

## **Sudan FAQs for OFAC Website**

*October 6, 2017*

### **REVOCATION OF CERTAIN SANCTIONS WITH RESPECT TO SUDAN AND THE GOVERNMENT OF SUDAN ON OCTOBER 12, 2017**

#### **How will sanctions with respect to Sudan and the Government of Sudan change on October 12, 2017?**

Effective October 12, 2017, sections 1 and 2 of Executive Order (E.O.) 13067 of November 3, 1997 and all of E.O. 13412 of October 13, 2006 will be revoked, pursuant to E.O. 13761 of January 13, 2017, as amended by E.O. 13804 of July 11, 2017.

Sections 1 and 2 of E.O. 13067 and E.O. 13412 block the property of the Government of Sudan and generally prohibit U.S. persons from engaging in transactions with Sudan and the Government of Sudan. As a result of the revocation of these sanctions provisions, effective October 12, 2017, U.S. persons will no longer be prohibited from engaging in transactions that were previously prohibited under the Sudanese Sanctions Regulations, 31 C.F.R. part 538 (SSR).

Consistent with the revocation of these sanctions provisions, OFAC expects to remove the SSR from the C.F.R. Pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA), an OFAC license is still required for certain exports and reexports to Sudan of agricultural commodities, medicine, and medical devices as a result of Sudan's inclusion on the State Sponsors of Terrorism List (SST List). However, these exports and reexports are generally licensed by OFAC (see the subsequent FAQ below).

U.S. persons and non-U.S. persons will still need to obtain any licenses required by the Department of Commerce's Bureau of Industry and Security (BIS) to export or reexport to Sudan certain items (commodities, software, and technology) that are on the Commerce Control List (CCL), Supp. No. 1 to part 774 of the Export Administration Regulations, 15 C.F.R. parts 730-774 (EAR). In limited circumstances, U.S. persons and non-U.S. persons may also need to obtain licenses from BIS to export or reexport to Sudan items that are subject to the EAR but not specifically listed on the CCL ("EAR99" items) if such transactions implicate certain end-use or end-user concerns (see 15 C.F.R. part 744). [10-06-2017]

#### **If certain sanctions on Sudan are being revoked, why is OFAC issuing a new general license authorizing exports and reexports of certain TSRA items to Sudan?**

Because the October 12, 2017 revocation of certain sanctions does not remove Sudan from the SST List and does not affect the requirements of section 906 of TSRA, 22 U.S.C. § 7205, TSRA still requires a license for the export to the Government of Sudan or any other entity in Sudan of agricultural commodities, medicine, or medical devices. Effective October 12, 2017, General License A authorizes exports and reexports of certain TSRA items to Sudan. No OFAC license is required for financing of these exports and reexports. General License A is available for review [here](#). [10-06-2017]

**How will the revocation of certain sanctions with respect to Sudan and the Government of Sudan affect OFAC's Sudan-related general license at section 538.540 of the SSR that took effect on January 17, 2017?**

The OFAC general license that took effect on January 17, 2017, which authorized all transactions prohibited under the SSR, will not be operable as of October 12, 2017. This general license will no longer be needed to authorize U.S. persons to engage in transactions that were previously prohibited under the SSR. As a result of the revocation of sanctions, U.S. persons may engage in these transactions without a general or specific OFAC license, effective October 12, 2017. [10-06-2017]

**What U.S. economic and financial sanctions remain on Sudan?**

The October 12, 2017 revocation of certain sanctions with respect to Sudan and the Government of Sudan:

- Does not terminate the national emergency declared with respect to Sudan in E.O. 13067;
- Does not affect OFAC sanctions related to the conflict in Darfur, which were imposed pursuant to E.O. 13400 of April 26, 2006; and
- Does not affect OFAC designations of any Sudanese persons pursuant to sanctions authorities other than E.O.s 13067 and 13412.

Because Sudan remains on the SST List, the Terrorism List Governments Sanctions Regulations, 31 C.F.R. part 596 (TLGSR), prohibit U.S. persons from engaging in transfers from the Government of Sudan that would constitute a donation to a U.S. person, or with respect to which a U.S. person knows, or has reasonable cause to believe, would pose a risk of furthering terrorist acts in the United States. *See* 31 C.F.R. §§ 596.201 and 596.504. Notwithstanding this prohibition, a general license in the TLGSR authorizes U.S. persons to engage in financial transactions with respect to stipends and scholarships covering tuition and related educational, living, and travel expenses provided by the Government of Sudan to Sudanese nationals who are enrolled as students in an accredited educational institution in the United States. *See* 31 C.F.R. § 596.505.

As noted above, pursuant to TSRA, an OFAC license is still required for certain exports and reexports to Sudan of agricultural commodities, medicine, and medical devices as a result of Sudan's inclusion on the SST List. In order to authorize these exports and reexports of TSRA items, OFAC is issuing General License A (effective October 12, 2017) on its website.

Additionally, this revocation of sanctions does not eliminate the need to comply with other applicable provisions of law, including export control requirements pursuant to the EAR administered by BIS. These requirements include restrictions that are maintained as a consequence of Sudan's inclusion on the SST List and apply to certain exports and reexports of items on the CCL made by both U.S. persons and non-U.S. persons. BIS also maintains end-use

and end-user controls on the export and reexport to Sudan of EAR99 items by U.S. persons and non-U.S. persons. [10-06-2017]

**Does the October 12, 2017 revocation of certain sanctions with respect to Sudan and the Government of Sudan impact pending or future OFAC enforcement investigations against individuals or entities for apparent violations of the SSR relating to activities that occurred prior to the effective date of the revocation?**

No. The revocation of certain sanctions on Sudan and the Government of Sudan will not affect past, present, or future OFAC enforcement investigations or actions associated with any apparent violations of the SSR relating to activities that, effective October 12, 2017, will no longer be prohibited but that occurred prior to that date. Under longstanding practice, and consistent with Section 1 of E.O. 13761, apparent sanctions violations are analyzed in light of the laws and regulations that were in place at the time of the underlying activities, and civil and criminal enforcement authorities are applied accordingly. Current or future investigations regarding apparent violations of the SSR that occurred prior to the effective date of the revocation of sanctions will not be impacted by the revocation of sanctions and may result in OFAC enforcement actions after the effective date of the revocation of sanctions. [10-06-2017]