



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

OFFICE OF FOREIGN ASSETS CONTROL

GUIDANCE RELATED TO THE PROVISION OF HUMANITARIAN ASSISTANCE BY NOT-FOR-PROFIT NON-GOVERNMENTAL ORGANIZATIONS¹

This memorandum is intended to clarify the reach of economic sanctions for those non-governmental organizations involved in the provision of humanitarian assistance. It is the longstanding policy of the Office of Foreign Assets Control (OFAC) to use its licensing authority to support humanitarian relief efforts. Where such transactions are not otherwise exempt or authorized pursuant to OFAC general licenses, OFAC has long had a favorable specific licensing policy supporting the provision of humanitarian assistance notwithstanding economic sanctions, especially in countries subject to comprehensive economic sanctions. OFAC prioritizes requests for licenses to provide humanitarian assistance and endeavors to review such applications expeditiously.

The following guidance applies to transactions by non-governmental organizations that may implicate sanctioned persons or countries.

1. OFAC is fully supportive of the broader U.S. Government approach to facilitating humanitarian assistance. The President's imposition of economic sanctions against regimes or groups carrying out violence against innocent civilians is a complement to – and not in opposition to – the objectives of humanitarian assistance.
2. Consistent with U.S. foreign policy, OFAC issues general licenses where appropriate and prioritizes license applications, compliance questions, and other requests from non-governmental organizations seeking to provide humanitarian assistance.
3. Non-governmental organizations may provide humanitarian assistance in countries that are not subject to comprehensive sanctions (such as Yemen, Iraq, Somalia, South Sudan, or Côte d'Ivoire) without the need for a license from OFAC, so long as they are not dealing with persons blocked by sanctions, such as those listed on OFAC's Specially Designated Nationals and Blocked Persons List (SDNs) or any entity owned 50% or more by blocked persons.
4. Some areas may be dominated by armed groups under circumstances where the group's leaders have been designated by OFAC but the group as a whole has not been designated. An entity that is commanded or controlled by an individual designated by OFAC is not

¹ This guidance applies to registered 501(c)(3) (tax exempt status), not-for-profit non-governmental organizations.

considered blocked by operation of law.² Thus, payments – including “taxes” or “access payments” – made to non-designated individuals or entities under the command or control of an SDN do not, in and of themselves, constitute prohibited activity. U.S. persons should employ due diligence, however, to ensure that an SDN is not, for example, profiting from such transactions.

5. In areas dominated by designated armed entities, for example those listed as Specially Designated Global Terrorists, U.S. persons should exercise caution not to provide financial, material, technological, or other services to or in support of the designated entity. In circumstances involving a dangerous and highly unstable environment combined with urgent humanitarian need, OFAC recognizes that some humanitarian assistance may unwittingly end up in the hands of members of a designated group. Such incidental benefits are not a focus for OFAC sanctions enforcement.
6. Finally, if a non-governmental organization is confronted with a situation in which, in order to provide urgently needed humanitarian assistance, the non-governmental organization learns that it must provide funds or material support directly or indirectly to an SDN group that is necessary and incidental to the provision of such humanitarian assistance, the non-governmental organization should reach out to OFAC directly. OFAC and its interagency partners will work with the non-governmental organization to address any such issues on a case-by-case basis in an expeditious manner.

Note: This guidance is provided for informational purposes and does not have the force of law. The legal provisions of U.S. sanctions are set forth in applicable statutes and regulations, which are legally binding and govern the activities described in these guidelines.

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² Please note, however, that such controlled entities may be a target for future sanctions actions.