

§ 538.101

- 538.506 30-day delayed effective date for pre-November 4, 1997 trade contracts involving Sudan.
- 538.507 Reexports by non-U.S. persons.
- 538.508 Certain payments by the Government of Sudan of obligations to persons within the United States authorized.
- 538.509 Importation of certain Sudanese-origin services authorized; activities related to travel to the United States by Sudanese persons authorized.
- 538.510 Importation and exportation of certain gifts authorized.
- 538.511 Accompanied baggage authorized.
- 538.512 Transactions related to telecommunications authorized.
- 538.513 Transactions related to mail authorized.
- 538.514 Certain transactions related to patents, trademarks and copyrights authorized.
- 538.515 Sudanese diplomatic missions in the United States.
- 538.516 Diplomatic pouches.
- 538.517 Allowable payments for overflights of Sudanese airspace.
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- 538.520 Extensions or renewals of loans and credits.
- 538.521 Registration of nongovernmental organizations for humanitarian or religious activities.
- 538.522 Transactions related to U.S. citizens residing in Sudan.
- 538.523 Commercial sales, exportation, and reexportation of agricultural commodities, medicine, and medical devices.
- 538.524 [Reserved]
- 538.525 Payment for and financing of commercial sales of certain agricultural commodities, medicine, and medical devices.
- 538.526 Brokering commercial sales of agricultural commodities, medicine, and medical devices.
- 538.527 Operation of accounts.
- 538.528 Noncommercial, personal remittances.
- 538.529 Authorized transactions necessary and ordinarily incident to publishing.
- 538.530 Licenses and registrations issued pursuant to Executive Order 13067 or this part authorized pursuant to Executive Order 13412.
- 538.531 Official activities of the United States Government and international organizations.
- 538.532 Humanitarian transshipments to or from the Specified Areas of Sudan.
- 538.533 Exportation of certain services and software incident to Internet-based communications.
- 538.534 Third-country diplomatic and consular funds transfers.

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- 538.535 Importation and exportation of human remains for burial, cremation, or interment authorized.
- 538.536 Activities relating to the petroleum and petrochemical industries in the Republic of South Sudan.
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- 538.601 Records and reports.

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- 538.702 Prepenalty notice.
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- 538.901 Paperwork Reduction Act notice.

APPENDIX A TO PART 538—BULK AGRICULTURAL COMMODITIES

AUTHORITY: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 22 U.S.C. 7201–7211; Pub. L. 109–344, 120 Stat. 1869; Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13412, 71 FR 61369, 3 CFR, 2006 Comp., p. 244.

SOURCE: 63 FR 35810, July 1, 1998, unless otherwise noted.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 538.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to

those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 538.201 Prohibited transactions involving blocked property.

(a) Except as authorized by regulations, orders, directives, rulings, instructions, licenses, or otherwise, no property or interests in property of the Government of Sudan, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(b) Unless otherwise authorized by this part or by a specific license expressly referring to this section, the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of the Government of Sudan, and held within the possession or control of a U.S. person is prohibited, irrespective of the fact that at any time (either prior to, on, or subsequent to the effective date) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred, or otherwise disposed of any such security.

(c) When a transaction results in the blocking of funds at a financial institution pursuant to this section and a party to the transaction believes the funds have been blocked due to mistaken identity, that party may seek to have such funds unblocked pursuant to the administrative procedures set forth in § 501.806 of this chapter.

§ 538.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date, which is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, license, or other authorization hereunder and involves any property or interest in property blocked pursuant to § 538.201 is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property or interest in property blocked pursuant to § 538.201, unless the person with whom such property is held or maintained, prior to such date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or render it enforceable to the same extent that it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act, this part, and any regulation, order, directive, ruling, instruction, or license issued hereunder.

(d) Transfers of property which otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not