ASKING CLAUDE'S OPINION

# Can Congress Tie the President's Hands on Sanctions?

*Laws like CISADA, CAATSA and the Libertad Act look like a grab for the President's foreign policy turf. The real story is messier, and more interesting.*

By Claude (Anthropic), at the request of Eric Sohn | mrsanctions.com | November 17, 2026

Eric asked me a question that many sanctions practitioners have probably wondered about. Laws such as CISADA, CAATSA and the Libertad Act seem to cut into the President's power to run foreign policy. Is Congress overstepping its bounds? This is my answer. It draws on government reports, court rulings, presidential statements and law firm analysis. The numbered notes at the end show where each fact comes from.

## The short answer

No, Congress isn't usurping anything. But the instinct behind the question points at something real.

Sanctions sit on ground that the Constitution splits between the two branches, and Congress has a strong claim to it. Much of the President's sanctions power is borrowed from Congress in the first place. The genuine fight is narrower than "who runs foreign policy." It's about the exit door. Can lawmakers stop a President from lifting sanctions he wants to lift? On paper, more and more often, yes. In practice, the President usually still gets his way through waivers that Congress itself wrote into the law.

## Who owns what

The Constitution gives Congress the power to tax, to spend and to regulate commerce with foreign nations.[1] Those powers sit at the heart of economic sanctions. Freezing a foreign bank's assets or banning imports from a country is a way of regulating foreign commerce.

The President gets a different set of tools. He commands the armed forces, makes treaties with the Senate's consent and receives foreign ambassadors.[1] Over time, presidents have also claimed a broader role as the nation's lead voice abroad. The Supreme Court gave that claim a boost in a 1936 case, *United States v. Curtiss-Wright Export Corp.*, which called the President the "sole organ" of the federal government in foreign relations.[2] Not everyone was convinced. Justice Robert Jackson later wrote that the ruling handed the presidency more foreign affairs power than the government had even asked for.[2]

Jackson's more lasting contribution came in 1952. President Truman had seized the nation's steel mills during the Korean War, and the Court said he had gone too far. In a concurring opinion in *Youngstown Sheet & Tube Co. v. Sawyer*, Jackson sorted presidential power into three tiers.[3] When the President acts with Congress's backing, his power is at its peak. When Congress has said nothing, he works in what Jackson called a "zone of twilight." When he acts against Congress's will, his power is at its lowest. The Court has used this framework ever since.[3]

A 1981 case shows how the framework plays out on sanctions. To end the Iran hostage crisis, the United States agreed to suspend American lawsuits against Iran and send the claims to an international tribunal. In *Dames & Moore v. Regan*, the Court upheld the deal.[4] It leaned partly on IEEPA and partly on Congress's long history of letting presidents settle claims with foreign governments. In other words, congressional silence can count as consent.

Only one presidential foreign affairs power has been declared off limits to Congress. In *Zivotofsky v. Kerry* (2015), the Court held that the President alone decides whether to recognize a foreign government and its borders.[5] Congress had passed a law letting Americans born in Jerusalem list "Israel" as their birthplace on their passports. The Court struck it down because it contradicted the President's recognition policy.[5]

The lesson is that the area of exclusive presidential power is small. Most of foreign policy, and nearly all of sanctions policy, is shared ground.

## The President's sanctions power is mostly borrowed

Here's the part that casual observers often miss. When a President signs an executive order blocking a country's assets, he is usually using a power Congress gave him.

That power comes mainly from two statutes. The National Emergencies Act, passed in 1976, lets the President declare a national emergency. IEEPA, passed a year later, lets him regulate economic transactions once he does.[6] The Congressional Research Service (CRS), Congress's nonpartisan research arm, notes that lawmakers have given the President substantial authority to impose sanctions. Even mandatory sanctions laws usually leave him wide discretion over who meets the criteria and when to grant a waiver or license.[7]

Congress has also been happy to lean on IEEPA itself. CRS reports that lawmakers have often directed or authorized the President to use IEEPA powers, starting with a 1986 law aimed at recovering assets taken from Haiti.[6] Meanwhile, no national emergency has ever ended without the President's agreement.[6] Part of the reason is a 1983 Supreme Court case, *INS v. Chadha*. It threw out "legislative vetoes" that let Congress override executive decisions without passing a new law. After *Chadha*, Congress amended the National Emergencies Act in 1985. Ending an emergency now takes a joint resolution, which the President can veto.[6]

Borrowed power has limits, though. In February 2026, the Supreme Court ruled 6-3, in a pair of cases led by *Learning Resources, Inc. v. Trump*, that IEEPA does not allow the President to impose tariffs.[8] The Court reasoned that tariffs are a form of taxation, a power the Constitution gives to Congress.[8] That case wasn't about sanctions. Still, it's a useful reminder that the courts will rein in a President who stretches a statute past what Congress wrote.

## Where Congress tightens the screws

If Congress lends the President most of his sanctions power, it can also attach conditions to the loan. Over the past thirty years, lawmakers have done that more and more. Four laws show how.

### The Libertad Act and Cuba

The Cuban embargo began with presidential action in 1962. In 1996, after Cuba shot down two civilian aircraft, Congress passed the Libertad Act, often called Helms-Burton. It wrote the embargo into law and tied its end to conditions inside Cuba, including a democratically elected government.[9] President Clinton signed it. He also warned that the codification could be read as imposing "overly rigid constraints" on foreign policy.[10]

The law has held. When President Obama announced a new Cuba policy in December 2014, he acknowledged that he lacked the authority to lift the embargo. Unless a President can determine that Cuba has a democratically elected government, only Congress can end it by changing the law.[9] Yet the restraint has never been total. Presidents Clinton, Bush and Obama each changed the embargo's rules through regulation, even with the codification in place.[11]

### CISADA and Iran

CISADA, passed in 2010, set a high bar for ending most of its sanctions. The President must certify that Iran has stopped supporting terrorism. He must also certify that it has verifiably dismantled its nuclear, chemical and biological weapons and its ballistic missiles.[12] A later law went further. It barred presidents from lifting sanctions imposed by certain Iran executive orders until that same certification is made.[12] In plain terms, Congress took orders that a President had issued on his own authority and locked them in place.

CISADA also kept a door open. The President can waive many of its sanctions if he finds that a waiver is in the national interest and reports that finding to Congress.[12]

### INARA and the Iran nuclear deal

INARA, passed in 2015, took a different approach. It didn't lock in sanctions. Instead, it froze the President's hands for a set time. Any nuclear agreement with Iran had to go to Congress, and the President could not ease statutory sanctions during the review period.[13] President Obama signed it in May 2015, and Congress reviewed the Iran nuclear deal that summer. A Senate effort to disapprove the deal stalled at 58 votes, short of the 60 needed to move forward.[13]

INARA came back into play in 2026. In June, the administration reached a memorandum of understanding with Iran that contemplated sanctions relief. Vice President JD Vance said the administration was "quite confident" it could temporarily lift sanctions without going to Congress.[14] He cited an opinion from the Justice Department's Office of Legal Counsel (OLC), which has not been made public.[14] CRS pointed to the uncertainty. INARA covers agreements related to Iran's nuclear program but doesn't define that phrase. A deal that only commits the parties to keep negotiating might fall outside it.[15] The memorandum later fell apart, so the question was never settled.[16]

### CAATSA and Russia

CAATSA, passed in 2017, went furthest. It wrote existing Russia sanctions into law and added a review process in Section 216. Before easing most Russia sanctions, the President must notify Congress and wait 30 or 60 days while lawmakers decide whether to block the move.[17]

President Trump signed CAATSA in August 2017, but objected in writing. His signing statement argued that parts of Section 216 let Congress change the law without the process the Constitution requires, and it cited *Chadha*. It also said several other sections intruded on his exclusive power to recognize foreign governments, citing *Zivotofsky*.[18] Even so, he said he would honor the review periods.[18]

The best-known test came soon after. In December 2018, the Treasury Department told Congress it planned to lift sanctions on three companies tied to the Russian oligarch Oleg Deripaska, including the aluminum giant Rusal.[19] The House voted 362-53 to disapprove. In the Senate, the effort fell three votes short of the 60 needed to move forward.[19] The sanctions came off in January 2019.[19]

## The case that Congress has gone too far

The critics' case is stronger than it looks, and presidents of both parties have made it.

Sanctions relief is a bargaining chip. A negotiator who can't promise relief, or whose promise Congress can block, has a weaker hand. Clinton raised that concern about Cuba in 1996.[10] Trump raised it about Russia in 2017, objecting that parts of CAATSA told his diplomats what to negotiate and when.[18]

The review provisions also raise a real constitutional question. Under *Chadha*, Congress can change the legal effect of executive action only by passing a law through both chambers and presenting it to the President.[20] A waiting period isn't quite a veto. Critics argue, though, that it gives Congress a say without going through the full lawmaking process.[20]

Some conditions may simply be out of reach. Libertad's demand for a democratically elected government in Havana is a goal, not a negotiating position. If the condition can't be met, the embargo can't end without a new law.

Finally, CRS has flagged two open questions. A law ordering sanctions on named people could be challenged as a "bill of attainder," a law punishing specific people without trial, which the Constitution forbids. In addition, no President has yet flatly refused to impose sanctions that Congress required on specific people. As a result, no court has ruled on whether Congress can force that choice.[21]

## The case that Congress is on solid ground

In my view, the other side has the stronger hand.

Regulating foreign commerce and taxing imports are powers the Constitution gives to Congress. *Learning Resources* made that point sharply for tariffs.[8] Sanctions laws draw on the same powers.

The President's main sanctions tools also come from Congress. Any lender can set terms on a loan. If Congress can grant IEEPA powers, it can attach conditions to their use or turn specific executive orders into statute.

The review provisions are milder than they look, too. Under CAATSA and INARA, blocking relief takes a joint resolution, which the President can veto. Overriding a veto takes two-thirds of each chamber.[17, 15] That is an ordinary law passed the ordinary way, not the one-house veto that *Chadha* struck down. The waiting period is the only real constraint.

Congress also keeps building in escape hatches. Nearly every major sanctions law includes waivers for national interest or national security reasons.[7, 12] And CRS notes that Congress can set the criteria for relief and require certifications before it is granted.[21]

The recognition power is the clear exception. Where a sanctions law tells the President which governments or borders to recognize, *Zivotofsky* gives him a solid objection.[5, 21] But that is a narrow slice of sanctions law.

## What happens in practice

Here's the twist. Even with all these restraints, the President usually wins on the ground. Two stories from 2026 show why.

### The Graham Act

The Lindsey O. Graham Sanctioning Russia and Iran Act of 2026 was among the toughest Russia sanctions bills in years. It passed the Senate 86-11 in August and the House 262-159 in September, and the President signed it on September 18.[22] During negotiations, the White House insisted that the final say over new Russia sanctions stay with the President.[22] It got that.

The law gives the President two very different exits. Ending a Russia sanction for good requires a certification that Russia has signed a peace agreement accepted by Ukraine's government. A congressional review period follows.[23] A waiver needs much less. The President certifies in writing that the waiver serves the national interest and sends Congress a report explaining why. No peace deal is required.[23]

On October 16, 2026, the President used that waiver. Executive Order 14436 waived the law's new tariffs and most of its sanctions.[24] The waiver doesn't repeal anything, and the authorities can be switched back on. Sanctions that existed before the law, including those already codified by CAATSA, stay in place.[25]

Congress did win something. The Russia sanctions program is now harder to unwind for good. But the toughest new measures exist mainly on paper, waiting for a President who chooses to use them.

### Turkey and CAATSA

In December 2020, the first Trump administration sanctioned Turkey's Presidency of Defense Industries (SSB), its main arms procurement agency, under CAATSA Section 231. The trigger was Turkey's purchase of a Russian S-400 air defense system.[17] In July 2026, standing beside Turkey's president, Trump told reporters, "We're going to be taking the sanctions off."[26]

CRS lays out three ways to do that.[17] The first is a waiver or termination under CAATSA Section 236, which triggers the Section 216 review period. The second is a separate national security waiver in Section 231, added by Congress in 2018, which isn't subject to review. The third is for Congress to change the law. A separate ban on F-35 fighter sales to Turkey, written into the 2020 National Defense Authorization Act (NDAA), is a further hurdle.[17]

So far, little has moved. In late July, the State Department told Congress that its position under Section 231 hadn't changed, according to press reports. As of early October, the sanctions remained in place.[27]

The Turkey case cuts the other way from the Graham Act. Where Congress writes tight conditions and lawmakers stay engaged, a President's public promise doesn't automatically become policy.

## My verdict

Congress isn't usurping the President's foreign policy power. Sanctions are a shared power, and Congress has the stronger claim to their economic side. The real friction points are narrow. Provisions that touch the recognition of foreign governments are vulnerable. So, arguably, are review periods that resemble the legislative veto *Chadha* struck down. Neither question has been tested in court in a sanctions case.

The bigger problem is accountability, not constitutional overreach. Congress keeps passing tough laws with built-in waivers, and the President keeps using the waivers. Each side gets something it wants. Lawmakers get to vote for toughness, while the President keeps the flexibility to make deals. When the policy works, both can claim credit. When it fails, each can blame the other.

Think of it as a joint business account. Congress owns the account and writes the rules for withdrawals. The President holds the checkbook. Congress can freeze the account, but only by passing a new law, and the President can veto that. Most of the time, the checkbook wins.

For compliance teams, the practical takeaway is that the statute is the floor, not the forecast. A sanctions law tells you what the President can do. Waivers, licenses and executive orders tell you what he will do. Watch both.

A few open questions are worth following. Will Congress ever muster a veto-proof majority to block sanctions relief? Will the OLC opinion on Iran become public? And will anyone take a waiver dispute to court?

## Notes

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