



DEPUTY UNDER SECRETARY OF DEFENSE FOR  
LOGISTICS AND MATERIEL READINESS  
3500 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3500

JUN 15 2005

MEMORANDUM FOR DIRECTOR, JOINT STAFF  
DEPUTY CHIEF OF STAFF FOR LOGISTICS, US ARMY

SUBJECT: Delegation of Authority to Determine that Specific Transfers of Certain Types of U.S. Property to Iraqi Security Forces (ISF) is in the Interests of the United States

This responds to your memorandum of May 24, 2005, which requested authority for the Commander, Multi-National Force-Iraq (MNF-I) to determine that specific transfers of certain types of Foreign Excess Personal Property (FEPP) to ISF for substantial benefits is in the interests of the United States.

I have determined that, in general, transfer of the types of property described in your memorandum is in the interests of the United States in order to further the mission in Iraq. The State Department has concurred that such transfers conform to the foreign policy of the United States. Accordingly, under the authority of 40 U.S.C. 701(b)(3) and DoD 4140.1-R "DoD Supply Chain Materiel Management Regulation," I delegate to the Commander, MNF-I and the MNF-I Deputy Chief of Staff for Sustainment the authority to determine that transfers to ISF of specific property at Forward Operating Bases in Iraq for substantial benefits is in the interests of the United States. Such transfers must be documented by an arrangement, memorandum of understanding, or similar document as required by DoD 4160.21-M, chapter 9, para. D.3.c. and must include a determination that individual transfers are in exchange for substantial benefits in accordance with 40 U.S.C. §704. Attached is a format for an arrangement that would satisfy the requirement of DoD 4160.21-M. If such an arrangement is used to document the specific transfer, the excess property need not be transferred to the Defense Marketing Reutilization Service and no further action under DoD 4160.21-M, "*Defense Materiel Disposition Manual*," will be required. This delegation does not apply to transfer of items requiring demilitarization or trade security controls items (i.e., items appearing on the U.S. Munitions List of the International Traffic in Arms Regulation, or "dual-use" items under the Commerce Control List of the Export Administration Regulations). MNF-I shall retain a list of all items transferred to ISF for audit purposes, and shall forward a copy, through appropriate channels, to the DLA J-3.

If a specific transfer for substantial benefits will differ significantly, either in the types of property to be transferred or the types of benefits to be received, from those described in the attachment or your memorandum of May 24, 2005, then DoD 4160.21-M and all other departmental policies and guidance shall be followed and approval to dispose of that property



will be processed through normal channels. This authority may be used for up to 23 Forward Operating Bases and is limited to \$2 million for any single Forward Operating Base.

  
Bradley Berkson  
Acting

Attachment:  
As stated

## Forward Operating Base Excess Property Exchange Arrangement

In view of the pending departure of Multi-National Force - Iraq elements from Forward Operating Base (FOB) Independence *[include grid coordinate of FOB geographic center]*, the Department of Defense of the United States of America and the Ministry of *[Defense/Interior]* of Iraq hereby execute this Arrangement regarding the transfer of excess personal property of the United States presently at FOB Independence.

Multi-National Force - Iraq hereby transfers the property listed in the annex, without warranty, to the Ministry of *[Defense/Interior]* of Iraq. The senior commander of Iraqi Security Forces at FOB Independence assumes responsibility for the property, which shall be for the exclusive official use of Iraqi Security Forces, and acknowledges that receipt is without warranty.

In exchange for this transfer of property, Iraqi Security Forces will occupy the premises and use the property for the purpose of bringing security to Iraq. The intent is that the ISF will relieve Multi-National Force - Iraq of responsibility for providing security in the surrounding area. There will be a deliberate and orderly transition of security responsibilities in the vicinity of FOB Independence, which will preclude use of the FOB by hostile elements and promote force protection. The property is not hazardous waste. MNF-I has determined that the property cannot cost-effectively be used by U.S. forces elsewhere in Iraq. Multi-National Force - Iraq has also determined that the exchange is in the interests of the United States and will result in substantial benefits for the United States.

This Arrangement is intended to set forth the understandings of the Participants and is not intended to create any binding obligations under international law.

**FOR THE DEPARTMENT OF DEFENSE  
OF THE UNITED STATES  
OF AMERICA**

**FOR THE  
MINISTRY OF DEFENSE/INTERIOR  
OF IRAQ**

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Major General Gerald P. Minetti  
Deputy Chief of Staff-Sustainment  
Multinational Force-Iraq  
[Location]  
[Date]

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[Name]  
[Title]  
[Location]  
[Date]

Annex – U.S. Property to Remain at FOB Independence Upon MNF-I Departure on *[date]*  
*[note that if value of property listed in Annex for any single FOB exceeds \$2 million, the procedures of DoD 4160.21-M and all other DoD policies and guidance shall apply, and approval to dispose of property identified for transfer or other disposition shall be proposed through normal channels]* U.S. Property to Remain at FOB Independence Upon MNF-I Departure on *[date]*