



September 25, 2008

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
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DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Directive-Type Memorandum (DTM) 08-041 – Registration and Monitoring of Defense Articles and Services Provided to Iraq

References: (a) Section 1228 of Public Law 110-181, “National Defense Authorization Act for Fiscal Year 2008,” January 28, 2008
(b) DoD 8910.1-M, “Department of Defense Procedures for Management of Information Requirements,” June 30, 1998
(c) Sections 2403, 2753, and 2785 of title 22, United States Code
(d) Part 121 of title 22, Code of Federal Regulations

Purpose. In accordance with Reference (a), this Memorandum establishes policy, assigns responsibilities, and sets forth procedures to certify the establishment of a registration and monitoring system for controlling the export and transfer of defense articles to the Government of Iraq and/or to other groups, organizations, citizens, or residents of Iraq (hereafter referred to collectively as “Iraq”). This DTM also designates the Defense Security Cooperation Agency (DSCA) as the lead agent responsible for developing, implementing, and enforcing the registration and monitoring policy pursuant to Reference (a). This DTM is effective immediately; it shall be converted to a new DoD Instruction within 180 days.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

Policy. It is DoD policy that:

- Defense articles are provided to Iraq when it is in the security interests of the United States to do so, including in support of the effective prosecution of the Global War on Terror. Exchanges and transfers for substantial benefits and donations as approved by the Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD (L&MR)) and the Commander, Multi-National Force-Iraq, as delegated by the DUSD (L&MR), are also permitted.
- A registration and monitoring system to control the export and transfer of defense articles to Iraq be implemented pursuant to Reference (a).

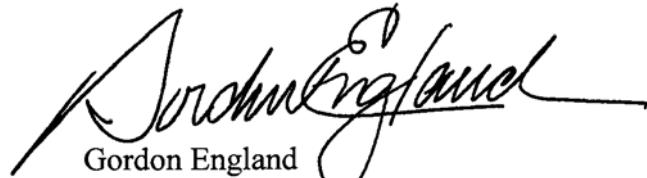
Responsibilities. See Attachment 1.

Procedures. See Attachment 2 for procedures for gathering and reporting information.

Definitions. See Attachment 3.

Information Requirements. The quarterly report referred to in paragraph 2.e. of Attachment 1 has been assigned report control symbol RCS DD-POL(Q)2334 in accordance with DoD 8910.1-M (Reference (b)).

Releasability. This DTM is approved for public release. Copies can be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.



Gordon England
Deputy Secretary of Defense

Attachments:
As stated

ATTACHMENT 1

RESPONSIBILITIES

1. DIRECTOR, DSCA. The Director, DSCA, under the authority, direction, and control of the Under Secretary of Defense for Policy, shall:

a. Ensure DSCA, as the DoD lead agency, develops, implements, and enforces the defense articles registration and monitoring system and prepares DoD submissions to the President to certify DoD systems are compliant with Reference (a).

b. Develop guidance in collaboration with the DoD Components to ensure compliance with Reference (a).

c. Conduct a review of all appropriate DoD Components to ensure consistent and proper implementation of the guidance and procedures prescribed in this DTM.

d. Maintain liaison with the DoD Components that authorize the export or transfer of defense articles subject to the requirements of this DTM.

e. Ensure the Heads of the DoD Components that authorize the export or transfer of defense articles subject to the requirements of Reference (a), and the Commander, Multi-National Security Training Command-Iraq (MNSTC-I) under the authority, direction, and control of the Commander of the United States Central Command and through the Chairman of the Joint Chiefs of Staff, develop and implement the necessary procedures to comply with this DTM.

2. HEADS OF THE DOD COMPONENTS AND COMMANDER, MNSTC-I. The Heads of the DoD Components, as appropriate, and the Commander, MNSTC-I, under the authority, direction, and control of Commander, United States Central Command, and through the Chairman of the Joint Chiefs of Staff, shall:

a. Collaborate with the Director, DSCA, to develop and recommend updates to the policy in this DTM.

b. Identify and commit the appropriate resources to ensure compliance with this DTM.

c. Develop the necessary compliance plans and procedures to administer and maintain a comprehensive system of registration and monitoring of defense articles provided to Iraq, including maintaining auditable records sufficient to certify that the system complies with Reference (a) and this DTM. These plans and procedures shall include the necessary steps to ensure:

(1) The registration of the serial numbers of all small arms (as defined in Attachment 3) to be provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq.

(2) A program of end-use monitoring of all lethal defense articles (as defined in Attachment 3) to be provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq.

(3) A detailed record of the origin, shipping, and distribution of all defense articles transferred pursuant to Reference (a) or any other security assistance program.

d. Provide the Director, DSCA, formal documentation through their respective headquarters specifying the procedures that shall be implemented to ensure compliance with this policy.

e. Provide DSCA a quarterly report (Small Arms/Lethal Items Transfer Report) with the quantities and types of all small arms and lethal items transferred to Iraq; submit these quarterly reports electronically on that last day of each quarter of the fiscal year.

(1) Programs that do not allow transfer or export of small arms or lethal defense articles are exempt from Attachment 2, paragraphs 2.a. (1) and (2).

(2) In cases where no shipment is involved or the recipient within the Government of Iraq is responsible for removal and transportation of general defense articles, only a description of the origin and distribution must be captured in records.

f. Identify a point of contact to DSCA who shall be responsible to ensure compliance with this DTM.

ATTACHMENT 2

PROCEDURES FOR CERTIFICATION OF REGISTRATION AND MONITORING
SYSTEMS FOR DEFENSE ARTICLES PROVIDED TO IRAQ

1. NOTIFICATION

a. DSCA. DSCA shall ensure that all responsible DoD components have established procedures that meet the requirements of the registration and monitoring system prescribed by this DTM.

b. DoD Components. Each DoD Component point of contact (paragraph 2.f. of Attachment 1) shall identify to the Director, DSCA, all transfers or provision of defense articles to Iraq.

2. INFORMATION SUBMISSION. Each DoD Component identified by DSCA shall assemble and provide to the Director, DSCA, a complete submission with the following mandatory elements.

a. Transfer Authority. A detailed description of its transfer authority and system in accordance with Reference (a), including:

(1) The registration of the serial numbers of all small arms transferred.

(2) The end-use monitoring of lethal defense articles transferred.

(3) Its process for keeping records of the origin, shipping, and distribution of all defense articles to be transferred under the Iraq Security Forces Fund or any security assistance program to Iraq.

b. Validation Procedure. A detailed description of the validation procedure used by the Component to assess system compliance with Reference (a) including preparatory steps and conditions, actual validation steps, expected results, and criteria and protocols for recording actual results.

c. Compliance Assessment. A thorough assessment of compliance as to each part of Reference (a).

d. Process Deficiencies. For any system not fully compliant with Reference (a):

(1) A detailed description of system and process deficiencies and a plan whereby the DoD Component will ensure compliance on or before September 30, 2008.

(2) If compliance cannot be ensured by September 30, 2008, the impact on mission performance and national security if the DoD Component cannot provide defense articles to Iraq pursuant to Reference (a).

e. General Monitoring. An assessment of compliance with sections 2753 and 2785 of title 22, United States Code, (Reference (c)) as to general end-use monitoring.

f. Background Material. Supporting background material, system test results, and any documentation deemed relevant by the DoD Component or DSCA.

3. CONTENT. Content, format, and detail of system submissions shall be prescribed by DSCA.

4. SUBMISSION DUE DATE. Initial submissions are due to the DSCA Programs Directorate not later than September 30, 2008. For noncompliant systems, progress toward compliance must be reported to the DSCA Programs Directorate weekly.

ATTACHMENT 3

DEFINITIONS

Unless otherwise noted, the following terms and their definitions are for the purpose of this DTM only.

defense article. Defined in section 2403 of Reference (c).

defense service. Includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance. Does not include military educational and training activities.

lethal defense article. Any defense article provided to Iraq that is any of the following.

Any munitions in Categories I and II of part 121 of title 22, Code of Federal Regulations (Reference (d), commonly known and hereafter referred to as the United States Munitions List (USML)) capable of firing or launching any ammunition, ordnance, or munitions in USML Categories III or IV.

Any vessel, vehicle, or aircraft fitted with or designed or modified to accommodate any defense article described in the subparagraph immediately above.

Any munitions in USML Category IV.

small arms. Defined in section 1228(e)(2) of Reference (a).