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NOT MEASUREMENT SENSITIVE

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SUBJECT: PERSONAL PROPERTY

[This Guide describes acceptable, but not mandatory means for complying with requirements. Guides are not requirements documents and are not to be construed as requirements in any audit or appraisal for compliance with associated rules or directives.]

FOREWORD

This Guide provides guidance for an effective and efficient management program concerning the accountability of personal property assets within the United States (U.S.) Department of Energy (DOE) program elements and for contractors. It supports the implementation of both DOE-wide and site-specific personal property management programs. Additionally, this guide offers strategies to prevent loss, waste, theft, misuse, or unwarranted accumulation of personal property assets. It clarifies regulatory requirements outlined in the Federal Management Regulation (FMR) and DOE Property Management Regulations (PMR). For the purposes of this guide, "personal property" refers to all property except real property.

The guide implements and supplements FMR and PMR sections pertaining to the acquisition, management, utilization, and disposal of personal property assets. Its goal is to ensure compliance with Federal mandates affecting the management and operation of the DOE Personal Property Management Program, including Executive Orders (EOs), Federal Regulations, Statements of Federal Financial Accounting Standards, Public Laws, and U.S. Codes, as well as Secretary's initiatives and DOE Directives. It incorporates relevant regulations from control agencies such as the Office of Management and Budget (OMB), General Services Administration (GSA), Government Accountability Office (GAO), and the DOE Office of the Inspector General (OIG).

Users should consult the referenced materials in each section for additional information. If this guide conflicts with applicable higher-level DOE policy, EOs, Federal Regulations, or laws, the higher authority prevails to the extent of the conflict.

The office of primary responsibility for this publication is the Office of Asset Management (MA-65). Please send citations of errors, omissions, ambiguities, and contradictions found in this guide to personalproperty@hq.doe.gov.

1 CHAPTER 1. PERSONAL PROPERTY MANAGEMENT

1.1 GENERAL INFORMATION

This guide was developed as a property management tool to establish uniform DOE standards and guidance for managing DOE personal property. This Guide is based on:

- **40 USC 503:** Exchange or sale of similar items
- **40 USC 524:** Duties of executive agencies
- **40 USC 529:** Annual executive agency reports on excess personal property
- **42 USC 5817:** Powers of Administrator
- **41 CFR 101:** Federal Property Management Regulations
- **41 CFR Chapter 102:** Federal Management Regulation (FMR)
- **41 CFR Chapter 109:** DOE Personal Property Management Regulation
- **48 CFR 952.245:** Clauses related to government property
- **48 CFR 945:** Government Property Code of Federal Regulations
- **2 CFR Part 200 / 910:** Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- **10 CFR 110:** Export and Import of Nuclear Equipment and Material
- **15 CFR 730-774:** Export Administration Regulations
- **22 CFR 120-130:** International Traffic in Arms Regulations (ITAR)
- **FAR 45 / 52.245-1:** Government Property, Federal Acquisition Regulation
- **DEAR 970.5245-1:** Property
- **DOE O 205.1D:** Department of Energy Cybersecurity Program
- **DOE O 481.1E Chg. 2:** Strategic Partnership Projects
- **DOE O 483.1B Chg. 3:** DOE Cooperative Research and Development Agreements
- Other applicable laws, regulations, executive orders (E.O.s), and guidance relating to government-furnished property.

1.2 PURPOSE

The purpose of this Guide is to provide additional guidance for an effective and efficient property management program concerning the accountability of U.S. DOE personal property assets. This guidance is for employees, contractors, and key stakeholders, including but not limited to Program Managers (PMs), Contracting Officers (COs), Organizational Property Management Officers (OPMOs), Property Administrators (PAs), and others with inherent government responsibility for DOE personal property management.

This guide incorporates relevant regulations from control agencies such as OMB, GSA, and GAO. It addresses the full Personal Property Lifecycle—from acquisition through disposition—and its outcomes reflect statutory requirements, including Federal Acquisition Regulation (FAR) 52.245-1, Government Property.

This guide implements the requirements of the FAR, DOE Personal Property Management Regulation (41 CFR Chapter 109), and associated DOE Acquisition Regulation (DEAR) clauses. It should not be construed as changing or modifying any statute, regulation, DOE policy, guidance, or any terms and conditions of a contract with the U.S. Government.

The use of commercial practices, voluntary consensus standards, or industry-leading practices and standards that provide effective and efficient personal property management are necessary and appropriate for contract and agreement performance, except where inconsistent with law or regulation.

1.3 ACCOUNTABLE PERSONAL PROPERTY

All property requires accountability in the personal property system of record. No formal property management records are required for administratively controlled items. Accountable personal property includes nonexpendable personal property with an expected useful life of two years or longer and an acquisition value, as determined by the agency, that warrants tracking in the agency's property records, including capitalized and sensitive personal property.

1.4 FINANCIAL ASSISTANCE

For personal property covered by financial assistance agreements, please refer to 2 CFR 200/910 and the DOE Financial Assistance Guide.

1.5 INHERENTLY GOVERNMENTAL FUNCTIONS

"Inherently governmental function," as defined in FAR Subpart 7.5, means a particular task or function that must be performed by a government official. The following duties are identified as inherently governmental:

- Exerting ultimate control over the acquisition, use, or disposition of personal property, whether tangible or intangible.
- Determining Departmental policy, such as the application of personal property regulations.
- Determining what personal property is to be acquired by the Department, except as authorized under specific terms and conditions of a contractual agreement.
- Controlling adjudicatory functions, such as representation on a Personal Property Board of Review.
- Determining personal property for disposition, except as authorized under specific terms and conditions of a contractual agreement.

Contractors may not serve in inherently governmental positions such as OPMO, Accountable Property Representative (APR), or National Utilization Officer (NUO).

Functions that involve setting policy, supervising government employees, or giving final approval on actions are inherently governmental. Contractors may not serve as OPMOs, Accountable Property Representatives (APRs), National Utilization Officers (NUOs), or in any role that requires responsibility for personal property outside their contract scope. Contractors are responsible only for the personal property assigned to them as needed to fulfill their contractual duties.

This guidance does not restrict a contractor from performing personal property-related functions and activities, such as maintaining property records and performing physical inventories of personal property. However, a government employee (e.g., Property Official) must provide oversight of these activities.

2 ACQUISITION OF PERSONAL PROPERTY ASSETS

Government acquisition regulations mandate that Federal agencies prioritize acquiring excess personal property before purchasing new items. GSA is the agency with the regulatory responsibility to manage this process.

Personal property may be acquired through the following additional methods:

1. Buy New
    a. Purchase of new personal property
2. Buy / Obtain Used
    a. Screening excess for supply
    b. Transfer between agencies
    c. Exchange, sale, replacement
    d. Found / Donation of surplus / Gifted
    e. Agreements / Reimbursable
    f. Government Furnished / Contractor Acquired
3. Lease
4. Rent
5. Fabricate (In-House)

While the methods may appear similar, each has unique characteristics and considerations. The Federal Government's primary source of supply is always excess property. Other acquisition options may be explored if the bona fide need cannot be met by obtaining excess property. Before the acquisition phase, a thorough review of on-hand assets throughout the department must be conducted.

2.1 ACQUISITION PLANNING

OPMOs and PAs should participate in acquisition planning, including reviewing acquisition plans for personal property acquisitions. The planning process identifies the gap between existing personal property and the property required to deliver programs and services. It also identifies personal property needing replacement, refurbishment, or upgrading to meet programmatic and mission goals.

2.2 SUSTAINABLE ACQUISITION

Sustainable acquisition is the first step in an overall sustainable personal property management program. DOE is required to maximize the use of existing personal property inventory before making a new purchase. However, using excess property to fill a need is not the only requirement for sustainability. Sustainable acquisition ensures that the acquisition, whether repurposing or new purchase, meets environmental performance requirements, as described in the FAR, DEAR, DOE guidance, and contract terms and conditions.

2.3 ACQUIRING ASSETS

The most beneficial acquisition method will likely be determined during the planning and evaluation phases. However, it is incumbent upon those involved in the acquisition process to work with the CO, OPMO, or PA, who can provide alternative methods of acquiring assets during the acquisition.

2.4 REUTILIZATION

The Agency's primary source for supply is excess personal property available within the Department, followed by excess personal property available from other Federal agencies. The most important responsibility Property Officers have in the procurement process is to support the NUO's goal of utilizing excess property inventory or acquiring excess property, when possible, prior to initiating a new procurement. It is usually more cost-effective to re-utilize property already owned by the Government than to purchase similar new property.

2.5 PERSONAL PROPERTY MANAGEMENT SYSTEM (PPMS)® AND TRANSFERS FROM OTHER DEPARTMENTS OR AGENCIES

In accordance with 41 C.F.R. §102-36, DOE may acquire property through transfer from other departments or agencies. Acquiring excess personal property is considered the preferred method as it allows the Government to obtain the best return on investment.

If excess personal property is not available within DOE, a search for excess personal property available from other federal agencies shall be performed by searching PPMS® https://ppms.gov/login. PPMS® is the GSA electronic system accessible by customers.

The following are the transfer process steps:

a. If an acceptable personal property asset is found, the receiving office must gain approval for the transaction. Personal property will remain with the holding agency until the actual transfer of personal property to the receiving entity has occurred.

b. After approval of the transfer, a signed Standard Form (SF)-122, "Transfer Order Excess Personal Property," will be submitted by the holding agency, following the instructions on the form.

c. The receiving entity must contact the transferring personnel to coordinate the transfer of personal property asset records and the asset itself.

d. The transferring entity must ensure that the receiving entity physically receives the asset within 15 days of signing the SF-122, Transfer Order Excess Personal Property, which documents acceptance of the asset. Upon receipt, the asset and the SF-122 must be entered into the personal property management system.

e. Direct costs incurred incidentally to transfer will be borne by the receiving entity if billed by the holding agency. Overhead or administrative costs or charges will not be included.

Only costs incurred in the actual packing, preparation for shipment, loading, and shipment may be recovered by the holding agency. Where such costs are incurred, the receiving entity, upon appropriate billing, will reimburse the holding agency unless the holding agency waives the amount involved.

2.6 EXCHANGE, SALE, OR REPLACEMENT PROPERTY

The exchange or sale authority is a statutory provision (40 U.S.C.§ 503, "Exchange or Sale of Similar Items") which states, in part, "In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired." You may use the exchange/sale authority only if you meet all the conditions of 41 CFR 102-39. Prior to the exchange, trade-in, or sale of personal property, agencies must comply with sanitization guidelines to prevent unauthorized disclosure of

information to external entities. Additionally, a high-risk review must be conducted in accordance with 41 CFR 109-43.307-50, 41 CFR 109-43.307-52, and 41 CFR 109-1 Subpart 109-1.53.

During acquisition planning, new acquisitions intended to replace existing assets will be identified. Existing assets identified for replacement due to the end of useful life, cost of repair, or other valid reasons, will be traded in, exchanged, or sold, and the proceeds will offset the cost of the new acquisition. Some assets are, by regulation, prohibited from using the exchange or sale authority; however, GSA offers a waiver process for many of these "prohibited" assets.
The number of items acquired must equal the number of items exchanged or sold, unless the acquired items perform all, or substantially all, of the tasks for which the exchanged or sold items would otherwise be used, or the items meet the similarity definition specified in FMR 102-39.20.

The transaction methods to replace personal property are the exchange (trade-in) method or the sale method. Exchange methods can be found at 41 CFR Part 102-39 Subpart B, and Sales methods can be found at 41 CFR 102-38.

Accounting requirements for exchange allowances or proceeds of sale can be found at 41 CFR 102-39.

The following FSC Groups of personal property cannot be used for the exchange/sale authority:

- 10 Weapons.
- 11 Nuclear ordinances.
- 44 Furnace, Steam Plant, and Drying Equipment; and Nuclear Reactors (FSC Class 4470, Nuclear Reactors only).
- 68 Chemical and chemical products.
- 84 Clothing, individual equipment, and insignia.

Refer to 41 CFR 102-39.20 for the complete list of restrictions and prohibited items.

Note: In acquiring items for historical preservation or display at Federal museums, you may exchange historic items in the museum property account without regard to the FSC group, provided the exchange transaction is documented and certified by the head of your agency to be in the best interests of the Government and all other provisions of this part are met. The documentation must contain a determination that the item exchanged, and the item acquired are historic items.

2.7 DONATIONS / GIFTS

A gift is anything of monetary value obtained for less than "market value." The gift might be tangible or intangible. A gift may include, but is not limited to, gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. See 5 C.F.R. § 2635.203(b). With appropriate approval, employees may accept and retain gifts of minimal value, such as decorations offered or awarded for outstanding or meritorious performance. In accordance with 41 CFR Part 102-42, the employing agency, or their designee, shall make an initial assessment of the value. Firearms received as a foreign gift, regardless of value, are reported to the GSA for disposal.

You may not accept a gift from people or organizations who are "prohibited sources." These include those who do business with or seek to do business with, seek official action by, or have activities regulated by the Department. Gifts from such individuals or groups are prohibited,

regardless of whether you interact with them in the course of your work. You must also decline gifts from those whose interests may be significantly affected by your official duties, as they are also considered "prohibited sources."

GSA is responsible for supervising and directing the disposal of surplus personal property. Excess personal property becomes available for donation the day following the surplus release date. This occurs after the screening period has been completed without transfer to a federal agency or other eligible recipient, and GSA has determined the property to be surplus.

Donations of personal property can be made without reporting to GSA after internal screening has been completed in accordance with 41 CFR §109-43.304-1.50, DOE reutilization screening.

2.8 SOME THINGS ARE NOT GIFTS

Certain items are excluded from the definition of a gift, and you may accept them pursuant to specific regulatory exclusions:

- Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee, and donuts, are not offered as part of a meal.
- Greeting cards and items of little intrinsic value, such as plaques, certificates, or trophies, primarily intended for presentation.
- Prizes in contests open to the public.
- Commercial discounts available to the public or to all Government employees.
- Commercial loans, pensions, and similar benefits on terms available to the public.
- Anything for which you pay fair market value.
- Anything paid for by the Government.
- Free attendance provided by the sponsor of an event to which you have been assigned to present information on behalf of the agency.

2.9 GIFTS FROM FOREIGN GOVERNMENTS

In accordance with the Emoluments Clause of the U.S. Constitution, you may not accept anything of value from a foreign government unless specifically authorized by Congress. This rule applies whether you are on or off duty. It covers any unit of a foreign government—national, state, local, or municipal level—and includes international or multinational organizations composed of government representatives. It may also apply to gifts of honoraria, travel, salary, or per diem from foreign universities, which are often considered part of the foreign government. Spouses and dependent children of Federal employees are also prohibited from accepting gifts from foreign governments.

2.10 DONATION OF SURPLUS PERSONAL PROPERTY

Section 549 of Title 40, United States Code, grants GSA discretionary authority to prescribe necessary regulations for and execute the surplus personal property donation program. Surplus personal property is allocated by GSA, considering factors listed in 41 CFR Chapters 101 and 102. PPMS® is available for State Agencies for Surplus Property (SASPs) and authorized donees to search for and select personal property for donation. The screening period is normally 21 calendar days, except as noted in 41 CFR §102-36.50. SASPs manage the donation of most surplus personal property to eligible donees in their States.

GSA handles the donation of surplus personal property to public airports under a program administered by the Federal Aviation Administration (FAA). GSA may also donate to the American National Red Cross surplus property originally derived from or through the Red Cross.

2.11 STEVENSON-WYDLER INNOVATION ACT

The Stevenson-Wydler Innovation Act of 1980, and its subsequent amendment by Public Law 102-245 of 1991, was enacted to provide technology equipment not being used by the Federal Government to educational institutions to advance education and research. Specifically, it authorized Federal
laboratory directors and agency department heads to transfer excess research equipment to an educational institution or nonprofit organization for the conduct of technical and scientific education and research activities.

2.12 ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA)

42 USC 5817 gives DOE authority to hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. This authority only applies to components of DOE that existed under ERDA when ERDA was an agency. This authority is vested in the Secretary, not any individual office. DOE General Counsel must be consulted before use.

2.12.1.1 Personal Property Acquired Under Agreements

Assets used under an agreement and not owned by the agency are not recorded in the official personal property system of record. However, personal property assets that the agency owns, acquired, and used to fulfill the requirements of an agreement must be recorded in the official personal property system of record and managed according to Federal property regulations. It is important to note that when the agency uses reimbursable funds to purchase personal property to complete work under cooperative agreements, the personal property is acquired to perform the work under the agreement and is owned and retained by the program. Therefore, all personal property purchased with reimbursable funds should be captured in the official personal property system of record.
Any personal property acquired under agreements must comply with DOE O 481.1E Chg. 2(LtdChg), *Strategic Partnership Projects,* DOE O 483.1B Chg. 3 (MinChg), *DOE Cooperative Research and Development Agreements* or their successor versions, and 2 CFR part 200/910.

2.12.1.2 Government Furnished / Contractor Acquired Property

Agencies may acquire and furnish excess personal property for use by contractors subject to the criteria and restrictions in 48 CFR 45 – *Government Property*, Federal Acquisition Regulations, and specific DEAR contract personal property clauses. When the contractors or the agency no longer need such personal property, it must be reported as excess and dispositioned accordingly.

Government furnished personal property must be accounted for in the contract and on an inventory. If an OPMO or PA is appointed to the contract, that individual will act as the accountable personal property officer. The accountable personal property officer is responsible for providing the contractor with, monitoring the use of, and reporting on Government-furnished property. The personal property provided to a contractor is reported in the official personal property system of

record. In addition, the contractor's contact information is listed in the custodian information fields of the system. Personal property issued to a contractor must be inventoried in accordance with 41 CFR 109-1.5110. Before the end of the contract, all personal property must be inventoried and accounted for.

2.12.1.3 High-Risk Personal Property (HRPP)

The disposition of HRPP is subject to special considerations throughout the personal property lifecycle.

Personal property should be assessed and evaluated for characterization of HRPP as early in its life cycle as practical to:

- Ensure the appropriate management of personal property in accordance with DOE's national security and nonproliferation objectives.
- Prevent the inadvertent, uncontrolled release of HRPP.

A. Identification and Control

Personal property records for HRPP should include a high-risk designation, export control jurisdiction, relevant export control regulation citation, any nonproliferation issues (e.g., design criteria, reference to drawing numbers, etc.) and any special disposition (e.g., demilitarization) or access requirements (e.g., visual access restrictions), as applicable (reference 41 CFR 109-1.53). This information should be documented in the personal property management system. Examples may include Department of Commerce Export Administration Regulations (EAR) Export Control Classification Number (i.e. 4A994), Nuclear Regulatory Commission (NRC) 10 CFR 110 Appendices reference (i.e. 10 CFR 110 App. A), and Department of State International Traffic in Arms Regulation (ITAR) Munitions List Category (i.e. USML Cat. V).

The following are recommended methods for ensuring the proper identification, marking, and control of HRPP:

- Newly acquired HRPP should be identified, tagged, and tracked upon acquisition by DOE program elements, contractors, and financial assistance recipients.
- Physical inventories of HRPP are conducted annually in accordance with the requirements of 41 CFR 109-1.5110.
- All personal property should be reviewed for high-risk identification, tagging, and database entry during personal property physical inventories, unless access to the property is prohibited or impractical due to the following conditions:
  - Unsafe, hazardous, or radiological working conditions.
  - When added to the facility and the components become real property it may be more practical to perform a HRPP review prior to final disposition.
  - When the inventory would result in the loss of integrity of the system's final product. Therefore, it may be more practical to perform a high-risk review of the components or facility when it is decommissioned and dismantled, or when replacing specific components prior to disposition.

B. Tagging Exemption

HRPP that cannot be tagged due to safety, product or system integrity, or other hazards is exempt from marking. The identification of HRPP should be documented in the personal property management system.

2.12.1.4 Lease / Rent

There are instances when renting, leasing personal property and equipment is more advantageous to DOE than purchasing. Effective planning considers alternative delivery options, including those that reduce the need for DOE ownership of personal property. Leased property refers to property that is not owned by DOE but is leased by DOE under terms as stipulated in the lease agreement. (this excludes the leasing of property by contractors in the performance of a contract). All leased property shall be tracked and managed in the personal property management system. In addition, the lease status of the property, must reflect that it is in a "leased" status, either through commercial lease, capital lease, or GSA lease.

Inventories for all leased personal property shall be performed in accordance with 41 CFR 109-1.5110 for which formal property accounting records are maintained and reconcile the results of the inventory with accounting records. If leased personal property items are found, which are not barcoded and are not maintained in the Property Management System database, determine whether lease agreements extend beyond one year. If so, establish formal accountability property records in the Property Management System database.

Ownership may not always be the optimal solution, and advantages to an alternative method may include:

a. Increased flexibility

b. The lead-time necessary to purchase or build would not be acceptable for the operational need.

c. The item may be required for only a short period of time; thus, purchasing or fabricating the item is uneconomical.
b. Reduction for large capital expenditures; and

c. Decreased risk

Guidelines for evaluating lease agreements for personal property in lieu of purchases are provided in the FAR 7.4, "Equipment Lease, or Purchase." Guidance for Capital Leases can be found in the DOE Financial Management Handbook Chapter 10.1 - Accounting for Property, Plant, and Equipment. Best practice is to engage the personal property function at the beginning of the process to ensure the transaction flows through the appropriate channels and prevent timely corrective actions. The personal property responsibility is to ensure that staff is adequately trained in handling personal property leases or rentals and that the appropriate level of authority is obtained to expend funds in this manner.

2.12.1.5 Fabricate (In House)

Fabricate can best be defined as the building of an asset within your program element. This should not be confused with acquiring an item from a vendor or subcontractor. Though the vendor or subcontractor may be building or fabricating a piece of property to your specifications, the subcontractor is fabricating the item. You are buying it. The term fabrication is used only when your program element's resources are used to build the required property item.

The most important considerations for in-house fabrication are the expertise of the program element and the facilities and tools required for fabrication. In addition, due to the highly technical nature of many current products and systems, in-house fabrication must be clearly justified. For that reason, most organizations subcontract a significant portion of their components and spares to smaller specialty houses.

This method of acquisition requires that there be a formal budget in place to pay for the item. All costs associated with fabricating an item that the cost accounting system allows, such as labor, material, and other direct costs, compose the acquisition cost of the finished product. Approvals necessary for acquiring personal property through this method are consistent with the other types of acquisition. The acquisition starts with establishing the proper approving authorities and is balanced against the established requirements via bills of materials, technical planning documents, etc. Items and quantities purchased or fabricated should be reasonable, authorized, based on firm requirements, and not available from existing stock. This is a very important function. Personal property management plays a critical part in ensuring the agency has the property and equipment required to fulfill the mission.

3 RECEIVING

The receiving process is how the government or contractor assumes control or custody of personal property. To properly establish and maintain control of personal property that is acquired, including property donated, recovered, or obtained by transfer from another agency, or purchased with a purchase card, shall be recorded in the personal property management system of record in accordance with 41 CFR 109.

The receiving activity should include, but not limited to the following:

- Inspect the property upon receipt for obvious damage and follow site-specific procedures.
- Reconcile the quantities received against the quantities due.
- Tag or mark the property as appropriate.
- Safeguard the property while in the receiving area.
- Distribute as required by site-specific procedures.
- Follow special handling requirements regarding sensitive and high-risk personal property.

High-risk and Sensitive personal property shall be identified and tracked during the acquisition process and marked upon receipt.

3.1.1.1 Discrepancies Incident with Receiving

When discrepancies are discovered upon receipt of personal property, notification is provided to the CO, PA, or OPMO containing all relevant documentation, for a recommended course of action pertaining to the discrepancy.

4 UTILIZATION OF PERSONAL PROPERTY ASSETS

4.1.1.1 Official Use

DOE personal property should be used only in the performance of official Government work or as authorized by the agency and in accordance with DOE O 203.1A, Chg 1, (Admin Chg), *Limited Personal Use of Government Office Equipment Including Information Technology*. The utilization phase includes properly accounting for and tracking accountable property from the time it is entered into the personal property management system until disposition.

4.1.1.2 Cannibalization

DOE elements and contractors shall not cannibalize personal property unless specific terms and conditions of the contract apply and approved by the CO.

4.1.1.3 Identification

Identification and tagging requirements are addressed in the 41 CFR 109-1.5105. These requirements apply to personal property acquired using a purchase card, as well as site-fabricated items.

4.1.1.4 Mobile Assets

All mobile assets shall be managed in accordance with DOE O 205.1D, *Department of Energy Cyber Security Program*, and 41 CFR 109.

4.1.1.5 Utilization Reviews

DOE program elements and contractors should conduct periodic assessments of the personal property under their control to:

- Assure its maximum use
- Promptly survey property under its control to identify excess property
- Screen all personal property in DOE's internal electronic database prior to reporting excess personal property to GSA

4.1.1.6 Equipment pools

Independent reviews of equipment pools shall be periodically performed to determine the use and effectiveness of equipment pools in accordance with 41 CFR 109-25.109-2. This activity is performed by the CO, OPMO or PA.

4.1.1.7 Equipment Held for Future Projects (EHFFP)

Periodic reviews of EHFFP shall be conducted to ensure proper determinations of property as EHFFP are valid justifications for retaining EHFFP in accordance with 41 CFR 109-28.5004.

4.1.1.8 Movement

Movement of personal property shall be controlled so that property reaches its destination in a timely, safe manner, and records should be updated to show changes in location and use status. Movement does not include loans or transfers of personal property and must be in accordance with the terms and conditions of the contract. Loans of personal property are covered by 41 CFR 109-1.5103.

4.1.1.9 Storage and Warehousing

DOE program elements and contractors are required to provide protection for personal property when it is in storage. Storage includes protection, control of access and preservation of personal property. Storage space and warehousing should be established and maintained consistent with contractual terms and conditions, regulatory requirements, and industry leading practices. The following are guidelines for storage and warehousing:

- Space utilization should be maximized within established floor load capacities of indoor storage areas.
- Storage yards for items not requiring covered protection should be locked and fenced.
- Storage areas shall be prominently posted to clearly indicate that the property stored therein is U.S. Government property, with entrance to such areas restricted to authorized personnel only.
- Preservation, when appropriate, to prevent deterioration.
- Protection from theft, fire, and destruction.
- Hazardous, contaminated, and suspect personal property should not be commingled with other property, and should be stored in accordance with environmental, safety, and health requirements.
- Nuclear-related and proliferation-sensitive personal property should be stored in accordance with 41 CFR 109-28.000-51 and applicable DOE guidance.

4.1.1.10 Maintenance

Program elements and contractors must ensure that calibration and maintenance of personal property are performed and documented. Intervals are specified by the manufacturer's recommended preventive maintenance and repair schedule, or as directed by technical personnel in accordance with FAR 52.245-1.

4.1.1.11 Materials Consumption

DOE program elements and contractor's policies and procedures shall ensure that the consumption of materials is documented by using an approved process that permits:

- Materials to support valid requirements.
- The return of unneeded materials for future use

5 DISPOSITION

5.1.1.1 Abandonment and Destruction

Abandonment should be the last option for disposal. Abandonment and destruction shall be in accordance with 41 CFR 102-36 and 41 CFR 109-1.53. The CO, OPMO, or PA will prepare the determination. The determination criteria should include that the personal property has no commercial value or that the estimated cost of its continued care and handling exceeds the proceeds from its sale.

The OPMO should review the package for appropriate documentation and consult with their local General Counsel prior to submitting the package to International Affairs for review and concurrence.

The determination criteria should include the following:

- A written narrative provided on how it was determined the personal property has no commercial value, or the estimated cost of care and handling would exceed the estimated proceeds from its sale in accordance with 40 U.S.C. 527.
- Supporting documentation that the abandonment/destruction complies with the laws of the country in which the personal property is located.
- The required Department of State (DOS) review and approvals have been obtained.
- The receiving entity accepts the official agreement, identifying the personal property to be abandoned or destroyed. The agreement should include the following stipulations:
    - The property is to be abandoned or destroyed by the receiving entity.
    - The authority that the personal property was provided under. (e.g. loan, etc.).
    - The agreement of the recipient to assume all liability of the personal property.
    - The abandonment or destruction and change of ownership is on an "as-is, where-is" basis, without warranties expressed or implied of any kind.
    - The personal property received from the DOE element or DOE contractor will be utilized as specified in the agreement, and not for personal use, or for the purpose of resale by the recipient.
    - Once abandoned, the DOE or DOE contractor are relieved of any and all future or existing contractual obligations, or duties whatsoever with regard to the personal property. This includes any removal, disposal or reimbursement for any conversions, renovations, refurbishments, etc., at any of the recipient entity's facilities.
    - Storage and disposal costs for the abandonment or destruction must be in accordance with local and sovereign country regulatory requirements.

- The recipient understands that it shall defend and hold harmless DOE and DOE contractors, its officers, employees and agents from and against all liabilities, losses, expenses and attorney fees, or claims for injury or damages arising after the abandonment of this property.
- The re-export of the personal property is subject to all applicable U.S. laws and regulations.
- After authorization of the abandonment or destruction, the recipient will ensure removal of all markings identifying the personal property items as U.S. DOE or DOE contractor or Government. Confirmation of the removal of the markings will be provided in writing to the U.S. DOE CO, OPMO, or PA and the DOE contractor within 15 calendar days after authorized abandonment or destruction.
- The official signing the provisions is authorized to accept the conditions on behalf of the recipient entity. Include the printed name, title, date, contact information, and address.
- The required review and concurrence from DOE International Affairs.

5.1.1.2 Disposition of HRPP

The disposition of HRPP is subject to special considerations. DOE program elements and DOE contractors should ensure that the disposition of HRPP does not adversely affect the national security or nuclear nonproliferation objectives of the United States. Program elements will identify and manage HRPP throughout its lifecycle to eliminate or mitigate such risks.

The disposition (including demilitarization of items covered in the DoD Manual 4160.28 Vol I-II and the associated DEMIL tables), and handling of HRPP should comply with 41 CFR Part 102-40 and 41 CFR 109-1.53.

Special Nuclear Materials shall be managed in accordance with DOE O 474.2A Chg. 1 (Admin Chg), *Nuclear Material Control and Accountability*. Components or materials that are buried must be deleted in the personal property management system of record.

Certain sales, or transfers of HRPP may require approvals, special conditions, or specific restrictions as determined by either:

- The CO, OPMO, or PA
- The cognizant DOE program element responsible for the oversight, control, and management of the specific type, class, or condition of HRPP.

The transfer or sale of surplus HRPP to any end-user other than the U.S. Government requires approval by the cognizant program element.

Requests for the approval to transfer or sell HRPP shall be evaluated for risks to national security, based on the following criteria in accordance with 41 CFR § 109-1.5303 – Procedures.

- The prior and potential use of the HRPP
- Restricted party screening (RPS)
- Risk mitigation plan
- The fair market value of the HRPP for sale

Once the necessary approvals have been obtained by the program element, the designee can transfer or sell HRPP according to the disposition instructions provided in the approvals.

The transfer or sell shall be approved within 21 days. If a request is disapproved, the HRPP shall either be destroyed or sold for scrap after being rendered useless for its originally intended purpose.

5.1.1.3 Scrap and Destruction Dispositions

The destruction of excess or surplus especially designed or prepared (EDP) personal property, also known as trigger list, components or nuclear weapon components is required, unless alternative disposition options are in the best interest of the Government. Components, equipment, and materials should be sold for scrap after they have been rendered unfit for their originally intended purpose in a manner that removes any proliferation sensitivities, as determined by a proliferation subject matter expert, with the destruction verified and documented.

Any other methods of disposition require an approved request for alternate disposition (also known as an Exception from Destruction), submitted through the CO, OPMO, or PA of the program element to the Principal Assistant Deputy Administrator for Defense Nuclear Nonproliferation (NA-20) and the Deputy Administrator for Nonproliferation and Arms Control (NA-24).

Nuclear weapon components or nuclear weapon-like components and EDP (trigger list) items can be buried in its current configuration in a DOE-owned and operated classified or contaminated landfill, without further destruction requirements. Burial in any sanitary landfill (regardless of ownership) requires destruction as specified in the preceding paragraphs and 41 CFR 109.

5.1.1.4 HRPP Assessments

DOE program elements and DOE contractors shall not transfer, loan, move, or otherwise dispose of personal property unless it receives a high-risk assessment in accordance with §41 CFR 109-1.5302 and other applicable regulations.

To ensure compliance with the applicable national security and nonproliferation controls, all personal property should be reviewed against the following U.S. regulations to determine if the item qualifies as HRPP.

- Nuclear Regulatory Commission 10 CFR 110 Export and Import of Nuclear Material and Equipment
- Department of Commerce Export Administration Regulations 15 CFR 730-774 specifically the Commerce Control List (CCL) 15 CFR 774, Supplement 1 (excluding those items on the CCL which are controlled solely for anti-terrorism concerns)
- Department of State 22 CFR 120-130 International Traffic in Arms Regulations, including the U.S. Munitions List 22 CFR 121

- Department of the Treasury Office of Foreign Assets and Control Regulations 31 CFR 500-598

5.1.1.5 Verification of HRPP Destruction

DOE program elements and DOE contractors, shall verify and document all destruction or demilitarization of HRPP in the following categories:

- EDP (trigger list) items as specified in 10 CFR 110
- Items covered by the U.S. Munitions List (including CCL items specifically referenced on demilitarization tables included in DLA's Demilitarization Manual 4160.28)

In accordance with applicable HRPP regulations and approved personal property management program procedures, the following HRPP actions should be documented:

- High-risk reviews and assessments
- Demilitarization destruction plans for the HRPP categories referenced above, including any required certification or verification per 41 CFR 109.

Whether the HRPP is internal or external to DOE, records submitted for destruction must include all relevant documentation.

5.1.1.6 Export Restriction Notice

The Export Restriction Notice or its successor version shall be included in all transfers, sales, and disposition actions in accordance with 41 CFR 109. DOE program elements and DOE contractors shall verify the most current version of the Export Restriction Notice prior to its use.

5.1.1.7 Nonproliferation and Export Control Programs

Program elements and DOE contractors shall work with the nonproliferation and export control subject matter experts to develop procedures and controls for a HRPP program. Additional guidance may be provided by the Principle Assistant Deputy Administrator for Defense Nuclear Nonproliferation (NA-20) and the Deputy Administrator for Nonproliferation and Arms Control (NA-24).

DOE program elements, DOE contractors, and financial assistance recipients should not process HRPP into PPMS without performing the high-risk reviews and assessments in accordance with §41 CFR 109-1.5302 and other applicable regulations.

Export control subject matter experts are responsible for export compliance and licensing requirements associated with all HRPP, per the regulatory requirements from the Department of Commerce, State, Energy, Treasury, or from the Nuclear Regulatory Commission.

5.2 Screening Requirements

Excess personal property is screened within the foreign geographical area where it is located. After screening is completed, the excess personal property is reported to the responsible program element for possible return to the U.S. The decision to return personal property to the U.S. should be based on such factors as its acquisition cost, residual value, condition, and cost of transportation.

5.3 Abandonment or Destruction in a Foreign Area

The authority for abandoning and destruction in a foreign area is the Federal Property and Administrative Services Act of 1949. To abandon excess salvage and scrap located in foreign areas shall be in accordance with 41 CFR 102-36.390.

Except where commitments exist under previous country-to-country agreements, Title IV of the Federal Property and Administrative Services Act of 1949, as amended:

- Requires the owning agency to dispose of all excess personal property located in foreign areas.
- Directs the Head of the Agency to ensure that the disposal of excess personal property in foreign areas conforms to U.S. foreign policy.

DOE personal property located in foreign areas may be abandoned or destroyed if:

- Abandonment" or "destruction" determination is approved.
- Supporting documentation that the abandonment or destruction of personal property is in the interest of the U.S. Government, is not economically feasible to return to the U.S. for further re-use and substantiated by a cost benefit analysis.

5.3.1.1 *Abandonment or destruction Process*

Foreign abandonment or destruction of excess DOE personal property located in foreign areas, which is not required by DOE or any other U.S. Government agency and is considered surplus and may be disposed by the following process:

- Transfer, sale, exchange, or lease for cash, credit, or other property and upon such other terms and conditions as may be deemed proper.
- Abandon, destroy or donate such property when you determine that it has no commercial value or the estimated cost of care and handling would exceed the estimated proceeds from its sale, in accordance with 40 U.S.C. 527.
- Abandonment, destruction or donation actions must also comply with the laws of the country in which the property is located and the terms and conditions of any foreign country international agreement.
- Surplus personal property located in foreign areas may be donated to any U.S. Government agency, or to educational, public health, or charitable nonprofit organizations.

- Sales of surplus personal property located in foreign areas should be conducted using the competitive bid process unless it is more advantageous to the U.S. Government not to do so. When competitive bids are not solicited, potential bidders should still be contacted in order to ensure that the sales are made on terms that are most advantageous to the U.S. Government.
- Surplus personal property sold in foreign areas should have a condition of sale stating that its importation into the U.S. is forbidden unless it is determined that the importation would relieve domestic shortages or otherwise be beneficial to the U.S. economy.
- Determinations should be processed through DOE International Affairs. International Affairs will be the liaison with other U.S. Government agencies for importation concerns.

5.3.1.2 Screening of Excess

All personal property shall be screened prior to abandonment or destruction in accordance with 41 CFR 109-43.

DOE personal property located in foreign areas should not be abandoned or destroyed in a manner which:

- Is detrimental or dangerous to public health and safety, or
- Causes infringement on the rights of other persons.

5.3.1.3 Reporting Requirements

Surplus personal property located in foreign areas shall be reported in GSA's PPMS in accordance with 41 CFR 102-36.210.

5.4 PERSONAL PROPERTY REQUIRING SPECIAL HANDLING AND/OR APPROVALS

Excess and surplus DOE owned HRPP should not be disposed of in foreign areas.

The following categories of personal property require special handling and/or approval by the cognizant program element prior to their lease, exchange/sale, transfer, donation, surplus sale, abandonment, or destruction:

5.4.1.1 Cyber security: Information Technology (IT) Equipment

Before IT equipment is reported as excess, qualified personnel should sanitize the hard drive with approved sanitization software. The person sanitizing the hard-drive should sign, date, and attach a certification to indicate that the sanitization of the hard-drive was successfully completed. If the hard-drive cannot be sanitized, the hard-drive should be removed and destroyed in accordance with approved standards. Sanitized IT equipment disposal is in accordance with 41 CFR 102-36, Executive Order 13800 (E.O. 13800), *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure,* and *National Institute of Standards and Technology (NIST) Special Publication 800-88*. IT equipment may still qualify as HRPP even after sanitation has been

performed. Proliferation and export controls are based on processing times and encryption capabilities.

5.4.1.2 Classified Personal Property

Classified personal property that is excess to DOE is sanitized of all characteristics that cause it to be classified, as determined by the cognizant program element prior to its disposition. The declassification should be accomplished in a manner that preserves functionality or commercial value of the personal property. The cognizant program element should certify that the personal property was declassified.

5.4.1.3 Hazardous Personal Property

Excess or surplus hazardous personal property should not be commingled with non-hazardous personal property while awaiting disposition action.

Hazardous, and suspected hazardous personal property should be inspected for contamination by the applicable DOE environmental, safety, and health officials to prevent inadvertent release to other agencies and the public. Contaminated personal property should be sent back to the cognizant DOE Program element for appropriate action.

Contaminated personal property should not be utilized or disposed of outside DOE when either of the following circumstances applies:

- It exceeds applicable contamination standards, and
- Contamination testing of personal property is inaccessible.

Suspected contaminated personal property should only be released after being reviewed by a DOE environmental, safety, and health official to confirm it is contamination-free. This verification must occur before the CO, OPMO, or PA reports it as excess property for disposition. Disposal of personal property will occur in the same manner as uncontaminated personal property.

5.4.1.4 Nuclear-Related or Proliferation-Sensitive Personal Property

EDP (trigger list) items, nuclear weapon components and weapon-like components should not be screened internally or externally to DOE. USMIL items should not be screened outside of the federal government. Any other proliferation sensitive personal property can be withheld from screening based on national security concerns.

5.4.1.5 Grants and Cooperative Agreements

Personal property requiring special handling on grants and cooperative agreements must be approved by the PSO or designee of the Grant or Cooperative Agreement.

5.4.1.6 Negotiated Sales by DOE Contractors

When it is determined to be in the best interests of the PSOs, COs, or OPMO/PAs may authorize their contractors to negotiate sales of surplus personal property at fixed prices only under the circumstances permitted and with the prior approvals required by the FMR.

Negotiated sales by DOE contractors of surplus personal property shall be conducted in accordance with 41 CFR 109-45.304-2.50.

5.5 SPECIAL DOE DISPOSAL AUTHORITIES

5.5.1.1 Laboratory Equipment Donation Program (LEDP)

The LEDP Program was established to grant surplus laboratory equipment to eligible educational institutions for use in energy oriented educational programs.

The following property items are eligible for LEDP grants:

- Property classified as Federal Supply Group 66, Instruments and Laboratory Equipment.
- Personal property that has been declared excess and has completed the department's internal screening process through GSA's PPMS®.

The LEDP approval process shall be in accordance with the procedures set forth in 41 CFR 109-50.106.

Internal Screening

The LEDP screening time frames are seven days for internal program screening, and five days for local screening (visible only to that specific bureau's users within a program). Other DOE program elements have 12 days for internal screening.

After Internal Screening Process

After the personal property has completed the screening process, the acquiring agency must contact the disposing agency to arrange a pickup within 15 calendar days. The acquiring agency is responsible for any packing, shipping, or transportation costs. If the acquiring agency does not arrange for a pickup of the excess property, then the property continues through the screening process.

Note:

Additional information regarding the LEDP eligible institutions can be found at the Office of Science website https://apps.orau.gov/ledp/.

5.5.1.2 Computers for Learning (CFL)

Executive Order 12999, Educational Technology, directs Federal agencies, where permitted by law, to transfer surplus Federal equipment that is educationally useful, either as donations or gifts, to schools and nonprofit educational organizations. The eligible equipment for transfer under the CFL program includes computers and related peripheral equipment.

The CFL program, which is managed by GSA, streamlines the process for transferring computer equipment to schools and educational nonprofit organizations, giving special consideration to those with the greatest need. For information regarding eligibility visit the CFL web site at https://computersforlearning.gov/cfl/home.

5.5.1.3 Cooperative Research and Development Agreements

The Stevenson-Wydler Technology Innovation Act of 1980, as amended by the American Technologies Preeminence Act of 1991, allows the Director of a Federal laboratory, or the Head of any Federal Agency or Department, to enter into and use a cooperative research and development agreement to loan, lease, or give excess research equipment to an educational institution or nonprofit organization for the conduct of technical and scientific education and research activities.

When this authority is used to give personal property to an eligible institution or organization, the transfer is treated as a gift.

5.5.1.4 Education Partnerships

The Department of Energy Science Education Enhancement Act, Public Law 101-510, Section 3166 encourages the development and implementation of science, mathematics, and engineering education programs at DOE and its research and development facilities as part of a national effort to improve science, mathematics, and engineering education.

The Act authorizes each DOE research and development facility to enter into education partnership agreements with educational institutions in the United States (including local educational agencies, colleges, and universities) for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education.

Under these educational partnership agreements, DOE research and development facilities may provide assistance to educational institutions by transfers or donations of personal property to the institutions.

Eligible Equipment

Equipment includes, but is not limited to the following FSCG items:

FSCG	Title
34	Metalworking Machinery
36	Special Industry Machinery
41	Refrigeration, Air Conditioning and Air Circulating Equipment
52	Measuring Tools
60	Fiber Optics Materials, Components, Assemblies and Accessories
61	Electric Wire, and Power and Distribution Equipment
66	Instruments and Laboratory Equipment
67	Photographic Equipment
70	Automatic Data Processing Equipment (Including Firmware), Software, Supplies and Support Equipment
74	Office Machines, Text Processing Systems and Visible Record Equipment

Other related equipment may be provided if deemed appropriate and approved by the Director, Office of Laboratory Policy and Infrastructure Management.

All DOE special disposal actions shall be in accordance with 41 CFR Part 109-50 subpart 109-50.2.

5.5.1.6 Economic Development Property

Community Reuse Organizations (CRO)

The National Defense Authorization Act of 1994, Section 3155 - *Authority to transfer certain Department of Energy property* allows Secretary of Energy to transfer excess personal property if the Secretary determines that such a transfer will mitigate the adverse economic consequences that might otherwise arise from a site closure or site reconfiguration of a DOE facility.

Personal property must meet the following criteria:

- Determination that the personal property is excess to DOE.
- CO or OPMO/PA approval of personal property to be transferred.
- Internally screened through GSA's PPMS in compliance with 41 CFR 102-36.
- Create a local economic development plan.
- The local economic development plan shall outline the purpose of the personal property required for specific projects.

Excess personal property listed below is not eligible to be donated:

- High Risk
- Firearms
- Nuclear ordinance, ammunition, explosives, missiles
- Other personal property as determined by DOE

Personal property transferred through this program shall be screened in accordance with 41 CFR 102-36 and 41 CFR 109-43.304-1.50.

Title transfers from the U. S. Government to the recipient upon receipt. If the CRO declines the personal property, it continues through the surplus personal property disposition process in PPMS.

All personal property transferred under the Economic Development authority shall be reported in the end of year Non-Federal Recipients annual report as required by the FMR in accordance with 40 U.S.C. § 529.

5.5.1.7 Computers for Veterans and Students Act of 2022 (COVS Act)

Under the COVS Act (codified at *40 U.S.C. 549a*), GSA is required, as appropriate, to transfer full title of eligible surplus computers and technology equipment to nonprofit computer refurbishers.

Nonprofit computer refurbishers are responsible for the repair, distribution, and subsequent transfer of the equipment to eligible recipients. The term "eligible recipient" means an educational institution, individual with a disability, low-income individual, student, senior in need, or veteran that is residing or based in the United States.

Refurbisher Duties:

- Make necessary repairs to restore the surplus computer or technology equipment to working order
- Distribute the repaired surplus computer or technology equipment to eligible recipients at no cost except shipping and handling
- Offer training programs on the use of the repaired computers and technology equipment for the recipients of the equipment
- Use recyclers to the maximum extent practicable if surplus computer or technology cannot be repaired or reused

5.5.1.8 Department of State (DOS) Requirements

Personal property that is included on the U.S. Munitions List, 22 CFR 121.01 is subject to disposal restrictions. The DOS should approve the sale of this property in advance.

Sales of surplus DOE personal property located in foreign areas should be submitted to DOE International Affairs to allow for consideration of possible foreign policy issues. All proposed sales that may have a significant economic or political impact in a particular area should be communicated to DOE International Affairs for DOS review.

Matters concerning customs duties, taxes, or other similar charges may require a prior agreement with the foreign government involved. The sales documents should clearly state:

- The purchaser pays any import duties or taxes levied against surplus personal property sold in the country with the agreement.

- The amount of the duty or tax is not included as a part of the sale price paid to the U.S. Government for the surplus personal property.

If the duty or tax levy is placed upon the seller by law, the buyer should pay the duties or taxes and furnish the seller copies of all receipts prior to the release of the surplus personal property. However, if the foreign government involved does not accept direct payment from the buyer, the seller should collect the duties or taxes and turn them over to the foreign government.

Accounting for the amounts collected should be coordinated with the disbursing officer of the nearest U.S. Foreign Service post. The property should not be released to the purchaser until the disposal officer is satisfied that there is no responsibility for payment by the U.S. Government, as contrasted to collection by the U.S. Government, of duties and taxes.

DOS should be contacted regarding these issues. Whenever the advice or approval of DOS is required or sought, it may be obtained from:

- The Foreign Service post in the foreign area involved, or
- DOS Headquarters in Washington, DC.

If the issue is presented to DOS Headquarters in Washington, DC, it should be referred to DOE International Affairs.

6 RECORDS MANAGEMENT

Personal Property control records and the basic data elements are required for all personal property in accordance with 41 CFR 109-1.5108. Unless the personal property is otherwise exempt from formal property control records, these requirements apply to all personal property. Formal property control records are not required for administratively controlled items.

7 PHYSICAL INVENTORY

Physical inventories are required to ensure accountability for personal property throughout its life cycle. Physical inventories verify the existence, location, and quantity of personal property, and are required by 41 CFR 109. Inventories are the best method for ensuring personal property is accounted for, under control, and for discovering loss, damaged, and destruction (LDD) personal property. Physical inventories shall be conducted in accordance with 41 CFR 109-1.5110.

7.1.1.1.1 Inventory of Mobile Assets

Mobile assets should be inventoried in accordance with 41 CFR 109-1.5110, and the inventory requirements in DOE O 205.1D, *Department of Energy Cyber Security Program* or its successor version.

7.1.1.1.2 Types of Physical Inventories

The most common type of physical inventory is the annual fiscal year inventory, which involves a complete wall-to-wall visual check of all accountable personal property within an area and matches that to the property record for what is supposed to be there. This section is not exhaustive of the types of physical inventories, such as industry-leading practices and voluntary consensus methodologies.

Benefits of conducting a physical inventory include the following:

- Verification that the property decal is readable and properly affixed.
- Verification of the physical condition of the asset.
- Verification that other physical attributes specific to the type of asset being inventoried are accurate.
- Verification of completeness and accuracy of property records and financial accounts.
- Verification of the accuracy and effectiveness of the PPMS.

Other methods of physical inventories include:

- By Exception: An inventory by exception is used when accountable property is validated through methods other than physical sighting or barcode scan, such as auto discovery for IT property, and Inventory by electronic pinging used to validate the accountability of the asset and the accuracy of the property record.
- Sampling: A sample is a statistical representation of the total assets in the personal property management system.
- Spot: An unscheduled inventory of randomly chosen property to check the accuracy of the property record.
- Utilization/maintenance actions, move tickets/orders, transfer record.

7.1.1.1.3 Scheduling the Physical Inventory

Physical inventories shall be conducted in accordance with the prescribed methods and frequency as prescribed in 41 CFR 109-1.5110, *Physical inventories of personal property,* and 40 USC 524. However, certain categories of personal property (e.g., sensitive: firearms, etc. and high-risk) may require more frequent inventories than other categories.

7.1.1.1.4 Conducting the Physical Inventory

Each program element shall develop internal policies and procedures for conducting physical inventories in accordance with 41 CFR 109-1.5110. The CO, OPMO, or PA reviews the site's inventory policies and procedures, provides approval of the procedures, and inventory methodologies.

The scheduling, type, method, and scope of the physical inventory process shall align with programmatic procedures, contractual requirements and risks in accordance with 41 CFR 109-1.5110, *Physical inventories of personal property*.

Physical inventory may not be feasible due to certain circumstances because the property may be:

- Located in a contaminated or classified area.
- Located in an area where unsafe conditions exist.

Personnel other than the property custodians should complete the physical inventory. In the event the property custodian is permitted to perform the physical inventory, the results shall be verified by the CO, OPMO, or PA.

If significant or systemic issues are noted, an independent audit shall be conducted to determine if approved procedures were followed, and the results are accurate. Records of these audits shall be retained in the file of record.

7.1.1.1.5 Reconciliations and Adjustments

Discrepancies between physical inventory results shall be submitted to the CO, OPMO/PA and records should be reconciled with the records adjusted to reflect the correct quantities. A corrective action plan should be developed, if required.

An acceptable percentage of shrinkage for stores inventories should be determined by the CO, OPMO/PA on a location-by-location basis, based upon voluntary consensus standard, ASTM standards, historical data, and other site-specific factors that do not conflict with 41 CFR 109. Items on an inventory adjustment report that are not within reasonable tolerances shall be investigated.

7.1.1.1.6 Reports

The physical inventory results shall be reconciled with the property records and financial accounts and be reported to the CO, OPMO, or PA in accordance with approved policies and procedures.

8 CONTRACTOR RESPONSIBILITIES

Contractor responsibilities, as they relate to personal property, are detailed in the terms and conditions of the contract, FAR Part 45, FAR 52.245-1, 41 CFR 102, 41 CFR 109, DEAR 952.245, and DEAR 970.5245-1 property clauses.

8.1.1.1 Accountability and Management of Personal Property

The contractor is directly responsible and accountable for all contract personal property in their possession in accordance with the requirements of their contract and 41 CFR 109. This also includes contract property in the possession or control of a subcontractor. The contractor shall establish and maintain a system to control, protect, preserve, and maintain all personal property in accordance with Federal Property Management Regulation (FPMR). The contractor shall also ensure their policies and procedures include the following criteria:

- Account for all contract property in their possession, whether CAP or GFP
- Maintain personal property control in the approved property management system of record ensuring that all property identified in the contract is executed to control, protect, preserve, maintain and report all contract personal property
- Maintain and make available records of all contract property until relieved of such responsibilities by the CO, PA or OPMO in writing
- Report LDD in accordance with 41 CFR 109-1.5113 and excess contract property as soon as it becomes known to the contractor
- Conduct physical inventories and reporting the results to the PA or OPMO in accordance with and at the completion of the contract
- Submit annual reports in accordance with 41 CFR 109-1.5148 and at the completion of the contract.

8.1.1.2 Contractor's Personal Property Management System

The CO, PA or OPMO shall ensure that the contractor's property management procedures provide for the following functional elements in accordance with 41 CFR 109. This information shall be recorded in the contractor's personal property management system of record.

22 Property Elements	FAR 52.245-1 Reference
Property Management (written procedures)	(b)(1) and (f)(1)
Contractor Self-Assessments	(b)(4)
Acquisition	(f)(1)(i)
Receiving	(f)(1)(ii)
Discrepancies Incident to Shipment	(f)(1)(ii)(A) & (B)
Identification	(f)(1)(ii)
Records	(f)(1)(iii) & (f)(2)
Receipt and Issue System	(f)(1)(iii)(B)
Physical Inventory	(f)(1)(iv)
Subcontractor Awards and Flow Down	(b)(3) & (f)(1)(v)(A)
Subcontractor Reviews	(f)(1)(v)(B)
Reports	(b)(4) & (f)(1)(vi)
Relief of Stewardship	(b)(2) & (f)(1)(vii)
Utilization	(c)(3) & (f)(1)(viii)(A)
Declaration of Excess	(f)(1)(viii)(A)
Consumption	(f)(1)(viii)(A)
Movement	(f)(1)(viii)(A)
Storage	(f)(1)(viii)(A)
Storage Commingling	(f)(1)(viii)(B)
Maintenance	(f)(1)(ix)
Disposal	(f)(1)(viii)(A) & (f)(1)(x)
Property Closeout	(f)(1)(x)

8.1.1.3 Listing Personal Property in the Contract

When providing personal property to a contractor, the CO should ensure that the property is identified in the contract, and that a copy of the contract is provided to the contractor in accordance with FAR PART 45. The CO will maintain a current list of all personal property accountable to the contract. Modification or amendments to the contract will be handled at the discretion of the CO.

9 SUBCONTRACTOR CONTROL

In accordance with 41 CFR 109-1.5203, contractors must require subcontractors that have been provided with DOE personal property, either acquired or furnished, to establish and maintain a system for managing that property. Prime Contractors shall include terms and conditions (e.g., extent of liability for loss of government property) in their personal property management systems that provide for the oversight and life-cycle management of subcontractor held personal property.

9.1.1.1.1 Subcontractor Personal Property Management Systems

DOE Prime Contractors shall review the written personal property management policies and procedures of their subcontractors to ensure that they comply with DOE personal property requirements.

9.1.1.1.2 Subcontractor Reviews

The Prime Contractor shall ensure its subcontracts are properly administered and reviews/audits are periodically performed to determine the adequacy of the subcontractor's personal property management system.

9.1.1.1.3 Property Records

Prime Contractors may rely on subcontractor property control records when their subcontractors have an approved personal property management system.

When a subcontractor has an approved personal property management system, a DOE Prime Contractor may still elect to maintain the official personal property records and rely upon the subcontractor records as secondary records.

Any decision by a DOE Prime Contractor to maintain the official personal property records shall be in accordance with 41 CFR 109-1.5108, *Personal Property Records* requirements.

9.1.1.1.4 Oversight

Oversight shall consist of but not limited to the following:

- Self-assessments
- Annual inventory validation
- On-site surveillance visits by Prime Contractor personnel who are knowledgeable of personal property requirements
- Reporting requirements (e.g., LDD, inventories)
- Use of personal property is adequately protected and used for the purpose authorized by the subcontract.

9.1.1.1.5 CO, OPMO, or PA Role

Ensure the Prime Contractor performs the appropriate oversight of subcontractor's personal property management system to include the following:

- Personal property that is furnished to or acquired by subcontractors is adequately described and reported.
- Applicable personal property requirements (e.g., compliance with FMR, FPMR, FAR, DEAR) are flowed down.
- Ensure that the subcontractor's policies and procedures do not conflict with Federal and DOE personal property requirements.

10 REPORTS

10.1.1.1.1 Reports Overview

Pursuant to 40 U.S.C. § 529, executive agencies must submit to GSA, following the close of each fiscal year, an annual report of personal property furnished within the United States to any non-Federal recipient during the previous fiscal year. This Chapter identifies annual reporting requirements for reports that are submitted to GSA in accordance with the FMR, 41 CFR 109, Prime Contract, and required annual reports. DOE elements will ensure reports are submitted accurately.

10.1.1.1.2 Non-Federal Recipients Report

The annual Non-Federal Recipients Report captures all transfers, donations, loans, leases, license agreements, and sales of personal property to non-Federal recipients that occurred during the prior fiscal year, as required by 41 CFR 102-36. This includes property furnished to DOE contractors, sub-contractors, financial recipients, public, and surplus property provided to the Community Reuse Organizations under Economic Development authority.

Donations made using the LEDP are reported to DOE Headquarters by the Office of Science.

Computer equipment transferred through the Computers for Learning website will be reported by GSA.

Personal property sold, transferred, or donated by GSA as part of the normal disposal process will be reported by GSA.

10.1.1.1.3 Exchange/Sale Report

As part of the Federal Management Regulation (FMR) Rewrite initiative, the requirement to report exchange/sale transactions has been removed. Agencies are no longer required to report this information to GSA. This change is effective with the FY26 reporting period, which begins on October 1, 2026.

10.1.1.1.4 Negotiated Sales

Personal property sold using the negotiated sales method shall be reported annually to GSA as required by 41 CFR 102-38. The data elements for this report can be found in 41 CFR 102-38. Reports are submitted online at the Personal Property Reporting Tool *https://www.property.reporting.gov*.

10.1.1.1.5 Negotiated Sales by DOE Elements

Negotiated sales reports shall be reported annually to GSA as required by 41 CFR 102-38. The data elements for this report can be found in 41 CFR 102-38. Reports are submitted online at the Personal Property Reporting Tool *https://www.property.reporting.gov*.

10.1.1.1.6 Negotiated Sales by DOE Contractors

Negotiated sales by DOE Contractors shall be reported annually to GSA as required by 41 CFR 109-45.304-2.50. The data elements for this report can be found in 41 CFR 102-38. Reports are submitted online at the Personal Property Reporting Tool *https://www.property.reporting.gov*.

10.1.1.1.7 The Property Information Database System

The Property Information Database System (PIDS) is a central database that provides an electronic means for reporting personal property assets of DOE elements and its contractors. PIDS reports on the asset quantity and the original acquisition cost of personal property.

The annual report divides personal property assets into the following three categories: (1) sensitive; (2) accountable; and (3) capital. The reporting database can be accessed at https://pids.inl.gov/.

11 RELIEF OF STEWARDSHIP

In accordance with 41 CFR 109, DOE elements and contractors shall have a process to enable the prompt reporting, investigation, and loss of personal property, including losses that occur at subcontractor or alternate site locations. The process shall include but not limited to corrective actions necessary to prevent recurrence, and the investigation of all incidents of property loss as soon as the facts become known.

The CO or designee reviews the LDD report, determines responsibility and financial liability for repair or replacement of the personal property, and provides written notice to the contractor and the PA in accordance with 41 CFR 109-1.5113(f).

12 PROPERTY CLOSE-OUT

DOE program elements and contractors must promptly complete and report contract property closeout to the CO or designee. This includes reporting, investigating, and resolving all personal property losses, as well as conducting a physical inventory of all personal property at contract termination or completion.

If the contractor has written authorization from the CO to retain excess personal property, the CO cannot close out the accountable contract for property or contract administration. Contract closeout can only proceed once personal property is properly transferred to a follow-on contract or otherwise disposed of in accordance with the contract or as authorized by the CO.

In accordance with FAR 52.245-1, the contractor's procedures shall establish a process for initiating and completing a final physical inventory of all personal property accountable to the contract. The contractor's inventory procedures shall establish timeframes in which the contractor will perform the inventory, reconcile and report the results to the CO or designee. The contractor shall verify they no longer have any Government property accountable to the contract in its possession. The contractor must also ensure that there are no unresolved issues relating to Government property including any of its subcontractors' contracts.

While there is no standard format for reporting final personal property closeout, the contractor shall notify the CO in writing, in accordance with DOE Acquisition Guide, Chapter 4 - 4.804 - *Contract Closeout Procedures*. Additionally, the notification shall state that there is no residual personal property accountable to the contract, and address the following:

- Date and results of the final physical inventory.
- All personal property furnished or acquired under the contract has been consumed, transferred, returned, shipped, or disposed of only as authorized by the terms and conditions of the contract.
- All inventory adjustments have been recorded, and all LDD cases have been adjudicated and closed.
- Disposition actions for all items submitted to the CO have been carried out as directed by the CO or designee. This includes any required demilitarization.
- Personal property records have been updated to reflect zero balances, and the disposition of each accountable item.

12.1.1.1 Disposition of Personal Property Requiring Special Handling

DOE program elements, contractors, and financial assistance recipients shall verify the destruction of all HRPP and verification documents.

Disposition of high-risk personal property should comply with 41 CFR 109-1.5303(b), DEAR Subpart 925.71 - Export Control, and DOE Acquisition Guide, Chapter 25.7100.

To ensure compliance with the applicable national security and nonproliferation controls, all personal property should be reviewed against the following U.S. regulations to determine if the item qualifies as HRPP.

- Nuclear Regulatory Commission 10 CFR 110 Export and Import of Nuclear Material and Equipment
- Department of Commerce Export Administration Regulations 15 CFR 730-774 specifically the Commerce Control List (CCL) 15 CFR 774, Supplement 1 (excluding those items on the CCL which are controlled solely for anti-terrorism concerns)
- Department of State 22 CFR 120-130 International Traffic in Arms Regulations including the U.S. Munitions List 22 CFR 121Department of Treasury Office of Foreign Assets and Control Regulations (31 CFR 500-598)
- Nuclear weapon components and nuclear weapon-like components that do not contain special nuclear material EDP (trigger list) equipment and materials should be rendered unfit to remove any proliferation sensitivities, as determined by a proliferation subject matter expert in accordance with U.S. Munitions List items and demilitarization per DEMIL manual 4160.28

EDP (trigger list) property may either be sold as scrap after being rendered useless for their original intended purpose or destroyed with the destruction verified and documented. Requests for approval of an alternative disposition may be made through the cognizant Assistant Secretary to the Director of the Office of Nonproliferation and National Security. To explore burial options, contact your OPMO for further instructions.

12.1.1.2 Verification of HRPP Destruction

DOE program elements and contractors should verify and document all destruction or demilitarization of HRPP in the following categories:

- EDP (trigger list) items as specified in 10 CFR 110
- Items covered by the U.S. Munitions List (including CCL items specifically referenced on demilitarization tables included in DLA's Demilitarization Manual 4160.28)

In accordance with applicable HRPP regulations and approved personal property management program procedures, the following HRPP actions should be documented:

- High-Risk reviews and assessments
- Demilitarization Destruction plans for the HRPP categories referenced above, including any required certification or verification per 41 CFR 109.

Records provided for destruction of HRPP must include all relevant documentation.

12.1.1.3 Nonproliferation and Export Control Programs

Program elements and contractors should work with the nonproliferation and export control and nonproliferation subject matter experts to develop an appropriately tailored set of procedures, and controls for a HRPP review program. Additional reviews and approvals may be required by the Assistant Deputy Administrator for Nonproliferation and Arms Control (NA-24), and the Deputy Administrator for Defense Nuclear Nonproliferation (NA-20).

13 PRECIOUS METALS

Precious metals are defined as gold, iridium, osmium, palladium, platinum, rhodium, ruthenium, silver, or any combination of these metals and uncommon and highly valuable metals characterized by their superior resistance to corrosion and oxidation.

The acquisition and management of precious metals shall be in accordance with 41 CFR Part 109-27 Subpart 109-27.51.

13.1.1.1 DOE Precious Metals

For precious metals transactions, requestors are required to complete the applicable form(s) on the DOE Business Center for Precious Metals Sales and Recovery (BCPMSR) website at https://resources.y12.doe.gov/pmetal/. Their mission includes but is not limited to the following:

- Recover precious metals from contaminated and non-contaminated scrap and equipment.
- Refine metals and make them available to DOE and its prime contractors at no cost.
- Maintain the central tracking system for DOE-owned precious metals.
-

14 FEDERAL OVERSIGHT FOR OFF-SITE CONTRACTOR FACILITIES

13.1.1.2 Overview

This Chapter addresses:

- The oversight of DOE-owned personal property located at DOE off-site contractor facilities.
- When another Federal agency is the cognizant agency for a contractor, the use of interagency agreements to request oversight assistance is appropriate at DOE off-site contractor facilities.

Note: The contractors' facilities are considered as onsite facilities when they are on DOE Federal facilities for their contracts' operations.

13.1.1.3 Guiding Principles

When an interagency agreement is established with the cognizant Federal agency for oversight assistance at DOE off-site contractor facilities, the cognizant Federal agency assumes responsibility for reviewing and accepting the contractor's personal property management system.

The review and acceptance of a contractor's personal property management system by the cognizant Federal agency is binding based on the terms of the interagency agreement between the cognizant Federal agency and the DOE.

13.1.1.4 DOE OPMO/PA Role

When DOE is the cognizant Federal agency for another DOE operation's off-site contractor, the assigned DOE OPMO or PA performs oversight based on asset type and risk level.

When another Federal agency is the cognizant Federal agency for a DOE off-site contractor, the assigned DOE OPMO or PA may request personal property administration and oversight assistance
from that agency.

13.1.1.5 Types of Oversight

Standard Oversight

Standard oversight of an off-site contractor should be risk based and is performed as frequently as conditions warrant, in accordance with agency regulations.

When performing standard oversight, the DOE OPMO or PA visits the facility where the personal property is located to observe and assess:

- The status of the DOE personal property at the facility.
- The personal property management practices of the off-site contractor.

Limited Oversight

Limited oversight of a DOE off-site contractor may be risk based, or based on results of previous audits, reviews, and self-assessments and when:

- The personal property is not sensitive or HRPP.
- The off-site contractor:
  - Has demonstrated satisfactory personal property management practices in the past.
  - CO certifies in writing that the status of the DOE-owned personal property management is satisfactory.

When limited oversight is conducted, periodic visits should be made to the facility where the personal property is located to:

- Assess the personal property management practices of the contractor.
- Verify that the property is being adequately protected and used for the purpose authorized by the contract.

APPENDIX A: DEFINITIONS

Abandonment – Excess personal property may be abandoned or destroyed when there is written documentation that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Excess property must not be abandoned or destroyed if it would be detrimental or dangerous to public health or safety.

Accountability – The act of manually or electronic tracking of accountable personal property assets by providing a complete audit trail for property transactions from receipt to final disposition.

Accountable Personal Property – Includes nonexpendable personal property whose expected useful life is two years or longer and whose acquisition value, as determined by the agency, warrants tracking in the agency's property records, including capitalized and sensitive personal property.

Acquisition – The gaining of personal property to meet business or organizational objectives.

Acquisition Cost – The original purchase price of an item.

Administratively controlled items – Personal property controlled at the discretion of individual DOE offices, but for which there is no DOE requirement to maintain formal records.

Agency – "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross**.** For the purpose of this guide, ''agency'' means DOE. 42 USC § 5122(9)

Asset – Tangible or intangible items owned by an entity that have probable economic benefits that can be obtained or controlled by the entity. For the purpose of this Guide, asset and personal property asset are interchangeable.

Barcode – An identification technology for accountable Government property to identify it as U.S. Government property. May be read by electronic readers and permits rapid, accurate, inventory results.

Cannibalization – To remove serviceable parts from one item of equipment in order to install them on another item of equipment.

Capitalized Personal Property – The acquisition cost of an asset that is recorded in the agency's financial management accounts. Its cost is expensed over the asset's useful lifecycle in the form of depreciation. An agency must determine its capitalization threshold as discussed in the DOE Financial Management Handbook.

Classified – Containing information withheld from general circulation for reasons of national security.

Classified Personal Property – Property containing information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or E.O. requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

Computers for Learning (CFL) – GSA-sponsored program that encourages agencies to the extent permitted by law, to transfer computers and related peripheral equipment excess to their needs directly to schools and educational nonprofit organizations.

Contract– A legal instrument reflecting a relationship between the Department and a business, organization, or individual when the principal purpose is the acquisition, by purchase, lease or barter, of property or services for the direct benefit or use of the Federal Government.

Contracting Activity—an organizational element that has the authority to award and administer contracting and financial assistance instruments.

Contracting Officer (CO) – Individuals designated authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Contracting Officer's Representative (COR) – A Federal employee delegated limited authority by a Contracting Officer to monitor and perform specific, enumerated contract management duties related to contract planning, contract administration, technical oversight, and close out to ensure that contractor's performance meets the standards set forth in the contract.

Contractor – Independent entity that agrees to furnish a quantity of goods, material, equipment, personnel, and/or services that meet or exceed stated specifications within a specified timeframe to another independent entity called contractee, principal, or project owner.

Contractor Acquired Property (CAP) – Property acquired, fabricated, or otherwise provided by the contractor for performing a contract and to which the Government has title.

Controlled Unclassified Information (CUI) – The Unclassified information that is controlled within DOE because its release could cause damage. CUI within DOE encompasses Official Use Only (OUO) and Unclassified Nuclear Information (UCNI). OUO includes information such as Personally Identifiable Information, Export Controlled Information, proprietary information, and other information not covered by other DOE directives. CUI is governed by Executive Order 13556 and is a developing Government-wide policy, Controlled Unclassified Information, which will mandate uniform standards for the control of unclassified information within the Government.

Cooperative Agreement – The legal instrument used for a relationship between a federal agency and a non-federal recipient made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308). Cooperative agreements are subject to the same OMB, Treasury, and other Federal directives as financial award programs. As used in this Guide, the term "financial award program" will include cooperative agreements.

Decoration – Means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from a foreign government.

Demilitarization – The act of eliminating the functional capabilities and inherent design features from personal property, to prevent property from being used for its originally intended purpose and to prevent the release of inherent design information that could be used against the United States, using the methods specified in DoD Instruction 4160.28, (DoD Demilitarization Program), the DoD Manual 4160.28-M Volumes I and II, and associated demilitarization tables.

Depreciation – The systematic and rational allocation of the acquisition cost of personal property, less its estimated salvage or residual value, over its estimated useful lifecycle. A cost, which extends the useful lifecycle of the personal property, enlarges, or improves its capacity, will be capitalized and depreciated or amortized over the remaining useful lifecycle of the personal property asset.

Destroy – The destroying of the structure, organic existence, or condition of an item of personal property by tearing down, crushing, burning, and burying.

Direct operations – Operations conducted by DOE personnel.

Disposition – The process by which assets are disposed of, such as donation, sale, destruction, exchange, recovery, repurpose, and recycle. The action taken to physically transfer personal property assets from one's accountability.

Disposal – The process of reutilizing, transferring, donating, selling, abandoning, destroying, or other disposition of Government-owned personal property.

DOE Financial Assistance Rules — DOE regulations (10 CFR 600; 2 CFR 200/910) that establish a uniform administrative system for application, award, and administration of assistance awards, including grants and cooperative agreements.

DOE Organization – A DOE Federal management activity, such as an Operations Office, Support Office, Field Office, Area Office, Site Office, and Project Office; DOE laboratory staffed by Federal employees; National Nuclear Security Administration (NNSA), except where specifically excluded.

DOE Screening Period – The period of time that reportable excess personal property is processed through DOE internal electronic system for reutilization.

Domestic Loan – The temporary DOE personal property to perform research, studies, and other efforts that result in benefits to both the U.S. Government and the borrower, including to another DOE organization, contractor, other Government agency or organization that has a valid Federal contract, financial assistance agreement, or cooperative agreement.

Donation – Serves as an alternative to reutilization and provides non-profit and other public organizations with the ability to obtain excess property at little to no cost. Federal, state, and local laws govern donations of excess property to public entities, which includes schools, volunteer fire departments, rehabilitation centers, and special education programs.

Donee – The recipient of a gift; one to whom personal property is donated to without financial consideration.

Donor – An entity or person who gives or donates personal property.

Nuclear Suppliers Group Dual-Use List – Nuclear related material, equipment, and related technology as described in the Nuclear Suppliers Group Dual-Use List as published in International Atomic Energy Agency Information Circular (INFCIRC) 254 Part 2 and as implemented by the Department of Commerce in the U.S. Export Administration Regulations.

Dual-use – Term from Export Administration Regulation that refers to items that have both commercial and military or proliferation applications.

Education-Related Federal Equipment – Excess or surplus personal computers and related peripheral equipment, research equipment, and education-related equipment that is appropriate for use in mathematics and science curricula in elementary and secondary school education or higher education.

Educationally Useful Federal Equipment – Excess personal computers and related peripheral equipment (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in pre-kindergarten, elementary, middle, or secondary school education. It will also include computer software where the transfer of licenses is permitted.

Elementary and Secondary Schools – Individual public or private educational institutions encompassing kindergarten through twelfth grade, as well as public school districts.

Eligible Institution – Any nonprofit educational institution of higher learning, such as universities, colleges, junior colleges, and technical institutes or museums located in the United States and interested in establishing or upgrading energy-oriented education programs.

Eligible Recipient – A local elementary and secondary schools and nonprofit organizations.

Employee – Any U.S. Government employee assigned to DOE or any other person (e.g., Contractor) assigned or detailed to DOE.

Employing agency –

(1) The department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees;

(2) The Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in 5 U.S.C. 7342(c)(2)(A), (e)(1), and (g)(2)(B) must be carried out by the Clerk of the House;

(3) The Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in 5 U.S.C. 7342(c)(2), (d), and (g)(2)(B) must be carried out by the Secretary of the Senate; and

(4) The Administrative Offices of the United States Courts, for judges and judicial branch employees.

End User – The responsible custodian of a particular asset that is issued by a Property Official for the custodians business use.

Energy-Oriented Education Program – A program that contracts partially or entirely in energy or energy- related topics.

Especially designed or prepared property (also known as trigger list) – Equipment and material designed or prepared especially for the production, use, or processing, of special nuclear material (the nuclear fuel cycle) as implemented by the Nuclear Regulatory Commission in 10 CFR part 110.

Equipment – A tangible asset that is functionally complete for its intended purpose, durable, nonexpendable, and needed for the performance of a contract. Equipment is not intended for sale and does not ordinarily lose its identity or become a component part of another article when put into use.

Equipment Held for Future Projects – Property being retained, based on approved justifications, for a known future use, or for a potential use in planned projects.

Excess Personal Property – Personal property no longer needed for activities within DOE to carry out the function of official programs but for purposes of this Guide, such property has not been reported to the General Services Administration as excess property under 41 CFR 102-36.35.

Exchange – Replace personal property by trade or trade-in with the supplier of the replacement property.

Exchange or Sale – Exchange or sell non-excess, non-surplus personal property and apply the exchange allowance or proceeds of sale in whole or in part payment for the acquisition of similar property.

Expendable Personal Property – By its nature or function, property that may be consumed in use or loses its identity in use and may be dropped from stock record accounts when it is issued or used, is used as repair parts or components of an end product considered non-expendable; or has an expected useful lifecycle of less than one year (example: materials and supplies).

Export controlled information – Information (which may include technology, technical data, assistance or software), the export (including, as applicable, transfer to foreign nationals within the United States) of which is controlled under the "Export Administration Regulations" (maintained by the U.S. Department of Commerce), the "International Traffic in Arms Regulations" (maintained by the U.S. Department of State), "10 CFR Part 810, Assistance to Foreign Atomic Energy Activities" regulations(maintained by the U.S. Department of Energy), or various trade and economic sanctions(maintained by the U.S. Department of Treasury's Office of Foreign Assets Control).

Export controlled property – Commodities, equipment, and material which are subject to export licensing or restrictions by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Nuclear Regulatory Commission, Department of Treasury, or requiring authorization from the U.S. Department of Energy, or any other jurisdictional agency.

Fair Market Value – The amount at which an asset could be bought or sold. Quoted market prices in active markets are the best evidence of fair market value.

Financial Assistance Award – An agreement executed by a DOE Contracting Officer, after an application is approved, which contains the terms and conditions for providing financial assistance to the recipient (reference 10 CFR §600.3; 2 CFR 200/910).

Firearm – As defined in 18 U.S.C. 921(a)(3), means:

(1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(2) The frame or receiver of any such weapon;

(3) Any firearm muffler or firearm silencer; or

(4) Any destructive device. Such term does not include an antique firearm.

Foreign Territory – Any area outside the United States, Puerto Rico, American Samoa, Guam, the Federated States of Micronesia, Republic of the Marshall Islands, Republic of Palau, and the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

Foreign government means*:*

(1) Any unit of foreign government, including any national, State, local, and municipal government and their foreign equivalents;

(2) Any international or multinational organization whose membership is composed of any unit of a foreign government; and

(3) Any agent or representative of any such foreign government unit or organization while acting as such.

Foreign Loan – A loan of DOE personal property to a non-domestic DOE recipient or foreign entity for the benefit of, foreign Governments or international organizations to use Government property for limited use as permitted by federal regulations and international agreements. Loans are only permitted when they will clearly benefit the DOE mission.

Gift – Monetary or non-monetary personal property offered to or received from a foreign government. A monetary gift includes anything that may commonly be used in a financial transaction, such as cash or currency, checks, money orders, bonds, shares of stock, and other securities and negotiable financial instruments.

Government-Furnished Property – Property, equipment in the possession of, or directly acquired by, the government and subsequently furnished to the contractor for performance of a contract. Government-furnished property includes, but is not limited to, spares and property furnished for repair, maintenance, overhaul, or modification. Government-furnished property also includes contractor-acquired property if the contractor-acquired property is a deliverable under a cost contract when accepted by the government for continued use under the contract.

Government Property – All property owned or leased by the government. Government property includes both government-furnished property and contractor-acquired property. Government property includes material, equipment, special tooling, special test equipment, and real property. Government property does not include intellectual property and software.

Hand Receipt – A signed or otherwise formally acknowledged document in paper or electronic format that documents the transfer of stewardship for property to a custodian.

Hazardous Property – Personal property components or material that are deemed hazardous, chemical substances or mixtures, or hazardous waste as defined under the Hazardous Materials Transportation Act, (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901-6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601-2609). 41 CFR 102-36.40.

Head of Contracting Activities – The head of a Departmental element who has been delegated authority by the Director, Office of Acquisition Management to: award and administer contracts and sales contracts; appoint contracting officers, Organizational Property Management Officers (OPMOs) to represent him/her in administering all contract requirements and obligations relating to Government personal property; and exercise the overall responsibility for managing the contracting activity.

High risk personal property – Property that, because of its potential impact on public health and safety, the environment, national security interests, or proliferation concerns, must be controlled, and disposed of in other than the routine manner. The categories of high-risk property are information technology equipment with memory capability, especially designed or prepared property (also known as trigger list), export controlled property (excluding items export controlled by the Department of Commerce only for anti-terrorism reasons), hazardous property, nuclear weapon components or weapon-like components, proliferation sensitive property, radioactive property, and special nuclear material.

Holding Agency – The Federal agency having accountability for and possession of the personal property involved.

Industry Leading Practices (ILP) – Are "strategies and processes that are both generally believed to be quantifiably and qualitatively demonstrated to be top performing" or "the marriage of applied behavior and knowledge that have been demonstrated and validated to yield a competitive advantage for organizations that employ them."

Information Technology Equipment –

(i) With respect to an executive agency means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

(A) Of that equipment; or

(B) Of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(ii) Includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but

(iii) Does not include any equipment acquired by a federal contractor incidental to a federal contract. 40 U.S.C. 11101.

Inventory – A formal listing of all accountable property items assigned to an agency, along with a formal process to verify the condition, location, and quantity of such items. This term may also be used as a verb to indicate the actions leading to the development of a listing. In this sense, an inventory must be conducted using an actual physical count, electronic means, and/or statistical methods.

Inventories – Check of all accountable personal property within an area and matches that to the property record for what is supposed to be there. Other types of times when a physical inventory may be required include:

• By Exception: An inventory by exception is used when accountable property is validated through methods other than physical sighting or barcode scan, such as auto discovery for IT property, and Inventory by letter (submitted by the user to the PC) used to validate the accountability of the asset and the accuracy of the property record

• Wall-To-Wall: A scheduled inventory of areas on a wall-to-wall basis to validate the accountability of the asset and the accuracy of the property record

• Spot: An unscheduled inventory of randomly chosen property to check the accuracy of the property record

• Special: A scheduled inventory of selected property (e.g., laptops and mobile devices)

• APR or PC change: An inventory conducted with an outgoing APR/PC and their incoming counterpart, to confirm the completeness of the property record before the incoming Property Officer becomes officially accountable.

Inventory Management – Process of managing and controlling personal property throughout its lifecycle.

Leased Personal Property – Personal property acquired by DOE or contractor through a lease from an entity following current Department leasing guidelines and orders.

Lender – the Federal agency or contractor organization responsible for property being loaned.

Life Cycle – Four phases of an asset from "Cradle to Grave" that consist of (1) determination of need, (2) Acquisition, (3) Accountability and Maintenance, (4) Reutilization and Disposition.

Life Cycle Management – All direct costs associated with a program and indirect costs that can be linked to a program. Life cycle management includes certifications of reviewing officials on all relative documentation.

Loss of Government property – Means unintended, unforeseen or accidental loss, damage or destruction to Government property that reduces the Government's expected economic benefits of the property. https://www.ecfr.gov/current/title-48/part-45/section-45.101#p-45.101(Loss%20of%20Government%20property)

Maintenance – The act of cleaning, servicing, and repairing equipment to ensure that property is in operational condition.

Material – Property that is consumed or expended during the performance of a contract like component parts of a higher assembly or items that lose their individual identity through incorporation into an end-item. Material does not include equipment, special tooling and test equipment or real property.

Mixed Facility – A facility that is partially DOE-owned and partially contractor owned. The definition does not apply to a facility that is partially owned by an educational or other nonprofit institution under a basic research contract with DOE. 41 CFR 109-50.401

Movement – Property remaining within the same accountability jurisdiction, and thus under the control of its current property custodian but undergoing a change in physical location.

Munitions List Items (MLIs) – Items that are inherently military in nature (defense articles) and listed in the International Traffic in Arms Regulation, U.S. Munitions List (22 CFR part 121), published by the U.S. Department of State.

National Utilization Officer (NUO) – The person or position delegated authority and responsibility that has the knowledge, authority, and accountability required to control the PPMS® federal disposal and screening system of Departmental federal personal property.

Nuclear weapon component or weapon-like component – Parts of whole war reserve nuclear weapon systems, joint test assemblies, trainers, or test devices, including associated testing, maintenance, and handling equipment; or items that simulate such parts.

Organizational Property Management Officer (OPMO) – means establish oversight and administer personal property management programs within their organizations consistent with applicable laws, regulations, practices, and standards. The Head of Contracting Activity is responsible for appointing this individual.

Other Accountable Property – Personal property that does not meet the definitions of accountable personal property, sensitive, high-risk, or precious metals, but must be controlled and managed as determined by the OPMO, regardless of its acquisition cost.

Personal Property – means any property, except real property. For purposes of this guide, the term excludes records of the federal government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

Personal Property Management – The development, implementation, and administration of policies,
programs, practices and procedures for effective and economical lifecycle control.

Personal Property Management System – The system of acquiring, maintaining, using and disposing personal property under the stewardship of an organization or entity.

Personal Property Reporting Tool – A database that provides electronic means for reporting the data of the non-Federal recipients and exchange/sale transactions for personal property.

Program Element – A Departmental element is defined as a first-tier organization at Headquarters and in the Field.

Program Secretarial Officer (PSO) – The Federal head of a Program office which has responsibility for specific facilities, e.g., Environmental Management, Nuclear Energy, Science, Energy Efficiency and Renewable Energy, or Fossil Energy.

Proliferation-sensitive property – Nuclear related or dual use equipment or material as described in the Commerce Control List (excluding items controlled for only anti-terrorism reasons) 15 CFR 774, USML 22 CFR 121, Nuclear Regulatory Commission 10 CFR 110, or the NNSA NAP 476.1 or, equipment or material used in the research, design, development, testing, or production of nuclear or other weapons.

Property Administrator – means an authorized representative of the contracting officer appointed in accordance with agency procedures, responsible for administering the contract requirements and obligations relating to Government property in the possession of a contractor FAR 45-101.

Property Custodian – An individual responsible for the immediate physical custody of all personal property under his control and for providing documentation as required on all actions affecting the personal property within his jurisdiction. The designation as PC may or may not correspond to the individual's official job title.

Property Executive – An individual designated by a Senior Procurement Executive as being responsible for the development, promotion, monitoring, administering, coordination and evaluation of the property management system.

Property Information Database System (PIDS) – A central database that provides an electronic means for capturing personal property information.

Property Records – The records created and maintained by the contractor in support of its stewardship responsibilities for the management of Government property.

Radioactive Personal Property – Any item or material that is contaminated with radioactivity and which emits ionizing radiation in excess of background radiation as measured by appropriate instrumentation.

Recipient – The organization, individual, or other entity that receives an award from DOE and is financially accountable for the use of any DOE funds or property provided for the performance of the project and is legally responsible for carrying out the terms and conditions of the award.

Sensitive Personal Property – includes all items, regardless of value, that require special control and accountability due to unusual rates of loss, theft or misuse, or due to national security or export control considerations. Such property includes weapons, ammunition, explosives, information technology equipment with memory capability, cameras, and communications equipment. These classifications do not preclude agencies from specifying additional personal property classifications to effectively manage their programs.

Scrap – Property that has no value except for its basic material content.

Screening Period – The time period in which excess and surplus personal property are made available for excess transfer or surplus donation to eligible recipients.

Spare equipment/property – Property items held as replacement spares for equipment in current use in DOE program.
Special nuclear material – Plutonium, uranium-233, or uranium enriched above 0.711 percent by weight in the isotope uranium-235

Store Items – On-hand operating materials and supplies normally used or consumed, maintenance, and/or general use; formally controlled using a stock record account.

Surplus Personal Property – means excess personal property (as defined in § 102-36.40) not required for the needs of any Federal agency, as determined by GSA..

Transfer – Personal property that is transferred from one contract to another only when firm requirements exist under the gaining contract, or a change in property custodian (e.g., within DOE, or to another DOE component or Federal agency). Such transfers are to be documented by modifications to both gaining and losing contracts.

Unclassified controlled nuclear information – Certain unclassified Government information concerning nuclear facilities, materials, weapons, and components whose dissemination is controlled under section 148 of the Atomic Energy Act and 10 CFR part 1017

Utilization – The identification, reporting, and transfer of excess personal property among Federal agencies.

Voluntary Consensus Standards (VCS) **–** means common and repeated use of rules, conditions, guidelines or characteristics for products, or related processes and production methods and related management systems. Voluntary Consensus Standards are developed or adopted by domestic and international voluntary consensus standard making bodies (*e.g.*, International Organization for Standardization (ISO) and ASTM-International). See OMB Circular A-119.

APPENDIX B: ACRONYMS

BATFE Bureau of Alcohols, Tobacco, Firearms and Explosives

BCPMSR Business Center for Precious Metals Sales and Recovery

CFL Computers for Learning

CFR Code of Federal Regulations

CO Contracting Officer

CRD Contractor Requirements Document

CRO Community Reuse Organizations

CSC Customer Supply Center

CUI Controlled Unclassified Information

DCMA Defense Contract Management Agency

DEAR Department of Energy Acquisition Regulation

DOD Department of Defense

DOE Department of Energy

DOS Department of State

EADS Energy Assets Disposal System

EAR Export Administration Regulations

ECCN Export Control Classification Number

ECI Export Controlled Information

EHFFP Equipment Held for Future Projects

EO Executive Order

FAR Federal Acquisition Regulation

FMR Federal Management Regulations

FPMR Federal Property Management Regulations

FSC Federal Supply Classification

FSCG Federal Supply Classification Group

GAO	General Accounting Office
GSA	General Services Administration
HCA	Head of Contracting Activity
HRPP	High Risk Personal Property
IAEA	International Atomic Energy Agency
ICPT	Integrated Contractor Purchasing Team
ILP	Industry Leading Practices
IT	Information Technology
ITAR	International Traffic in Arms Regulations
LDD	Loss, Damaged, and Destruction
LEDP	Laboratory Equipment Donation Program
M & O	Management and Operating
MOU	Memorandum of Understanding
NNSA	National Nuclear Security Administration
NRC	Nuclear Regulatory Commission
NSG	Nuclear Suppliers Group
ODS	Ozone-Depleting Substances
OMB	Office of Management and Budget
OPMO	Organizational Property Management Officer
PA	Property Administrator
PE	Property Executive
PIDS	Property Information Database System
PL	Public Law
PMCO	Precious Metals Control Officer
PPMS	Personal Property Management System
PPRT	Personal Property Reporting Tool
PSO	Program Secretarial Officer (PSO)

SNM	Special Nuclear Material
UCNI	Unclassified Controlled Nuclear Information
USC	United States Code
USPS	United States Postal Service
VCS	Voluntary Consensus Standards