



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

JUL 7 2009

MEMORANDUM FOR COMMANDING GENERAL MULTI-NATIONAL
FORCE - IRAQ

SUBJECT: Authority to Transfer Property in Iraq

This memorandum responds to your May 23, 2009, and June 7, 2009, memoranda, subject "Request for Modification to Delegated Property Transfer Authority," and your May 30, 2009, memorandum, subject "Request for Declaration of Excess and Exception to Policy for Class IV Material to be transferred to the Government of Iraq in Support of Operational Needs," requesting an expansion of Multi-National Force - Iraq's (MNF-I) current delegation of authority to transfer property in Iraq. Based on your request, outlining the operational challenges and "changes in circumstances," I hereby amend delegations in previous memoranda, dated June 15, 2005, December 2, 2005, March 14, 2006, December 22, 2006, June 6, 2008, and November 19, 2008, pertaining to the authority to transfer U.S. property in Iraq (hereinafter "DUSD(L&MR) memoranda") to approve delegated authority as follows:

- Increase from \$5 million to \$15 million the limit for property transfer for any single closing or transferring Forward Operating Base (FOB), including, but not limited to, applicable Contingency Operating Bases (COB), Contingency Operating Sites (COS), and Contingency Operating Locations (COL).
- Enable use and documentation of depreciated value, rather than acquisition value, to calculate all property values being transferred per Chapter 9, DoD 4160.21-M, Defense Material Disposition Manual, which provides that the value of property transferred in exchange for substantial benefits or to discharge claims must be valued using the table in DoD 4160.21-M, Chapter 9, Section D.3.c.
- Permit transfer to any Iraqi government organization, or private entity approved by the Department of State (DOS), barrier material (e.g., concertina wire, T-walls, Jersey barriers, etc.) and construction material (after designation as excess by the owning Military Department) when MNF-I concludes that it cannot reasonably or cost effectively be moved for use by U.S. forces elsewhere in Iraq.



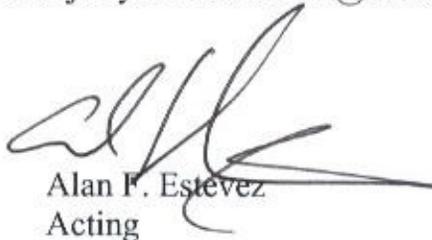
- For purposes of these transactions, I authorize the transfer to private parties and discharge of claims under the authority of 40 U.S.C. 704(b)(2)(B).
- This authority includes the authority to transfer barrier materials emplaced on private property to private property owners on whose property such material is emplaced, provided DOS approves and the property owner/transferee consents in writing and waives all claims against the U.S. Government (USG) with respect to the transferred personal property and agrees to hold the USG harmless against such claims by third parties. If the transaction relates to the settlement of a formal claim, duly authorized officials may transfer such personal property in total or partial settlement of claims against the United States in accordance with applicable law and regulations.
- MNF-I will document these transfers in the same manner as outlined in paragraph 4 of DUSD(L&MR) memorandum, "Authority to Transfer Property in Iraq," dated November 19, 2008.
- MNF-I officials who assign values to property to be transferred should review the condition codes on record and other relevant information to ensure the depreciated values assigned to the property to be transferred are consistent with the guidance above, i.e., DoD 4160.21-M, Chapter 9, Section D.3.c., and DoD regulations regarding the determination of condition codes.
- This specific authority is applicable to the transfer of construction and barrier material in locations that are not associated with a FOB. The transfers of these items are not restricted by the dollar limit for tiered authority set forth in the June 6, 2008, DUSD(L&MR) memorandum.
- Transfer to the Government of Iraq (GoI) select bridges (after designation as excess by the owning Military Department) when MNF-I concludes the bridging cannot reasonably or cost effectively be moved for use by U.S. forces elsewhere in Iraq. This authority may be used for the transfer of select bridging up to a depreciated value of \$5 million per bridge.

In consideration of the operational environment noted in your request, it is determined that authorizing the transfer of construction material, barrier material, and select bridges located off a FOB (including off applicable COBs, COSs, and COLs), will substantially benefit the U.S. Government in accordance with 40 U.S.C. 704(b)(2)(B). In addition to the substantial benefits described in DUSD(L&MR)

memoranda of June 6, 2008 and November 19, 2008, the transfers will foster favorable relations by the "setting of conditions" for the GoI at the federal, provincial, and local levels to be able to assume, more effectively, security responsibilities and maintain critical infrastructure capacity.

No property requiring demilitarization or trade security controls is eligible for transfer via the Foreign Excess Personal Property Program. Except as modified by this memorandum, all other provisions contained in previous memoranda that pertain to transfer of property in Iraq (noted above), and the Defense Material Disposition Manual (DoD 4160.21-M), remain in effect.

If you have any questions or require additional information, contact Jerry Chastain on my staff at 703-604-0098 ext 136 or jerry.chastain.CTR@osd.mil.



Alan F. Estevez
Acting

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