

November 8, 2019



United States  
Department of  
Agriculture

Trade and Foreign  
Agricultural  
Affairs

Foreign  
Agricultural  
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ATP 19-004  
MAP 19-007  
FMD 19-005  
EMP 19-005  
TASC 19-005  
QSP 19-001

**SUBJECT: List of Restricted Countries – Prohibition of U.S. Assistance and Financing**

**TO: All Program Participants**

This program notice updates the program notice entitled “List of Restricted Countries” published on June 5, 2018. This program notice is effective immediately.

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**BACKGROUND:** Based on U.S. foreign policy and national security goals, the U.S. Government implements various economic sanctions and trade embargoes against targeted foreign countries and regimes. The Foreign Agricultural Service (FAS) publishes a list of blocked countries and periodically updates this list to inform all Participants in the Foreign Market Development Program (FMD), the Market Access Program (MAP), the Agricultural Trade Promotion Program (ATP), the Emerging Markets Program (EMP), the Quality Samples Program (QSP), and the Technical Assistance for Specialty Crops Program (TASC) of the restrictions on activities in those countries.

**POLICY:** Commodity Credit Corporation (CCC) funds may not be used for any market development or export promotion activities in the following countries or regions:

- Crimea Region of Ukraine
- Cuba\*
- Iran
- North Korea
- Syria

\*Certain activities in Cuba may be eligible for funding under MAP and FMD.

Expenditures on any activities conducted by Participants in these blocked countries using private funds cannot be counted as contributions towards CCC funded programs. Therefore, no expenses in these countries should be reported in any FAS or CCC financial reporting. See below for additional guidance on Sudan.

**AUTHORITY:** Section 908(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 USC 7207) (TSRA) states, “Notwithstanding any other provision of law, no United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees shall be available for exports to Cuba or for commercial exports to Iran, Libya, North Korea, or Sudan.” This provision does not apply to the Republic of South Sudan. In 2004, Presidential Determination No. 2004-49 waived this prohibition for Libya. In 2017, Executive Order 13761, as amended by Executive Order 13804, waived this prohibition for Sudan.

In 2011, Executive Order 13582 significantly expanded U.S. sanctions on Syria by blocking new investment in Syria and prohibiting the direct or indirect exportation, re-exportation, sale, or supply of any services to Syria from the United States or by a U.S. person, wherever located. The Treasury Department's Office of Foreign Assets Control (OFAC) administers the Syrian Sanctions Regulations, 31 CFR Part 542, and the Department of Commerce's Bureau of Industry and Security (BIS) administers the Export Administration Regulations for the Syrian embargo, 15 CFR 746.9.

In 2014, Executive Order 13685 imposed similar sanctions on the Crimea Region of Ukraine. OFAC administers the Ukraine-Related Sanctions Regulations, 31 CFR Part 589, and BIS administers the Export Administration Regulations for the Crimea region of Ukraine, 15 CFR 746.6.

The Agriculture Improvement Act of 2018 included a provision that makes funds available under MAP and FMD for certain activities in Cuba. (7 USC 5623(f)(4)) Such funds may not be used in contravention with directives set forth under the National Security Presidential Memorandum entitled "Strengthening the Policy of the United States Toward Cuba" issued by the President on June 16, 2017, during the period in which that memorandum is in effect.

**GENERAL GUIDANCE:** All Program Participants planning to conduct activities funded by MAP, FMD, EMP, TASC, QSP, or ATP are required to check the Consolidated Screening List ("CSL") of OFAC, Commerce and State sanctions lists to ensure they are not dealing with prohibited individuals, groups, or entities. This information can be accessed at: <https://www.export.gov/article?id=Consolidated-Screening-List>. Program Participants should also refer to OFAC's active sanctions programs and country information, which can be found at: <https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>.

Program Participants must also comply with the Export Administration Regulations administered by BIS, which can be found at 15 CFR parts 730 through 774. Participants should pay special attention to 15 CFR part 746, "Embargoes and other Special Controls."

**GUIDANCE ON SUDAN:** Executive Order 13761 did not remove the statutory requirements imposed by section 906 of TSRA (22 USC 7205) regarding exports of agricultural commodities, medicine, and medical devices to Sudan. OFAC has therefore issued a corresponding general license in the Terrorism List Governments Sanctions Regulations for the export of agricultural commodities, medicine, and medical devices to Sudan. The OFAC general license authorizes exports or re-exports of agricultural commodities to the Government of Sudan, to any individual or entity in Sudan, or to persons in third countries purchasing specifically for resale to any of the foregoing, provided that the exports and re-exports are shipped within the 12-month period beginning on the date of the signing of the contract for export or re-export.<sup>1</sup> Each year, OFAC will determine whether to revoke this general license. Unless revoked, the general license will remain in effect.

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<sup>1</sup> The OFAC Sudan general license can be found in 15 CFR 596.506. This general license does not eliminate the need to comply with other provisions of 31 CFR chapter V, including those parts related to terrorism, the proliferation of weapons of mass destruction, or narcotics trafficking, or other applicable provisions of law, including any requirements of agencies other than OFAC. Such requirements include the Export Administration Regulations (15 CFR parts 730 through 774 administered by the Bureau of Industry and Security of the Department of Commerce) and the International Traffic in Arms Regulations (22 CFR parts 120 through 130) administered by the Department of State.

Participants are encouraged to contact their marketing specialists for additional guidance.

A handwritten signature in cursive script, appearing to read 'masl', written in black ink. The signature is positioned above a horizontal line.

Mark A. Slupek  
Deputy Administrator  
Office of Trade Programs

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