

OFAC Publishes Fact Sheet Related to Humanitarian Assistance and Trade to Combat COVID-19

April 22, 2020

In response to the global COVID-19 pandemic, the U.S. Treasury Department's Office of Foreign Assets Control ("OFAC") released a [Fact Sheet](#) on April 16, 2020 regarding provisions related to humanitarian assistance and trade under U.S. economic sanctions programs. The Fact Sheet notes that economic sanctions programs generally allow for humanitarian assistance and trade under existing exemptions, exceptions, and authorizations. While it does not broaden authorizations for humanitarian transactions or include material new information, the Fact Sheet helpfully summarizes in one place OFAC's existing resources relating to such transactions. It also states OFAC's commitment to prioritize specific license applications for humanitarian transactions related to COVID-19 response that are not otherwise exempt or authorized by general license.

Below we provide a consolidated table of resources and guidance in relation to the exemptions, exceptions, and authorizations for humanitarian assistance and trade under OFAC-administered sanctions programs, and related guidance and responses to Frequently Asked Questions ("FAQs"). The table compiles resources that apply across sanctions programs, as well as those specific to the Iran, Venezuela, North Korea, Syria, Cuba, and Russia/Ukraine-related sanctions programs. It is important to note that, notwithstanding the generally favorable treatment of humanitarian transactions across all sanctions programs OFAC administers, the scope of authorizations and exemptions varies among different sanctions programs, and significant conditions and limitations may apply. Sanctions programs may also change rapidly without prior notice. Accordingly, each potential transaction should be evaluated carefully against applicable regulations and guidance to ensure that it is permitted.

In addition to sanctions prohibitions administered by OFAC, the Commerce Department's Bureau of Industry and Security ("BIS") restricts the export or reexport of goods, software, and technology to sanctioned countries. These restrictions, as well as details of applicable license exceptions or statements of specific licensing policy that may apply to humanitarian exports and reexports, are set forth at [part 746](#) of the Export Administration Regulations ("EAR"). As noted in the Fact Sheet, persons interested in exporting Personal Protective Equipment ("PPE") from the United States to any destination, including a sanctioned country, should be aware of temporary restrictions, summarized below, on trade in certain types of PPE that are implemented by the Federal Emergency Management Agency ("FEMA").

For additional Davis Polk resources relating to COVID-19, please click [here](#).

Cross-Programmatic Provisions

Category of Humanitarian Assistance/Trade	OFAC Resources
<p>General explanation of licensing procedures for the Trade Sanctions and Export Enhancement Act of 2000 (TSRA) program (relating to exports of food, medicine and medical devices not authorized by general license).</p>	<ul style="list-style-type: none"> • OFAC Licensing Process Guidance • OFAC FAQ 97. What format options are permitted for submitting license applications pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA)? • OFAC FAQ 98. How should I present my TSRA license application? • OFAC FAQ 100. If I am submitting multiple TSRA license applications at the same time, should I send them under a single cover letter? • OFAC FAQ 101. Should I send a sample of the proposed export product as an attachment to my TSRA license application?
<p>Reach of economic sanctions for non-governmental organizations (NGOs) involved in the provisions of human assistance</p>	<ul style="list-style-type: none"> • Guidance related to the provision of humanitarian assistance by not-for-profit non-governmental organizations
<p>OFAC resources related to COVID-19</p>	<ul style="list-style-type: none"> • Fact Sheet: Provision of Humanitarian Assistance and Trade to Combat COVID-19 • The Office of Foreign Assets Control (OFAC) Encourages Persons to Communicate OFAC Compliance Concerns Related to the Coronavirus Disease 2019 (COVID-19)

Iran

Category of Humanitarian Assistance/Trade	OFAC Resources
<p>Medicine and medical supplies</p>	<ul style="list-style-type: none"> • 31 CFR § 560.530, Commercial sales, exportation, and reexportation of agricultural commodities, medicine, medical devices, and certain related software and services. • 31 CFR § 560.210, Exempt transactions. • Guidance on sales of food, agricultural commodities, medicines, and medical devices by non-U.S. persons to Iran • Clarifying guidance on humanitarian assistance and related exports to the Iranian People • Swiss Humanitarian Trade Agreement (SHTA) Fact Sheet • OFAC FAQ 824. What is the Swiss Humanitarian Trade Agreement (SHTA)? • OFAC FAQ 825. How can parties participate in the SHTA to export humanitarian goods to Iran? • OFAC FAQ 826. What options exist for exporting humanitarian goods to Iran outside the Swiss Humanitarian Trade Agreement (SHTA)? • OFAC FAQ 482. What key changes did the December 23, 2016 regulatory amendment to the Iranian Transactions and Sanctions Regulations (ITSR) make relating to the exportation and reexportation of agricultural commodities, medicine, and medical devices to Iran? • OFAC FAQ 483. How does an exporter determine which medical devices need to be specifically licensed by OFAC for exportation or reexportation to Iran? • OFAC FAQ 484. What types of training activities are considered to be necessary and ordinarily incident to the safe and effective use of medicine and medical devices? • OFAC FAQ 549. In light of the recent earthquake in Iran, how can I help the Iranian people while making sure to abide by U.S. sanctions? • OFAC FAQ 828. I want to help with the humanitarian response to the Coronavirus Disease 2019 (COVID-19) outbreak in Iran. What can I do to help while remaining compliant with U.S. sanctions?

Category of Humanitarian Assistance/Trade	OFAC Resources
Food and agricultural commodities	<ul style="list-style-type: none"> • 31 CFR § 560.530, Commercial sales, exportation, and reexportation of agricultural commodities, medicine, medical devices, and certain related software and services. • 31 CFR § 560.210, Exempt transactions. • Guidance on sales of food, agricultural commodities, medicines, and medical devices by non-U.S. persons to Iran • Clarifying guidance on humanitarian assistance and related exports to the Iranian People • Swiss Humanitarian Trade Agreement (SHTA) Fact Sheet • OFAC FAQ 824. What is the Swiss Humanitarian Trade Agreement (SHTA)? • OFAC FAQ 825. How can parties participate in the SHTA to export humanitarian goods to Iran? • OFAC FAQ 826. What options exist for exporting humanitarian goods to Iran outside the Swiss Humanitarian Trade Agreement (SHTA)? • OFAC FAQ 482. What key changes did the December 23, 2016 regulatory amendment to the Iranian Transactions and Sanctions Regulations (ITSR) make relating to the exportation and reexportation of agricultural commodities, medicine, and medical devices to Iran? • OFAC FAQ 549. In light of the recent earthquake in Iran, how can I help the Iranian people while making sure to abide by U.S. sanctions? • OFAC FAQ 828. I want to help with the humanitarian response to the Coronavirus Disease 2019 (COVID-19) outbreak in Iran. What can I do to help while remaining compliant with U.S. sanctions?
Payment for and financing of exports and reexports of agricultural commodities, medicine, and medical devices, and certain related software and services	<ul style="list-style-type: none"> • 31 CFR § 560.532, Payment for and financing of exports and reexports of agricultural commodities, medicine, and medical devices, and certain related software and services. • Guidance on sales of food, agricultural commodities, medicines, and medical devices by non-U.S. persons to Iran • Clarifying guidance on humanitarian assistance and related exports to the Iranian People • Swiss Humanitarian Trade Agreement (SHTA) Fact Sheet • OFAC FAQ 824. What is the Swiss Humanitarian Trade Agreement (SHTA)? • OFAC FAQ 825. How can parties participate in the SHTA to export humanitarian goods to Iran? • OFAC FAQ 826. What options exist for exporting humanitarian goods to Iran outside the Swiss Humanitarian Trade Agreement (SHTA)?
Official activities of international organizations	<ul style="list-style-type: none"> • 31 CFR § 560.539, Official activities of certain international organizations. • Executive Order 13902, Imposing Sanctions With Respect to Additional Sectors of Iran
Humanitarian trade transactions involving the Central Bank of Iran	<ul style="list-style-type: none"> • General License 8, Authorizing Certain Humanitarian Trade Transactions Involving the Central Bank of Iran • OFAC FAQ 821. What does General License No. 8 (GL 8) authorize with respect to humanitarian-related transactions and activities involving the Central Bank of Iran (CBI)? • OFAC FAQ 822. I'm a U.S. person that relied on general or specific licenses pursuant to 560.530, 560.532, or 560.533 of the ITSR to conduct humanitarian-related transactions and activities involving the CBI prior to its designation under E.O. 13224. Is any further authorization needed to conduct such transactions following the designation of the CBI under E.O. 13224? • OFAC FAQ 823. Do non-U.S. persons risk exposure to U.S. secondary sanctions for engaging in humanitarian-related transactions or activities involving the CBI that U.S. persons would be authorized to engage in under General License No. 8 (GL 8)?
Noncommercial and personal remittances	<ul style="list-style-type: none"> • 31 CFR § 560.550, Certain noncommercial, personal remittances to or from Iran authorized.

Category of Humanitarian Assistance/Trade	OFAC Resources
Other humanitarian efforts (e.g., basic human needs, environmental conservation, human rights, NGO fund transfers, academic/cultural exchange programs)	<ul style="list-style-type: none"> • General License E, Authorizing Certain Services in Support of Nongovernmental Organizations’ Activities in Iran • 31 CFR § 560.545 • Clarifying guidance on humanitarian assistance and related exports to the Iranian People • OFAC FAQ 828. I want to help with the humanitarian response to the Coronavirus Disease 2019 (COVID-19) outbreak in Iran. What can I do to help while remaining compliant with U.S. sanctions?
Non-U.S. persons engaging in transactions in Iran related to humanitarian and consumer goods	<ul style="list-style-type: none"> • OFAC FAQ 637. Is it sanctionable for non-U.S., non-Iranian persons to engage in transactions related to the provision of humanitarian and consumer goods to Iran? • OFAC FAQ 828. I want to help with the humanitarian response to the Coronavirus Disease 2019 (COVID-19) outbreak in Iran. What can I do to help while remaining compliant with U.S. sanctions?
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support. • See also Cross-Programmatic Provisions section, above.

Venezuela

Category of Humanitarian Assistance/Trade	OFAC Resources
General humanitarian assistance and trade related to Venezuela	<ul style="list-style-type: none"> • OFAC FAQ 519. How can I help the Venezuelan people while making sure to abide by the U.S. sanctions? • OFAC FAQ 665. Will the designation of the Government of Venezuela restrict the ability of U.S. persons to support humanitarian efforts, including to engage in or facilitate the provision of humanitarian assistance or non-commercial, personal remittances to Venezuela?
Medicine and medical devices	<ul style="list-style-type: none"> • General License 4C, Authorizing Certain New Debt Transactions and Other Transactions Involving Certain Blocked Persons Related to the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Devices, Replacement Parts and Components, or Software Updates • General License 26, Emergency and Certain Other Medical Services Authorized • OFAC FAQ 520. Do I need a specific license from OFAC to send U.S.-origin food or medicine to Venezuela?
Food and agricultural commodities	<ul style="list-style-type: none"> • General License 4C, Authorizing Certain New Debt Transactions and Other Transactions Involving Certain Blocked Persons Related to the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Devices, Replacement Parts and Components, or Software Updates • OFAC FAQ 520. Do I need a specific license from OFAC to send U.S.-origin food or medicine to Venezuela?
Payment for and financing of exports and reexports of agricultural commodities, medicine, and medical devices, and certain related software and services	<ul style="list-style-type: none"> • General License 4, Authorizing New Debt Transactions Related to the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Devices, or Replacement Parts and Components • OFAC FAQ 521. I want to provide long-term financing to the Government of Venezuela to help with the exportation or reexportation of agricultural commodities, medicine, medical devices, components, or replacement parts and components for medical devices to Venezuela. Is that allowed?
Official activities of international organizations	<ul style="list-style-type: none"> • General License 20B, Authorizing Official Activities of Certain International Organizations Involving the Government of Venezuela • General License 29, Certain Transactions Involving the Government of Venezuela in Support of Certain Nongovernmental Organizations’ Activities Authorized

Category of Humanitarian Assistance/Trade	OFAC Resources
Noncommercial and personal remittances	<ul style="list-style-type: none"> • General License 16C Authorizing Transactions Involving Certain Banks for Certain Entities • General License 16C, Authorizing Maintenance of U.S. Person Accounts and Noncommercial, Personal Remittances Involving Certain Banks
Other humanitarian assistance and trade	<ul style="list-style-type: none"> • General License 30, Authorizing Certain Transactions Involving the Government of Venezuela Necessary to Port and Airport Operations
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support. • See also Cross-Programmatic Provisions section, above.

North Korea

Category of Humanitarian Assistance/Trade	OFAC Resources
Medicine and medical devices and services	<ul style="list-style-type: none"> • 31 CFR § 510.509, Emergency medical services • See also § 746.4 of the EAR concerning humanitarian exports of goods to North Korea.
Noncommercial and personal remittances	<ul style="list-style-type: none"> • 31 CFR § 510.511, Noncommercial, personal remittances
Humanitarian services by nongovernmental organizations	<ul style="list-style-type: none"> • 31 CFR § 510.512, Certain services in support of nongovernmental organizations' activities
Official activities of international organizations	<ul style="list-style-type: none"> • 31 CFR § 510.514, Official activities of international organizations
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support.

Syria

Category of Humanitarian Assistance/Trade	OFAC Resources
Non-U.S.-origin Medicine and medical devices and services	<ul style="list-style-type: none"> • 31 CFR § 542.525, Exportation or reexportation of services to Syria related to the exportation or reexportation of certain non-U.S.-origin goods authorized. • 31 CFR § 542.531, Authorization of emergency medical services.
Non-U.S.-origin Food and agricultural commodities	<ul style="list-style-type: none"> • 31 CFR § 542.525, Exportation or reexportation of services to Syria related to the exportation or reexportation of certain non-U.S.-origin goods authorized.
Export of certain items and services authorized by the Department of Commerce	<ul style="list-style-type: none"> • 31 CFR § 542.510, Exports or reexports to Syria of items licensed or otherwise authorized by the Department of Commerce authorized; exports or reexports of certain services authorized. • OFAC FAQ 229. Do I need a specific license from OFAC to send U.S.-origin food or medicine to Syria? • See also § 746.9 of the EAR concerning humanitarian exports of goods to Syria.
Noncommercial and personal remittances	<ul style="list-style-type: none"> • 31 CFR § 542.512, Noncommercial, personal remittances authorized.
Official activities of international organizations	<ul style="list-style-type: none"> • 31 CFR § 542.513, Official activities of certain international organizations authorized.
Other humanitarian efforts (e.g., basic human needs, environmental conservation, human rights, NGO fund transfers, academic/cultural exchange programs)	<ul style="list-style-type: none"> • 31 CFR § 542.516, Certain services in support of nongovernmental organizations' activities authorized.
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support. • See also Cross-Programmatic Provisions section, above.

Cuba

Category of Humanitarian Assistance/Trade	OFAC Resources
Medicine and medical devices and services	<ul style="list-style-type: none"> • BIS Guidance regarding Cuba • 31 CFR § 515.559, §515.559 Certain export and import transactions by U.S.-owned or -controlled foreign firms.
Food and agricultural commodities	<ul style="list-style-type: none"> • BIS Guidance regarding Cuba
Noncommercial and personal remittances	<ul style="list-style-type: none"> • 31 CFR § 515.570, Remittances • OFAC FAQ 732. What types of remittances are allowed to be made by persons subject to U.S. jurisdiction to persons in Cuba? What are the applicable conditions and requirements?
Trade in items and services previously exported or reexported to Cuba	<ul style="list-style-type: none"> • 31 CFR § 515.533, Exportations from the United States to Cuba; reexportations to Cuba; importation and servicing or repair of certain items previously exported or reexported to Cuba.
Other humanitarian efforts (e.g., basic human needs, environmental conservation, human rights, NGO fund transfers, academic/cultural exchange programs)	<ul style="list-style-type: none"> • Department of Commerce’s Bureau of Industry and Security Export Administration Regulations regarding Cuba • 31 CFR § 515.574, Support for the Cuban People. • 31 CFR § 515.575, Humanitarian projects. • OFAC FAQ 707. What constitutes “support for the Cuban people” for generally authorized travel and other transactions? • OFAC FAQ 708. What constitutes “humanitarian projects” for generally authorized transactions, including travel-related transactions? • OFAC FAQ 709. What constitutes “activities of private foundations or research or educational institutes” for generally authorized travel?
Certain infrastructure services	<ul style="list-style-type: none"> • 31 CFR § 515.591, Services related to infrastructure. • OFAC FAQ 801. May persons subject to U.S. jurisdiction provide services to Cuba or the Cuban government to support infrastructure maintenance and development in Cuba?
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support. • See also Cross-Programmatic Provisions section, above.

Ukraine/Russia

Category of Humanitarian Assistance/Trade	OFAC Resources
Medicine and medical devices and services	<ul style="list-style-type: none"> • General License 4, Authorizing the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Supplies, and Replacement Parts
Food and agricultural commodities	<ul style="list-style-type: none"> • General License 4, Authorizing the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Supplies, and Replacement Parts
Noncommercial and personal remittances	<ul style="list-style-type: none"> • General License 6, Noncommercial, Personal Remittances Authorized
Specific Licenses	<ul style="list-style-type: none"> • OFAC notes that for transactions not otherwise authorized by OFAC general licenses, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications, compliance questions, and other requests related to humanitarian support. • See also Cross-Programmatic Provisions section, above.

FEMA Temporary Rule Prohibiting the Export of Certain Personal Protective Equipment

On April 10, 2020, FEMA published in the Federal Register a [temporary final rule](#) that prohibits the export from the United States of five categories of PPE, without explicit permission from FEMA:

- N95 Filtering Facepiece Respirators, including devices that are disposable half-face-piece non-powered airpurifying particulate respirators intended for use to cover the nose and mouth of the wearer to help reduce wearer exposure to pathogenic biological airborne particulates;
- Other Filtering Facepiece Respirators (e.g., those designated as N99, N100, R95, R99, R100, or P95, P99, P100), including single-use, disposable half-mask respiratory protective devices that cover the user's airway (nose and mouth) and offer protection from particulate materials at an N95 filtration efficiency level per 42 CFR 84.181;
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges;
- PPE surgical masks, including masks that cover the user's nose and mouth and provide a physical barrier to fluids and particulate materials; and
- PPE gloves or surgical gloves, including those defined at 21 CFR 880.6250 (exam gloves) and 878.4460 (surgical gloves) and such gloves intended for the same purposes.

The FEMA rule went into effect on **April 7, 2020** and will continue until **August 10, 2020**.

If you have any questions regarding the matters covered in this publication, please contact any of the lawyers listed below or your usual Davis Polk contact.

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