions on Sudan: Flows Covered (Reasons)**

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| **Economic and development aid** | **Other Public Finance** | **Private Financing** | **Trade** |
| Foreign Assistance Act of 1961: non-humanitarian economic assistance, as well as military and agricultural aid (debt arrears, support of terrorism).Annual foreign operations appropriations acts: same as above (military coup), plus funds for debt restructuring (military coup, intra-state conflict and human rights); foreign ops funds also specifically denied to Sudan “except as provided through the regular notification procedures of the Committees on Appropriations.”Comprehensive Peace in Sudan Act of 2004, Darfur Peace and Accountability Act of 2006: reiterates restrictions, exempts aid to support peace between North and South or resolve conflict in Darfur (intra-state conflict; human rights).Sanctions currently waived because in place under other provisions:International Religious Freedom Act: development, security assistance to countries designated as being of particular concern for severe violations of religious freedom, as Sudan has been since 1999.Trafficking Victims Protection Act: non-humanitarian, non-trade related development assistance for countries on Tier III Watch list for trafficking, as Sudan has been.  | Foreign Assistance Act of 1961: Eximbank (support of terrorism).Annual foreign operations appropriations acts: all public support for trade and investment, multilateral assistance (military coup); foreign ops funds also specifically denied to Sudan “except as provided through the regular notification procedures of the Committees on Appropriations.”Export-Import Bank Act: allows president to deny applications for credit (terrorism).International Financial Institutions Act: US executive directors to use voice and vote to oppose loans from IMF and World Bank (terrorism).Arms Export Control Act: credits, guarantees, or other USG financial assistance related to munitions sales (terrorism).Comprehensive Peace in Sudan Act of 2004, Darfur Peace and Accountability Act of 2006: reiterates restrictions on bilateral, multilateral public finance, exempts aid to support peace between North and South or resolve conflict in Darfur (intra-state conflict; human rights).Sanctions currently waived because in place under other provisions:International Religious Freedom Act: executive directors to use voice and vote to oppose publicly-supported bilateral or multilateral financing for Sudan because of severe violations of religious freedom.Trafficking Victims Protection Act: US directors of international financial institutions to oppose IMF and multilateral development bank loans and other non-humanitarian funding.  | IEEPA Executive Order 13067: bans investment in, loans to. other financial transactions in Sudan; blocks assets of government and designated individuals and entities (terrorism, human rights, religious freedom, and “efforts to destabilize neighboring governments”). IEEPA EO 13400 implements UN Security Council resolutions calling for blocking of assets of individuals (violence in Darfur).Arms Export Control Act: credits, guarantees, or other financial assistance by US persons related to export of defense articles (terrorism).Comprehensive Peace in Sudan Act 2004, Darfur Peace and Accountability Act of 2006: calls on president to use IEEPA to freeze assets of Sudanese officials, others inhibiting resolution of conflict in South or associated with violence in Darfur (implemented under EO 13412) (intra-state conflict, human rights violations).Sudan Accountability and Divestment Act of 2007: state and local governments authorized to divest assets in companies doing business in Sudan (intra-state conflict, human rights).Anti-Terrorism and Effective Death Penalty Act: financial transactions with designated governments (terrorism). Section 901(j) of the Internal Revenue Code: denies tax credits on foreign earned income (terrorism).Sanctions currently waived because in place under other provisions:International Religious Freedom Act: presidential authority to prohibit US financial institutions from making loans above a certain amount over a certain time period to governments designated as of particular concern for severe violations of religious freedom.Trafficking Victims Protection Act: authorizes use of IEEPA to deny “significant traffickers” access to transactions in foreign exchange, property, certain kinds of credit transfers, the importing or exporting of currency or securities, and certain other measures against individuals.  | Executive Order 13067 prohibits exports to or imports from Sudan (terrorism, human rights religious freedom).and “efforts to destabilize neighboring governments”).Executive Order 13412: bars transactions related to oil, gas, and petro-chemical industries in Sudan (as called for in Darfur Peace and Accountability Act of 2006) Arms Export Control Act: arms exports and imports (terrorism, regional stability and conflict).Export Administration Act: requires validated licenses for the export of “goods and technology” that enhance military capabilities (terrorism)Trade Act of 1974: GSP eligibility (worker rights and terrorism).Comprehensive Peace in Sudan Act 2004: requires president to take steps to deny Sudan oil revenues (intra-state conflict, human rights and genocide in Darfur) Sudan Accountability and Divestment Act of 2007: federal government must certify contractors do not do business in Sudan (intra-state conflict, human rights).Sanctions currently waived because in place under other provisions:International Religious Freedom Act: authorization to deny licenses for export of dual-use goods (severe violations of religious freedom).Statutory exemptions:Tariff Suspension and Trade Act of 2000 exempts gum arabic from restrictions under Executive Order 13067.Trade Sanctions Reform and Export Enhancement Act of 2000 provides general exceptions for:* Humanitarian assistance
* Medical equipment, devices,
* Agricultural commodities
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| **Exemptions to Sanctions for South Sudan, Darfur Under Darfur Peace and Accountability Act (2006):** * Designated areas of Southern Sudan, Darfur, and certain other specified areas exempted from certain sanctions, but not restrictions on oil industry transactions.
* Removes the regional government of Southern Sudan from the definition of the Government of Sudan for purposes of asset blocking orders.
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| **Conditions Specified by Congress for Lifting Sanctions against Sudan** ***Darfur Peace and Accountability Act (2006):*** Specifies sanctions under EO 13067, FAA and annual appropriations should be maintained until the President certifies that Sudan is working to: * Implement the Darfur Peace Agreement
* Disarm, demobilize, and demilitarize the Janjaweed and all militias allied with the GOS
* Adhere to all UN Security Council Resolutions
* Negotiate a peaceful resolution to the crisis in eastern Sudan
* Fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord’s Resistance Army in Sudan, and
* Fully implement the Comprehensive Peace Agreement

***Comprehensive Peace in Sudan Act (2004):*** specifies that sanctions should remain “until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region.”NB: Both acts include national interest waivers, however annual appropriations acts specify that funds provided for foreign operations cannot be resumed until the president certifies that a democratically-elected government is in place in Sudan; funds debt restructuring also tied situation in Darfur. |

**Waivers Under General Sanctions Authorities**

**Foreign Assistance Act of 1961:**

* **Section 620 (a) relating to state sponsors of terrorism:**
	+ Under subsection (c), designations may be rescinded only if the President submits a report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that—(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;(B) that government is not supporting acts of international terrorism;(C) that government has provided assurances that it will not support acts of international terrorism in the future; or(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and (B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.
	+ Under subsection (d), the President may waive sanctions if he determines that national security interests or humanitarian reasons justify a waiver, except that humanitarian reasons may not be used to justify a waiver for military, security, and peacekeeping assistance, or support from the Economic Support Fund, or Export-Import Bank credits.
* **Section 620(q) relating to debt arrears**-President can waive if in the national interest.

**Other sanctions provisions related to designation as a state sponsor of terrorism:**

* **Export Administration Act of 1979:** Secretary of State can lift or waive after the President notifies Congress.
* **Arms Export Control Act:** Secretary of State can lift or waive after the President notifies Congress; President can also waive on a transaction-by-transaction basis. Congress may block by joint resolution; no waiver for restrictions on Foreign Military Financing Program.
* **Export-Import Bank Act of 1945:** President has the authority to impose and to lift sanctions against countries determined to not be cooperating with counter-terrorism efforts.
* **International Financial Institutions Act** Secretary of the Treasury has the authority to impose if the country is listed under Section 6(j) of the EAA or Section 620A of the Foreign Assistance Act.

**Consolidated Appropriations Act of 2010 (and previous appropriations)**

* **Reprogramming Notification Requirements for Specific Countries:** “None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Sudan [and other designated countries,] except as provided through the regular notification procedures of the Committees on Appropriations.”
* **Specific Limitation on Assistance to Sudan:** Can be lifted if the GOS is making efforts to resolve conflict, allow humanitarian assistance.
* **Military coup d etats:** Prohibition on assistance for programs in Titles III-VI, including eligibility debt restructuring, can only be waived if President certifies democracy is restored.

**Trade Act of 1974 (Generalized System of Preferences)**:

* President has the authority to determine eligibility, subject to public petition process.