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License No. SU-842(a)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

SUDANESE SANCTIONS REGULATIONS

LICENSE

(Granted under the authority of 50 U.S.C. §§ 1701-06, Executive Order 13067, and 31 C.F.R. Parts 501 and 538.)

To: Bureau of African Affairs/USAID
c/o Office of Economic Sanctions Policy
United States Department of State
Washington, D.C. 20520
Attn: Barbara J. Stephenson, Director

1. Based on the August 20, 2004 memorandum from the U.S. Department of State to the Office of Foreign Assets Control (the "Memorandum"), License No. SU-842, originally issued on May 23, 2003, is renumbered as License No. SU-842(a) and is amended to authorize the transactions and activities delineated on the reverse hereof.
2. This License is granted upon the statements and representations made in the Memorandum, or otherwise filed with or made to the Treasury Department as a supplement to the Memorandum, or based on information available to the Treasury Department, and is subject to the condition, among others, that the Licensee(s) comply in all respects with all regulations, rulings, orders and instructions issued by the Secretary of the Treasury under the authority of the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 et seq.), the National Emergencies Act (50 U.S.C. §§ 1601 et seq.), section 301 of title 3 of the United States Code, and the terms of this License.
3. The Licensee(s) shall furnish and make available for inspection any relevant information, records or reports requested by the Secretary of the Treasury, or any other duly authorized officer or agency.
4. This license is not transferable, and is subject to the provisions of Executive Order 13067 and 31 C.F.R. Parts 501 and 538, and any regulations and rulings issued pursuant thereto. It may be revoked or modified at any time at the discretion of the Secretary of the Treasury. If this License was issued as a result of willful misrepresentation on the part of the applicant or his duly authorized agent, it may, at the discretion of the Secretary of the Treasury, be declared void from the date of its issuance, or from any other date.
5. This License does not excuse compliance with any law or regulation administered by the Office of Foreign Assets Control or another agency (including reporting requirements) applicable to the transaction(s) herein licensed, nor does it release Licensee(s) or third parties from civil or criminal liability for violation of any law or regulation.

Issued by direction and on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

By Richard Newcomb 9/16/04
R. Richard Newcomb
Director

Attention is directed to 18 U.S.C. § 1001, 50 U.S.C. § 1705, and 31 C.F.R. § 538.701 for provisions relating to penalties.

SECTION 1 - AUTHORIZATION: Subject to the terms and limitations of the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the "Regulations"), and the conditions and limitations set forth in this license, U.S. persons who are grantees or contractors of the Bureau of African Affairs or the Agency for International Development, United States Department of State, (the "Licensees") are hereby authorized to perform all transactions necessary for the provision of humanitarian and economic support, as defined and authorized by these grants/contracts, to the Sudanese peoples in Sudan.

SECTION 2 - CONDITIONS AND LIMITATIONS:

(a) This license does not authorize the exportation or re-exportation to Sudan of goods, software or technology included in the International Traffic in Arms Regulations (22 CFR, parts 120 through 130), or that require a license pursuant to the Department of Commerce's Export Administration Regulations for export to Sudan.

(b) The Licensees shall take adequate measures to prevent any items authorized for export or re-export to Sudan from being obtained or acquired by the Government of Sudan, its agencies or instrumentalities.

(c) This license does not authorize commercial sales of agricultural commodities, medicines or medical devices to the Government of Sudan or to any entity within Sudan.

(d) U.S. financial institutions are authorized to engage in funds transfers in connection with transactions authorized pursuant to SECTION 1 of this license, provided that no agency or instrumentality of the Government of Sudan may participate in any such funds transfer.

(e) This license authorizes U.S. persons who are grantees or contractors of the Bureau of African Affairs or the Agency for International Development, United States Department of State, (the "Licensees") to send funds to Sudan only through financial institutions in Sudan which have not been named by the Office of Foreign Assets Control as owned or controlled by the Government of Sudan. Once the funds are in-country, the Licensees may utilize financial institutions owned or controlled by the Government of Sudan to distribute funds in support of its humanitarian activities within Sudan.

SECTION 3 - RECORDKEEPING AND REPORTING REQUIREMENTS:

(a) As a further condition of this license, and in accordance with 31 C.F.R. Part 501, the Licensees are required to keep full and accurate records of all transactions engaged in pursuant to the authorization contained in this license. Such records shall be made available for examination upon demand for at least five years from the date of each transaction. Such records shall clearly demonstrate the applicability of the authorization set forth in Section 1 hereof. (Attention is drawn to the recordkeeping, retention, and reporting requirements of 31 C.F.R. §§ 501.601 and 501.602.)

(b) It is a requirement of this license that the Bureau of African Affairs or the Agency for International Development, Department of State, notify OFAC electronically of the name and address of each licensee within two business days after a grant/contract is approved or if a grant is revoked. Each notification is to be cumulative, reflecting all current Licensees with new Licensees highlighted with an asterisk, and is to be submitted to the Compliance Programs Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, 20220. The notifications are to be sent by email to OfacReport@do.treas.gov and are to reference in their headers the Department of State and License No. SU-842(a).

SECTION 4 - CERTIFICATION: It is a requirement of this license that within ten (10) business days of the awarding of a grant/contract by State/USAID, and on a calendar quarter basis thereafter, each Licensee certify directly to the Office of Foreign Assets Control that it is and will continue to be in accordance with all the conditions set forth herein. The certifications are to be sent by email to OfacReport@do.treas.gov and are to reference in their headers the Department of State and License No. SU-842(a).

SECTION 5 - WARNING: Except as expressly authorized above, nothing in this license authorizes transactions prohibited by the Sudanese Sanctions Regulations, 31 C.F.R. Part 538, by Executive Order 13067, or by any other laws and regulations administered by the Office of Foreign Assets Control.

SECTION 6 - PRECEDENCE: This license is issued on a non-precedential basis.
