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**MEMORANDUM FOR  
THE NINEVEH PLAIN DEFENSE FUND**

*Support for the Nineveh Plain Protection Units*

In early 2015, the founders of the Nineveh Plain Defense Fund requested legal advice in connection with their desire legally to support the Nineveh Plain Protection Units (NPU). Over the past year, we have confirmed as best we can with various offices of the U.S. Government, the following findings:

**Sending Funds to the NPU for Logistical Support**

- It is not illegal (i.e., it is legal) to send funds to the NPU for logistical support as long as the recipients of the funds are not included on any “black lists” of prohibited individuals or entities. We confirmed with the U.S. Treasury Department’s Office of Foreign Assets Control (OFAC) that:
  - a) There are no longer any general restrictions on sending financial support to Iraq; and
  - b) NPU is not on the Treasury Department’s list of Specially Designated Nationals, also known as SDNs, to whom U.S. persons are not allowed to provide financial support without an OFAC license.
- We also confirmed this answer informally at the Department of State in a meeting on April 29, 2016, with, among others, the Chief of the Office of Iraq Affairs.

**Sending Funds to the NPU for the Procurement of Arms or Munitions**

- Sending funds to the NPU for the procurement of arms or munitions is only legal after obtaining the appropriate licenses. Acting in this capacity likely would constitute acting as a broker under the International Traffic in Arms Regulations (ITAR) administered by the Department of State. U.S. person brokers of ITAR transactions must be registered under ITAR, and must receive a transactional license for each ITAR transaction.
- Since money is fungible, the Nineveh Plain Defense Fund should employ adequate controls to ensure that funds transferred for logistical support be traceable to their legal end purpose so as not to be misconstrued as being utilized for purposes for which a license is required but has not been obtained.

**In Conclusion**

- The Nineveh Plain Defense Fund may provide funds to the NPU for logistical support since the NPU is not a Specially Designated National banned from receiving US funds.
- The Nineveh Plain Defense Fund may not provide funds to the NPU for the procurement of arms or munitions without obtaining the proper licenses under ITAR.
- The Nineveh Plain Defense Fund should employ adequate financial controls to ensure that funds transferred for logistical support be traceable to their legal end purpose.