

Tip Sheet

USAID or State Department Grantees or Contractors

- OFAC License authorizing USAID or State Department grantees or contractors to engage in all transactions necessary to establish and implement programs related to the provision of humanitarian support to the Iraqi peoples in and around Iraq, subject to the conditions specified in the license, will be provided to the contractor or grantee at the time that USAID or the State Department awards the contract or grant.
 - Note that licenses provided under this authority cover only activities related to Iraq and funded by the State Department or USAID.
 - Any activities outside the scope of the State Department or USAID grant or contract must be separately licensed.
- Licensees (defined in the license to include all persons who are State Department or USAID contractors/grantees) are required to keep full and accurate records of all transactions engaged in under the license, as described in the license.
 - The licensee must certify to OFAC within ten business days of awarding of the grant/contract, and on a calendar quarterly basis thereafter that it is and will continue to be in accordance with all the conditions set forth in the license directly. The certifications are to be sent by email to <OfacReport@do.treas.gov>, in accordance with the license.

Tips for Registration Program

- Requires application to OFAC as provided for in OFAC regulations, to be published soon.
- May be issued to all NGOs that are involved in humanitarian activities in areas not controlled by the Government of Iraq.
 - "Humanitarian activities" or "humanitarian purposes" means activities for "humanitarian purposes," as that term is defined by the Department of State, for

relevant UNSC resolutions on Iraq, to mean: humanitarian relief, educational, cultural, recreational, and human rights-related activities, and activities to ameliorate the effects of or to investigate war crimes. Such purposes may include preparatory activities and transactions.

- Once an NGO registration number is issued, NGOs may engage in transactions related to their humanitarian activities, including the exportation of services, goods, software, or technology to areas of Iraq not controlled by the Government of Iraq and the transfer of funds to and from such territories only for humanitarian purposes.

The term "areas of Iraq not controlled by the Government of Iraq" is described to mean, as of January 30, 2003, areas north of the "Green Line" and under the control of the Kurdistan Democratic Party (KDP) or the Patriotic Union of Kurdistan (PUK) in the following provinces of Iraq: Dahuk, Arbil, and Sulaymaniyah. Questions can be addressed to the Office of Northern Gulf Affairs, Bureau of Near Eastern Affairs, Room 4241, U.S. Department of State, 2201 C Street NW, Washington, DC 20520; Tel: 202-647-5692. Any changes to the description of this term will be posted on the Department of State web site at: <www.state.gov>.

Additional Tips for Both Programs

- State Department and USAID grantees or contractors and any NGO issued an NGO registration number are subject to all terms of the applicable licenses or regulatory conditions, and must comply with all regulations, rulings, orders, and instructions issued by the U.S. Secretary of the Treasury under the authority of section 203 of the International Emergency Economic Powers Act and section 5 of the United Nations Participation Act.
- Exports and re-exports to Iraq or Iran, or purchase or use locally in Iraq or Iran, of any goods and technology, regardless of origin, of the type controlled under the Department of Commerce's Export Administration Regulations for export to any terrorist list state, or, in the case of Iraq, on the UN Goods Review List, are not permitted.

- o If a State Department or USAID grantee/contractor or NGO registration number recipient is uncertain as to whether a particular item is controlled for export to either Iran or Iraq and would like a classification, it may submit a complete description of the item, including technical specifications to the U.S. Department of Commerce, Tel: (202) 482-4252 (Karen Nies-Vogel or Susan Daoussi).
- Proposals for the export or re-export of any goods to Iraq must be submitted to the UN 661 Committee in accordance with relevant UN Security Council resolutions and relevant UN 661 Committee procedures.
 - o Completed applications for exports of goods from the United States should be submitted to the Office of Peacekeeping and Humanitarian Operations, Room 5323, U.S. Department of State, 2201 C Street NW, Washington, DC 20520 (TEL: 202-647-2708, FAX: 202-647-3261).
 - o Applications must include an Excel spreadsheet attachment. Applications and spreadsheet attachments may be downloaded from the UN's Oil-For-Food web site at www.un.org/depts/oip/. Guidelines for completing the forms are also accessible on the web site.
 - o Exports are authorized only upon delivery of the approved or notified application from the Department of State.
 - o UN applications for seeking approval for or providing notification of the export of goods from other countries should be submitted through the other country's mission to the United Nations.
- Travel Advisories: The Department of State urges all NGOs/Contractors to frequently check Travel Advisories at www.travel.state.gov. All travelers are reminded that conditions are uncertain, even in these areas, and up-to-date information should be sought from local contacts.
- Passport Validation: The current Travel Warning for Iraq warns U.S. citizens to avoid travel to Iraq and those in country to depart. Conditions throughout Iraq remain unsettled and dangerous. Due to the temporary closure of the U.S. Interests Section at the Embassy of the republic of Poland in Baghdad, there are no consular services available to U.S. citizens in Iraq. On February 8, 1991, U. S. passports ceased to be valid for

travel to, in or through Iraq and may not be used for that purpose unless a special validation has been obtained from the U.S. Department of State. Without the requisite validation, use of a U. S passport for travel to, in or through Iraq may constitute a violation of 18 U.S. C. 1544, and may be punishable by a fine and/or imprisonment. Should you wish to apply for a validation, you must submit an application to the Deputy Assistant Secretary for Passport Services, U.S. Department of State, 2401 E Street NW, 9th floor Wash DC, 20522-0907. The envelope should be marked for the attention of the Office of Passport Policy and Advisory Services.

- o Requests must include the applicant's name, date and place of birth, U.S. passport numbers and when they are traveling and the purpose of the trip. Issuance of any license or registration from OFAC does not in any way create a presumption in favor of passport validation.

Tips for Survey/Assessment Missions

- All NGOs involved in humanitarian activities eligible.
- Can be used for travel to Iraq and Iran.
- Funds may be transferred to Iran or Iraq only for "humanitarian purposes," as that term is defined by the Department of State, for relevant UNSC resolutions on Iraq, to mean: humanitarian relief, educational, cultural, recreational, and human rights-related activities, and activities to ameliorate the effects of or to investigate war crimes. Such purposes may include preparatory activities and transactions.
- Any funds transferred to Iran or Iraq may only be used for travel-related transactions, such as airplane, taxi, auto rental, communications and hotel charges, as well as for needed personal services (guides, interpreters, etc.), and the payment of required official fees and taxes. Funds may not be used to open offices or to establish permanent facilities of any kind, or to locally purchase any goods or technology in Iraq or Iran of any kind, except usual and reasonable personal effects for personal use.

- No exports or re-exports to Iran or Iraq are permitted, except for those items intended for temporary use, as personal baggage, by the mission representatives, provided that such items are either consumed during the visit or returned with the representatives at the end of the visit, and further provided that any such personal items, regardless of origin, are not of the type controlled under the Department of Commerce's Export Administration Regulations for export to any terrorist-list state or in the case of Iraq, goods that are on the UN Goods Review List (GRL)
- Any request to export or re-export to Iraq or Iran any goods or technology as part of a survey or assessment mission will require separate OFAC authorization and must be in accordance with U.S. law and any relevant UN Security Council resolutions and 661 Committee rules and regulations.

Note

This document is subject to change, is intended only for general informational purposes, and does not in any way supercede or substitute for applicable laws and regulations. (Revised 2/12/2003)