




REPORTING GUIDE

Office of Foreign Assets Control (OFAC): Voluntarily Self-Disclosure for Possible Violations of OFAC-Administered Regulations



THE TREASURY DEPARTMENT

OFAC Voluntary Self-Disclosure Reporting Guide

The Office of Foreign Assets Control (OFAC) encourages any individual or entity who may have violated US sanctions regulations to self-disclose apparent violations to OFAC voluntarily. An apparent violation is any conduct constituting an actual or possible violation of US economic sanctions laws and other statutes enforced by OFAC, including Executive Orders, regulations, directives or issued licenses.



Who needs to submit a self-disclosure?

Any “subject person” who is an individual or entity with the apparent violation subject to OFAC’s sanctions programs such as the comprehensive sanctions against Iran and North Korea, sectoral sanctions against Russia in Ukraine, and thematic sanctions to counter terrorism.



When should a self-disclosure be submitted?

A qualifying voluntary self-disclosure must be submitted prior to or simultaneous with the discovery by OFAC or another government agency of the apparent violation.



What is considered a voluntary self-disclosure?

Voluntary self-disclosure is a notification to OFAC initiated by a subject person who committed or participated in an apparent violation of a statute, Executive Order or regulations administered or enforced by OFAC. A notification to OFAC will not be considered as a voluntary self-disclosure, if:

- *A third party is required to, but did not notify OFAC of the apparent violation because the transaction was blocked or rejected by that third party, regardless if OFAC receives such notice from the third party and regardless if the subject person was aware of the third party’s disclosure.*
- *The disclosure includes fraudulent or misleading information.*
- *The disclosure is incomplete and missing information.*
- *The disclosure was not self-initiated, including when the disclosure was a result from a suggestion or order from a federal or state agency.*
- *The disclosure was an unauthorized disclosure made by an individual from a subject person that is an entity.*



What information is included in the voluntary self-disclosure?

OFAC requires voluntary self-disclosures to include or to be submitted as a follow through within a reasonable period of time, a detailed report, which sufficiently provides a complete understanding of the situation and circumstances of the apparent violation/s. If it is an initial disclosure, the voluntary self-disclosure must be supplemented with additional information and the person who submitted should be responsive to any follow-up inquiries.



Does OFAC grant amnesty from voluntary self-disclosure?

OFAC does not maintain an “amnesty program” and objectively reviews the totality of the circumstances of an apparent violation. OFAC, however, considers voluntary self-disclosures as a mitigating factor when determining the appropriate enforcement action.



How is the voluntary self-disclosure submitted?

All voluntary self-disclosures should be submitted electronically to: OFACDisclosures@treasury.gov.

You may review OFAC’s preferred technical standards for formatting electronic documents submitted to the Office of Compliance and Enforcement (“OCE”) [here](#).

Reporting Tips

- *Submitting a voluntary self-disclosure through another government agency will be qualified by OFAC on a case-by-case assessment.*
- *A qualifying voluntary self-disclosure may result to a 50% reduction of the base amount of a proposed civil penalty, if such penalty applies.*
- *OFAC considers factors such as the existence, nature and the adequacy of the subject person’s compliance program during the time of the apparent violation as well as the remedial actions implemented as a response to an apparent violation.*



For more information, you can visit OFAC’s FAQ page on Voluntary Self-Disclosure, <https://ofac.treasury.gov/faqs/13>.