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**U.S. DEPARTMENT OF THE TREASURY  
OFFICE OF FOREIGN ASSETS CONTROL  
LICENSING DIVISION**

**From:** The Licensing Division  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

**To:** [REDACTED]

**Subject:** Application Returned Without Action

**Case #** [REDACTED]

**COMMENT:**

This is in reply to your letter dated September 6, 2010, on behalf of your client, [REDACTED], to the Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury, requesting authorization related to transactions that are otherwise prohibited by the Global Terrorism Sanctions Regulations, 31 C.F.R. Part 594.

Please note that we are unable to provide you with a licensing determination at this time due to a:

- Lack of foreign policy guidance from the U.S. Department of State.

Because of the reason above, we will be closing your application without further action and without prejudice. Please feel free to reapply, citing Case No. [REDACTED] in any further correspondence related to this matter.

If you have any additional questions, you may refer to the OFAC website at [www.treasury.gov/ofac](http://www.treasury.gov/ofac) or call our office at (202) 622-2480.



September 6, 2010

Office of Foreign Assets Control  
US Dept. of Treasury  
Treasury Annex  
1500 Pennsylvania NW  
Washington DC 20220

Attn: Licensing Department

Dear OFAC:

Through its attorney, [REDACTED] (hereafter [REDACTED]) requests a license to conduct business in Gaza. Although Gaza is not a designated country under the United States Government or Department of Treasury sanctions programs, its people and territory are under the de facto governmental control of Hamas, a designated organization.

[REDACTED] is a nonprofit corporation with its office in [REDACTED]. The Internal Revenue Service has recognized it for exemption under Section 501(c) (3) since 2002.

The Board of Directors is comprised of [REDACTED]. Since its inception in [REDACTED], [REDACTED] has focused its humanitarian efforts on needy children in Palestine, an area torn by conflict for decades.

Due to the unresolved conflict, delivery of aid to the West Bank and Gaza has been difficult from the start but [REDACTED] has been able to provide its medical, nutritional, and educational assistance by working with non-governmental organizations in the local areas.

However, in June 2007, Hamas, which is designated by the United States government as a terrorist organization, effectively orchestrated a violent coup in Gaza, taking *de facto* control of all government functions in Gaza. Hamas control of government ministries in Gaza creates enormous additional difficulties in delivery of aid to Gaza, particularly in light of the United States government prohibition of engaging in transactions with Hamas.

[REDACTED] does not seek to provide any material assistance to Hamas or the *de facto* Gaza government whatsoever. However, in order to make the best use of scarce resources, to provide aid to the neediest children, and to increase efficiency in its work, [REDACTED] believes that limited contact with the *de facto* Gaza government is necessary.

██████████ requests an OFAC general license to carry out programs of humanitarian aid in Gaza, which would allow incidental contact with government ministers in the areas of health, education, and social affairs. Incidental contact includes being present at the same non-governmental meetings or events directly related to ██████████ humanitarian mission, as well as communications incident to the implementation of aid programs.

██████████ requests that the license include permissive contact with specific ministries in order to make its programs more effective, specifically:

Ministry of Education

As an example, contact is needed to obtain permission to provide school supplies and meals for children in non-UN schools:

Ministry of Health

As an example, contact is needed to obtain permission to facilitate visiting medical doctors to visit and perform medical procedures in hospitals;

Ministry of Social Affairs

As an example, contact is needed to research demographic and poverty statistics that are maintained by the Ministry in order to prioritize aid in order to effectively deliver relief services to the most needy and underserved populations. Contact also needed to obtain copies of original NGO registration forms needed for various business transactions. Registration was accomplished before the assumption to power of the Hamas-led *de facto* government in Gaza.

In addition, [REDACTED] requests authorization, through an OFAC license, to conduct its legitimate business of providing articles and money for the relief of human suffering in Gaza. Authorization is requested to include activities including travel to Gaza, wire transfers of money from a US bank to recipient financial institutions in Gaza, leasing office space, purchasing goods, contracting services, partnering with NGOs, and engaging in ordinary and necessary business transactions incident to the operation of charitable relief activities in Gaza.

Please do not hesitate to contact me if you require more information. I look forward to your response. Please send the license directly to:

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Sincerely,





October 28, 2010

Office of Foreign Assets Control  
US Dept. of Treasury  
Treasury Annex  
1500 Pennsylvania NW  
Washington DC 20220


Attn: Licensing Department - Re: 

Dear Office of Foreign Assets Control:

On October 22, 2010 your representative called to request a clarification or explanation of the term "articles" in the following phrase in the above referenced application sent via letter dated September 6, 2010:

"to conduct its legitimate business of providing *articles* and money for the relief of human suffering in Gaza."

In fact, the applicant 

 has not ever provided "articles" to any entity in Gaza and has no plans to do so. Rather, the applicant provides funding to nongovernmental organizations in Gaza to purchase articles for the relief of suffering. Examples of articles include food, emergency supplies (blankets and water), clothing for children, school supplies, books, seeds for farmers, computers, playground equipment, and bakery equipment.

The phrase in question should be amended to read as: "*to conduct its legitimate business of providing money or funding for items used for the sole purpose of the relief of human suffering in Gaza.*"

Please do not hesitate to contact me if you have further questions.

Sincerely,

