



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

OFFICE OF FOREIGN ASSETS CONTROL

SUPPLEMENTAL GUIDANCE FOR THE PROVISION OF HUMANITARIAN ASSISTANCE

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The Department of the Treasury's (Treasury) Office of Foreign Assets Control (OFAC) is issuing this 2023 Fact Sheet to provide guidance on the reach of economic sanctions for persons involved in the conduct of humanitarian-related activities, including: the U.S. government (USG); international organizations and entities (IOs); nongovernmental organizations (NGOs); persons involved in the provision of food, other agricultural commodities, medicine, and medical devices (Ag-Med); and financial institutions and other service providers who support or facilitate transactions for such persons.¹

On December 21, 2022, OFAC amended its regulations to [add or revise](#) general licenses (GLs) across a number of OFAC sanctions programs (the "December 2022 GLs"). These new or revised GLs implement United Nations Security Council Resolution (UNSCR) 2664, which created a humanitarian carveout to the asset freeze measures across United Nations' sanctions regimes. In line with the Treasury's [2021 Sanctions Review](#), this action reinforces Treasury's work to limit the unintended impact of sanctions by providing greater consistency and clarity across U.S. sanctions programs to help legitimate humanitarian assistance and related trade reach at-risk populations through transparent financial channels. This 2023 Fact Sheet supplements OFAC's 2014 [Guidance Related to the Provision of Humanitarian Assistance by Not-for-Profit Non-Governmental Organizations](#) to reflect the December 2022 GLs.

Updated Guidance Related to the Provision of Humanitarian Assistance by Not-for-Profit Non-Governmental Organizations

Consistent with U.S. foreign policy and statutory requirements, OFAC's [longstanding policy](#) is to issue GLs to authorize transactions in support of humanitarian relief efforts, including by issuing GLs and related guidance related to our comprehensively sanctioned jurisdictions, such as the Crimea Region of Ukraine, Iran, North Korea, and Syria. OFAC GLs are "self-executing," meaning that persons who determine that their activities are within the scope of the authorized activities described in the GLs may proceed without further assurance from OFAC.

Following the publication of the December 2022 GLs, which amended over 30 sanctions programs, NGOs may provide humanitarian assistance in environments that are affected by targeted sanctions programs (including Nicaragua, Iraq, Somalia, South Sudan, and Yemen, among others) without the need for a license from OFAC, so long as they are not knowingly

¹ This 2023 Fact Sheet is informational, does not have the force of law, and does not supersede the actual legal provisions cited.

transferring funds to blocked persons, including those listed on OFAC's Specially Designated Nationals and Blocked Person List (the SDN List), or any entity owned 50% or more by blocked persons, or engaging in other specifically prohibited activities, except for payments for taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services if ordinarily incident and necessary to activities authorized by the GLs.

Where transactions are not authorized pursuant to a GL or otherwise exempt, OFAC has long had a favorable specific licensing policy supporting the provision of humanitarian assistance notwithstanding economic sanctions. OFAC prioritizes requests for licenses to provide humanitarian assistance and endeavors to review such applications expeditiously. OFAC encourages applicants to submit applications online using [OFAC's licensing application portal](#). Applicants seeking specific authorization to conduct humanitarian-related activities are encouraged to include a brief description of their proposed activities and the sanctioned jurisdictions or persons involved, including persons on the SDN List, as well as any risk mitigation measures to prevent potential violations.

Guidance on the December 2022 General Licenses

1. What do OFAC's December 2022 GLs authorize?

The December 2022 GLs implement UNSCR 2664 to add authorizations across U.S. sanctions programs that did not previously have humanitarian exceptions, implementing a new baseline set of authorizations across OFAC-administered programs. Specifically, the December 2022 GLs provide authorizations in four categories: the official business of the USG (USG GLs); the official business of certain IOs (IO GLs); transactions incident to certain humanitarian activities by NGOs (NGO GLs); and the provision of Ag-Med products to individuals in personal, non-commercial quantities (Ag-Med GLs). For more information on the December 2022 GLs issued in particular sanctions programs, please see the Federal Register [here](#) and [here](#), as well as [FAQ 1105](#), [1106](#), [1107](#), and [1108](#).

2. What activity falls under the official business of the USG?

The GLs authorizing the official business of the USG, including those in the December 2022 USG GLs, authorize the USG, including its employees, grantees, and contractors, to conduct otherwise prohibited transactions that are for the official business of the USG. These authorizations will ensure that economic sanctions do not prevent USG agencies, employees, grantees, and contractors — such as United States Agency for International Development (USAID) and USAID implementers around the world — from providing humanitarian assistance to people in heavily sanctioned jurisdictions. Existing risk mitigation measures required by USG awards and incorporated into IO, NGO, and other partner operating procedures will remain in effect to deny resources to malicious entities and individuals in these jurisdictions.

The USG GLs authorize activities funded by the USG in its assistance awards as well as activities supported with third-party funding to the extent such funding is included in USG assistance awards as a cost-share or leveraged funds. NGOs carrying out activities funded by the USG may rely on the USG GLs.

3. For the purposes of the December 2022 IO GLs, what IO activity is authorized?

The IO GLs authorize the activities of the entities administered or established by UN organizations, as well as the activities of the IOs and entities themselves, in addition to the activities of their employees, contractors, and grantees. Please see [FAQ 1107](#) for additional information.

The December 2022 GLs authorizing the official business of IOs exclude funds transfers made with knowledge or reason to know that the intended beneficiary of such transfers is a blocked person, with an exception for the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services. IOs carrying out activities funded by the USG may rely on the USG GLs.

4. For the purposes of the December 2022 Ag-Med GLs, what is authorized with respect to provision of food, other agricultural commodities, medicine, and medical devices?

The Ag-Med GLs authorize transactions related to the provision, directly or indirectly, of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to an individual whose property and interests in property are blocked, provided the items are in quantities consistent with personal, non-commercial use. Please see [FAQ 1105](#) for more information.

5. For the purposes of the December 2022 NGO GLs, what are examples of authorized activities?

Authorized activities for NGOs are noncommercial activities designed to directly benefit the civilian population that fall into one of certain categories including, for example: humanitarian activities or activities to meet basic human needs; democracy building; education; non-commercial development projects directly benefiting civilians; environmental and natural resource protection; and disarmament, demobilization, and reintegration programs and peacebuilding. Please consult the relevant regulations for a more detailed list of activities permitted for each sanctions program. Please see [FAQ 1105](#) for more information.

6. Are NGOs authorized to transfer funds to a blocked person in connection with an activity authorized pursuant to the December 2022 NGO GLs?

No. With the exception of payments for taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services if ordinarily incident and necessary to activities authorized by the GLs, the NGO GLs do not authorize funds transfers made with knowledge or reason to know that the intended beneficiary of such transfers is a blocked person.

Humanitarian actors in areas with a significant presence of sanctioned persons (including individuals and entities), for example, persons listed as Specially Designated Global Terrorists, should exercise caution not to engage in transactions with such persons beyond those that are ordinarily incident and necessary to authorized humanitarian activities. Additionally, in some

cases, a leader or leaders of an entity may have been designated by OFAC, but the entity as a whole has not been designated. Except with respect to an entity that is owned 50% or more by blocked persons, an entity that is commanded or controlled by an individual designated by OFAC is not considered blocked by operation of law. Thus, payments — including “taxes” or “access payments” — made to non-designated individuals or entities under the command or control of a sanctioned person do not, in and of themselves, constitute prohibited activity. Humanitarian actors are encouraged to employ due diligence, however, to ensure that a sanctioned person is not, for example, profiting from such transactions beyond permitted receipt of taxes or other fees that are ordinarily incident and necessary to the humanitarian activities.

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. If an NGO is confronted with a situation in which, in order to provide urgently needed humanitarian assistance, the NGO learns that it must provide funds or other support directly or indirectly to an SDN that go beyond those that are ordinarily incident and necessary to the provision of such humanitarian assistance, and if not able to rely on the USG GLs, the NGO should reach out to OFAC directly. OFAC and its interagency partners will work with the NGO to address any such issues on a case-by-case basis in an expeditious manner. Please see [OFAC’s License Application Page](#) for additional details regarding the specific licensing process.

7. Do the December 2022 GLs restrict the scope of any prior authorizations?

No. The December 2022 GLs do not restrict the scope of any exemptions or OFAC authorizations for humanitarian activities issued prior to December 2022, including existing GLs authorizing certain NGO activities in comprehensively sanctioned jurisdictions such as the Crimea Region of Ukraine, North Korea, Iran, and Syria, which were not amended by this action. The issuance of the December 2022 GLs also does not restrict the scope of any previously granted specific licenses. Persons conducting humanitarian activities pursuant to these programs may continue to rely on existing exemptions and OFAC authorizations, subject to the applicable conditions and limitations, which may differ by sanctions program. For additional information, please see [FAQ 1108](#).

In the case of overlapping GLs, persons may rely on one or multiple GLs to conduct authorized activities. For example, the December 2022 GLs added in the Global Terrorism Sanctions Regulations may overlap with the authorizations in Afghanistan-related GLs [14](#), [15](#), [16](#), [17](#), [18](#), [19](#), and [20](#).

OFAC encourages those interested in providing humanitarian relief to avail themselves of the available exceptions and authorizations relating to humanitarian activities. For questions related to humanitarian activities involving sanctioned jurisdictions or persons, OFAC stands ready to provide guidance and respond to applications for specific licenses.

8. In light of the issuance of the December 2022 GLs, are persons with OFAC specific licenses required to abide by the narrower scope of previously issued OFAC specific licenses?

No. The December 2022 GLs incorporate or expand authorizations across a number of sanctions programs in four categories of humanitarian-related activity: USG; IO; NGO; and Ag-Med. Therefore, the December 2022 GLs may overlap with previously issued OFAC specific licenses that cover related activity by the USG, certain IOs, NGOs, persons involved in the export or reexport of agricultural commodities, and employees, grantees, or contractors of such persons. Where appropriate, U.S. persons may rely on the broader authorization in the December 2022 GLs instead of authorizations in previously issued OFAC specific licenses. Please see [FAQ 1108](#) for more information.

Additionally, U.S. persons may continue to rely on previously issued specific licenses that provide authorizations different or broader than the December 2022 GLs. However, specific licenses are generally time-limited, and U.S. persons seeking to continue their reliance on a specific license should seek license renewal prior to the expiration of their specific license. Without a renewed specific license, the U.S. person will be limited to the authorizations provided by the applicable GLs.

Recipients of U.S. government awards and contracts may be bound to specific terms, including recordkeeping and reporting requirements of transactions with sanctioned groups. Nothing in these GLs absolves the recipient of a U.S. government contract or award from complying with the terms of a valid U.S. government contract or award.

9. Are financial institutions authorized to process transactions or operate accounts for activity authorized by the December 2022 GLs?

Yes. U.S. financial institutions may operate accounts, including processing funds transfers, for persons engaging in activities authorized by the December 2022 GLs. In assessing whether a particular transaction complies with such GLs, financial institutions may reasonably rely upon the information available to them in the ordinary course of business, provided that the financial institution does not know or have reason to know that the transaction is outside the scope of the applicable GL. The December 2022 GLs and accompanying guidance were issued to provide greater consistency and clarity with respect to compliance obligations across U.S. sanctions programs to better facilitate the delivery of lifesaving aid and goods around the world. For general information on OFAC's due diligence expectations and compliance programs, please see [A Framework for OFAC Compliance Commitments](#), [FAQ 819](#), and [FAQ 1106](#).

10. Do non-U.S. persons risk exposure to U.S. sanctions for engaging in or facilitating transactions that are otherwise exempt or authorized for U.S. persons pursuant to the December 2022 GLs?

No. Non-U.S. persons, including NGOs and other entities, as well as foreign financial institutions facilitating or assisting these activities, do not risk exposure to U.S. sanctions for engaging in or facilitating transactions that are otherwise exempt or authorized for U.S. persons pursuant to these GLs. For additional information, please see [FAQ 1106](#).

11. Additional information

For information on specific exemptions or authorizations under a particular OFAC sanctions program, please see the relevant OFAC implementing regulations and OFAC's [Sanctions Programs and Country Information](#) page. Other humanitarian-related guidance documents are available in the NGO section of OFAC's [Information for Industry Groups](#) webpage.

For humanitarian-related activity that may fall outside the scope of these authorizations, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications and other requests for guidance that are related to humanitarian activity. Please see [OFAC's License Application Page](#) for additional details regarding the specific licensing process.

If you have additional questions, we encourage you to contact the OFAC Compliance Hotline at 1-800-540-6322 or email OFAC_Feedback@treasury.gov.