



# Compliance Communiqué

## Guidance for the Provision of Humanitarian Assistance to the Palestinian People

NOVEMBER 14, 2023

The U.S. Department of the Treasury remains committed to denying Hamas access to funds following its heinous terrorist attacks against the people of Israel, while also ensuring legitimate humanitarian aid can continue to flow to the Palestinian people in Gaza. The Office of Foreign Assets Control (OFAC) has continued to use sanctions to degrade and disrupt Hamas's fundraising network and is working with partners and allies around the globe to combat terrorist financing. Groups such as Hamas raise funds through entities that present themselves outwardly as legitimate charities but are in fact fronts for Hamas's illicit fundraising, often abusing the good will of donors. OFAC will continue using the tools and authorities at its disposal to sever Hamas's illicit fundraising avenues.

OFAC is issuing this guidance to clarify that U.S. sanctions do not stand in the way of legitimate humanitarian assistance to the Palestinian people. Donors seeking to support the Palestinian people are encouraged to donate to trusted organizations.

### Key Prohibitions & Authorizations

U.S. persons are generally prohibited from engaging in transactions with persons and groups that are blocked pursuant to the Global Terrorism Sanctions Regulations, [31 CFR Part 594](#) (GTSR), or the Foreign Terrorist Organization Sanctions Regulations, [31 CFR Part 597](#) (FTOSR), which includes Hamas and Palestinian Islamic Jihad (PIJ). However, neither Gaza nor the West Bank are subject to jurisdiction-based sanctions or an embargo by OFAC.

Consistent with [longstanding policy](#) to issue general licenses to authorize transactions in support of humanitarian relief efforts, OFAC authorizes limited transactions with blocked persons to the extent such dealings are ordinarily incident and necessary to certain humanitarian activity, as explained in further detail below.<sup>1</sup>

**NGO Activities:** Sections [594.520](#) and [597.516](#) ("the NGO general licenses") authorize all transactions that may otherwise be prohibited in support of certain NGO non-commercial, humanitarian-related activities, subject to certain conditions. These authorizations are necessary for the provision of aid to the Palestinian people only to the extent such activity involves certain ordinarily incident and necessary transactions with entities designated under the GTSR and FTOSR. For example, an NGO may provide life-saving medical assistance to civilians in Gaza at a hospital staffed or occupied by Hamas.

<sup>1</sup> Foreign persons do not risk exposure to U.S. sanctions for engaging in activity for which a U.S. person would not need a specific license issued pursuant to the GTSR or FTOSR.

## Key Prohibitions & Authorizations

U.S. financial institutions can process such transactions and may rely on the statements of their customers that such transactions are authorized unless they know or have reason to know a transaction is not authorized.

The NGO general licenses do not authorize NGOs whose property and interests in property are blocked pursuant to the FTOSR or GTSR, nor do they authorize funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a blocked person, other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services.

**Agricultural Commodities, Medicine, and Medical Devices:** The United States does not maintain jurisdiction-based sanctions or an embargo on Gaza or the West Bank. As such, the provision of food, other agricultural commodities, medicine, and medical devices to Gaza or the West Bank is generally not prohibited under U.S. sanctions. Sections [594.521](#) and [597.517](#) authorize all 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 interest in property are blocked, provided the items are in quantities consistent with personal, non-commercial use.

**U.S. Government Official Business:** Sections [594.518](#) and [597.514](#) ("the USG general licenses"), authorize all transactions that may otherwise be prohibited that are for the conduct of the official business of the United States government by employees, grantees, or contractors thereof, including the United States Department of State and the United States Agency for International Development (USAID). This authorization includes activities funded by the U.S. government in its assistance awards as well as activities supported with third-party funding to the extent such funding is included in assistance awards as a cost-share or leveraged funds. USG implementing partners relying on this license are encouraged to coordinate directly with their relevant federal funding agency for any questions related to USG-funded programming.

**International Organizations (IO):** Sections [594.519](#) and [597.515](#) ("the IO general licenses") authorize all transactions that may otherwise be prohibited that are for the conduct of the official business of certain international organizations and for such conduct by employees, contractors, or grantees thereof. These IO general licenses generally do not authorize funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a person whose property and interests in property are blocked pursuant to the GTSR or FTOSR, other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services.

### The international organizations authorized by the IO general licenses are:

- The United Nations, including its Programmes, Funds, and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations (see FAQ [1107](#));
- The International Centre for Settlement of Investment Disputes (ICSID) and the Multilateral Investment Guarantee Agency (MIGA);
- The African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group (IDB Group), including any fund entity administered or established by any of the foregoing;
- The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies; and
- The Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance.

## For the purposes of the NGO general licenses, what are the authorized categories of activity?

The NGO general licenses authorize transactions involving blocked persons that are ordinarily incident and necessary to certain categories of non-commercial activities by NGOs designed to directly benefit a civilian population: humanitarian projects that meet basic human needs; democracy-building activities; educational activities; non-commercial development projects directly benefiting civilians; environmental and natural resource protection; and disarmament, demobilization, and reintegration (DDR) programs, and peacebuilding, conflict prevention, and conflict resolution programs. These categories include the provision of healthcare and health-related services, the provision of agricultural-related services, and activities related to shelter and clean water assistance.

Incidental benefits to sanctioned entities 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 a designated group that go beyond those that are ordinarily incidental and necessary to the provision of such humanitarian assistance, the NGO should immediately 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.

## Can I donate money to NGOs in support of humanitarian efforts in Gaza or the West Bank?

**Yes.** U.S. persons may donate funds to, and raise funds on behalf of, U.S. and third-country NGOs that provide permissible or authorized humanitarian assistance in Gaza or the West Bank. Given the unique risk of Hamas financing, which has utilized fraudulent charity organizations to raise funds, OFAC encourages donors to conduct appropriate due diligence to ensure their donations are being received by legitimate organizations, including by searching [the SDN List](#), to confirm the organization is not sanctioned for being a sham charity or otherwise supporting terrorist activity. Donors and financial institutions are additionally encouraged to review the [FinCEN Alert to Financial Institutions to Counter Financing to Hamas and its Terrorist Activities](#).

## Can U.S. companies provide goods and services to NGOs conducting humanitarian activities in Gaza or the West Bank?

**Yes.** U.S. companies may provide goods and services to NGOs conducting humanitarian activities in Gaza or the West Bank. U.S. companies should be cautious not to supply goods or services to NGOs that are blocked persons.

## Can NGOs import fuel or gas for use in Gaza or the West Bank for their organizations to use in support of authorized humanitarian projects?

The NGO general licenses do not authorize the provision of fuel to blocked persons such as Hamas, or the payment to blocked persons for the purchase of fuel. OFAC encourages

NGOs to exercise caution to ensure that blocked persons are not the ultimate beneficiary of fuel imported into Gaza. The NGO general licenses authorize NGOs to import fuel or gas for use in support of authorized humanitarian projects. NGOs should contact OFAC if they have questions with respect to the scope of available general licenses.

## **Are NGOs authorized to transfer funds to a designated group or blocked person in connection with an activity authorized by the NGO general licenses?**

**No.** The NGO general licenses do not authorize funds transfers made with knowledge or reason to know that the intended beneficiary of such transfers is a blocked person, 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 these authorizations.

**If a governing official with a leadership role is blocked under the GTSR or FTOSR, is the governing institution they lead considered blocked as well?**

**No.** When a designated individual has a leadership role in a governing institution, the governing institution itself is not considered blocked. Accordingly, engaging in a routine interaction with an agency in which a blocked individual is an official, but that does not involve the blocked individual in question, is not prohibited. Providers of humanitarian aid are expected to continue to take all reasonable steps to minimize benefits to Hamas or PIJ while providing aid in Gaza.

## **Additional Information**

OFAC prioritizes specific license applications and requests for guidance related to humanitarian activity. For transactions that are neither exempt nor generally authorized by OFAC, please see OFAC's [License Application Page](#) for information about the specific licensing process.

For more information regarding compliance with OFAC regulations by NGO and not-for-profit entities, we encourage you to review OFAC [guidance on this topic](#).

If you have information about activities that do not comply with OFAC sanctions, please contact the OFAC Compliance Hotline.



### **OFAC Compliance Hotline**

1-202-622-2490

1-800-540-6322

OFAC\_Feedback@treasury.gov

