

INSTRUMENT OF DEPOSIT

In accordance with the provisions of Title 44, United States Code, Section 3301, 1, General David H. Petraeus (hereinafter: Donor), hereby transfer and deliver to the National Defense University (hereinafter: the University) for inclusion in the collections of the University's library and for administration therein by the authorities thereof, a collection of personal papers and other non-record, personal property (hereinafter: Collection).

The Collection, as accepted by the University, shall be subject to the following conditions:

1. Nature of the Material.

- A. As articulated in the attached memorandum, the collection is made up of personal files. They are not official records of the government as governed by federal law, National Archives and Records Administration guidance or Department of Defense directives.
- B. This is a deposit only of the physical property in the collection. During his lifetime, the Donor reserves to himself all copyright or other intellectual property interests he may have in the Collection. Upon the Donor's death, all said rights shall pass to his widow for her lifetime, and then to such individuals or organizations identified by way of testate succession.

2. Access. Under no circumstances do the procedures outlined herein absolve any party of adherence to directives and statutes regarding the safeguarding of classified information. Access to the Collection shall be granted only as follows:

- A. Donor. The Donor retains the right to personally consult, make copies or borrow documents in the collection. The Donor can also authorize other parties to consult the collection and will advise the President of the University or his designee of such authorization. Those requesting access to the Collection shall provide the Donor with their subjects of interest and the purpose of their research. Those granted access must also agree in writing to obtain the written permission of the Donor or his designee prior to quoting for publication any unpublished materials in the Collection.
- B. University Staff. Except for a small segment, which will be separately identified and stored, the entire Collection shall be available to the staff of the University's Special Collections department for administrative purposes. Special Collections will create an inventory and index of the papers in the collection to provide maximum access.

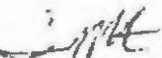
C. Public. The Donor recognizes that the Collection may contain some or all of the following classes of material that should be restricted from public access:

- (1) Papers and other historical materials the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of a living person or persons.
- (2) Papers and other historical materials that are specifically authorized under criteria established by law, statute, executive order or Defense Department implementing regulations to be restricted from public disclosure in the interest of national defense or foreign policy.
- (3) Materials relating to the personal, family, and confidential business affairs of the Donor or other persons referenced in the Collection.
- (4) Materials containing statements made by or to the Donor in confidence.
- (5) Materials containing statements or information the divulgence of which might prejudice the conduct of foreign relations of the United States or which would adversely affect the security of the United States.
- (6) Materials relating to law enforcement investigations of individuals or organizations, to proposed appointments to office, or to other personnel matters directly affecting individual privacy.

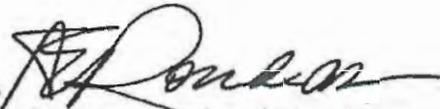
D. Unclassified Materials. The Donor reserves the right to make selected unclassified materials available to the public. Except as provided in 2C, above, the University can nominate unclassified materials for disclosure by notifying and receiving approval of the Donor. In the event of the Donor's death, the Donor's widow, or others identified as testate successors, may give permission for an access to the materials.

E. Classified Materials. All classified materials shall be reviewed from time to time by the University to determine whether they are appropriate for declassification. Materials, which, because of the passage of time or other circumstances, no longer require classification, may be declassified at the University's request by appropriate security classification authorities. Materials no longer subject to classification restrictions shall, upon declassification, be opened to public access, subject to restrictions and donor approval stipulated in 2.C. and D. above.

3. Additions. Such other and related materials as the Donor may from time to time donate to the University for inclusion in the collection of the University Library shall be governed by the terms of this instrument or such written amendments, as may hereafter be agreed upon by the Donor and the University. At the discretion of the Donor, future additions may be transferred to the University under a separately negotiated instrument of deposit.
4. Reproduction. For reasons of security, service, or preservation, the University may reproduce, transcribe, and copy all or parts of the collection. Other copies may not be made without Donor's prior approval. Any reproductions remain the property of the collection subject to the guidelines contained herein.
5. Disposal. Should the university deem that any materials are inappropriate for permanent retention with the Collection, the University shall so notify the Donor. The University shall allow the Donor (90) days from date of such offer to reply. If the Donor does not wish to receive said materials or designate another repository to them, or has not responded to the University's offer by the end of the aforesaid (90) days, the University may dispose of such materials in accordance with the appropriate procedures for disposition of materials not needed for the University's collections.
6. Transfer. If mutually acceptable, the Donor may, at some future date, declare the University as the permanent home of the collection. Donor also reserves the right to transfer the entire collection to another institution with proper storage and maintenance capability. If transferred, the University will ensure all items, to include any reproductions made in maintenance of the collection, are included.
7. Communications. The Donor will provide the University with a current address and other contact information in order for the University to meet its responsibilities as herein described.

Executed by   
(David H. Petraeus)

18 July 2010  
(Date)

Accepted by   
(for National Defense University)

29 July 2010  
(Date)