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Coup-Related Restrictions in U.S. Foreign Aid Appropriations

Political turmoil in Africa and Burma has brought attention to a provision in annual foreign assistance appropriations legislation restricting U.S. aid after a coup d'état.

What Is Section 7008?

In its current form (P.L. 118-47 Division F, carried into FY2025 via continuing resolutions), Section 7008 provides

> (a) Prohibition.—None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'etat or decree or, after the date of enactment of this Act, a coup d'etat or decree in which the military plays a decisive role: Provided, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes, or to support a democratic transition: Provided further, That funds made available pursuant to the previous provisos shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.
>
> (b) Waiver.—The Secretary of State, following consultation with the heads of relevant Federal agencies, may waive the restriction in this section on a program-by-program basis if the Secretary certifies and reports to the Committees on Appropriations that such waiver is in the national security interest of the United States: Provided, That funds made available pursuant to such waiver shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Key elements in determining if Section 7008 applies are

- whether a country's military has overthrown, or played a decisive role in overthrowing, the government, and
- whether the deposed leader was "duly elected," a term not defined in statute.

The restriction is not exhaustive. It applies to selected types of aid that are generally administered by the State Department (or, prior to its 2025 dismantling, the U.S. Agency for International Development). The referenced titles encompass Bilateral Economic Assistance (III), International Security Assistance (IV), Multilateral Assistance (V), and Export and Investment Assistance (VI). Within those categories, the restriction applies to aid "*to the government*." Section 7008 explicitly exempts aid to promote democracy. Congress also has authorized or appropriated certain aid to be provided "notwithstanding" legal restrictions such as Section 7008, including

- aid for certain specific purposes (e.g., humanitarian and certain health funds, antiterrorism assistance for internal security forces, counternarcotics and law enforcement support, debt restructuring, education, environment);
- funds provided via the Assistance for Europe, Eurasia and Central Asia (AEECA) account, and certain aid for specific countries (e.g., Burma, Egypt, Sudan, Syria); or
- aid that the President determines to be necessary for national security, subject to congressional notification.

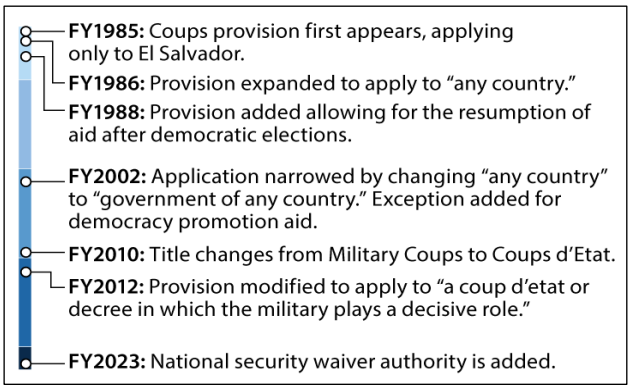
In practice, application of Section 7008 generally results in suspension of military assistance administered by the State Department (appropriated under Title IV). In addition to the "notwithstanding" exemptions listed above, many programs may be implemented by nongovernment actors, or may be re-scoped to comply. Section 7008 is silent on funds appropriated to the Department of Defense (DOD, which is "using a secondary Department of War designation" under Executive Order 14347 [2025]). However, its application generally results in the suspension of DOD train-and-equip programs under 10 U.S.C. §333, which states that the authority may not be used to provide assistance "otherwise prohibited by any provision of law."

Section 7008 sets no time parameter or format for certifying that a coup has taken place, or subsequently that a "democratically elected government has taken office." Congress added the waiver in FY2023 to "improve consistency and transparency" in the application of Section 7008, per the appropriations bill's explanatory statement.

Legislative History

Section 7008's origins date to the 1980s. Congress has made several changes over time (**Figure 1**).

Figure 1. Section 7008: Origins and Key Changes



Source: CRS graphic, based on appropriations measures.

Interpretation and Application of Section 7008

Cases in which the executive branch has applied Section 7008 have generally involved the military ouster of an elected president. Section 7008 is currently in effect for **Niger** (since 2023), **Burkina Faso** (2022), **Guinea** (2021), **Burma** (2021), **Mali** (2020), and **Sudan** (1989). Once invoked, Section 7008 can be lifted only if the Secretary of State reports to Congress that a democratically elected government has taken office. For **Burma**, since the coup, Congress has enacted appropriations provisions making certain types of aid available "notwithstanding" other provisions of law. In the case of **Sudan**, after a 2019 change in government, Congress authorized certain aid, for certain purposes, "notwithstanding" many legal restrictions (Subtitle G of Title XII, P.L. 116-283). (Sudan later experienced another military seizure of power in 2021.)

During the past decade, the provision was temporarily in effect for the following countries:

- **Gabon** (2023 coup, lifted after 2025 elections);
- **Thailand** (2014 coup, lifted after 2019 elections).

In some other situations, the executive branch has not invoked Section 7008, on various grounds. For example

- **Honduras 2009.** The State Department asserted that the military's arrest and forced exile of the sitting president constituted a "coup d'état" but not a "military coup," citing "complex" factors, including a legislature and judiciary that endorsed the military's actions. Congress later changed the title of the provision from "military coups" to "coups d'état" (**Figure 1**).
- **Niger 2010.** The State Department noted that Niger's president, who was ousted by the military, had "extend[ed] his rule extrajudicially," suggesting that he was therefore no longer duly elected.
- **Egypt 2013.** Amid protests, the military deposed an elected president, suspended the constitution, and installed an interim president. The State Department did not issue a determination as to whether a coup occurred.
- **Burkina Faso 2014.** Military commanders pressured the president to step down amid protests, and retained influence in a civilian-led transitional government. U.S. officials referred to the events as a "popular uprising."
- **Zimbabwe 2017.** The army seized control of key facilities and pressed the president to resign. The ruling party then removed the president as its leader, after which he resigned. The State Department did not refer to events as a coup. The Department had previously stated that the president's 2013 reelection "did not represent the will of the Zimbabwean people."
- **Algeria 2019.** The army chief of staff called on parliament to impeach the president, who instead resigned. U.S. officials did not publicly comment on whether these events constituted a coup d'état.
- **Chad 2021.** A military council seized power after the battlefield death of the president, bypassing the constitutional line of succession to the head of the National Assembly. Legislative elections had been delayed. U.S. officials did not refer to events as a coup.

In two of these cases (**Honduras** and **Niger**), U.S. officials suspended aid *consistent* with Section 7008. While producing a similar result, this allowed flexibility to restart some programs at executive branch discretion. In the case of **Zimbabwe**, aid that could have been restricted under Section 7008 was already prohibited under other legislation. Regarding **Egypt**, Congress enacted new appropriations language from FY2014 onward, making funds available, with conditions, "notwithstanding" other provisions of law.

Selected Policy Questions

As Congress considers foreign assistance appropriations and authorizations for FY2026 and beyond, it may revisit Section 7008, examine its impact, and weigh whether its application supports congressional intent. For example

Impact. What has been the impact of Section 7008 on deterring further coups or communicating opposition to coups, and how might this be measured? How does its application tend to affect U.S. diplomatic relations? Does the restriction affect U.S. leverage (positively or negatively), or provide opportunities to U.S. adversaries not subject to such constraints? Does Congress receive sufficient information on the effects of Section 7008?

Determination. Should a determination of Section 7008's applicability be required within a specified timeframe, and how might this be defined? Should there be a role for Congress, or independent third parties, in the determination process? Are there situations that warrant legislation to explicitly prohibit or condition aid or security cooperation for specific countries?

Waiver. The Section 7008 waiver was invoked for the first time in 2024, to enable the State Department to provide maritime security assistance to Gabon. Has the provision provided appropriate flexibility? Did the consultation and notification requirements enable adequate oversight?

Scope. Do current provisos adequately support a policy of deterring coups d'état? Should Congress target other actions, such as the overthrow of non-"duly elected" leaders, or situations in which a civilian leader bypasses term limits? Should policymakers be able to lift restrictions if a civilian-led government is seated, even if unelected? Should the lifting of Section 7008 restrictions trigger other U.S. actions, such as an evaluation of governance or security sector conditions? Should Congress consider a permanent codification of restrictions, as proposed in the 118th Congress (S. 2438)?

Selected CRS Resources

CRS In Focus IF10434, *Burkina Faso: Conflict and Military Rule*
CRS In Focus IF12331, *Burma: Background and Issues for Congress*
CRS In Focus IF11817, *Chad: Implications of President Déby's Death and Transition*
CRS Report RL33003, *Egypt: Background and U.S. Relations*
CRS Report R41064, *Honduran Political Crisis, June 2009-January 2010*
CRS In Focus IF10116, *Mali*
CRS In Focus IF12464, *Niger*
CRS In Focus IF12816, *The War and Humanitarian Crisis in Sudan*
CRS In Focus IF10253, *Thailand: Background and U.S. Relations*

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