

Sudan Program and Darfur Sanctions Guidance as of August 11, 2020

U.S. persons are no longer prohibited from engaging in transactions with respect to Sudan or the Government of Sudan that were previously prohibited by the Sudanese Sanctions Regulations, 31 C.F.R. part 538 (SSR). 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 were revoked, pursuant to [E.O. 13761](#) of January 13, 2017, as amended by [E.O. 13804](#) of July 11, 2017. To reflect this revocation of authorities, OFAC removed the SSR from the Code of Federal Regulations (C.F.R.) on June 29, 2018.

However, the national emergency declared with respect to the Government of Sudan in E.O. 13067 remains in effect, as expanded upon in scope by subsequent E.O.s to include the violence in Sudan's Darfur region. This national emergency provides the basis for OFAC's sanctions on individuals and entities in connection with the conflict in Darfur, which were imposed pursuant to [E.O. 13400](#) of April 26, 2006 and in part implement sanctions with respect to the conflict in Darfur adopted by the United Nations Security Council.

Additionally, Sudan remains on the State Sponsors of Terrorism List (SST List). Accordingly, certain prohibitions and licensing considerations still apply with respect to Sudan, including:

- **Export controls.** U.S. persons and non-U.S. persons 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 \(EAR\)](#). [Section 742.10 of the EAR sets forth certain anti-terrorism licensing requirements and policies that are specific to Sudan](#). 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](#)).
- **Humanitarian transactions.** Pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA), an OFAC license is required for certain exports or reexports to the Government of Sudan or any other entity in Sudan of agricultural commodities, medicine, or medical devices. These activities are currently generally licensed under the [Terrorism List Governments Sanctions Regulations](#), 31 C.F.R. § 596.506 (TLGSR), to the extent prohibited by the TLGSR. No license is required for these exports or reexports, including for financing these exports or reexports.
- **Donations from the Government of Sudan to U.S. persons.** The TLGSR also prohibits 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, poses a risk of furthering terrorist acts in the United States. *See* 31 C.F.R. §§ 596.201 and 596.504. Notwithstanding these prohibitions, a general license in the TLGSR authorizes U.S. persons to engage in all 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, unless otherwise prohibited under 31 C.F.R. § 596.504(a)(2). *See* 31 C.F.R. § 596.505.

Note that the revocation of certain sanctions with respect to Sudan and the Government of Sudan does not affect past, present, or future OFAC enforcement investigations or actions associated with any apparent violations of the SSR that occurred prior to October 12, 2017.

Additionally, while persons designated pursuant to the blocking authorities of E.O. 13067 or E.O. 13412 were removed from OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List) due to the revocation of those sanctions authorities on October 12, 2017, Sudanese persons may still be designated for conducting activities that are considered to be sanctionable under other authorities. [08-11-2020]