

Office of Foreign Assets Control (OFAC)

November 5, 2021



Agenda

- Welcome
- Introduction/Overview
- Responses to Submitted Questions
- Q&A Session



Contact Information

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Responses to Submitted Questions

Responses to Submitted Questions

Are the following allowable?

- Tax payments to the MoF?
- Outstanding utilities?
- Internet and phone cards ?
- Processing new passports for students and staff?
- We continued to pay staff and vendors, where services or goods had been provided prior to evacuation/cease of project activities. We withheld PIT or VAT from such payments but have not remitted PIT and VAT to the Afghan authorities. Will remittance of PIT and VAT for payments made for prior periods be permitted under the license?
- OFAC License SDGT-2021-386858-2 covers administrative activities for programs on pause as well as in wind-down mode. Sec. 3 (b) provides an exemption for “the payment of taxes, fees, or import duties ...related to the activities authorized.” Employers are required to withhold and remit income taxes on salaries as well as service taxes with vendors and landlords. Are these taxes authorized?
- The landlord has advised that if we do not remit the taxes and provide a receipt for the same, the amount due will be deducted from the security bond being held by the landlord. Such an act is beyond our control. Is this authorized?

Responses to Submitted Questions

What is the expected timeline for licenses that cover essential services like telecoms, power, etc.?

Responses to Submitted Questions

How can Afghan citizens, businesses and organizations be vetted beyond the OFAC website? (Previously, the US Embassy vetting support unit handled this.)

Responses to Submitted Questions

How can US businesses pay the salaries and utility costs for their Afghan staff and operations?

Responses to Submitted Questions

Is the use of certified money changers allowed? If so, what specific OFAC license(s) provide the legal authorization for such transactions?

Responses to Submitted Questions

Is there an articulated standard, public or non-public, for determining an individual's affiliation with "the Taliban" (per OFAC/SDGT) or "the Haqqani Network," (per OFAC/SDGT and State - Immigration & Nationality Act §219/FTO)? If the standard is non-public, is it possible to be briefed on its contents, and if so, how can such a request be made?

Responses to Submitted Questions

There appears to be no publicly available information on either OFAC or Department of Justice non-enforcement policies, apart from general guidance in the OFAC Economic Sanctions Enforcement Guidelines and the recommendation on self-disclosure in the Department of Justice Export Control and Sanctions Enforcement Policy for Business Organizations. Is it possible for NGOs and public international organizations to access more specific and detailed guidance? If so, how might this be done?

Responses to Submitted Questions

To support better coordination on the ground, would it be possible for the USG generally to offer a comparative overview of guidance it has provided at the Executive Board level to IFIs and IOs with respect to engagement with the interim Taliban administration? Are there variations in the guidance provided to institutions with a development mandate, or is the guidance consistent from institution to institution?

Responses to Submitted Questions

The licenses seem to allow certain dealings of NGOs with the Haqqani network for payment of certain fees. The Haqqani network, however, is a State Department designated FTO. Such dealings with them would be a violation of the material support statutes, which cannot be decriminalized with an OFAC license. Did OFAC discuss this with the State Department and the Justice Department? Will there be a prosecutorial discretion of not prosecuting NGOs for dealing with the Haqqani network if such dealings are in line with the permitted activities under the licenses?

Responses to Submitted Questions

Can IPs pay salaries in US dollars into foreign (non-Afghan) accounts?

Responses to Submitted Questions

The OFAC License for Ethiopia explicitly allows for continued support for education. However, the licenses we've seen for Afghanistan do not include the same provision. Do the current OFAC licenses in Afghanistan specifically and intentionally preclude continued U.S. support for education?

Responses to Submitted Questions

Please let us know the legal status of imports of "Made in Afghanistan" products (e.g., carpets, cashmere, jewelry, precious stones, textiles) in the USA?

Additional Q&A