

The TURBOFAC™ Guided Interview System User Guide

This User Guide is intended to assist Users with navigating the TURBOFAC™ [Guided Interview System](#). Users with questions that are not answered by either the [FAQs](#) or this User Guide should email such questions to support@sanctions.org.

I) Overview

The TURBOFAC™ Guided Interview System (the “GIS”) is a complex decision tree designed to guide the User step-by-step through the entirety of the OFAC-administered sanctions laws, allowing the User to make efficient and methodical determinations as to whether the activities at issue are prohibited and/or “sanctionable.”

The GIS consists of over 1,700 discrete question and “status note” pages and is constructed to take account of all primary source documents and other U.S. government-produced materials found on the TURBOFAC [Research System](#).

OFAC-administered sanctions regulations are known for their extraordinary complexity. Individual transactions are often subject to several discrete OFAC-administered sanctions authorities with varying degrees of restrictiveness. Where multiple authorities overlap, the GIS presents questions in an order that allows the User to focus first on issues that are more likely to be dispositive to the outcome of the analysis. The GIS guides Users through the applicable sanctions provisions step-by-step, providing commentary and analysis throughout the interview along with citations to relevant OFAC-produced documents that provide helpful context for the issues addressed by each question.

II) Scope of the GIS

As discussed in the FAQs, the scope of the GIS is OFAC-administered sanctions prohibitions. The GIS also addresses “secondary sanctions” provisions that are administered by the U.S. Department of State when such “sanctions” include blocking or other sanctions that OFAC is responsible for administering. The GIS does not address laws administered by agencies other than OFAC (such as the Export Administration Regulations (EAR) and International Traffic in Arms Regulations) unless such other laws are specifically referenced by the relevant OFAC regulations.

Users should always remember that the GIS is designed to act as a complement to individual legal and compliance professionals and automated screening software, each of which are essential elements of an effective OFAC compliance program.

III) IMPORTANT: Understanding “Entry Codes” and How to Resume/Restore Sessions

The GIS User journey begins with a single question and ends at a single end point. Each screen the User encounters is associated with its own unique URL. In some cases, factual scenarios are straightforward enough that a User can click straight through from the starting point to the end point. We describe this scenario as the User getting from start to finish by walking down a single (potentially winding) “main road.”

There are, however, certain complex issues that, depending on the facts, may require the User to take a turn off the main road. For example, the User may need to address the tangential issue of what it means for a given entity to be “owned or controlled” by a given combination of specified persons. We will refer to this as a “tangential analysis.” When an issue requires tangential analysis, the User is instructed to make note of an “Entry Code” (for example, “#CONTROL#7”) and is diverted off the “main road” to a series of side questions addressing the tangential issue. When the User has completed any given tangential analysis, the User will be instructed to input the applicable “Entry Code” which allows the User to return to the appropriate point on the “main road.” Once a User has completed a tangential analysis for which an Entry Code was supplied, there is no longer a need to remember or keep note of the Entry Code.

Occasionally, a User may need to make note of more than one Entry Code at a time (e.g. when a tangential analysis entails making a determination that requires a second tangential analysis).

The GIS is not designed to maintain records of a User's responses to the questions presented. When Users require multiple sessions to complete a single analysis, there is no mechanism to "restore session." In such cases, the User need only make a note of (i) the last screen-specific URL that the User encountered prior to closing the GIS, and (ii) any applicable "Entry Codes." With this information, the User journey can resume exactly where it left off.

IV) Distinguishing "Required Reading" from "Optional Reading"

Where appropriate, the GIS is designed to "show its work" to the User by (i) explaining in detail why certain questions are being asked and (ii) providing links to the legal provisions and other statements attributable to OFAC that undergird the structure of any given question or set of questions.

Text presented to the User is divided between "required reading" and "optional reading."

The screenshot shows a user interface with a blue header and a white main content area. At the top left, there is a blue arrow pointing left. The main content area is titled "Initial Intake and Jurisdiction-related Issues". Below the title, there is a paragraph of text explaining the purpose of the question. Below the paragraph, there is a question: "Are you treated as a 'U.S. person' within the meaning of the boilerplate definition of that term found in OFAC's sanctions regulations (e.g. 31 CFR § 582.313)?". Below the question, there are three blue buttons: "Yes, I am a 'U.S. person.'", "No, I am not a 'U.S. person.'", and "I need help making this determination.". Below the buttons, there is a note with a red icon: "Note that the term 'U.S. person' includes all persons 'in the United States,' and includes 'foreign branches' of U.S. persons. If you are not a U.S. person but are inquiring about whether your activities may 'cause' violations of OFAC-administered sanctions laws or otherwise amount to a 'conspiracy' to violate sanctions laws, select 'No.'". Below the note, there is a paragraph of text: "The application of the definition of 'U.S. person' can be tricky at the margins, especially with regard to individuals temporarily present in the U.S. Only select one of the first two options if you are sure about the U.S. person status of the person or persons about whom you are inquiring." Below the paragraph, there is another paragraph of text: "If you are, yourself, a blocked and/or otherwise sanctioned person—e.g. a person 'ordinarily resident' in Iran—continue without regard to that fact. Blocked and/or otherwise sanctioned persons may also be 'U.S. persons.'". Below the text, there is a section titled "Technical Notes and Commentary" with a dropdown arrow. Below the section, there is a list of three items: 1) The term "U.S. person" is defined in a substantively identical manner across IEEPA-based sanctions programs. For authorities (e.g. recently issued executive orders) employing the term "U.S. person" for which there are no implementing regulations, reference may be made to an updated of the standard regulatory definition. See e.g. General Note on "Abbreviated Regulations" and Executive Orders with Standard Blocking Prohibitions not yet Implemented in the CFR (System Ed. Note). The boilerplate definitional provision for the term "U.S. person" includes the terms "entity" and "United States," both of which are, in turn, defined terms in standard sanctions regulations. The text used to define "entity" varies slightly across programs, but not in a way that suggests any substantive difference in the scope of the definition. All provisions implemented in 2004 or later are identical. An "entity" need not be a corporation. See e.g. Case No. IA-2012-297129-1 (a cooperative, unincorporated association treated as a "U.S. person" entity), but not everything that appears as though it may fall within the scope of the term "group" or "subgroup" is necessarily treated as a distinct "entity." See Consolidated Commentary on the 2015 Schlumberger Penalties, the B Whale Corporation Case and the Scope of the Term "U.S. Person" (System Ed. Note). In the FNKSR, and only the FNKSR, the term "entity" includes "any form of business collaboration." This text is pulled directly from the FNKDA. OFAC has not suggested that the FNKSR version of the definition of "entity" is broader than the standard definition, which includes the vague terms "group, subgroup, or other organization." 2) The CACR do not include the standard definitional provisions titled "U.S. person," "Entity" and "United States," but the scope of the CACR analogues to those provisions is such that if a person is a "U.S. person" for the purposes of the standard IEEPA-based sanctions program, then that person is necessarily within the scope of 515.329 (Person subject to the jurisdiction of the United States; person subject to U.S. jurisdiction), and all prohibitions of the CACR apply. 3) Beware of entities that are incorporated in the U.S., but with principal places of businesses abroad, being treated as ordinary "U.S. persons" in light of their places of incorporation. See Zultrade, Inc. (2014), Decolarcom, Inc. (2014). The same goes for foreign entities whose operations and/or property are under the jurisdiction of a U.S. court. Civil Enforcement Information (FOV) - B Whale Corporation (2017). If there is any doubt on the "U.S. person" question, indicate that you need help making the determination. Below the list, there is a section titled "Key Legal Provisions At Issue" with a dropdown arrow. Below the section, there is a link: "All 'United States person; U.S. person' definitional provisions." Below the link, there is a section titled "Relevant Research System Queries" with a dropdown arrow. Below the section, there is a list of one item: 1) Items dealing with the Scope of the Boilerplate Definitional Terms "United States Person" and "United States." At the bottom of the page, there are two buttons: "Print" and "Comment on this page".

The sample User screen to the left contains two large white boxes. The top box (or "main question box") is considered "required reading" and the GIS assumes the User has read all of the text in that box, including the "strategy note" that appears below the answer choices. When legal provisions are hyperlinked in the main question box, (e.g. 31 CFR § 582.313), this is for reference only. The GIS does not assume that the User has clicked the link and reviewed the linked document.

Unless the User is explicitly instructed to review portions of the bottom box, all text in the bottom box and all documents linked therein are considered "optional reading," (i.e. they should be treated as "footnotes"). Questions do not assume that Users have read the text in the bottom box except in cases where Users are explicitly instructed to do so.

v) **Certain Substantive Limitations to Keep in Mind**

The GIS raises the following points where appropriate, but we urge you to be mindful of these substantive points as you complete the interview:

- The GIS assumes in all cases that there is NO applicable “specific license”—i.e. a license issued to a particular entity that is subject to OFAC-administered prohibitions—that would have any bearing on the outcome of any given analysis.
- Where the GIS indicates that activity that is within the scope of one or more sanctions prohibitions appears to be “generally licensed,” the User should always consult the full text of the actual general license prior to making a determination that the general license applies. Note in addition that some “general licenses” are subject to reporting requirements, where persons availing themselves of the licenses need to report activities to OFAC, and where failure to do so may invalidate the otherwise applicable general license. Reporting requirements are usually flagged in the GIS.
- Where a given transaction involves a “transfer” or other dealing in property that is frozen (i.e. within the possession or control of a person subject to OFAC’s jurisdiction and subject to OFAC’s reporting requirements), you should always assume that transfers or other dealings in such property is PROHIBITED in the absence of an explicit statement to the contrary. This point is made throughout the GIS but is useful to keep in mind prior to beginning the interview.