

RECOGNIZING POSITIVE ACTIONS BY THE GOVERNMENT OF SUDAN AND PROVIDING FOR THE REVOCATION OF CERTAIN SUDAN-RELATED SANCTIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN EXECUTIVE ORDER REVOKING SECTION 1 AND 2 OF EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997, AND REVOKING EXECUTIVE ORDER 13412 OF OCTOBER 13, 2006, PURSUANT TO 50 U.S.C. 1703(b); PUBLIC LAW 95-223 SEC. 204(b); (91 STAT. 1627)



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THE WHITE HOUSE,
Washington, January 13, 2017.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report that I have issued an Executive Order (the “order”) that revokes sections 1 and 2 of Executive Order 13067 of November 3, 1997, and revokes Executive Order 13412 of October 13, 2006, in its entirety. Both actions are effective 180 days from January 13, 2017, provided that certain further action is taken by the Secretary of State on or before that date. I have determined that the situation that gave rise to the actions taken in those orders related to the policies and actions of the Government of Sudan has been altered by Sudan’s positive actions over the past 6 months. These actions include a marked reduction in offensive military activity, culminating in a pledge to maintain a cessation of hostilities in conflict areas in Sudan, and steps toward the improvement of humanitarian access throughout Sudan, as well as cooperation with the United States on addressing regional conflicts and the threat of terrorism.

The President issued Executive Order 13067 to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of the Government of Sudan, including support for international terrorism; efforts to destabilize neighboring governments; and the prevalence of human rights violations. Section 1 of Executive Order 13067 blocks the property and interests in property of the Government of Sudan, and section 2 prohibits a broad range of trade and investment-related transactions with Sudan, including imports from and exports to Sudan. The President expanded the scope of the national emergency declared in Executive Order 13067 in Executive Order 13400 of April 26, 2006, which blocks the property and interests in property of certain persons in connection with the conflict in Darfur. The President took additional steps with respect to the national emergency declared in Executive Order 13067 in Executive Order 13412 due to policies and actions of the Government of Sudan that violated human rights, in particular with respect to the conflict in Darfur, and the pervasive role played by the Government of Sudan in the petroleum and petrochemical industries in Sudan. Executive Order 13412 continues the blocking of the Government of Sudan, specifies new prohibitions relating to Sudan’s petroleum industry, and exempts certain specified areas in Sudan from the trade prohibitions found in Executive Order 13067.

With the positive steps taken by the Government of Sudan over the last 6 months, and provided that these positive actions are sus-

tained over the next 180 days, there will be no further need for sections 1 and 2 of Executive Order 13067 or for Executive Order 13412. The 180-day delay period of the order's effective date with respect to removing these provisions is intended to encourage the Government of Sudan to sustain its efforts in these areas. The order directs the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, and based on a consideration of relevant and credible information from available sources, including nongovernmental organizations, on or before July 12, 2017, to provide a report to the President on the Government of Sudan's progress in sustaining the positive actions taken by the Government of Sudan that gave rise to the order, including carrying out the Government of Sudan's pledge to maintain a cessation of hostilities in conflict areas in Sudan; continuing improvement of humanitarian access throughout Sudan; and maintaining its cooperation with the United States on addressing regional conflicts and the threat of terrorism. As much of the report as possible shall be unclassified and made public. Provided that the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, publishes on or before July 12, 2017, a notice in the *Federal Register* stating that the Government of Sudan has sustained the positive actions that gave rise to the order and has provided to the President the report described above, the revocation of sections 1 and 2 of Executive Order 13067 and the revocation of Executive Order 13412 will become effective. The national emergency the President declared in Executive Order 13067 will remain in place, as will Executive Order 13400.

The order further directs the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, to provide to the President an updated version of the report described above annually thereafter and, concurrent with those reports, to publish in the *Federal Register* a notice stating whether the Government of Sudan has sustained the positive actions that gave rise to the order. As much of the annual reports as possible shall be unclassified and made public. In addition, to the extent an annual report concludes that the Government of Sudan has or has not sustained the positive actions that gave rise to the order, the order directs the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, to provide to the President recommendations on appropriate U.S. Government responses.

For these reasons, I have determined that it is necessary to revoke sections 1 and 2 of Executive Order 13067 and to revoke Executive Order 13412 on July 12, 2017, provided that further action is taken by the Secretary of State, as set forth in the order. Consistent with this determination, I have waived in the order the application of section 908(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201–7211) with respect

to Sudan, and sections 6(a) and (b) of the Comprehensive Peace in Sudan Act of 2004, as amended (Public Law 108–497).

I am enclosing a copy of the Executive Order I have issued. The order is effective on January 13, 2017, except for sections 1, 4, 5, 6, and 7 of the order, which are effective on July 12, 2017, provided that further action is taken by the Secretary of State as set forth in the order.

Sincerely,

BARACK OBAMA.

EXECUTIVE ORDER

RECOGNIZING POSITIVE ACTIONS BY THE GOVERNMENT OF SUDAN AND PROVIDING FOR THE REVOCATION OF CERTAIN SUDAN- RELATED SANCTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201–7211) (TSRA), the Comprehensive Peace in Sudan Act of 2004, as amended (Public Law 108–497) (CPSA), the Darfur Peace and Accountability Act of 2006 (Public Law 109–344) (DPAA), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, find that the situation that gave rise to the actions taken in Executive Order 13067 of November 3, 1997, and Executive Order 13412 of October 13, 2006, related to the policies and actions of the Government of Sudan has been altered by Sudan’s positive actions over the past 6 months. These actions include a marked reduction in offensive military activity, culminating in a pledge to maintain a cessation of hostilities in conflict areas in Sudan, and steps toward the improvement of humanitarian access throughout Sudan, as well as cooperation with the United States on addressing regional conflicts and the threat of terrorism. Given these developments, and in order to see these efforts sustained and enhanced by the Government of Sudan, I hereby order:

Section 1. Effective July 12, 2017, and provided the criteria in section 12(b) of this order are met, sections 1 and 2 of Executive Order 13067 of November 3, 1997, are revoked, and Executive Order 13412 of October 13, 2006, is revoked in its entirety. The revocation of those provisions of Executive Order 13067 and of Executive Order 13412 shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those orders during the period that those provisions were in effect.

Sec. 2. Pursuant to section 908(a)(3) of TSRA, I hereby determine that it is in the national security interest of the United States to waive, and hereby waive, the application of section 908(a)(1) of TSRA with respect to Sudan.

Sec. 3. Pursuant to section 6(d) of CPSA, I hereby determine and certify that it is in the national interest of the United States to waive, and hereby waive, the application of sections 6(a) and (b) of CPSA.

Sec. 4. The function of the President under section 6(c) (1) of CPSA is assigned to the Secretary of the Treasury.

Sec. 5. The functions of the President under section 6(c)(2) and the last sentence of section 6(d) of CPSA are assigned to the Secretary of State, except that the function of denial of entry is assigned to the Secretary of Homeland Security.

Sec. 6. The function of the President under section 8 of DPAA is assigned to the Secretary of State.

Sec. 7. The Secretary of the Treasury and the Secretary of Commerce are authorized to issue regulations, licenses, and orders, and conduct such investigations as may be necessary, to implement the provisions of section 906 of TSRA.

Sec. 8. This order is not intended to, and does not, otherwise affect the national emergency declared in Executive Order 13067 of November 3, 1997, as expanded in scope by Executive Order 13400 of April 26, 2006, which shall remain in place.

Sec. 9. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 10. On or before July 12, 2017, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, and based on a consideration of relevant and credible information from available sources, including nongovernmental organizations, shall provide to the President a report on whether the Government of Sudan has sustained the positive actions that gave rise to this order, including carrying out its pledge to maintain a cessation of hostilities in conflict areas in Sudan; continued improvement of humanitarian access throughout Sudan; and maintaining its cooperation with the United States on addressing regional conflicts and the threat of terrorism. As much of the report as possible, consistent with sources and methods, shall be unclassified and made public.

Sec. 11. (a) The Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, and based on a consideration of relevant and credible information from available sources, including nongovernmental organizations, shall provide to the President an updated version of the report required in section 10 of this order annually thereafter. As much of the report as possible, consistent with sources and methods, shall be unclassified and made public. To the extent a report concludes that the Government of Sudan has or has not sustained the positive actions that gave rise to this order, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, shall provide to the President recommendations on appropriate U.S. Government responses.

(b) Concurrent with the provision of the reports required in section 11(a) of this order, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, shall publish a notice in the *Federal Register* stating

whether the Government of Sudan has sustained the positive actions that gave rise to this order.

Sec. 12. (a) This order is effective on January 13, 2017, except for sections 1, 4, 5, 6, and 7 of this order;

(b) Sections 1, 4, 5, 6, and 7 of this order are effective on July 12, 2017, provided that the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, has published a notice in the *Federal Register* on or before that date, stating that the Government of Sudan has sustained the positive actions that gave rise to this order and that the Secretary of State has provided to the President the report described in section 10 of this order.

BARACK OBAMA.

THE WHITE HOUSE, *January 13, 2017.*

