



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**VOLUME 12: “SPECIAL ACCOUNTS, FUNDS AND  
PROGRAMS”**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

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**VOLUME 12, CHAPTER 1: “FUNDS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [June 2021](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Verified and corrected hyperlinks.	Revision
13.0	The authority to retain and spend the patent royalty's collections is in permanent law, the funds are considered mandatory. USSGL 426600 provides direct budget authority on line 1800 (mandatory) of the SF 132, and SF-133.	Revision

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## CHAPTER 1

### FUNDS

#### 1.0 GENERAL

##### 1.1 Overview

This chapter prescribes a comprehensive description of account symbols and their operation within fund groups. Account symbols are the basis for reporting the Department of Defense (DoD) financial transactions. The U.S. Department of the Treasury (Treasury), Bureau of the Fiscal Service (Fiscal Service) and the Office of Management and Budget (OMB) assign account symbols consistent with the principals and standards prescribed by the Comptroller General of the United States. Fiscal Service assigns account symbols to agencies after considering the government's relationship to the accounts, the sources of the receipts, and the availability of the funds for expenditure. Receipt account symbols are arranged numerically within each fund group; that is, general, special, and trust funds. Expenditure account symbols (appropriations) and other fund accounts are arranged numerically by general, revolving, special, deposit, and trust fund groups.

##### 1.2 Purpose

The purpose of this chapter is to define receipt, appropriation, and other fund account symbols relating to financial operations and accounting transactions of the Department. Fund account symbols are not the same as the United States Standard General Ledger (USSGL) accounts prescribed in Volume 1, Chapter 7.

##### 1.3 Authoritative Guidance

The accounting policy and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.3.1. [Treasury Financial Manual \(TFM\)](#), Supplement to Volume I;

1.3.2. Federal Account Symbols and Titles ([FAST](#)) [Book](#); and

1.3.3. [OMB Circular A-11](#), Preparation, Submission and Execution of the Budget.

These authorities describe the various categories of Federal Government fund account symbols.

#### 2.0 FUND GROUPS

##### 2.1 Fund Groups and Symbols

All accounts are identified by fund groups through assignment of numeric and/or alphanumeric account symbols. The symbol assigned to an account is determined after

consideration of the governmental effect of the account and the source of the receipt, and the availability of the fund for expenditure. Some of these accounts have a significant impact on DoD operations. The FAST Book contains all of the fund groups, account symbols, and titles. Table 1-1 lists the fund groups and the range of federal fund account symbols.

Table 1-1. Fund Groups and Symbols

<b>Fund Group</b>	<b>Symbols</b>
General Funds	0000-3899
Clearing, Default, and Custodial Accounts	3500-3885
Management Funds	3900-3999
Revolving Funds	4000-4999
Special Funds	5000-5999
Deposit Funds	6000-6999
Trust Funds	8000-8999

## 2.2 Additions and Deletions

The Defense Finance and Accounting Service (DFAS) obtains new fund account symbols from the Treasury but the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)), Program and Financial Control Directorate must approve new fund account symbols used in Standard Form (SF) 133, "Report on Budget Execution and Budgetary Resources."

## 3.0 GENERAL FUNDS

### 3.1 General Fund Receipt Accounts (0000-3399)

General fund receipt accounts have been established to account for receipts of the Federal Government that have not been earmarked by law for a specific purpose and are preceded by an "R." For internal control purposes, none of the receipts credited to these accounts are available for obligation and expenditure. Therefore, general fund receipt account collections do not affect budgetary resources. General fund receipt account collections do provide resources to the Congress to fund appropriations. However, a congressional appropriation action requires a separate accounting process.

3.1.1. Unless there is specific statutory authority that authorizes a reimbursement to an appropriation account or fund (including special funds), all collections must be credited to the appropriate general fund receipt account. However, obligations incurred that result in, or as a result of a general fund receipt account collection or receivable must be recorded in the budgetary accounts of a direct appropriation or fund. Such obligations may be recorded as reimbursable obligations only when authorized to be reimbursed independent of the general fund receipt collection.

3.1.2. Accounts receivable for the general fund receipt accounts must be recorded whenever an event results in the determination that money is owed to the U.S. Government. General fund receipt account receivables may be recorded at a summary level. Examples include:



3.1.2.1. A receivable must be recorded for general fund receipt account 2651, "Sale of Scrap and Salvage Materials, Defense," based upon the recording of an issue or the transfer of ownership of scrap or salvage material to a buyer. (Normally, a cash payment is required.)

3.1.2.2. A receivable must be recorded for general fund receipt account 3019, "Recoveries for Government Property Lost or Damaged, Not Otherwise Classified, Army, Navy, Air Force," based upon the receipt of an approved DoD [\(DD\) Form 200](#), "Financial Liability Investigation of Property Loss."

3.1.2.3. The accounting for receivables and collection of those receivables in general fund receipt accounts are described in Volume 4, Chapter 3.

### 3.2 General Fund Expenditure Accounts (0000-3899)

General Fund accounts record amounts appropriated by Congress for the general support of the government. Appropriations are statutory authorities to incur obligations and make payments from the Treasury for specified purposes. When a law appropriates budget authority, it specifies the period of availability. The period of availability is the amount of time the entity may create new obligations. This is called the period of availability for new obligation of the budget authority, and the period is normally specified in the law providing the budget authority.

3.2.1. Annual Appropriations (Annual Budget Authority). An annual appropriation has a period of availability for only one fiscal year or less. An example of an annual appropriation is Operation and Maintenance, Army, 021 21 2020.

3.2.2. Multiple-Year Appropriations (Multi-Year Budget Authority). A multi-year appropriation has a period of availability for two or more fiscal years. An example of a multi-year appropriation is Other Procurement, Navy, 017 21/22 1810.

3.2.3. No-Year Appropriations (No-Year Budget Authority). A no-year appropriation has an indefinite period of availability because the appropriation is available until all funds are expended or the appropriation is no longer needed. An example of a no-year appropriation is Environmental Restoration, Air Force, 057X0810.

### 4.0 CLEARING, DEFAULT, and CUSTODIAL ACCOUNTS (3500-3885)

Clearing, default, and custodial accounts temporarily hold unidentifiable general, revolving, special, or trust fund collections that belong to the Federal Government. An "F" preceding the last 4 digits of the fund account symbol identifies these accounts. These clearing, default, and custodial accounts are to be used only when there is a reasonable basis or evidence that the collections or disbursements belong to the U.S. Government and therefore properly affect the budgetary resources of the DoD activity. None of the collections recorded in clearing, default, or custodial fund accounts are available for obligation or expenditure while in a clearing, default, or custodial account.

#### 4.1 Budget Clearing Account

Budget Clearing Account (suspense), F3875, temporarily credits unclassified transactions from the public when there is a reasonable presumption that the amounts belong to the agency. Therefore, unlike deposit accounts, clearing accounts immediately affect the budget.

#### 4.2 Custodial Accounts

Custodial Clearing Account (F36XX), a subset of the clearing account, temporarily holds funds collected as well as accounts for accruals and transfers related to funds collected on behalf of a Treasury Account Symbol (TAS) other than the General Fund of the U.S. Government.

#### 4.3 Undistributed Intragovernmental Payments Account

Undistributed Intragovernmental Payments, account F3885, is used to temporarily credit unidentified or unclassified transactions between Federal agencies, including Intragovernmental Payment and Collection (IPAC) transactions.

#### 4.4 Temporary Account Requirement

Since accounts F36XX, F3875, and F3885 are temporary in nature, DoD Components must expeditiously transfer all monies to the proper account in order to minimize the balance. Use of these suspense accounts are valid if approved by the Treasury provided the suspense account transactions are reclassified to the correct line of accounting and properly reported in the accounting system within 60 days.

### 5.0 MANAGEMENT FUND ACCOUNTS (3900-3999)

Management fund accounts are working fund accounts authorized by law to facilitate accounting for administration of intragovernmental activities other than a continuing cycle of operations. Such accounts generally do not own a significant amount of assets nor do they have a specified amount of capital provided (a corpus of the fund). A management fund provides a means of interim financing and accounting for: (1) an operation or project that is financed by more than one appropriation or fund and whose costs cannot be distributed and charged to the financing appropriations or funds immediately, or (2) an operation or project that is established pursuant to a transfer of functions involving two or more appropriations or funds under authority of law. An example of a management fund is the Air Force Management Fund, 057X3960.

#### 5.1 Policy

5.1.1. A management fund must be used only to finance the costs of operations which are chargeable to appropriations or funds of a DoD Component. Projects may encompass participation by organizational units of one DoD Component or of two or more DoD Components.

5.1.2. A management fund may not be used to finance any activity that involves a continuing cycle of business-type operations, such as industrial or commercial-type activities, or to purchase materiel for stock. It may be used to finance the purchase of materiel for use in an operation or project operated under a management fund.

5.1.3. A management fund may not be used to finance a new operation or project, although eligible under section 5.0, if other effective and efficient financing techniques are available. In general, appropriation reimbursements must be used. However, industrial funds must be used to finance industrial or commercial-type activities, and stock funds must be used to finance the acquisition of consumable (expense-type) materiel for stock.

5.1.4. Management fund accounts are subject to periodic internal audits.

## 5.2 Responsibilities

5.2.1. The OUSD(C) Deputy Chief Financial Officer (DCFO) must:

5.2.1.1. Ensure that a management fund account is established or continued only when there is no other effective and efficient financing technique available to accomplish the proposed operation or project. The OUSD(C) DCFO will receive, review, evaluate and approve proposed management fund account charters submitted in accordance with Figures 1-1 and 1-2.

5.2.1.2. Review and evaluate proposed management fund account charters or amendments and recommend to the Under Secretary of Defense (Comptroller) (USD(C)) the establishment or continuance of a management fund account.

5.2.2. The Heads of DoD Components must:

5.2.2.1. Propose use of a management fund as a financing technique, when considered appropriate, in accordance with the provisions of this chapter.

5.2.2.2. Oversee compliance with this chapter regarding the provision for budgeting, financing, accounting, and reporting for management fund accounts in use by their Component.

## 6.0 REVOLVING FUNDS (4000-4999)

Revolving funds are established to finance a continuing cycle of business-type operations. Revolving fund accounts are authorized to be credited with receipts, incur obligations, and make expenditures. Revolving fund collections are normally available for obligation and expenditure without further action by the Congress. However, DoD revolving funds (except for some business areas within the Defense Working Capital Fund) are subject to apportionment by OMB. Apportionment by OMB precludes obligation or expenditure of funds in excess of the apportioned balance during a fiscal period. The concepts in this section normally apply to revolving funds.

## 6.1 General

There are two types of revolving funds. Public enterprise revolving funds are distinguished from intragovernmental revolving funds by the source of revenues. Public enterprise revolving fund revenues come primarily from outside the Federal Government. Intragovernmental revolving fund revenues come primarily from other federal appropriations or funds.

6.1.1. Appropriations and/or reappropriations are usually provided to start, increase the size, or replace significant losses of a revolving fund. Also, existing resources in other accounts may be transferred to a revolving fund as capitalized assets to serve the same purposes in lieu of an appropriation. The resources used to commence or increase the size of a revolving fund are commonly referred to as “the corpus of the revolving fund.” The corpus forms the nucleus of resources used to acquire the resources needed to perform the mission of the revolving fund.

6.1.2. Revenues are generated in DoD revolving funds from reimbursable actions on behalf of authorized beneficiaries. Those revenues result in collections of funds. The funds collected are used to pay for the acquisition of resources needed to operate the revolving fund. In revolving funds that are apportioned by OMB, the use of the budgetary resources associated with those collections to incur obligations is limited to the amount of obligation authority available for the fiscal period.

6.1.3. Revolving funds subject to apportionment are apportioned on an obligation basis. An SF 132, “Apportionment and Reapportionment Schedule,” must be submitted to the OMB for approval of the amount of budgetary authority needed for the operation of the revolving fund for a fiscal period. A fiscal period may be a quarter of a fiscal year or a full fiscal year.

6.1.4. Budgetary resources available for apportionment action include:

6.1.4.1. Unobligated balances brought forward.

6.1.4.2. Appropriations.

6.1.4.3. Contract authority.

6.1.4.4. Spending Authority from Offsetting Collections (Anticipated collections, reimbursements, and other income)

6.1.4.5. Recoveries of prior year obligations.

6.1.4.6. Restorations.

6.1.5. The apportionment of anticipated reimbursements does not authorize a revolving fund to obligate in excess of the contract authority, borrowing authority, or reimbursable orders received from within the Federal Government and advances received for orders outside the Federal Government. Orders from state, local, and foreign governments are considered to be orders from the public.

6.1.6. In the case of loan programs, budgetary resources available for obligation from loan repayments and interest on loans are comprised of actual collections when authorized to be used. Loan repayments in the form of loans receivable and interest receivable are amounts due but not collected. These amounts are not available for obligation until collected.

6.1.7. Other assets, whether of a working capital nature such as inventories of stock or of a fixed asset nature, are not considered as a budgetary resource. Such assets, therefore, do not enter into the determination of unobligated balances. However, claims against budgetary resources, such as delivered and undelivered orders, are obligations of a revolving fund and must be subtracted from unobligated balances when incurred. Obligations for the procurement of inventories, as well as for the acquisition of other revolving fund assets, must be recognized, recorded, and reported along with other obligations.

6.1.8. Some revolving funds, particularly public enterprise funds, have budget authority exclusively for the fund that is technically outside the fund as long as it remains “undrawn.” This concept may apply to the authority to borrow from the public, authority to borrow from the Treasury, and sometimes contract authority.

6.1.9. The amount of obligational authority apportioned or the available balance of obligational authority may be less than the total budgetary resources available in a revolving fund. The difference, which cannot be obligated unless it is apportioned, may be characterized as either an unapportioned balance of a revolving fund or a restrictive withholding. The concept of an unapportioned balance is one of preserving a portion of the fund’s capital so it may continue to revolve.

6.1.10. Incurring obligations or authorizing the incurrence of obligations in excess of apportioned budgetary resources must be reported as an apparent violation of the administrative control of funds provisions contained in Volume 14. This reporting requirement applies whether or not a revolving fund has unapportioned budgetary resources or nonbudgetary assets greater than the amount of the deficiency.

6.1.11. Each revolving fund is required to submit a separate set of reports to the Treasury as described in Volume 6A. Therefore, the data required for each revolving fund to prepare these reports must be identified within the DoD Component's accounting system.

## 6.2 DoD Public Enterprise Revolving Funds (4000-4499)

Public Enterprise revolving funds include but are not limited to the Special Defense Acquisition Fund and the Homeowners Assistance Fund.

6.2.1. The Special Defense Acquisition Fund is funded by the use of a limited amount of certain foreign military sales collections as authorized by Congress. The fund is used to acquire items needed in anticipation of sales to foreign governments. The proceeds from the sales of the fund are used to acquire items in anticipation of future sales. Budgetary resources provided from sales to customers are not available for use until collections occur and OMB approves apportionment of funds by category of item. The apportionment of funds by OMB provides control

over the obligations for the acquisition of approved categories of items. The Special Defense Acquisition Fund was assigned the symbol 011X4116 by the Treasury.

6.2.2. The Defense Homeowners Assistance Fund is funded by borrowing authority and appropriations. The fund is used to acquire homes under certain criteria when a DoD installation is closed. The fund acquires homes as assets and assumes the related liabilities. All properties acquired by the Homeowners Assistance Fund are managed and disposed of by the U.S. Army Corps of Engineers. At the time of sale of a property, revenues are recorded and gains and losses on the disposition of the asset are determined. Costs incurred related to a property must be capitalized as an increase in the amount of the asset whenever value is added to the property. Under certain conditions, losses incurred on private sales of qualified property may be reimbursed as operating expenses of the fund. Certain other operating expenses may be authorized. The budgetary resources provided from sales or lease of property are only available for obligation after collection and when apportioned by OMB. The Defense Homeowners Assistance Fund was assigned the fund account symbol 097X4090 by the Treasury.

### 6.3 Intragovernmental Revolving Funds (4500-4999)

DoD intragovernmental revolving funds include but are not limited to the Defense Working Capital Fund, and the Pentagon Reservation Maintenance Revolving Fund.

6.3.1. The Defense Working Capital Fund was established to fund the operation of certain support functions within DoD. This fund was formed from five previously existing industrial funds, four previously existing stock funds, and selected Defense Agency support functions that were previously funded through direct appropriations. The Defense Working Capital Fund provides support functions such as inventory, maintenance, communications, depot maintenance, military airlift, and sealift. Services are provided on a reimbursable basis to authorized customers. The Defense Working Capital Fund was assigned the fund account symbol 097X4930 by the Treasury.

6.3.2. The Pentagon Reservation Maintenance Revolving Fund was established by the Fiscal Year 1991 National Defense Authorization Act and is codified in Title 10, U.S. Code, section 2674. The Pentagon Reservation Maintenance Fund finances the activities of the Washington Headquarters Services, the Pentagon Force Protection Agency, and the Raven Rock Mountain Complex. The fund provides space, building services, and force protection for the DoD Components, including Military Departments and other activities housed within the Pentagon Reservation. The Pentagon Reservation Maintenance Revolving Fund was assigned the fund account symbol 097X4950 by the Treasury.

**7.0 SPECIAL FUNDS (5000-5999)****7.1 Special Fund Receipt Accounts**

The Department credits special fund receipt accounts with receipts from specific sources earmarked by law for specific purposes. At the point of collection, these receipts are either available immediately or unavailable for expenditures depending upon statutory requirements.

**7.2 Special Fund Expenditure Accounts**

Special fund expenditure accounts are established to record amounts appropriated or otherwise made available by transfers from a special fund receipt account to be obligated and expended for special programs in accordance with specific provisions of law. The accounting for special fund expenditure accounts must be in accordance with the provisions of this Regulation. However, each special fund must be viewed as a unique fund in light of any special provisions in the enabling legislation. An example of a DoD special fund account is the Wildlife Conservation, fund account symbol X5095.

**8.0 DEPOSIT FUNDS (6000-6999)**

Deposit fund accounts are established to account for collections that are either held temporarily and later refunded or paid upon administrative or legal determination as to the proper disposition thereof, or held by the government as banker or agent for others and paid out at the direction of the depositor. Deposit funds are liabilities of the Federal Government. Deposit fund transactions are excluded from the budget totals because the amounts are not owned by the government, and therefore are not available for the incurrence of any Federal Government obligations or payment of any Federal Government obligations. This section identifies various types of deposit funds.

**8.1 Monies Withheld**

Monies withheld by the government from payments for goods and services received. This type of transaction may be treated as a deposit fund liability only when a budgetary account has been charged and the funds are being held by the government pending payment; for example, payroll deductions for savings bonds or state and state income taxes.

**8.2 Deposits from Outside Sources**

Deposits received from outside sources for which the U.S. Government is acting solely as a banker, fiscal agent, or custodian.



### 8.3 Monies Awaiting Distribution

Monies held by the U.S. Government awaiting distribution on the basis of a legal determination or investigation. This category includes monies in dispute (between the Government and outside parties) when ownership is in doubt and there is no present basis for estimating ultimate distribution.

### 8.4 Unidentified Remittances

Unidentified remittances must be credited as suspense items outside the budget unless there is a reasonable presumption that they will be credited ultimately to a receipt, appropriation (expenditure), or other fund account within the budget, in which case amounts must be credited to the receipt clearing fund accounts. An example of a DoD deposit fund account is the Army's Group Life Insurance Fund, fund account symbol 021X6434.

### 8.5 Unclaimed Collections

On a quarterly basis, DoD Components must initiate action to clear unclaimed collections held in their trust, revolving, and deposit fund accounts for more than one year. Unclaimed collections are money held by the government for individuals whose whereabouts are unknown. Unclaimed collections of \$25 or more are transferred to "Payment of Unclaimed Moneys" with the accounting citation 020X6133, if held for more than one year. This account represents money that, when claimed, are properly refundable to the legal owner of the funds. Unclaimed collections of less than \$25 or amounts of \$25 or more that have been held for more than one year for which the rightful owner can be neither identified nor located are transferred to R1060 unclaimed amounts.

## 9.0 TRUST FUNDS (8000-8999)

### 9.1 Trust Fund Receipt Accounts

The Department credits trust fund receipt accounts with receipts generated by the terms of a trust agreement or statute that designates a fund as a trust fund. At the point of collection, these receipts are either available immediately or unavailable for expenditure depending upon statutory requirements. Accounting for trust funds must be in accordance with the provisions of this Regulation. However, each trust fund must be viewed as a unique fund in light of any special provisions in the trust agreement or the enabling legislation. Because of the unique nature and magnitude of impact of the deposits, advances, and Foreign Military Sales related to the Executive trust fund, special accounting requirements have been established in Volume 15.



## 9.2 Trust Fund Expenditure Accounts

Trust fund expenditure accounts are established to record amounts appropriated or otherwise made available by transfer from a trust fund receipt account to be obligated and expended in carrying out the specific purposes or programs in accordance with the terms of the trust agreement or statute. Funds transferred or appropriated to a trust fund expenditure account are normally available for obligation and expenditure within the limits imposed by the trust agreement or authorizing statute.

## 9.3 Trust Revolving Funds (8400-8499)

A trust revolving fund is a single account that is authorized to be credited with receipts and incur obligations and expenditures in support of a continuing cycle of business-type operations in accordance with the provisions of the trust agreement or statute. Trust revolving fund receipts are available for obligation and expenditure without further action by the Congress. In general, DoD trust funds authorized to incur obligations and expend receipts have been exempted from apportionment by the OMB. However, the Defense Commissary Agency Surcharge Collections, Sales of Commissary Stores trust revolving fund is subject to apportionment by the OMB. Accounting for trust fund expenditure accounts and trust revolving funds must be in accordance with the provisions of this Regulation. However, each trust fund must be viewed as a unique fund in light of any special provisions in the trust agreement or the enabling legislation.

## 10.0 AVAILABLE RECEIPTS

Available receipts are special or trust fund receipts that, pursuant to law, are available as appropriations to a single agency for expenditure without further congressional action. However, in some fund accounts, use is restricted to investment only or is precluded by a limitation or benefit formula. An available receipt account carries the same symbolization as its corresponding expenditure account in that an "X" is inserted to indicate the period of availability of such funds for obligation. However, in special circumstances, available receipts that are earmarked for current year obligations and expenditures initially are placed in an unavailable receipt account until Fiscal Service prepares a warrant to move the funds to a current fiscal year expenditure account.

## 11.0 UNAVAILABLE RECEIPTS

These are receipts that, at the time of collection, are not appropriated and not immediately available for expenditure. Unavailable receipts held in special and trust fund receipt accounts are unavailable for expenditure until appropriated pursuant to specific legislative provisions. Unavailable receipts are sometimes invested. In these circumstances, Treasury designates the fund as "available only for investment."

## 12.0 TRANSFER APPROPRIATION ACCOUNTS

Fiscal Service establishes transfer appropriation accounts to receive (and subsequently obligate and disburse) allocations treated as nonexpenditure transactions. These accounts carry symbols identified with the original appropriation from which monies were advanced. A transfer appropriation account is symbolized by adding the receiving agency's department prefix to the original appropriation or fund account symbol. A bureau suffix identifies that the transfer is to a particular office or bureau within the receiving department. For example, 017-097 06 0100 represents a transfer of funds that was initially appropriated to Defense Agencies (097) and was transferred to the Department of the Navy (017) for execution purposes.

## \*13.0 PATENT ROYALTY ACTIVITIES

Each fiscal year, Treasury will create new three-year TAS to record collections and payments of expenses related to patent royalties. DoD Components should obligate and disburse directly from the three-year TAS for the purposes specifically authorized in statute, Section 3710c of Title 15, U.S. Code, which states that collections are only available for three years.

DoD Components must record the collections in the USSGL 426600 – Other Actual Business-Type Collections From Non-Federal Sources. USSGL 426600 provides direct budget authority on line [1800](#) of the SF 132, and SF-133.

Figure 1-1. Management Fund Requirements

## 1.0 APPROVAL OF CHARTERS AND MANAGEMENT FUND ACCOUNTS

A separate administrative account, called a management fund account, must be established for each operation or project that is to be financed by a management fund. This account must be established only with the approval of the Under Secretary of Defense (Comptroller) (USD(C)). As a basis for approval of a management fund account, a proposed charter and explanation of the reasons for the use of the management fund as the means of financing the operation or project must be submitted to the USD(C) via the Deputy Chief Financial Officer (DCFO).

1.1 The proposed charter must be prepared in the uniform format prescribed in Figure 1-2. If a Military Department is to be responsible for administration of the account, the proposed charter must be submitted under the signature of either the Secretary, Under Secretary, or an Assistant Secretary of the Military Department. A proposed charter submitted by a Defense Agency must be signed by the Director or Deputy Director of the Agency concerned. When appropriations or funds of more than one DoD Component are to share in the financing of a proposed account, the concurrence of each DoD Component involved must be evidenced by the signature of the Component comptroller or an equivalent official.

1.2 The scope of operations of a management fund account, as prescribed in the charter, must not be exceeded. However, the basic provisions of a charter may be changed by submitting a proposed charter amendment in the same manner as an original charter application.

1.3 The USD(C) must evidence approval of a charter or an amendment by signing the charter and returning a copy to the applicable DoD Component as its authority to commence operations subject to availability of funds. The original must be retained in the official files of the USD(C).

## 2.0 DISCONTINUANCE OF A MANAGEMENT FUND ACCOUNT

When a management fund account is to be discontinued, the managing DoD Component must submit a termination notice to the USD(C) stating the reason for discontinuing the account and the estimated date of final liquidation.

## 3.0 BUDGETING, FINANCING, ACCOUNTING, AND REPORTING

### 3.1 Budgets and Financial Plans

3.1.1. Annual budget estimates must be prepared for each management fund in accordance with Volume 2B.

3.1.2. An operating budget or financial plan must be prepared annually and updated quarterly by the managing DoD Component for each management fund account in a format appropriate for management planning and control purposes. A copy of the operating budget or financial plan for an operation or project must be submitted with the request for approval of an

Figure 1-1. Management Fund Requirements (continued)

account charter. When required for purposes of obtaining advances or for guidance in estimating appropriation or fund requirements, copies of operating budgets or financial plans also must be furnished to participating DoD Components or their organizational subdivisions.

### 3.2 Financing and Administrative Control of Funds

3.2.1. Obligational authority for the conduct of operations under a management fund account is provided by reimbursable orders, either with or without advances, whichever may be appropriate. The reimbursable orders may be issued in periodic increments to lessen the administrative workload and they must specify the accounting classifications to be used for billing purposes.

3.2.2. The management fund must be controlled administratively in accordance with Volume 14, “Administrative Control of Funds.” No obligation may be incurred against a management fund that is not chargeable to a specific order and the appropriation or fund supporting that order.

### 3.3 Billing and Payment

3.3.1. Management fund outlays must be charged to appropriations or funds as prescribed in the account charter and specified in the reimbursable order.

3.3.2. Billing and payment must be accomplished by SF 1081, “Voucher and Schedule of Withdrawals and Credits.” In the case of financing by means of advances, the advances must be accomplished by SF 1081 prepared and processed as of the beginning of the period covered by the advance. In all cases, however, the DoD Component responsible for the management fund account must submit monthly bills to participating organizations to permit them to charge appropriate accounts and record the reduction in the advance accounts, as well as to permit the managing DoD Component to adjust its own accounts.

3.4 Accounting and Reporting. Financial transactions must be classified under each management fund account in enough detail to meet management planning and control requirements. The principles, standards, and requirements in this Regulation apply to the accounting and reporting systems, including the recording and reporting of the source, application, and status of funds. Additional financial reporting that may be needed by participating organizations for management purposes must be specified by the DCFO and the Heads of the DoD Components.

Figure 1-2. Uniform Format for Management Fund Account Charters

## 1.0 IDENTIFICATION OF MANAGEMENT FUND ACCOUNT

The proposed charter must be numbered serially within each Military Department or the Office of the Secretary of Defense, and the management fund account must be identified by a brief but descriptive title. Serial numbers must be reserved for existing management fund accounts; thus, if a Military Department has three active management fund accounts, the next proposed charter will be No. 4. A reference must be made to this chapter as authority for the management fund account.

## 2.0 PURPOSE

A brief but complete description of the operation or project to be financed by the management fund must be included in this section.

## 3.0 PARTICIPATING ORGANIZATIONS

The organizational units within the managing Military Department or Defense Agency and the organizations in the other Military Departments or Defense Agencies that will participate in the operation or project must be identified in this section.

## 4.0 ADMINISTRATION

The following information must be included in this section:

- 4.1 The name and location of the organization or office that will be responsible for management and direction of the operation or project.
- 4.2 The location of the accounting and other administrative records.
- 4.3 The location of the principal place of business, if different from paragraphs 4.1, and 4.2.
- 4.4 Special provisions concerning administrative and logistic support.

## 5.0 BUDGETING, FINANCING, ACCOUNTING, AND REPORTING

The following information must be included in this section:

- 5.1 Arrangements for the preparation and submission of operating budgets or financial plans.

Figure 1-2. Uniform Format for Management Fund Account Charters (continued)

5.2 Provisions for financing, that is, by reimbursement with or without advances; provisions for determining and allocating costs when appropriate; and provisions for the return of unexpended balances of advances.

5.3 The management fund title and symbol.

5.4 A brief description of the system of accounts and of the system of internal control, including administrative control over funds.

5.5 The nature of the expenses chargeable to the operation or project.

5.6 Reporting policies and procedures.

6.0 TERM AND DURATION OF THE ACCOUNT

This section must specify the commencement date and the termination date of the operation or project or, for an operation or project of indefinite duration, the conditions under which the operation or project will terminate.

REQUESTED:

(Signature of appropriate official  
of the managing DoD Component)

CONCURRED

(Signature of appropriate official  
of a participating DoD Component)

(Signature of appropriate official  
of a participating DoD Component)

APPROVED:

(Date)

Under Secretary of Defense  
(Comptroller)



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 2: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 12, CHAPTER 3 “CONTRIBUTIONS FOR DEFENSE PROGRAMS,  
PROJECTS, AND ACTIVITIES”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by **blue font**.

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated June 2007 is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
4.0 (0304)	Remove ACCOUNTING FOR CONTRIBUTIONS and renumber subsequent paragraphs. Accounting entries for contributions are specified in the United States Standard General Ledger Transaction Library located at <a href="http://www.bta.mil/SFIS/SFIS_resources.html">http://www.bta.mil/SFIS/SFIS_resources.html</a> .	Mandatory



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**\*CHAPTER 3****CONTRIBUTIONS FOR DEFENSE PROGRAMS, PROJECTS, AND ACTIVITIES****1.0 INTRODUCTION (0301)****1.1 Purpose (030101)**

This Chapter prescribes the overall policy and assigns responsibilities for the acceptance, receipt, use, and reporting of money, real or personal property, or services to the Department of Defense (DoD) under Title 10, United States Code, section 2608.

**1.2 Defense Cooperation Account (030102)**

A special account is established in the Treasury of the United States for receipt of monetary contributions and proceeds from the sale of real or personal property contributions accepted by the Secretary of Defense, or designee under Title 10, United States Code, section 2608.

**2.0 AUTHORITY (0302)****2.1 Secretary of Defense (030201)**

Title 10, United States Code, section 2608 provides authority for the Secretary of Defense (SECDEF) to accept, for use by the Department, from any business (or person), foreign government, or international organization, any contribution of money or real or personal property and may accept from any foreign government or international organization any contribution of services.

**2.2 Under Secretary of Defense (Comptroller) (USD(C)) (030202)**

Authority to accept such contributions has been delegated to the USD(C), who also serves as the single point of contact in the Department for the Departments of State and the Treasury with respect to all matters involving the receipt, administration and distribution of contributions of funds from foreign countries for defense programs.

**2.3 Military Departments and Defense Agencies (030203)**

The Secretaries of the Military Departments and the Directors of the Defense Agencies, have authority to accept from any business (person), or international organization, any contribution of real or personal property for use by their organizations.

**2.4 Washington Headquarters Services (030204)**

Given Washington Headquarter Services' responsibility for the management of property and physical assets at the Pentagon and to maintain consistency in property accountability the

Director of the Washington Headquarter Services has authority to accept contributions of personal property offered to the Office of the Secretary of Defense for use at the Pentagon.

## 2.5 Delegation of Authority (030205)

The USD(C) may provide additional delegations of authority to accept contributions of real and personal property or services on a case by case basis.

## 3.0 POLICY ON CONTRIBUTIONS (0303)

### 3.1 Nonmonetary Contributions (030301)

These are contributions in the form of real property (fixed assets such as land, buildings, other structures, and facilities), tangible property (inventory or items held for sale, operating materials, supplies, and equipment) or services that would benefit the DoD if accepted. Once the DoD accepts these contributions, the intent of the accounting standards (Statements of Federal Financial Accounting Standards (SFFAS)) is that the benefiting DoD organization should recognize the contribution in its financial statements. See Volume 4, Chapters 4 and 6, and Volume 6B, for accounting and reporting guidance.

3.1.1. The receiving DoD organization recognizes a change in inventory, stock, or plant, property, and equipment (PP&E) related records once transfer of the goods or services is made thus making DoD the legal owner of said goods or services. An organization receiving donated general PP&E determines its fair value at the time it was acquired by the government. Donations of assets or services must be reported quarterly to the Defense Finance and Accounting Service (DFAS), Indianapolis, 8899 East 56<sup>th</sup> Street ATTN: Trust Fund Accounting Division, Column 203L, Indianapolis, Indiana 46249-1500 (see paragraph 5.1).

3.1.2. The receiving organization must document and retain on file the details of each nonmonetary contribution received. For audit purposes, the supporting documentation must be retained for the life of the asset, but no less than 6 years and 3 months. Each file must include:

3.1.2.1. A description of the contribution.

3.1.2.2. The estimated value of the contribution, including the valuation method used (see subparagraph 3.1.3, below).

3.1.2.3. The name and address of the donor(s).

3.1.2.4. A list of restrictions, conditions, or other information set out by the donor.

3.1.2.5. The acquisition date.

3.1.2.6. The useful expected life of the donation.

3.1.2.7. A statement explaining the benefits of accepting the donation. You must explain why accepting the donation is preferred to obtaining the item or service through existing DoD supply channels.

3.1.2.8. A unique identifier or data element used to track the same or similar items shipped from different sources.

3.1.2.9. The Service and appropriation that benefit from this contribution. Identify the appropriation that normally furnishes this asset.

## 3.2 Monetary Contributions (030302)

The USD(C) retains the authority to accept all monetary contributions. Monetary contributions are not generally accepted with restrictions, i.e., with designations for specific programs or purposes.

### 3.2.1. Contributions in Cash

3.2.1.1. Cash contributions, including proceeds from the sale of any contributed property, shall be deposited to the Defense Cooperation Account (DCA) as soon as practical, but not later than the last day of the month.

3.2.1.2. Consistent with sound cash management practices, any cash accepted, under USD(C) authority, shall be either converted into a check and forwarded to the DFAS using overnight delivery service, or deposited into a Treasury General Account with funds transferred to the DCA via electronic funds transfer--whichever process results in the earliest deposit of funds into the DCA.

3.2.1.3. Any funds forwarded by electronic funds transfer shall be deposited within 24 hours into the DCA under ALC 9720010 and Account Number 97X5187.1. Additionally, the DFAS Trust Fund Accounting Division shall be notified prior to forwarding any funds electronically.

3.2.1.4. Documentation associated with cash contributions, including copies of deposit tickets, and the original of correspondence from contributors shall be forwarded within 24 hours of the deposit using overnight delivery service, to the DFAS Trust Fund Accounting Division.

### 3.2.2. Contributions by Check

3.2.2.1. Checks received by DoD officials shall be made payable to the "United States Treasury." The reference line on the check should indicate the "Defense Cooperation Account."

3.2.2.2. Checks received by DoD officials shall be forwarded to the DFAS Trust Fund Accounting Division. The DFAS shall deposit such funds within 24 hours of receipt into the DCA under ALC 9720010 and Account Number 97X5187.1.

3.2.2.3. Documentation associated with check contributions, including the original of any correspondence from contributors shall be forwarded with the check.

### 3.2.3. Contributions by Wire Transfer

3.2.3.1. Contributions by wire transfer eliminate delays in receiving deposits and provide the most efficient preliminary accounting information for investment purposes.

3.2.3.2. After approval by the USD(C), donors may make contributions to the DCA via electronic funds transfer from commercial banks to “Account Number 1” in the Federal Reserve Bank of New York (as Fiscal Agent of the United States). The Federal Reserve Bank of New York shall credit the Department accordingly, using the format in Figure 3-1.

3.2.3.3. Documentation associated with wire transfer contributions, including the original of any correspondence from contributors shall be forwarded within 24 hours of the deposit using overnight delivery service, to the DFAS Trust Fund Accounting Division.

3.2.4. Contributions in Foreign Currencies (Cash or Check). Upon notice of a planned large contribution (\$1 million or more) to be made in foreign currency the cognizant DoD official shall:

3.2.4.1. Request the donor provide as much lead time as possible regarding the amount of the contribution and the estimated date the contribution will be made.

3.2.4.2. Advise the USD(C) and the DFAS Trust Fund Accounting Division of any planned contributions and continue to keep that office advised of the status until the currency transfer is made by the donor.

3.2.4.3. Upon approval by the USD(C), request the donor credit the foreign currency contribution to the Federal Reserve Bank of New York “Account Number 1” via the donor’s central bank. If the Federal Reserve Bank does not maintain an account with a particular donor, the DoD official should seek guidance from the DFAS Trust Fund Accounting Division, for appropriate alternative arrangements.

3.2.4.4. Foreign checks received by DoD officials shall be converted to a check denominated in U.S. dollars prior to being forwarded to the DFAS or transferred electronically into the DCA.

3.2.4.5. Cash and checks received by DoD officials in countries not served by a DoD disbursing officer shall, upon approval by the USD(C), be delivered to the nearest U.S. Embassy within 24 hours of receipt for deposit in the DCA, under ALC 97200010 and Account Number 97X5187.1.

### 3.3 Policy On Acceptance Of Contributions (030303)

3.3.1. Authorities that may accept contributions shall use sensitivity and scrutiny when contributions are offered from prohibited sources and, if there is a question on propriety, shall consult with their Ethics Counselor to determine whether accepting a contribution would violate any prohibition, or reflect unfavorably on the Department. “Prohibited source” and “Ethics Counselor” shall have the meanings set forth in DoD 5500.7-R, the Joint Ethics Regulation.

3.3.2. Authorities that may accept contributions may pay all necessary expenses in connection with the conveyance or transfer of a contribution. Contributions should not be accepted if it would result in substantial expenditures or administrative efforts and maintenance that are disproportionate to any benefit.

3.3.3. Department personnel shall not solicit, fundraise for, or otherwise request or encourage the offer of a contribution.

3.3.4. Authorities that may accept contributions may acknowledge offers of future contributions and advise the donors that acceptance will occur after actual presentation of the contributions only when they determine that such acceptance will likely occur.

## \*4.0 REPORTING ON CONTRIBUTIONS (0304)

### 4.1 Reporting Requirements (030401)

Not later than 10 days after the end of each quarter, each DoD official that has accepted and received a nonmonetary contribution shall submit a report to the DFAS Trust Fund Accounting Division that identifies the following:

#### 4.1.1. Nonmonetary Contributions Received

4.1.1.1. A description of each item received.

4.1.1.2. The value of each item received, including the valuation method used.

4.1.1.3. The name of the contributor for each item received.

4.1.1.4. The date each item was received.

4.1.1.5. Details of any restrictions, conditions or other relevant information regarding each contribution.

4.1.1.6. Expected useful life of the contribution.

4.1.1.7. If two more like items are received from different sources the items are to be accounted for separately to permit identification of items received.

#### 4.1.2. Nonmonetary Contributions Sold

4.1.2.1. A description of each item sold.

4.1.2.2. The proceeds of each item sold. Also include in report the disposition of the funds received. Funds should be forwarded or deposited with DFAS and credited in the DCA consistent with 10 U.S.C. 2608(b)(2).

4.1.2.3. The name of the contributor for each item sold.

4.1.2.4. The date each item was sold.

4.1.2.5. The name of the purchaser for each item sold.

4.1.2.6. If two or more like items are received from different sources the items are to be accounted for separately to permit identification of items when sold.

4.1.2.7. Details of any other relevant information regarding each item sold.

#### 4.1.3. Monetary Contributions Received

4.1.3.1. The dollar amount of each contribution.

4.1.3.2. Name of the donor for each contribution received.

4.1.3.3. The date each item was received.

#### 4.2 Defense Finance and Accounting Services Reporting Requirement (030402)

Not later than 15 days after the end of each quarter, the DFAS shall prepare and forward to the USD(C) a report to be submitted to the Congress that provides the following information.

4.2.1. Summary values of monetary and nonmonetary contributions accepted during the quarter.

4.2.2. A description of all property valued at more than \$1 million. In determining whether the \$1 million threshold has been met, the following procedures shall be used:

4.2.2.1. The value of similar items accepted during the quarter shall be added together.

4.2.2.2. The value of components which, if assembled, would comprise all or a substantial portion of an item or facility shall be added together.

## 5.0 INVESTING CONTRIBUTIONS (0305)

### 5.1 General (030501)

Consistent with good cash management practices, funds in the DCA shall be invested in Government securities until distribution is authorized. Generally, investments are limited to U.S. Treasury bills maturing in 90 days or less.

### 5.2 Purchasing Government Securities (030502)

The DFAS shall follow the procedures below for purchasing Government securities.

5.2.1. Daily, after all contributions and other transactions have been entered into the DCA, generate a Pre-closing Trial Balance.

5.2.1.1. Verify the amount in account 1010, Fund Balance with Treasury, with the amount entered in the General Ledger for the same day.

5.2.1.2. Research and correct any differences between account 1010 and the General Ledger immediately.

5.2.2. A security investment can be purchased if account 1010 has a balance sufficient to purchase a \$10,000 Treasury bill or a \$1,000 U.S. Treasury note or bond. Information on prices, maturities, and yields of U.S. Treasury securities generally can be found in the financial section of major newspapers.

5.2.3. Select a U.S. Treasury security from those available.

5.2.4. Input the following information into the Treasury's FedInvest system or other appropriate system:

5.2.4.1. Account: Defense Cooperation Account

5.2.4.2. Transaction Type: Purchase

5.2.4.3. Transaction Date: (Date the security will be purchased)

5.2.4.4. Type of Security: (Specify)

5.2.4.5. Date of maturity: (Specify)

5.2.4.6. Amount: (Amount available in account 1010, Fund Balance with Treasury)

5.2.5. The day after the transaction, review the FedInvest system or other system as appropriate to obtain the face amount, discount or premium, interest purchase (if any), and the



price of the security purchased. Record the above information in the Trust Fund Accounting System (TFAS).

5.2.5.1. Complete the coordination section of the Memorandum for Purchase or Sale of Investments.

5.2.5.2. Complete the Purchases Input Worksheet and update the DCA system. Once this has been accomplished, a person other than the one making input must sign the Purchase Input Worksheet confirming that the DCA was updated for the Purchase.

5.2.6. Once the above has been accomplished, a person other than the individual making the input needs to review the data in the TFAS and the DCA to ensure that the systems have been properly updated.

### 5.3 Selling Securities (030503)

The DFAS shall follow the procedures below to sell Government securities.

5.3.1. The Office of the Deputy Comptroller (Program/Budget) will determine the amount needed for payment or transfer. The Fund Manager, DFAS Trust Fund Accounting Division, normally shall sell securities to cover the amount needed if no securities mature on that day or contributions are not received. The decision as to which securities will be sold will depend on current economic conditions.

5.3.2. Select a security or securities for sale.

5.3.3. Input the following information into the Treasury's FedInvest system or other appropriate system:

5.3.3.1. Account: Defense Cooperation Account

5.3.3.2. Transaction Type: Sale

5.3.3.3. Transaction Date: (Date security will be sold)

5.3.3.4. Type of security: (Specify)

5.3.3.5. Interest Rate: (Enter applicable rate only if Notes or Bonds are sold)

5.3.3.6. Date of maturity: (Specify)

5.3.3.7. Amount: (Minimum amount of proceeds from the sale required to cover any projected negative amount in account 1010)

5.3.4. If needed, obtain the principal amount and interest earned from the FedInvest or other appropriate system.

5.3.5. Update the TFAS with DCA activity.

#### 5.4 Maturing Securities (030504)

The DFAS shall maintain a tracking system that identifies impending maturities and collections of securities for the DCA and ensure appropriate reinvestment action is taken upon maturity of a security.

#### 5.5 Payments or Transfers (030505)

Payments or transfers from the DCA must be authorized by the Congress. The USD(C) will provide withdrawal notification to the DFAS which shall ensure appropriate action is taken.

#### 5.6 Annual Reviews (030506)

The DFAS will conduct an annual review of the DCA operations and transactions, including the purchase and sale of investments. The objective of the review will include compliance with the DoD and the Treasury policies and procedures, and adequacy of internal controls.

FIGURE 3-1. Sample Wire Transfer to the U.S. Treasury

<u>SAMPLE FORMAT</u>	
<u>WIRE TRANSFERS TO THE U.S. TREASURY</u>	
The sample format for wire transfers for credit to U.S. Treasury Defense Cooperation Account (remaining blocks to be filled by the sender or the sending bank, in accordance with the attached wire transfer instructions) is as follows:	
I	I
(1)	(2)
I 021030004 I	I
(3)	(4) (5)
I	I I I
	(6)
I	/ I
(7)	(8)
I TREAS NYC I	CTR I
(9)	(10)
IBNF=/AC-97200010 I OBI=to the Defense Cooperation Account I	
(10)	
I(Acct. No. 97X5187.1) for Programs, Projects, and I	
(10)	
I Activities from (name of donor) I	

FIGURE 3-1

Monetary Contributions by Wire Transfer Instructions

The following is a guide for completing the funds transfer form (Figure 3-1) which should be available at the sending financial institution.

1. RECEIVER DEPOSITARY FINANCIAL INSTITUTION (DFI) No. The Treasury Department's American Bankers Association (ABA) number for deposit messages is 021030004. This number shall be entered by the sending bank for all deposit messages sent to Treasury for credit to the Defense Cooperation Account.
2. TYPE-SUBTYPE CODE. The type and subtype code is provided by the sending bank.
3. SENDER DFI NO. This number is provided by the sending bank.
4. SENDER REFERENCE NO. The sixteen (16) character reference number is inserted by the sending bank at its option.
5. AMOUNT. The transfer amount shall be in U.S. dollars and must be punctuated with commas and a decimal point; use of the dollar sign is optional.
6. SENDER DFI NAME. This information is automatically inserted by the Federal Reserve Bank.
7. RECEIVER DFI NAME. The Treasury Department's name for deposit messages is "TREAS NYC." The name should be entered by the sending bank.
8. PRODUCT CODE. A product code of "CTR" for customer transfer should be the first data in the RECEIVER - TEXT field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.
9. AGENCY LOCATION CODE (ALC). The agency location code is of critical importance and must appear in the precise manner stated to allow for automated processing and classification to the ALC of the Department of Defense. The sequence includes the beneficiary code tag (BNF) and indicator code (/AC) followed by the Defense Department's eight (8) digit ALC (97200010) for this account. The ALC identification sequence can, if necessary, begin on one line and end on the next line. However, the field beneficiary code tag (BNF) must be one line and cannot contain any spaces.
10. THIRD PARTY INFORMATION. The reason for the funds transfer should appear in this field. The originator-to-beneficiary information field tag (OBI=) is used to signify the beginning of free-form text. An example follows: BNF=/AC-97200010 OBI=to the DCA(97X5187) for defense programs, projects, and activities from (Name of Donor).

**VOLUME 12, CHAPTER 4: “DIRECT LOANS AND LOAN GUARANTEES”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [October 2020](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
ALL	Updated all website links and references and formatting.	Revision
2.2.3.4	Added a new subparagraph and minor edits throughout the chapter to align with Statement of Federal Financial Accounting Standards 2, “Accounting for Direct Loans and Loan Guarantees.”	Addition

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## CHAPTER 4

**DIRECT LOANS AND LOAN GUARANTEES**

## 1.0 GENERAL

## 1.1 Purpose

This chapter establishes the Department of Defense (DoD) policies for direct loans and loan guarantees for non-Federal borrowers. The policies for credit programs reflect the requirements of the [Federal Credit Reform Act of 1990](#) (FCRA) as amended. The major purposes of the Act are to: (a) measure more accurately the costs of Federal credit programs; (b) place the cost of credit programs on a budgetary basis equivalent to other Federal spending; (c) encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries; and (d) improve the allocation of resources among credit programs and between credit and other spending programs.

## 1.2 Authoritative Guidance

The financial management policy and related requirements prescribed in this chapter are in accordance with the applicable provisions of the following sources, and apply to all proceeds resulting from sales of acquired assets:

1.2.1. [Office of Management and Budget \(OMB\) Circular A-11](#), Part 5, Section 185, "Federal Credit."

1.2.2. [OMB Circular A-129](#), "Policies for Federal Credit Programs and Non-Tax Receivables."

1.2.3. [The Treasury Financial Manual \(TFM\) Volume I Part 2, Chapter 4600](#).

1.2.4. [Statement of Federal Financial Accounting Standards \(SFFAS\) 2](#), "Accounting for Direct Loans and Loan Guarantees."

1.2.5. [SFFAS 18](#), "Amendments to Accounting Standards For Direct Loans and Loan Guarantees in SFFAS No. 2."

1.2.6. [SFFAS 19](#), "Technical Amendments to Accounting Standards For Direct Loans and Loan Guarantees in SFFAS No. 2."

1.2.7. Federal Accounting Standards Advisory Board (FASAB) [Technical Release 3 \(Revised\)](#), "Auditing Estimates for Direct Loan and Loan Guarantee Subsidies under the Federal Credit Reform Act."

1.2.8. [FASAB Technical Release 6](#), "Preparing Estimates for Direct Loan and Loan Guarantee Subsidies under the Federal Credit Reform Act."

## 2.0 ACCOUNTING STANDARDS

### 2.1 Explanation

The specific accounting standards for direct and guaranteed loans are discussed in this chapter. The standards concern the recognition and measurement of direct loans, the liability associated with loan guarantees, and the cost of direct loans and loan guarantees.

### 2.2 Accounting Standards

**2.2.1. Post-1991 Direct Loans.** Refers to direct loan obligations made on or after October 1, 1991, and the resulting direct loans. Direct loans disbursed and outstanding are recognized as assets at the present value of their estimated net cash inflows. The difference between the outstanding principal of the loans and the present value of their net cash inflows is recognized as a subsidy cost allowance.

**2.2.2. Post-1991 Guarantees.** Refers to loan guarantee commitments made on or after October 1, 1991, and the resulting loan guarantees. For guaranteed loans outstanding, the present value of estimated net cash outflows of the loan guarantees is recognized as a liability. Disclosure is made of the face value of guaranteed loans outstanding and the amount guaranteed.

**2.2.3. Subsidy Costs of Post-1991 Direct Loans and Loan Guarantees.** A subsidy expense is recognized for direct or guaranteed loans disbursed during a fiscal year. The amount of subsidy expense equals the present value of estimated cash outflows over the life of the loans, minus the present value of estimated cash inflows, discounted at the average interest rate on marketable U.S. Treasury securities of similar maturity to the cash flows of the loan or loan guarantee for which the estimate is being made.

**2.2.3.1.** For the fiscal year during which new direct or guaranteed loans are disbursed, the components of the subsidy expense of those new direct loans and loan guarantees are recognized separately as interest subsidy costs, default costs, fees and other collections, and other subsidy costs.

**2.2.3.2.** The interest subsidy cost of direct loans is the excess of the amount of the loans disbursed over the present value of the interest and principal payments required by the loan contracts, discounted at the applicable U.S. Treasury interest rate. The interest subsidy cost of loan guarantees is the present value of estimated interest supplement payments.

**2.2.3.3.** The default cost of direct loans results from [projected deviations](#), other than prepayments by the borrowers, from the payments schedule in the loan contracts. The deviations include delinquencies and omissions in interest and principal payments. The default cost is measured at the present value of the projected [payment deviations](#) minus [projected](#) net recoveries. Projected net recoveries include the amounts that would be collected from the borrowers at a later date, or the proceeds from the sale of acquired assets, minus the costs of foreclosing, managing, and selling those assets.



\* 2.2.3.4. The default cost of loan guarantees results from paying lenders' claims upon default of the guaranteed loans. The default cost of loan guarantees is measured at the present value of projected payments to lenders required by the guarantee, plus uncollected fees, minus interest supplements not paid as the result of the default, and minus projected net recoveries.

2.2.3.5. The present value of fees and other collections is recognized as a deduction from subsidy costs.

2.2.3.6. Other subsidy costs consist of cash flows that are not included in calculating the interest or default subsidy costs, or in fees and other collections. They include the effect of prepayments within contract terms. (See Appendix A)

2.2.4. Subsidy Amortization and Reestimation. The subsidy cost allowance for direct loans is amortized by the interest method, using the interest rate that was originally used to calculate the present value of the direct loans when loans were disbursed, [after adjusting for the interest re-estimate](#). The amortized amount is recognized as an increase (when effective interest exceeds nominal interest) or decrease (when nominal interest exceeds effective interest) in interest income. Nominal interest equals the nominal balance (i.e., the face amount) of the loan outstanding at the beginning of the period multiplied by the interest rate stated in the loan contract. Effective interest equals the book value of the loan (i.e., net of allowance for subsidy) multiplied by the applicable U.S. Treasury interest rate.

2.2.4.1. Interest is accrued and compounded on the liability of loan guarantees at the interest rate that was used to calculate the present value of the loan guarantee liabilities, when the guaranteed loans were disbursed. The accrued interest is recognized as interest expense, [after adjusting for the interest re-estimate](#).

2.2.5. Criteria for Default Cost Estimates. The criteria for default cost estimates apply to both initial estimates and subsequent reestimates. Default costs are estimated and reestimated for each program on the basis of separate cohorts and risk categories. Cohort refers to the fiscal year of obligation for direct loan obligations or loan guarantee commitments of a program. Risk category means subdivisions of a cohort of direct loans or loan guarantees into groups that are relatively homogenous in cost, given the facts known at the time of obligation or commitment. The reestimates take into account the differences in cash flows between the projected and realized amounts, and changes in other factors that can be used to predict the future cash flows of each risk category.

2.2.5.1. In estimating default costs, the following risk factors are considered: (a) loan performance experience; (b) current and forecasted international, national, or regional economic conditions that may affect the performance of the loans; (c) financial and other relevant characteristics of borrowers; (d) the value of collateral to loan balance; (e) changes in recoverable value of collateral; and (f) newly developed events that would affect the performance of the loan. Improvements in methods to reestimate defaults also are considered.

2.2.5.2. Each credit program must use a systematic methodology, such as an econometric model, to project default costs of each risk category. If individual accounts contain significant dollars that would carry a proportionately higher weight in terms of risk exposure, an analysis of the individual accounts is warranted in making the default cost estimate for that category.

2.2.5.3. The actual historical experience for the performance of a risk category is a primary factor upon which an estimation of default cost is based. To document actual experience, a database must be maintained to provide historical information on actual payments, prepayments, late payments, defaults, recoveries, and amounts written off.

2.2.6. Netting Subsidy Reestimate Amounts (within Cohorts). To calculate subsidy costs, components begin by estimating the expected cash flows and inflows over the life of the loans for each cohort year. Expected cash flows are then discounted to the point of loan disbursement to determine the net present value. The subsidy cost represents the net present value cost of making or guaranteeing new loans.

2.2.6.1. The data used for budgetary subsidy cost estimates are updated, or reestimated, annually after the end of the fiscal year to reflect actual loan performance and to incorporate any changes in assumptions about future loan performance. Reestimates must be made immediately after the end of each fiscal year, as long as any loans in the cohort are outstanding.

2.2.6.2. OMB Circular A-11, Part 5, Section 185.6 (f), “Calculating Reestimate Increases/Decreases”, states in cases where agencies execute a risk category on a loan-by-loan basis, increases or decreases in subsidy cost for different loans within the same cohort and risk category will be netted against each other. Loans that require increased subsidies should draw on the excess from any risk categories within the cohort where the reestimate shows a subsidy decrease. A negative or downward subsidy reestimate, should be recognized as a direct reduction in expense, not as a revenue, gain, or other financing source.

2.2.6.2.1. If the netting within the cohort indicates a net increase in the subsidy cost of the cohort as a whole since the last estimate or reestimate, an obligation in the amount of the net increase (plus interest) must be recorded against permanent indefinite budget authority available to the program account for this purpose.

2.2.6.2.2. If the netting within the cohort results in a net downward reestimate, there is no overall increase in subsidy cost for the cohort, and hence no additional appropriated subsidy for the program account. To keep the correct amount of balances in the financing account, an obligation and a financing disbursement in the amount of the net decrease (plus interest on the reestimate) must be recorded in the financing account.

2.2.6.2.3. Within the financing account, any amounts borrowed for downward reestimates for individual loans not needed for/transferred to loans with upward reestimates are transferred to a miscellaneous receipt account.

2.2.6.3. The Defense Finance and Accounting Services (DFAS) maintains separate accounting records for each loan and loan guarantee with all accounting transactions. All projects having a downward re-estimate, whether or not they are in a cohort with an upward re-estimate project, borrow the gross amount of their respective downward reestimates from the Bureau of Fiscal Services. The borrowed funds received by a downward reestimate project are transferred to the amount needed to fund an upward reestimate project in the same cohort with any net remaining funds paid to the Department of the Treasury.

2.2.6.3.1. Such intracohort transfers are recorded by the downward reestimate project as a credit to United States. Standard General Ledger (USSGL) account 427100 (Actual Program Fund Subsidy Collected) with an offsetting debit to USSGL 427100 recorded by the upward re-estimate project. Consequently, the total reestimate amount included in Line 4120 (Federal Sources) on the Standard Form (SF) 133 "Report on budget Execution and Budgetary Resources", is the sum of the net cohort balances.

2.2.6.3.2. Detailed accounting guidance provided by the Department of Treasury: [Guide for Basic Accounting and Reporting](#) for Direct Loan Programs without Collateral in Federal Credit Program and [Guide for Basic Accounting and Reporting](#) for Loan Guarantee Programs without Collateral in Federal Credit Program.

2.2.7. Revenues and Expenses. Interest accrued on direct loans, including amortized interest, is recognized as interest income. Interest accrued on the liability of loan guarantees is recognized as interest expense. Interest due from the U.S. Treasury on uninvested funds is recognized as interest income. Interest accrued on debt to the U.S. Treasury is recognized as interest expense. Costs for administering credit activities, such as salaries, legal fees, and office costs, that are incurred for credit policy evaluation, loan and loan guarantee origination, closing, servicing, monitoring, maintaining accounting and computer systems, and other credit administrative purposes, are recognized as administrative expense. Administrative expenses are not included in calculating the subsidy costs of direct loans and loan guarantees.

2.2.8. Pre-1992 Direct Loans and Loan Guarantees. The losses and liabilities of direct loans obligated and loan guarantees committed before October 1, 1991, are recognized, when it is more likely than not that the direct loans will not be collected totally, or that the loan guarantees will require a future cash outflow to pay default claims.

2.2.8.1. The allowance for uncollectible amounts and the liability of loan guarantees must be reestimated each year as of the date of the financial statements. In estimating losses and liabilities, the risk factors discussed in subparagraph 2.2.5.1 must be considered. Disclosure is made of the face value of guaranteed loans outstanding and the amount guaranteed.

2.2.8.2. Restatement of pre-1992 direct loans and loan guarantees on a present value basis is permitted but not required.

2.2.9. Modification of Direct Loans and Loan Guarantees. The term "modification" means a Federal action, including new legislation or administrative action, which directly or indirectly alters the estimated subsidy cost and the present value of outstanding direct loans, or the liability of loan guarantees.

2.2.9.1. Direct modifications are actions that change the subsidy cost by altering the terms of existing contracts or by selling loan assets. Existing contracts may be altered through such means as forbearance, forgiveness, reductions in interest rates, extensions of maturity, and prepayments without penalty. Such actions are modifications unless they are considered reestimates, or workouts, as defined in subparagraph 2.2.9.3, or are permitted under the terms of existing contracts.

2.2.9.2. Indirect modifications are actions that change the subsidy cost by legislation that alters the way in which an outstanding portfolio of direct loans or loan guarantees is administered. Examples include a new method of debt collection prescribed by law or a statutory restriction on debt collection.

2.2.9.3. The term "modification" does not include subsidy cost reestimates, the routine administrative workouts of troubled loans, or actions that are permitted within the existing contract terms. Workouts are actions taken to maximize repayments of existing direct loans, or minimize claims under existing loan guarantees. The expected effects of workouts on cash flows are included in the original estimate of subsidy costs and subsequent reestimates.

2.2.10. Modification of Direct Loans. With respect to a direct or indirect modification of pre-1992 or post-1991 direct loans, the cost of modification is the excess of the pre-modification value of the loans over the post-modification value of those loans. The amount of the modification cost is recognized as a modification expense when the loans are modified.

2.2.10.1. When a post-1991 direct loan is modified, the existing book value of that loan is changed to an amount equal to the present value of the net cash inflows projected under the modified terms from the time of modification to the loan's maturity. That amount is discounted at the original discount rate, which is the rate that originally was used to calculate the present value of the direct loan, when the direct loan was disbursed, after adjusting for the interest rate reestimate.

2.2.10.2. When a pre-1992 direct loan is directly modified, it is transferred to a financing account and its book value is changed to an amount equal to its post-modification value. Any subsequent modification is treated as a modification of post-1991 loans. When a pre-1992 direct loan is indirectly modified, it is kept in a liquidating account. The bad debt allowance is reassessed and adjusted to reflect amounts that would not be collected due to the modification.

2.2.10.3. The changes in the book value of both pre-1992 and post-1991 direct loans, resulting from a direct or indirect modification, and the cost of modification, normally will differ due to the use of different discount rates or different measurement methods. Any difference between the change in book value and the cost of modification is recognized as a gain or loss. For post-1991 direct loans, the modification adjustment transfer paid or received to offset the gain or loss is recognized as a financing source (or a reduction in financing source).

2.2.11. Modification of Loan Guarantees. With respect to a direct or indirect modification of pre-1992 or post-1991 loan guarantees, the cost of modification is the excess of the post-modification liability of the loan guarantees over the premodification liability of those loan guarantees. The modification cost is recognized as modification expense when the loan guarantees are modified and results in a subsidy cost increase or decrease, which must be recorded on the SF-133; refer to OMB Circular A-11, section 185.30 for complete details.

2.2.11.1. The existing book value of the liability of modified post-1991 loan guarantees is changed to an amount equal to the present value of net cash outflows projected under the modified terms from the time of modification to the maturity of those loans, discounted at the original discount rate (the rate that originally is used to calculate the present value of the liability when the guaranteed loans were disbursed, after adjusting for the interest rate reestimate.)

2.2.11.2. When a pre-1992 loan guarantee is directly modified, the modified loan guarantee is transferred to a financing account and the existing book value of the liability of the modified loan guarantees is changed to an amount equal to its post-modification liability. Any subsequent modification is treated as a modification of a post-1991 loan guarantee. When a pre-1992 loan guarantee is indirectly modified, that loan guarantee is kept in a liquidating account. The liability of such a loan guarantee is reassessed and adjusted to reflect any change in the liability resulting from the modification.

2.2.11.3. The change in the amount of liability of both pre-1992 and post-1991 loan guarantees resulting from a direct or indirect modification and the cost of modification normally will differ, due to the use of different discount rates or the use of different measurement methods. Any difference between the change in liability and the cost of modification is recognized as a gain or loss. For post-1991 loan guarantees, the modification adjustment transfer paid or received to offset the gain or loss is recognized as a financing source (or a reduction in financing source).

2.2.12. Disclosure. Disclosure is made in notes to financial statements to explain the nature of the modification of direct loans or loan guarantees, the discount rate used in calculating the modification expense, and the basis for recognizing a gain or loss related to the modification. For further information on financial statement disclosures regarding direct or guaranteed loans, go to “Notes to the Financial Statements,” Volume 6B, Chapter 10.

2.2.13. Foreclosure of Post-1991 Direct Loans and Guaranteed Loans. When property is transferred from borrowers to a Federal credit program, through foreclosure or other means, in partial or full settlement of post-1991 direct loans, or as compensation for losses that the government sustained under post-1991 loan guarantees, the foreclosed property is recognized as an asset. The asset is recorded at the present value of its estimated future net cash inflows discounted at the original discount rate, adjusted for the interest rate reestimate.

2.2.13.1. If a legitimate claim exists by a third party or by the borrower to a part of the recognized value of the foreclosed assets, the present value of the estimated claim is recognized as a special contra valuation allowance.

2.2.13.2. Upon the foreclosure of a guaranteed loan, a Federal guarantor may acquire the loan involved. The acquired loan is recognized at the present value of its estimated net cash inflows from selling the loan or from collecting payments from the borrower, discounted at the original discount rate, adjusted for the interest rate reestimate.

2.2.13.3. When assets are acquired in full or partial settlement of post-1991 direct loans or guaranteed loans, the present value of the government's claim against the borrowers is reduced by the amount settled as a result of the foreclosure.

2.2.14. Write-off of Direct Loans. When post-1991 direct loans are written off, the unpaid principal of each such loan is removed from the gross amount of loans receivable. Concurrently, the same amount is charged to the allowance for subsidy costs. Prior to the write-off, the uncollectible amounts should have been reflected in the subsidy cost allowance through the subsidy cost estimate or reestimates. Therefore, the write-off would have no effect on expenses. See OMB Circular A-129 for additional details.

2.2.15. Additional Disclosures Required for Periods Beginning After September 30, 2000. The SFFAS No. 18 requires additional disclosures. Beginning in FY 2001, Federal agencies are required to:

2.2.15.1. Report subsidy reestimates in two distinct components: the interest rate reestimate and the technical/default reestimate.

2.2.15.2. Display reconciliation between the beginning and the ending balances of the subsidy cost allowance for direct loans and the liability for loan guarantees, reported in an entity's balance sheet.

2.2.15.3. Provide a description of program characteristics and disclose:

2.2.15.3.1. the amounts of direct or guaranteed loans disbursed in each program during the reporting year, [and the preceding reporting year](#);

2.2.15.3.2. the estimated subsidy rates for the total subsidy and the subsidy components at the program level in the current year's budget for the current year's cohorts;

2.2.15.3.3. events and changes in economic conditions, other risk factors, legislation, credit policies and subsidy estimation methodologies and assumptions, that have had a significant and measurable effect on subsidy rates, subsidy expense, and subsidy reestimates; and

2.2.15.3.4. events and changes in conditions that [have occurred and are more likely than not to](#) have a significant impact, but the effects of which are not measurable at the reporting date.

### 3.0 CREDIT REFORM FUND CONTROLS

#### 3.1 Fund Control

DoD agency heads must prescribe, by regulation, a system of administrative control of funds. For credit programs and resources, systems for administrative control of funds must ensure that internal controls include objectives specific to compliance with the Antideficiency Act. Additional detailed guidance can be found in OMB Circular A-11, Part 4, Section 150.

#### 3.2 Antideficiency Act Violations

Antideficiency Act violations for direct loans, guaranteed loans, and financing accounts are reportable to the President, through the Director of the OMB, to the Comptroller General, and to the Congress. For additional information, go to “Antideficiency Act Violations,” Volume 14, Chapter 2. Violations include:

3.2.1. Overobligation or Overexpenditure of the Subsidy. This is any case where an officer or employee of the U.S. Government makes or authorizes an expenditure or creates or authorizes an obligation, including a commitment, that is in excess of amounts appropriated and apportioned for (1) the direct loan subsidy or (2) the guaranteed loan subsidy. Examples of violations include modifications of direct loans or loan guarantees, such as forgiveness, forbearance, reductions in interest rate, prepayments without penalty, and extensions of maturity, that result in obligations in excess of apportioned unobligated balances or subsidy amounts.

3.2.2. Overobligation or Overexpenditure of the Credit Level Supportable by the Enacted Subsidy. This is any case where an officer or employee of the U.S. Government makes or authorizes an expenditure or creates or authorizes an obligation, including a commitment, that is in excess of the credit program level supportable by the enacted subsidy, regardless of whether the subsidy is positive or negative. This includes obligations or expenditures that are in excess of: (1) the direct loan level, (2) the guaranteed loan level, or (3) any limitations on the loan level or the Federal share of guaranteed loan levels.

3.2.3. Overobligation or Overexpenditure of the Amount Appropriated for Administrative Expenses. This is any case where an officer or employee of the U.S. Government makes or authorizes an expenditure or creates or authorizes an obligation, including a commitment, which is in excess of the amount appropriated for administrative expenses.



3.2.4. Obligation or Expenditure of the Expired Unobligated Balance of the Subsidy Except to Correct Mathematical or Data Input Errors in Calculating Subsidy Amounts. This is any case where an officer or employee of the U.S. Government makes or authorizes expenditure or creates or authorizes an obligation, including a commitment, against unobligated subsidy balances after the period of obligation authority has expired. Correction of mathematical or data input errors up to the amount of the lapsed unobligated balance of the subsidy are specifically exempted. Corrections of these errors in excess of the amount of the expired unobligated balance of the subsidy are violations.

#### 4.0 CREDIT APPORTIONMENT AND REAPPORTIONMENT

All Treasury appropriation fund symbols (TAFS) and all program, financing, and liquidating accounts are required to be apportioned, except in the case of a TAFS that is in its entirety exempt from apportionment by OMB. See [OMB Circular A-11](#), part 4, section 120.6 for TAFS that are partially exempt from apportionment. This subject is discussed in full detail in Volume 3, Chapter 2, "Apportionment and Reapportionment."

#### 5.0 REPORT ON BUDGET EXECUTION AND BUDGETARY RESOURCES (SF 133)

##### 5.1 Coverage

Unless otherwise specified by the OMB, the Report on Budget Execution and Budgetary Resources must be prepared to provide current data on each credit account, whether apportioned or not. Current reporting requirements are published in OMB Circular A-11, Part 4, "Instructions on Budget Execution."

##### 5.2 Timing of Reports

The SF 133 must be submitted electronically through the Treasury's Governmentwide Treasury Account Symbol Adjusted Trial Balance System ([GTAS](#)), at the end of November, July, August, and each quarter or such other time period specified by the OMB for each open TAFS. This facilitates analysis and ensures consistent presentation of budget execution information so that Governmentwide totals are meaningful. A copy of the SF 133 for each calendar quarter must be submitted to the Committee on Appropriations, House of Representatives.

#### 6.0 DIRECT LOANS

Obligation of subsidy must be recorded in the program account when a binding contract has been signed, in accordance with the provisions of OMB Circular A-11, Part 5, Federal Credit. Subsidy funds must be paid from the program account to the financing account when the direct loan is to be disbursed to the borrower. Note that the subsidy is not recalculated at the time of loan disbursement. Rather, any change in estimated subsidy caused by an interest rate change or change in estimates for other components of subsidy cost is made at the beginning of the fiscal year after the fiscal year in which the loan is disbursed. If, at that time, the subsidy amount increases, permanent indefinite budget authority is available to fund the increase, pursuant to section 504(f) of the FCRA of 1990. If the subsidy amount decreases, a payment must be made to a receipt account.



## 7.0 GUARANTEED LOANS

Obligation of subsidy must be recorded in the program account when a binding contract has been signed, in accordance with the provisions of OMB Circular A-11, Part 5, Federal Credit. Subsidy funds must be paid from the program account to the financing account when the guaranteed loan is disbursed to the borrower by the third-party lender. Note that the subsidy is not recalculated at the time of loan disbursement. Rather, any change in estimated subsidy caused by an interest rate change or change in estimates for other components of subsidy cost is made at the beginning of the fiscal year after the fiscal year in which the loan is disbursed. If, at that time, the subsidy amount increases, permanent indefinite budget authority is available to fund the increase, pursuant to section 504(f) of the FCRA of 1990. If the subsidy amount decreases, a payment must be made to a receipt account.

## 8.0 COMPUTATION OF INTEREST EXPENSE AND INTEREST INCOME

### 8.1 Instructions for Computations of Interest Expense and Interest Income for Direct and Guaranteed Loan Programs

8.1.1. Interest expense in a direct loan program results from borrowing from the U.S. Treasury. As each loan is disbursed by the financing account to the individual borrower, subsidy funds are transferred from the program account to the financing account. Consequently, each loan disbursement is financed by two sources: subsidy transfer, and borrowing from the U.S. Treasury.

8.1.2. A single borrowing from the U.S. Treasury is made at the beginning of each fiscal year, separately for each cohort, based on the estimated net loan disbursements for the cohort. Interest expense accrues on the borrowing, and interest income accrues on the undisbursed balance of the borrowing from the U.S. Treasury. (The undisbursed balance of U.S. Treasury borrowing is held as uninvested funds and earns interest.) The interest rate earned on the uninvested funds equals the interest rate paid on borrowing from the U.S. Treasury.

### 8.2 Frequency of Interest Computations

OMB has determined that most credit programs do not have a seasonal bias in their loan disbursement patterns. Consequently, interest expense and income calculations for cohorts that currently are disbursing must be based on an assumption that the actual loan amounts disbursed during the year were disbursed equally throughout the four quarters. The assumption allows agencies annually to compute interest expenses and interest income, at the end of each fiscal year, using the average annual interest rate provided by OMB and the U.S. Treasury. In those few programs that have a strong seasonal pattern, OMB will calculate special weighted average interest rates appropriate to these patterns and will provide them to the agencies.

### 8.3 Weighted Average Interest Rate

The [Federal](#) Credit Reform Act provides that the interest rate for borrowing must be assigned based on the U.S. Treasury rate in effect during the period of loan disbursement. Many individual loans are disbursed in segments over several quarters or even years. Consequently, several interest rates can be applicable to an individual loan. To simplify the recordkeeping, a single weighted average interest rate is maintained for each cohort and is adjusted each year, until 90 percent of the disbursements from the cohort have been made. Each year the current year average annual interest rate is weighted by current year disbursements, and merged with the prior year's weighted average, to calculate a new weighted average. Additional information regarding subsidy calculation is contained in OMB Circular A-11, Part 5, Federal Credit.

### 8.4 Procedure and Due Dates for Computing Interest Expenses and Income Related to Borrowing for Direct Loan and Guaranteed Loan Financing Accounts

Detailed instructions for calculating interest due to and due from the U.S. Treasury are provided in Volume 1, Part 2, Treasury Financial Manual, Chapter 4600. OMB distributes the actual annual interest rates approximately 10 business days before fiscal year-end, September 30. Each cohort has its own specific interest rate used to earn or pay interest, referred to as a cohort interest rate. The OMB Credit Subsidy Calculator (CSC) calculates the cohort interest rate. Agencies must use the most current version of the CSC, available through the OMB contact with primary responsibility for the account, to calculate interest paid to Treasury. On or before the day the interest payment is made via the Intra-governmental Payments and Collections (IPAC) system, but in any case no later than September 30 of the current fiscal year. Agencies must email the supporting interest payment calculation to Federal Investments and Borrowings Branch.

### 9.0 Credit Reform USSGL Accounts and Definitions

Credit reform accounts and definitions were established in the USSGL to implement requirements of the FCRA of 1990 (as amended), and are intended to account for direct loans and loan guarantees. DoD entities must follow the Standard Financial Information Structure ([SFIS](#)), which is based on the Treasury USSGL. For more complete information, [visit](#) the SFIS website.

**APPENDIX A**

**CREDIT REFORM: CASH FLOWS FOR DIRECT LOANS AND FOR LOAN GUARANTEES**

In order to more clearly understand the cash flow process as required by credit reform for a direct loan or a guaranteed loan, two examples are provided.

**EXAMPLE:** Cash Flow for a \$100 Direct Loan, 20 percent subsidy, disbursed in one year

1. Congress appropriates \$20 in subsidy budget authority (BA) to the program account.
2. The \$20 subsidy is obligated when the \$100 loan is obligated.
3. The \$20 subsidy is outlayed to the financing account at the time the \$100 loan is disbursed to the borrower. Simultaneously, the financial account borrows the additional \$80 needed to make the \$100 loan from the U.S. Treasury (Treasury).
4. The borrower pays fees, interest, and principal to the financing account under the terms of the loan.
5. The financing account makes payments to the Treasury over time on the \$80 portion of the loan. If the subsidy rate is accurate, the loan repayments (and other payments) to the financing account will be exactly the amount necessary to repay the original amount of \$80 borrowed from the Treasury plus interest.
6. If the subsidy is not accurate, a reestimate must be calculated, and as necessary, either:
  - a. an additional subsidy will be disbursed from the program account to the financial account, to cover the amount of the reestimate, or
  - b. excess funds must be moved from the financial account to a negative receipt account, where these funds are unavailable until appropriated.

**EXAMPLE:** Cash flow for a \$100 Loan Guarantee with a 20 percent subsidy rate disbursed in one year

1. Congress appropriates \$20 in subsidy BA to the program account.
2. The \$20 subsidy is obligated when the \$100 loan is obligated.
3. The lending institution lends a 75 percent government-guaranteed \$100 loan to the borrower. When the loan is disbursed, \$20 in subsidy BA is outlayed to the financing account. The borrower pays a 2 percent upfront fee to the agency, which is deposited into the financing account.

4. Reserves (uninvested funds) are held in the financing account and earn interest.
5. The borrower pays principal and interest to the lending institution.
6. If the borrower defaults, the reserves held in the financial account are used to make claim payments to the lending institution. If the subsidy rate is accurate, the financial account will have exactly the reserves required to cover all defaults and other subsidies for that set or cohort of loans.
7. If the subsidy is not accurate, a reestimate must be made and, as necessary either:
  - a. additional subsidy must be disbursed from the program account to the financing account to cover the amount of the reestimate, or
  - b. excess funds must be moved from the financing account to a negative receipt account, where these funds are unavailable until appropriated.



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 4 APPENDIX A: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 12, CHAPTER 5: “GRANTS AND COOPERATIVE AGREEMENTS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [December 2020](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated statutory references, terminology, hyperlinks, and language consistency to improve overall readability.	Revision
4.1.3	Replaced reference to 32 Code of Federal Regulations (CFR) 32 with 32 CFR Part 34.25.	Revision

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## CHAPTER 5

### **GRANTS AND COOPERATIVE AGREEMENTS**

#### 1.0 GENERAL

##### 1.1 Overview

1.1.1. Grants and cooperative agreements are legal instruments used to enter into a relationship, the principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose and stimulate the economy as authorized by law. In contrast, contracts are used to acquire property or services for a DoD Component's direct benefit or use. Grants and cooperative agreements are two types of assistance awards.

1.1.2. A DoD Component's expected level of involvement in the performance of the assistance award determines whether the legal instrument is a grant or cooperative agreement. Grants are used when a DoD Component expects no substantial involvement in carrying out the activity contemplated in the agreement, whereas cooperative agreements are used when the Component anticipates substantial involvement in carrying out the activity contemplated in the agreement.

1.1.3. A technology investment agreement, as defined in 32 Code of Federal Regulations (CFR) 37 is a cooperative agreement while a cooperative research and development agreement, as defined in Title 15 United States Code (U.S.C.), Section 3710a, is neither a grant nor a contract.

1.1.4. The accounting treatment for grants and cooperative agreements is the same. In this Chapter, the term "grant" covers both grants and cooperative agreements. The accounting treatment for international agreements is discussed in Chapter 9.

1.1.5. DoD grant recipients (grantees) include institutions of higher education, hospitals, non-profit organizations, local and state governments, Indian tribal governments, and for-profit entities.

##### 1.2 Purpose

This chapter prescribes the policy to be followed by DoD Components to account for and control funds obligated, and assets acquired through grants. It also outlines additional reporting requirements for grants.

##### 1.3 Authoritative Guidance

The financial management policy and related requirements set forth in this chapter are in accordance with the applicable provisions of:

1.3.1. [31 U.S.C. § 6101](#), "Definitions", also included as part of the DoD Grant and Agreement Regulations (DoDGARS)."



1.3.2. [31 U.S.C. § 63](#), “Using Procurement Contracts and Grant and Cooperative Agreements.”

1.3.3. [Public Law 116-103](#), “Grant Reporting Efficiency and Agreements Transparency (GREAT) Act of 2019.”

1.3.4. [2 CFR 200](#), “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

1.3.5. [2 CFR 1104](#), “Implementation of Governmentwide Guidance for Grants and Cooperative Agreements.”

1.3.6. [31 CFR 205](#), “Rules and Procedures for Efficient Federal-State Funds Transfers.”

1.3.7. [32 CFR Part 21-37](#), “DoDGARS.”

1.3.8. Federal Accounting Standards Advisory Board (FASAB) Statement of Federal Financial Accounting Standards ([SFFAS](#)) [3](#), “Accounting for Inventory and Related Property.”

1.3.9. FASAB [SFFAS 6](#), “Accounting for Property, Plant, and Equipment.”

1.3.10. FASAB [SFFAS 7](#), “Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting.”

1.3.11. FASAB [SFFAS 49](#), “Public-Private Partnerships: Disclosure Requirements.”

1.3.12. [FASAB Technical Release 12](#), “Accrual Estimates for Grant Programs.”

1.3.13. Treasury Financial Manual (TFM) Part 4A Chapter 2000 ([1 TFM 4A - 2000](#)), “Overall Disbursing Rules for All Federal Agencies.”

1.3.14. [1 TFM 2 - 4500](#), “Loans, Credits, and Contingent Liabilities Involving Foreigners.”

1.3.15. Office of Management and Budget ([OMB Circular A-123](#)), “Management’s Responsibility for Enterprise Risk Management and Internal Control.”

1.3.16. [OMB Circular A-129](#), “Policies for Federal Credit Programs and Non-Tax Receivables.”

## 2.0 DoD STATUTORY AUTHORITIES FOR USE OF GRANTS

A DoD Component may use grants under statutory authorities granted to the Secretary of Defense that the Secretary properly delegates to Heads of DoD Components, or under statutory authorities granted directly to the Heads of DoD Components. The types of statutory authority DoD may utilize to award assistance instruments are provided in 32 CFR § 21.420.

## 3.0 GRANTS FINANCIAL MANAGEMENT

### 3.1 Financial Management Information System

3.1.1. The DoD Component must ensure the availability of a financial management information system capable of recording and monitoring grant transactions and providing, by transaction, a delineation of the federal and grantee breakout of program costs.

3.1.2. The system must enable the DoD Component to **quickly identify** the basic categories of funds involved, along with the related obligation and expenditure rates, and provide for ensuring fund availability prior to awarding financial assistance and obligating funds.

### 3.2 Record Retention

The DoD Component must maintain grant-supporting financial management documentation in accordance with the requirements in Volume 1, Chapter 9.

### 3.3 Recording and Reviewing Commitments and Obligations

Accounting for funds under a grant must start with the commitment of funds prior to their obligation by an awarding official. The awarding official must be a DoD grants or agreements officer with a statement of appointment that meets the requirement in 32 CFR §§ 21.435-21.465. After funds commitment, budgetary obligations must be recorded upon execution of the agreement or other obligating document approved by the awarding official that sets out the amount and purpose of the award, the performance period, the performance obligations of the parties to the award, and other terms. A legal obligation to disburse grant funds, in accordance with the terms of the agreement, occurs upon execution of an agreement or other obligating document. Refer to Volume 3, Chapter 8 for more information.

### 3.4 Payments

Volume 10, Chapter 19 provides detailed payment provisions for grants and other instruments of assistance.

#### 3.4.1. Timing and Frequency

3.4.1.1. 32 CFR §22.810 prescribes the timing and frequency of grant payments. In general, it is Governmentwide policy to minimize the time elapsing between any payment of funds to a grantee and the grantee's disbursement of the funds for program purposes. For States,

payments are governed by Treasury-State Cash Management Improvement Act agreements and default procedures codified in 31 CFR 205 and I TFM 4A - 2000 Overall Disbursing Rules for All Federal Agencies.

3.4.1.2. Payments made to grantees to cover part or all of their anticipated expenses or advance payments must be accounted for as advances by the assisting DoD Component until the grantee has performed under the award, i.e., until the grantee meets the requirements [that](#) allow it to use the funds in accordance with the grant agreement. Refer to Volume 4, Chapter 5 for more information.

3.4.1.3. Requiring payments as reimbursements is the preferred method when the requirements in paragraphs [3.4.1.1](#) and [3.4.1.2](#) cannot be met, the DoD Component sets a specific grant condition per 2 CFR § 200.207, or the grantee requests payment by reimbursement. Reimbursement may be used on any grant for construction, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal award constitutes a minor portion of the project.

#### 3.4.2. Method

It is a Government-wide requirement to use electronic funds transfer (EFT) in the payment of any grant to the [maximum extent practicable](#) under 32 CFR §22.810.

#### 3.4.3. Process

Disbursing offices must follow the policies and procedures in Volume 10, Chapter 19 for payment provisions for grants.

#### 3.4.4. Withholding Payments

The DoD Component may withhold payments for allowable costs when:

3.4.4.1. The grantee failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award. If the grant is not otherwise suspended, the DoD Component must release the payment to the grantee upon the grantee's compliance. If the grant is suspended, the DoD Component will make payment adjustments according to 2 CFR § 200.342;

3.4.4.2. The grantee is delinquent in a debt to the United States as defined in OMB Circular A-129. In this situation, the DoD Component must provide reasonable notice to the grantee that payments will not be made for obligations incurred after a specified date until the indebtedness to the Federal Government is paid; or

3.4.4.3. The grantee has a sustained audit finding which resulted in amounts due to DoD. The DoD Component must promptly record the amount due from the grantee upon entitlement as an accounts receivable, even if the decision to collect is subject to administrative

appeal or litigation. Interest must begin to accrue no later than 30 days after the date the grantee was notified of the debt and continues to accrue while an appeal is underway.

#### 3.4.5. Interest from Advanced Payments

A DoD Component may allow grantees to retain interest earned up to \$500 per year for the grantee's administrative expenses. Any additional interest earned on DoD advance payments, required to be deposited in interest-bearing accounts, must be remitted annually to DoD using either an Automated Clearing House network or a Fedwire Funds Service payment.

### 3.5 Recording of Expense

3.5.1. When the grantee that received the advance has performed under the grant, the DoD Component must record an expense in an amount equal to the cost of the services performed or cost incurred and reduce the advance account by that amount. The grantee must provide sufficient documentation to support the cost of the services performed or cost incurred, consistent with the grant.

3.5.2. Payments to grantees as reimbursement for work performed or costs incurred must be accounted for as expenditures and as expenses incurred, or as reductions of liabilities if the expenses were recorded previously.

### 3.6 Accruals

The DoD Component must recognize, and report balances due or advanced to grantees at the end of the reporting period and apply cost-benefit considerations to the process of estimating and validating accruals.

3.6.1. Accrual estimates must be treated as follows:

3.6.1.1. Amounts issued as advances must be adjusted, even if grantees have not yet reported expenses incurred; and

3.6.1.2. Where there is no advance or no remaining advance, the DoD Component must estimate amounts payable to grantees.

3.6.2. The DoD Component must document and maintain support for the data and assumptions used to develop grant accrual estimates and follow internal control guidance in FASAB Technical Release 12.

### 3.7 Accounts Receivable

3.7.1. At the termination or closeout of a grant, disallowed expenses, improperly applied funds, unused funds, and any amount due to the DoD according to the grant terms and conditions must be established as an accounts receivable by the DoD Component.

3.7.2. When a grantee has a sustained audit finding [that](#) resulted in amounts due to DoD, the DoD Component must promptly record the amount due from the grantee upon entitlement as an accounts receivable, even if the decision to collect is subject to administrative appeal or litigation. Interest must begin to accrue no later than 30 days after the date the grantee was notified of the debt and continues to accrue while an appeal is underway.

### 3.8 Debt Collection

A debt is established when a DoD Component determines that a grantee was paid an amount in excess of how much a grantee is entitled under the terms and conditions of the grant. The treatment of debt collection is described in Volume 10, Chapter 19, and Volume 16, Chapters 2 and 6.

## 4.0 REAL PROPERTY AND EQUIPMENT

### 4.1 Grantee Purchased Real Property or Equipment

A DoD Component must provide prior approval to grantees to purchase real property or equipment with federal funds. Generally, title to real property or equipment vests with the grantee upon the grantee's acquisition and DoD does not account for its reversionary interest in real property and equipment ([32 CFR 34.21\(a\) and \(b\)](#)). The title must be conditional, subject to the following:

4.1.1. The grantee must use the real property or equipment for the authorized purposes of the grant until funding ceases, or until the property or equipment is no longer needed for the purpose of the grant. Use in other projects must be limited to those under federally sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by the DoD Component;

4.1.2. The grantee cannot encumber the property without approval of the DoD Component; and

\* 4.1.3. The grantee must use the real property or equipment following the terms of the grant and dispose of the property or equipment following disposition instructions from the DoD Component, consistent with [32 CFR § 34.21\(d\) and \(e\)](#).

4.1.4. At grant close-out, the DoD Component must follow paragraph 3.7 to account for any outstanding proceeds from the disposition of real property or equipment.

### 4.2 Federally-owned Property

Title to Federally-owned property remains vested in the DoD ([32 CFR § 34.22](#)) and:

4.2.1. The DoD Component must establish appropriate general ledger accounting control and property records and include the assets in its financial statements. The asset must be recorded

at acquisition cost to the grantee, and depreciated in accordance with guidance in Volume 4, Chapters 24 and 25.

4.2.2. If DoD has no further need for the property, it must declare the property excess and report it for disposal following the instructions in Volume 4, Chapter 24 for Excess Items Disposition, unless the DoD Component has statutory authority to dispose of the property by alternative methods.

#### 4.3 Exempt Federally-owned Property

Exempt Federally owned property means property acquired under a grant when the DoD has chosen to vest title to the property to the grantee without further obligation to the Federal government, based on explicit terms and conditions of the grant. A DoD Component may exercise this option only when statutory authority exists.

### 5.0 SUPPLIES

Title to supplies will vest in the grantee upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the grantee must retain the supplies for use on other activities or sell them. In either case, the grantee must compensate DoD, following the requirements in [32 CFR § 34.24](#). The grantee may deduct and retain \$500 or ten percent of the proceeds, whichever is less, for selling and handling expenses. At grant close-out, the DoD Component must follow paragraph 3.7 to account for compensation received from grantee residual inventory.

### 6.0 INTANGIBLE PROPERTY

Intangible property applies to a patent, patent application, copyright, or other intangible property acquired, but not developed or produced, under the grant. When the grantee no longer needs the intangible property for the originally authorized grant purpose, the DoD Component must arrange for the disposition of the intangible property, following the requirements in [32 CFR § 34.25](#). At grant close-out, the DoD Component must follow paragraph 3.7 to account for the remaining proceeds from disposition of intangible property.

### 7.0 OTHER REQUIRED REPORTING

#### 7.1 Improper Payment

7.1.1. An improper payment is any payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. An improper payment also includes any payment that was made to an ineligible recipient or for an ineligible good or service, or payments for goods or services not received (except for such payments authorized by law).

7.1.2. Questioned costs, including those identified in audits, are not an improper payment until reviewed and confirmed to be improper as defined in [\*OMB Circular A-123 Appendix C\*](#).

7.1.3. Grant programs are subject to the payment integrity requirements in Volume 4, Chapter 14.

## 7.2 Public-Private Partnership Reporting

Grants which meet the definition of public-private partnerships (P3), risk-sharing arrangements or transactions with expected lives greater than 5 years between public and private sector entities, may be subject to disclosure under SFFAS 49. Volume 6B, Chapter 10 and SFFAS 49 provide detailed information about P3 reporting.

## 7.3 Grants, Loans, Credits, and Contingent Liabilities Involving Foreigners

1 TFM 2 - 4500 requires electronic submission of several reports pertaining to foreign obligors to [the](#) Treasury. Volume 6A, Chapter 13 and Volume 16, Chapter 6 provide more details.



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 6: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



## VOLUME 12, CHAPTER 7: “FINANCIAL LIABILITY FOR GOVERNMENT PROPERTY LOST, DAMAGED, DESTROYED, OR STOLEN”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [March 2014](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.2 (070102)	Added an authoritative guidance paragraph.	Addition
6.2 (070602)	Replaced the requirement to disclose Social Security Number on the DoD (DD) Form 200, “Financial Liability Investigation of Property Loss,” with the Electronic Data Interchange Personal Identifier in accordance with DoD Instruction 1000.30, “Reduction of Social Security Number (SSN) Use Within DoD.” Added the respective block numbers on DD Form 200 to assist with the preparation of the form.	Revision/ Addition
Table 7.1 (deleted)	Deleted Table 7.1 (picture of DD Form 200) and added a hyperlink to access the form.	Deletion/ Addition
10.0 (0710)	Added and moved all definitions within the chapter to this section to define and clarify commonly used terms in the chapter.	Addition/ Revision
Multiple	Rearranged content of the chapter to flow in a logical sequence and renumbered sections and (sub)paragraphs accordingly.	Revision
Multiple	Replaced and updated several cancelled or outdated references and required forms.	Revision

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## CHAPTER 7

**FINANCIAL LIABILITY FOR GOVERNMENT PROPERTY  
LOST, DAMAGED, DESTROYED, OR STOLEN**

## 1.0 GENERAL (0701)

## 1.1 Purpose (070101)

This chapter prescribes Department of Defense (DoD) general requirements and responsibilities for determining accountability for financial liability for lost, damaged, destroyed or stolen government-owned property, including supply system materiel, equipment, and real property:

1.1.1. Inquire, research, and investigate the causes of the loss, damage, destruction, or theft of government property.

1.1.2. Assess financial liability with respect to lost, damaged, destroyed, or stolen government property.

1.1.3. Account for loss, damage, destruction, or theft of government property; determine the responsibility and amount of financial liability of those found to be culpable for such financial losses; provide relief from accountability; and establish debts resulting from the assessment of financial liability.

1.1.4. Initiate DoD (DD) Form 200, “Financial Liability Investigation of Property Loss.”

1.1.5. The requirements within this chapter apply to all government property regardless of whether the government property is recorded in an Accountable Property System of Record (APSR).

1.1.6. This chapter does not apply to loss, damage, destruction, or theft of Government Furnished Property, Contractor Acquired Property, and property acquired by a contractor as a result of partial, advance, progress or performance based payments in the possession of a third party, to include contractors. Loss, damage, destruction, or theft of such property must be processed in accordance with the terms and conditions of the accountable contract or third party agreement to which the lost, damaged, destroyed, or stolen property was accountable.

\*1.2 Authoritative Guidance (070102)

The financial management policy and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.2.1. Title 10 United States Code, section 2775 (10 U.S.C. § 2775), “Liability of members assigned to military housing;”

- 1.2.2. 10 U.S.C. §§ 801 - 806, “General Provisions;”
- 1.2.3. 18 U.S.C. § 641, “Public money, property or records;”
- 1.2.4. 18 U.S.C. §1361, “Government property or contracts;”
- 1.2.5. Federal Acquisition Regulation (FAR Subpart 45.101), “Definitions;”
- 1.2.6. FAR Subpart 52.245-1, “Government Property;”
- 1.2.7. DoD Instruction 1000.30 (DoDI 1000.30), “Reduction of Social Security Number (SSN) Use Within DoD;”
- 1.2.8. DoDI 4161.02, “Accountability and Management of Government Contract Property;”
- 1.2.9. DoDI 4140.01, “DoD Supply Chain Materiel Management Policy;”
- 1.2.10. DoDI 5000.64, “Accountability and Management of DoD Equipment and Other Accountable Property;”
- 1.2.11. DoD Manual (DoDM) 4140.01, Volume 5 (DoDM 4140.01-V5), “DoD Supply Chain Materiel Management Procedures: Delivery of Materiel;”
- 1.2.12. DoDM 4140.01-VII, “DoD Supply Chain Materiel Management Procedures: Inventory Accountability And Special Management and Handling;”
- 1.2.13. DoDM 4140.25-V9, “DoD Management of Energy Commodities: Defense Fuel Support Point (DFSP) Bulk Petroleum Inventory Accounting;”
- 1.2.14. DoDM 4165.63, “DoD Housing Management;”
- 1.2.15. DoDM 4160.21-VI, “Defense Materiel Disposition Disposal Guidance and Procedures;”
- 1.2.16. Defense Logistics Manual 4000.25, “Defense Logistics Management System”, Volume 2 (DLM 4000.25-V2), “Supply Standards and Procedures;” and
- 1.2.17. Defense Transportation Regulation 4500.9-R, Part II, “Cargo Movement.”

## 2.0 GENERAL REQUIREMENTS (0702)

### 2.1 [General](#) Responsibilities (070101)

2.1.1. Under Secretary of Defense (Comptroller). The Under Secretary of Defense (Comptroller) is responsible for financial policies regarding financial liability for government property lost, damaged, destroyed, or stolen.

2.1.2. DoD Components. The DoD Components are responsible for ensuring that the following policies and procedures are implemented:

2.1.2.1. Determining and assessing the amount of financial liability of those responsible for such losses;

2.1.2.2. Mitigating, reducing, and/or relieving financial liability in appropriate cases;

2.1.2.3. Establishing debts resulting from the assessment of financial liability and referring them for appropriate collection action.

### 2.2 Initiation of General Inquiries and Investigations (070202)

2.2.1. Upon discovery of loss, damage, destruction, or theft of government-owned property (real or personal) of any value, the first line supervisor or, in the case of military, immediate superior within the chain of command, [must](#) conduct a [general](#) inquiry to determine if the situation warrants a more formal inquiry, i.e., an investigation. A DD Form 200 is not required for [general](#) inquiries. Loss, damage, destruction, or theft of [supply system](#) materiel [must](#) be processed in accordance with [section 8.0](#).

2.2.2. An investigation [must](#) be conducted for all loss, damage, destruction, or theft of government-owned equipment with initial [unit](#) acquisition cost (value) of \$5000 or greater; all sensitive, classified, or leased (capital [lease](#)) property regardless of initial acquisition cost; and any real property (see [DoDI 5000.64](#) for more information). Investigations may also be conducted when circumstances warrant. For example, when the loss, damage, destruction or thefts of small amounts of property occur frequently enough to suggest a pattern of wrongdoing, then an investigation may be warranted.

2.2.3. The [approving authority](#) is responsible for establishing procedures and designating a person, typically the [accountable property officer](#), [real property accountable officer](#), or [reviewing authority](#) (for supply system stocks or “materiel”), to initiate and conduct the investigation, in accordance with agency procedures. Investigations are not limited to the thresholds, but may be conducted if the approving authority deems a formal investigation necessary.

2.2.4. At a minimum, investigations must [address the following information](#):

2.2.4.1. What happened?

2.2.4.2. How it happened?

2.2.4.3. Where it happened?

2.2.4.4. Who was involved?

2.2.4.5. When it happened?

2.2.4.6. Any evidence of negligence, willful misconduct, or deliberate unauthorized use or disposition of the property.

2.2.5. Evidence of Negligence.

2.2.5.1. When inquiring into the loss, damage, destruction, or theft of government property, the first consideration is whether there is evidence of negligence. [Examples of questions that can be asked in order to determine whether evidence of negligence exists are](#): “Would a reasonably prudent individual have acted in this manner?” “Were there procedures governing the use of the property, and were they followed?” “What were the circumstances that existed when the loss actually occurred?” “Was the individual on the job?” [Furthermore, an example of a given scenario could be](#), if a dump truck is parked on an incline, a reasonable person would be expected to set the hand brake and leave the vehicle in park. Using blocks under the wheels might or might not be required. If the individual failed to set the brake and/or use blocks under the wheels and the truck rolled down the incline and was damaged, this could be considered evidence of negligence. A reasonably prudent person would be expected to take precautions.

2.2.5.2. When loss, damage, destruction of government quarters is involved, a distinction must be made between simple and gross negligence. Evidence of simple or gross negligence depends on the conduct of the individual. If the individual failed to exercise precautions or good judgment, then simple negligence applies. If the individual’s conduct was characterized by a reckless, deliberate, or wanton disregard of foreseeable consequences, then gross negligence applies.

2.2.5.3. Evidence of whether simple or gross negligence was the proximate cause of the loss, damage, or destruction is based on the facts and circumstances and [must](#) be determined during the general inquiry and documented during the investigation process.

2.2.6. The DD Form 200 is required documentation for investigations and [must](#) be used to document the facts and circumstances of the loss, damage, destruction, or theft. The person conducting the investigation [must](#) complete blocks 1 through 11 of the DD Form 200, as described in section 6.0.

2.2.7. The DD Form 200 is not required when:

2.2.7.1. An individual voluntarily makes restitution to the government for the full amount and classified or sensitive property is not involved.

2.2.7.2. The damage involves a government-owned vehicle. In such cases, an accident investigation report may be used to document an inquiry in lieu of a DD Form 200. However, when the documentation clearly indicates that negligence or abuse was involved, or if a claim against the government is possible, a DD Form 200 **must** be prepared.

2.2.7.3. The loss involves shipping and transportation discrepancies attributed to carriers, which are processed and reported according to [DLM 4000.25 V-2, Chapter 17](#). However, item discrepancy reports should be reviewed and evaluated to determine if the circumstances of the loss or damage appear to have been caused by negligence or abuse by DoD personnel. If so, a DD Form 200, [Standard Form 364](#), “Report of Discrepancy (ROD),” and [DD Form 361](#), “Transportation Discrepancy Report” **must** be prepared.

## 2.3 Voluntary Payments (070203)

Individuals may voluntarily choose to pay the government for lost, damaged, or destroyed government property any time prior to involuntary collection from their pay. Individuals offering the payment do so of their own volition. The government does not seek any advantage nor forego any right by accepting a voluntary payment. An individual cannot be coerced or threatened with adverse action if payment is not voluntarily made. Individuals must be made aware of the effect of making a voluntary payment. That is, it may not be later withdrawn, avenues for relief will no longer be available, and voluntary payment does not preclude other administrative or disciplinary action. Individuals offering to pay in excess of basic pay for one month by military members or one-twelfth of annual pay by civilian employees must be made aware that their liability may be a lesser assessment as a result of an investigation. Voluntary payments may be made in cash, by check, or through payroll deduction.

## 2.4 Review (070204)

Upon completion of the investigation, the DD Form 200 **must** be forwarded to the appointing authority for review. The appointing authority **must** determine if a financial liability officer or financial liability board is needed to conduct an investigation. The general criteria for appointing a financial liability officer are in [subparagraph 4.2.1](#). The criteria for appointing a financial liability officer for inventory losses are in [paragraph 8.8](#). General Counsel and/or the member’s commander must be consulted before statements are taken from anyone if there is a suspected violation of the Uniform Code of Military Justice ([10 U.S.C. §§ 801 – 806](#)).

## 2.5 Evidence of Theft (070205)

Cases involving stolen government-owned property must be referred to local security and/or law enforcement officials, in accordance with agency procedures.



## 2.6 Financial Liability Officer Investigations (070206)

The appointing authority may appoint a financial liability officer to determine whether the facts and circumstances support the findings and recommendations of the individual completing blocks 9 and 10 on the DD Form 200. Qualifications, duties, and responsibilities of financial liability officers are discussed in section 4.0.

## 2.7 Financial Liability Board (070207)

The appointing authority may appoint a financial liability board in lieu of an officer. The reasons for appointment of a board include the complexity, size, or unique type of loss due to negligence or abuse. The composition, objectives, and functions of the board are discussed in section 5.0.

## 2.8 Determination of Financial Loss (070208)

2.8.1. Computation of Financial Loss. A computation of the financial loss to the government **must** be made when there is evidence to indicate that the loss was proximately caused by negligence or abuse.

2.8.1.1. When damaged property or items can be repaired economically or restored in condition to that immediately prior to the loss, the loss to the government **must** be based on the cost of repair or restoration. If the cost to repair or restore the property exceeds the cost to replace the property, the loss to the government **must** be as determined in [subparagraph 2.8.1.2](#). For **real property**, the plant replacement value will be used to value the asset. If the cost to repair or restore the real property exceeds the plant replacement value, then the cost to acquire and install a new asset will be the amount of loss.

2.8.1.2. When property is lost, damaged, destroyed, or stolen, and the property cannot be replaced, the amount of the loss **must** be the fair market value of the property immediately before the loss. When a fair market value cannot readily be determined, the cost of repairs or an estimate of the repairs may be used (can be obtained from technical manuals or other reliable sources); or the acquisition cost or standard price, adjusted for depreciation may be used (based on the specified depreciation period for such item or if such a period has not been specified, based on its estimated useful life). Depreciation **must** be computed using the straight-line method of depreciation. In no case should property be depreciated below its scrap value. For property that is damaged beyond economical repair, the scrap or salvage value of the property **must** be used to reduce the loss to the government.

2.8.2. Liability. Financial liability of individuals is based on the actual loss to the government, as computed in [subparagraph 2.8.1](#). When liability is limited by the individual's rate of pay, the amount of the actual loss to the government still is computed. However, in such cases, the financial liability of the individual either is the actual amount of the loss or the limitation based upon the rate of pay, whichever is less.

2.8.3. Collective Liability. If more than one individual is found financially liable for the loss, damage, destruction, or theft of government property, the individuals **must** be collectively **held** liable for the loss to the government. The government cannot collect more than the total amount of assessed liability. Therefore, the approving authority who assessed financial liability will decide how much to collect from each individual. Among the factors to be considered in taking collection action from each liable individual are the degree of each individual's responsibility for the loss, damage, destruction, or theft and the ability to collect from the responsible individual.

## 2.9 Notification and Examination (070209)

When financial liability is recommended, the individual **must** be notified and given the opportunity to examine the findings and recommendations, obtain representation, make a rebuttal statement, and present any mitigating factors that may have contributed to the negligence or abuse. If damage to government housing is involved, an individual also **must** be given the opportunity to request a waiver of the financial liability **in accordance with 10 U.S.C. § 2775**.

## 3.0 APPROVING AND APPOINTING AUTHORITY (0703)

### 3.1 Duties and Responsibilities (070301)

3.1.1. Approving Authority. DoD Component regulations **must** designate those individuals who may be an approving authority. The approving authority's responsibilities may be delegated; however, the delegations must be in writing. The approving authority may also act as the appointing authority or designate an appointing authority in writing. The approving authority **must**:

3.1.1.1. Designate an appointing authority, when needed.

3.1.1.2. Disqualify oneself when a conflict of interest is possible, e.g., because the loss relates to property for which he or she is responsible and/or accountable.

3.1.1.3. Establish procedures and designate a person to initiate and conduct an inquiry immediately after the loss, damage, destruction, or theft is discovered (see **subparagraph 2.2.1**).

3.1.1.4. Ensure that all DD Forms 200 received are accurate, complete **and signed by the appropriate individuals**. Evaluate each DD Form 200 and either approve recommendations to assess financial liability or relieve those involved from liability, responsibility or accountability. The approving authority approves or disapproves all DD Forms 200, regardless of dollar value, unless otherwise delegated in writing.

3.1.1.5. Ensure that all gains and losses that require a formal investigation are promptly and thoroughly investigated. The system used to process DD Forms 200 must be frequently reviewed to evaluate the accuracy and timeliness of the investigations.

3.1.1.6. Ensure that DD Forms 200 are initiated, processed and adjudicated within the time limits that may be established by the DoD Components.

3.1.1.7. Require, if delays occur in the initiating or processing of a DD Form 200, a written explanation of the reason for the delay and take appropriate corrective actions.

3.1.1.8. Ensure that persons held financially liable are so notified, informed of their rights (including waiver rights if government housing is involved), and given the opportunity to inspect a copy of the DD Form 200.

3.1.1.9. Personally evaluate each DD Form 200 when there is evidence of negligence, abuse, or theft.

3.1.1.10. Determine whether to delegate to the appointing authority the authority to approve or disapprove a DD Form 200 when there is no evidence of negligence or abuse or theft.

3.1.1.11. Ensure, when financial liability is recommended, or when recommendations appear to be inconsistent with findings, that a judge advocate or civilian attorney has reviewed the findings and provided an opinion on the adequacy of evidence and its relationship to the findings and recommendations. This legal review **must** be included as part of the record with the DD Form 200 and completed before final action is taken by the approving authority.

3.1.1.12. Ensure that corrections of any attested entries are properly initialed and documented.

3.1.1.13. Overrule, when appropriate, the recommendations of the appointing authority and the financial liability officer. When this action results in the assessment of financial liability, the individuals not previously recommended for liability **must** be advised of their rights and afforded an opportunity to exercise their rights.

3.1.1.14. Formally notify individuals against whom he or she has approved financial liability.

3.1.2. Appointing Authority. The appointing authority is designated in writing by the approving authority. The approving authority also may act as appointing authority. The appointing authority is responsible for the following tasks:

3.1.2.1. Appoint a financial liability officer, if needed.

3.1.2.2. Appoint a board in lieu of a financial liability officer to conduct the investigation, if warranted. Reasons for considering appointment of a board include complexity, size, or unique type of loss due to negligence or abuse (see section 5.0).

3.1.2.3. Provide administrative guidance to the financial liability officer or the board.

3.1.2.4. Review DD Forms 200 for accuracy and compliance with this Regulation.

3.1.2.5. Approve or disapprove the recommendations of the financial liability officer or the board, and forward personal recommendations to the approving authority.

3.1.2.6. Approve or disapprove DD Forms 200 when there is no evidence of negligence or abuse and authorization has been delegated in writing by the approving authority.

3.1.2.7. Approve or disapprove DD Forms 200 when the loss, damage, destruction or theft is less than \$100,000 and authorization has been delegated in writing by the approving authority.

## 3.2 [Due Process](#) (070302)

The appointing and approving authorities must act on the DD Form 200 once an individual has been properly notified and given the opportunity to respond to the findings. Failure of involved individuals to respond to recommendations of financial liability is not a sufficient reason to delay the approval process if the individuals were given a reasonable opportunity to reply, as discussed in [subparagraph 4.3.6](#).

## 4.0 FINANCIAL LIABILITY OFFICER (0704)

### 4.1 Criteria (070401)

4.1.1. Appointment of Financial Liability Officer. The [approving or](#) appointing authority should appoint a financial liability officer to conduct a formal investigation when:

4.1.1.1. Recommended by an accountable officer.

4.1.1.2. Directed by higher authority.

4.1.1.3. Deemed appropriate by the [approving or](#) appointing authority (e.g., repetitive losses, evidence of negligence or abuse or large dollar losses).

4.1.2. Financial Liability Officer Duty. Unless operational requirements clearly dictate otherwise, a financial liability officer [must](#) perform this function as a primary duty until the investigation has been completed.

### 4.2 Financial Liability Officer Qualifications (070402)

4.2.1. Selection Criteria. A financial liability officer is selected based on training, experience, competence, and ability to conduct independent and objective investigations.

4.2.2. Persons Eligible. The financial liability officer **must** be a commissioned officer; warrant officer; enlisted member in the grade of **Enlisted Rank (E)**-7, E-8, or E-9; or a civilian employee **General Schedule (GS)** -07, or above. The financial liability officer **must** be senior to the individuals directly involved in the discrepancy.

4.2.3. Use of Reserve Component Personnel. Reserve Component commissioned officers, warrant officers, and noncommissioned officers in grades E-7, E-8, or E-9 not on active duty may serve as financial liability officers during Reserve training sessions.

4.2.4. Relationship to Property. A person who is accountable or responsible for, or in any way directly interested in, the property being investigated, **must** not be appointed as a financial liability officer.

#### 4.3 Financial Liability Officer Responsibilities and Duties (070403)

4.3.1. The primary purpose of the DD Form 200 is to determine responsibility for lost, damaged, destroyed, or stolen property. To determine such responsibility, the facts contributing to the loss, damage destruction, or theft must be developed by investigation.

4.3.1.1. The investigation may establish the fact that some other individual is at fault. The financial liability officer **must** not limit an investigation to verifying statements of interested parties. Rather, the financial liability officer **must** perform an investigation as thoroughly as needed, in his or her opinion, to ensure that all facts are fully developed, the interests of the government are fully served, and the rights of the involved individuals are fully protected.

4.3.1.2. An investigation is required to determine responsibility and/or liability without regard to the relationship of the responsible individual to the property. As an example, actions by the accountable property officer or property custodian should be investigated as well as the actions of the property users.

4.3.2. The investigation conducted by the financial liability officer is the critical phase of the process. The financial liability officer should determine the actual facts, not as alleged but as they actually occurred. The financial liability officer's recommendations **must** be evaluated in succeeding reviews; therefore, the recommendations must be supported by the findings and conclusions. **While** conducting an investigation the financial liability officers **must** conduct investigations promptly. They **must** inform the **approving or** appointing authority immediately of all delays experienced. In conducting the investigation, the financial liability officer **must** personally:

4.3.2.1. Scrutinize all available evidence.

4.3.2.2. Interview witnesses and secure statements, ideally in writing, from individuals concerning:

4.3.2.2.1. The cause of the loss, damage, or theft.

4.3.2.2.2. The responsibility for the loss, damage, or theft.

4.3.2.3. Compile evidence substantiating or refuting any statement in block 9 of the DD Form 200.

4.3.2.4. Physically examine the damaged property, if possible, and then release it for repair or disposal. This should be done on the first day of his or her appointment.

4.3.2.5. Consult the [approving or](#) appointing authority for guidance, when needed.

4.3.2.6. Determine the amount of damage as described in [subparagraph 2.8.1](#), if the property has been damaged. Determine the value of the property immediately before its damage if the property is not economically repairable. The accountable officer may be asked to assist if he or she has not been directly involved.

4.3.2.7. Ensure that action is taken to exercise control over the property if the property is recovered during the investigation.

4.3.2.8. Ensure that the total loss to the government is computed correctly.

4.3.2.9. Coordinate actions with the claims investigating officer when the investigation may cover loss, damage, destruction, or theft of government property that is being, has been, or [will](#) be investigated because of attendant events by a claims investigating officer. This includes cases where military personnel or civilian employees, while driving a private vehicle, damage government property and have insurance to pay for part of the loss.

[4.3.3.](#) The financial liability officer should make a determination from the findings and conclusions as to how the loss or damage occurred and whether negligence or abuse was involved.

[4.3.4.](#) After recording the findings and conclusions, the financial liability officer recommendations [must be](#) based on policies set forth in this Regulation. The financial liability officer [must](#) recommend whether to assess financial liability.

[4.3.5.](#) A financial liability officer's findings and recommendations are administrative, not judicial; therefore, the reports are purely advisory; the opinions do not constitute final determinations or legal judgments; and the recommendations are not binding upon appointing and approving authorities.

4.3.6. The financial liability officer **must allow** any person whose conduct or performance of duty may be subject to inquiry or has a direct interest in the inquiry an opportunity to have their position considered, **according to the following**:

4.3.6.1. Give any individual against whom the financial liability officer makes a finding of financial liability a chance to examine the report of investigation after the findings and recommendations have been recorded.

4.3.6.2. Give the individual being recommended for financial liability the opportunity to make a statement.

4.3.6.3. Inform the individual that his or her statement may be used against him or her with regard to financial liability and other administrative and disciplinary actions.

4.3.6.4. Fully consider and attach as an exhibit to the DD Form 200 any statement made by the individual(s).

4.3.6.5. Ensure that the individual being recommended for possible financial liability is aware of his or her rights under Volume 5, Chapter 28, "Management and Collection of Individual Debt."

4.3.6.6. Request the individual to acknowledge his or her understanding of these rights by completing block 16 of the DD Form 200.

4.3.6.7. If appropriate, prepare a statement that the individual recommended for liability refused to sign block 16 of the DD Form 200 after being given the opportunity.

4.3.6.8. Mail a copy of the findings, recommendations, and evidence to the person against whom financial liability is recommended by certified mail with a return receipt requested when the person is not readily available. For example, the person may have been transferred or separated from one of the Military Services.

4.3.6.8.1. A full explanation of the person's rights **must** be included and a reply **must** be requested.

4.3.6.8.2. If the reply is not received within 30 days after the date of mailing, the financial liability officer **must** record this fact and take action to complete the DD Form 200. The record **must** be included in, or appended to, the DD Form 200.

4.3.6.8.3. Any reply received subsequent to the expiration of 30 days **must** be forwarded through the same channels as the DD Form 200 for attachment to the original DD Form 200.

4.3.6.9. Consider any new evidence received after a recommendation has been made. If the financial recommendations remain unchanged, the financial liability officer **must** note that the added evidence was considered and **must** provide a rationale for not changing the decision,



e.g., no new evidence or the matters do not overcome the evidence supporting the original recommendations. The notation **must** be on all copies of the report immediately following the original recommendation. If the financial liability officer makes a change in the original recommendations because of the new evidence, the officer **must** record such change as “Amended Recommendations.” These recommendations should be recorded immediately after the original recommendations.

## 5.0 FINANCIAL LIABILITY BOARD (0705)

### 5.1 Financial Liability Board Role (070501)

A financial liability board may be appointed by the appointing authority for the specific **role** of conducting the investigation. The primary purpose of a financial liability board is to provide the appointing and approving authorities with adequate information upon which to assess liability or relieve the involved individual from liability for the loss, damage destruction, or theft of government property. A board provides more resources than an officer to investigate losses that are large, complex, or unique. Financial liability boards are administrative, not judicial. Therefore, their reports are purely advisory, their opinions do not constitute final determinations or legal judgments, and their recommendations are not binding upon appointing and approving authorities. The board members will establish appropriate board procedures, such as voting **and** work priorities.

### 5.2 Appointment and Composition (070502)

5.2.1. Selection. The members of a financial liability board are selected based on training, experience, competence, and ability to conduct independent and objective investigations. The senior member normally **must** be designated as the Chair. The appointing authority **must** not appoint an individual who was or is accountable or responsible, or has direct interest in the property, including a financial liability officer who may have previously investigated the loss of the property.

5.2.2. Composition. The financial liability board members **must** be commissioned officers; warrant officers; enlisted members in grades E-7, E-8, or E-9; or civilian employees GS-07, or above. The board Chair and a majority of the board **must** normally be senior in rank to the persons directly involved.

5.2.3. Use of Reserve Component Personnel. A source of financial liability board members is Reserve Component commissioned officers; warrant officers; and enlisted members in grades E-7, E-8, or E-9 during their Reserve training sessions.



### 5.3 Functions (070503)

The following are specific functions of a financial liability board:

5.3.1. Primary Function. The primary function of a financial liability board is to research, develop, assemble, record and analyze all available information relative to the loss. The board is required to formulate and clearly express consistent findings of facts, conclusions, and recommendations.

5.3.2. Collateral Function. A collateral function of the financial liability board, especially when requested by the appointing authority, is to afford a hearing to any person whose conduct or performance of duty may be subject to inquiry or who has direct interest in the inquiry.

### 5.4 Final Action by the Financial Liability Board (070504)

The board Chair completes his or her action on the DD Form 200 as the financial liability officer and recommends relief from, responsibility, or assessment of financial liability.

## 6.0 PREPARATION OF DD FORM 200 (0706)

### 6.1 Purpose of the Form (070601)

The DD Form 200 is used to document the financial liability process for lost, damaged or destroyed government property. When completed, the DD Form 200 is the official document to support the establishment of debts, relief from accountability, and adjustment of accountable property records, supply system stock and financial records.

### \*6.2 Instructions for Preparation (070602)

6.2.1. **Block 1**. "Date Initiated:" Self-explanatory.

6.2.2. **Block 2**. "Inquiry/Investigation Number:" Number assigned to the inquiry and/or investigation in accordance with DoD Component instructions.

6.2.3. **Block 3**. "Date Loss Discovered:" Self-explanatory.

6.2.4. **Block 4**. "National Stock No:" Enter the National Stock Numbers, manufacturer's part number, or other identification number(s), in numerical sequence. If not applicable, enter the word "none."

6.2.5. **Block 5**. "Item Description:" Enter the nomenclature of the item(s) including any serial number(s), model number(s), and controlled inventory item. If the item is nonstandard, give a brief description sufficient for identification. If only a portion of an end item is damaged, describe the end item, fully, and then describe the damaged parts. If additional space is needed, a continuation sheet may be used. For real property, provide the **Real Property Unique Identifier**, the facility number, address, location, room number, and a description of the damage.

6.2.6. **Block 6.** “Quantity:” Enter the number of units and unit of issue (e.g., 1 each, 2 dozen, 5 pair).

6.2.7. **Block 7.** “Unit Cost:” Enter the cost per unit shown in official catalogs, supply bulletins, or accountable property records. The specific reference should be indicated for audit trail purposes.

6.2.8. **Block 8.** “Total Cost:” Enter the total cost of all units of each article listed (block 6 x block 7). For real property enter the estimated cost to repair/replace or if the cost to repair exceeds the plant replacement value, the estimated cost to purchase and install the asset.

6.2.9. **Block 9.** “Circumstances Under Which Property Was Lost, Damaged or Destroyed:” Enter a complete statement of the facts, including the date and place of the incident. Include the name, grade, and the [Electronic Data Interchange Personal Identifier \(also known as the DoD Identification Number\)](#) of all persons directly involved. The statement must [at the minimum](#) answer five basic questions of who, what, when, where and how (see [subparagraph 2.2.4](#)). Identify any appropriate contract number(s), transaction number(s), control number(s). Add as exhibits and identify alphabetically within the block, as needed.

6.2.10. **Block 10.** “Actions Taken to Correct Circumstances Reported in Block 9 and Prevent Future Occurrences:” Include recommended actions by the accountable property officer and/or property custodian, and if appropriate by the financial liability officer, to the appointing and approving authorities.

6.2.11. **Block 11.** “Individual Completing Blocks 1 Through 10:” Person conducting the inquiry/[investigation](#).

6.2.12. **Block 12.** “Responsible Officer ([Property Record Items](#)) or Reviewing Authority ([Supply Systems Stocks](#)):” See [section 10.0](#) for definitions of “Responsible Officer” and “Reviewing Authority.”

6.2.13. **Block 13.** “Appointing Authority:” See [section 3.0](#) for [duties and responsibilities](#) and [section 10.0](#) for definition of “Appointing Authority.”

6.2.14. **Block 14.** “Approving Authority:” See [section 3.0](#) for [duties and responsibilities](#) and [section 10.0](#) for definition of “Approving Authority.”

6.2.15. **Block 15.** “Financial Liability Officer:” Enter findings and recommendations of the financial liability officer along with a recommendation regarding liability of the involved parties. See [section 4.0](#) for [duties and responsibilities](#) and [section 10.0](#) for definition of “Financial Liability Officer.”

6.2.15.1. An indication that negligence on the part of the individual has not been determined.

6.2.15.2. A recommendation that the investigation be continued at some future time because of extenuating circumstances.

6.2.15.3. Recommendation for corrective actions.

6.2.15.4. Recommendation that the individuals involved in the loss, damage, destruction, or theft, be relieved of responsibility for the property when negligence cannot be established. State the facts on which the recommendations are based. Proper conclusions [must](#) be drawn from available facts, not opinions or suspicions. The financial liability officer must sustain or refute the statements made in block 9 of the DD Form 200 and any other statements that are part of the inquiry and/or investigation. Do not use stereotyped phrases such as “loss or damaged in manner stated.” The financial liability officer [must](#) state in his or her own words how the loss or damage occurred based on the evidence obtained by the investigation.

6.2.15.5. As prescribed in [subparagraph 2.8.1](#), include a computation of charges, when recommending financial liability. The computation should show how depreciation was calculated and other factors used in determining the loss, or reference should be made to the exhibit on which the computation is recorded. The results of the computation [must](#) be entered in block 15.b.

6.2.15.6. Describe the disposition of the property. Once released by the financial liability officer or the appointing authority (when a financial liability officer is not appointed), property considered to be “uneconomically repairable” [must](#) be disposed of in accordance with [DoDM 4160.21-V1](#).

6.2.15.7. Recommendations [must](#) be entered immediately after the findings. The recommendation [must](#) include:

6.2.15.7.1. Financial liability to be assessed or relief from responsibility and accountability. Also, enter this information in block 15.d. For a military member enter monthly basic pay and for a civilian enter one-twelfth of the yearly salary.

6.2.15.7.2. Disposition instructions for any unserviceable property not previously sent to the [Defense Logistics Agency, Disposition Services](#).

6.2.15.7.3. State clearly the full name, grade, [DoD Identification Number](#), and the amount of the charge, when recommending financial liability.

6.2.15.7.4. State if the DD Form 200 may cover the loss, damage, destruction, or theft of property for which a claim is also being processed.

6.2.15.8. The recommendations must represent a logical and equitable decision developed from the facts cited in the evidence and findings.

6.2.15.9. Sign the DD Form 200 in block 15.j, at the end of the recommendations.

6.2.16. **Block 16.** “Individual Charged:” See [subparagraph 4.3.6](#).

6.2.17. **Block 17.** “Accountable Officer:” See [section 10.0](#) for definition of “Accountable Officer.” Record document numbers used to adjust property and financial records. All other blocks are self-explanatory.

## 7.0 GOVERNMENT HOUSING LIABILITY (0707)

### 7.1 Purpose (070701)

This section describes the liability of military personnel for the loss, damage, or destruction of government housing (family housing or unaccompanied personnel housing). It describes minimum requirements for assessing financial liability when government housing, including equipment or furnishings therein, is lost, damaged or destroyed. Government housing within the scope of this chapter includes both permanent and temporary quarters either owned by, or controlled by, the U.S. Government.

### 7.2 [Military Personnel Liability for Government Housing](#) (070702)

7.2.1. Determination of Proximate Cause. A member of a Military Service **must** be held liable to the [U.S.](#) for the loss, damage or destruction of family housing or an unaccompanied personnel housing unit assigned to such member, including equipment and furnishings therein, when a determination is made that the loss, damage or destruction was proximately caused by the abuse or negligence of the member, a dependent of the member, or a guest either of the member or the member’s dependent.

7.2.2. Financial Liability of Military Members. Financial liability against military personnel for loss, damage or destruction of government housing, including equipment and furnishings therein, is assessed for the full amount of the loss if the loss, damage or destruction was proximately caused by gross negligence or abuse. Liability of military members for damage to government housing and related equipment and furnishings is prescribed in 10 U.S.C. [§ 2775](#) and DoDM 4165.63.

7.2.3. Notification and Examination. Occupants who are assessed financial liability for loss of, or damage to, assigned government housing **must** be notified in accordance with [subparagraph 4.3.6](#). A member’s failure to respond **must** not preclude the government from completing a DD Form 200.

7.2.4. Determination of Negligence. Determinations must be made on whether the loss or damage to government housing was proximately caused by simple or gross negligence or abuse of the member, the member's dependents, or guests of either. Such a determination leads to the following considerations:

7.2.4.1. When the proximate cause of the loss or damage is determined to be gross negligence or abuse, the financial liability of the member is the total amount of the loss to the government. Where a member's dependent or guest causes a loss or damage through gross negligence or abuse, the member is fully liable for the loss or damage if the member was "on notice" of the particular risk involved and failed to exercise reasonable, available opportunities to prevent or limit the loss or damage. In the absence of evidence to the contrary, the member is presumed to have been "on notice" of any risks attending the activities of family members and guests on the premises.

7.2.4.2. Where simple negligence is determined to be the proximate cause of the loss or damage, the financial liability of the member is limited to an amount equal to basic pay for one month at the rate in effect at the time of the loss, or the amount of the loss, whichever is less.

## 8.0 SUPPLY SYSTEM MATERIEL (0708)

### 8.1 Purpose (070801)

This section applies to personal property defined as "supply system materiel," and contains procedures to be followed when inventory losses are discovered. The provisions of this chapter are applicable to all activities accountable for supply system materiel including stock fund and other inventories (e.g., appropriated fund).

### 8.2 Inventory (070802)

Physical inventories **must** be **performed** in accordance with the provisions contained herein and in [DoDM 4140.03-V5](#).

8.2.1. Discrepancies. Despite the safeguards established by DoD Components in the care and maintenance of supply system stocks, discrepancies may occur between stock record balances and materiel in storage. These discrepancies are subject to post count validation, pre-adjustment research, and causative research, as prescribed in [DLM 4000.25-V2](#).

8.2.2. Adjustments. An adjustment **must** be made to the inventory and financial records to bring those records into balance after appropriate research ([see DLM 4000.25-V2](#)). Care should be taken to process the transactions correctly (e.g., an issue posted twice should be corrected by a reversal (credit transaction), not as a loss of inventory). These types of corrected discrepancies are referred to as resolved discrepancies. For unresolved inventory losses, an inventory adjustment document or a DD Form 200 **must** be used to substantiate adjusting the inventory and accounting records to the stock on hand and to provide relief from property accountability or responsibility.

### 8.2.3. Causative Research.

8.2.3.1. Causative research **must** be conducted for all inventory discrepancies that meet any of the criteria specified in [DLM 4000.25-V2](#). For inventory discrepancies which do not meet the criteria for performing causative research, a justification for adjusting the inventory and accounting records and relief from property accountability **must** be provided by means of an inventory adjustment document in accordance with [subparagraph 8.2.4](#).

8.2.3.2. The purpose of this research is to establish liability or provide relief from accountability for the accountable property officer and/or property custodian for the loss, damage destruction, or theft of supply system materiel; and determine if the loss to the government was proximately caused by the negligence or abuse of individuals. If an individual accepts responsibility for the loss, damage destruction, or theft of supply system materiel and voluntarily reimburses the government, a DD Form 200 is not required. The collection voucher may be used to adjust the financial and accountable property records.

8.2.4. DD Form 200 Used in Substantiating Inventory Loss Adjustments. When authorized, the reviewing authority may approve physical inventory adjustments equal to or less than \$50,000, when negligence or abuse is not evident or suspected. When negligence or abuse is evident or suspected, the reviewing authority **must** initiate an investigation in accordance with paragraph 2.2. The investigation **must** be used to substantiate adjusting the stock record, and providing relief from property accountability.

## 8.3 Resolved Inventory Losses (070803)

8.3.1. Accountability. The data developed by post count validation, pre-adjustment research, and causative research **must** be utilized to prepare correcting documentation so that the inventory accounting systems may be updated. These adjustments **must** be processed in accordance with this Regulation and [DLM 4000.25-V2](#).

8.3.2. Statistics. The type of [inventory losses must be categorized and accumulated by category to identify trends or problem areas in accounting or supply system procedures in accordance with DLM 4000.25-V2](#).

## 8.4 Unresolved Inventory Losses Not Meeting the Criteria for an Investigation (070804)

8.4.1. Accountability. Relief from property accountability and justification for the adjustment of the inventory and accounting records to the inventory on hand **must** be provided by means of an inventory adjustment document. The detail data requirements and procedures for preparing and processing the inventory adjustment document **must** be as prescribed in appropriate DoD Component implementing documents.

8.4.2. Authority for Adjustment. If the cause or probable cause of the discrepancy has not been determined, and the discrepancy does not qualify for causative research, this paragraph **must** be cited as authority for relieving the accountable officer of accountability.

8.4.3. Statistics. See [subparagraph 8.3.2](#).

8.5 Unresolved Inventory Losses - Causative Research Indicates No Personal Responsibility (070805)

8.5.1. Accountability. See [subparagraph 8.4.1](#).

8.5.2. Statistics. See [subparagraph 8.3.2](#).

8.6 Unresolved Inventory Losses - Causative Research Indicates Evidence of Personal Responsibility (070806)

8.6.1. Method of Adjustment. A financial liability investigation [must](#) be used to support adjustment of the inventory and accounting records to the actual inventory on hand and to relieve the accountable officer of accountability.

8.6.2. Statistics. See [subparagraph 8.3.2](#).

8.7 Criteria for an Investigation (070807)

A financial liability investigation [must](#) be initiated on all unresolved inventory discrepancies for each stock number that meets any of the following criteria:

8.7.1. Gains and losses of sensitive items (e.g., drugs designated as controlled substances and assigned to one of five schedules by the Drug Enforcement Agency, Department of Justice, under the Comprehensive Drug Abuse, Prevention, and Control Act of 1970 and any other drugs designated for local control by the Medical Treatment Facility Commander, precious metals, hazardous materiel, small arms, ammunition, explosives) regardless of dollar value.

8.7.2. Gains and losses of classified items, regardless of dollar value.

8.7.3. Gains and losses of pilferable items when the unit price times the quantity is equal to or greater than \$2,500.00 for each stock number.

8.7.4. Any inventory loss when there is an indication or suspicion of fraud, theft or negligence.

8.7.5. Repetitive losses when the cumulative dollar value of the inventory losses equals or exceeds the projected cost of the financial liability investigation.

8.7.6. Bulk petroleum when the loss exceeds the [allowable loss limits per DoDM 4140.25-V9](#).



## 8.8 Procedures for an Investigation (070808)

8.8.1. Accountability and Responsibility. For unresolved inventory losses which meet the criteria set forth in paragraphs 8.6 and 8.7, a DD Form 200 is required to relieve accountable property officer of property custodian from responsibility, to substantiate adjustment of the inventory and accounting records to the inventory on hand, and to identify problem areas or trends for corrective actions. A financial liability investigation should be conducted by a person who is not directly supervised by the accountable property officer or property custodian. It **must** include, as a minimum, the following actions:

8.8.1.1. Review and evaluate existing procedures for their adequacy in protecting property.

8.8.1.2. Determine compliance with prescribed regulations and procedures.

8.8.1.3. Determine who is involved and what responsibilities they have been assigned.

8.8.1.4. Determine whether simple or gross negligence or abuse is evident.

8.8.1.5. Review of causative research conducted.

8.8.1.6. Determine the cause or the probable cause of the inventory loss.

8.8.1.7. Recommend actions to minimize recurrence of the inventory loss.

### 8.8.2. Review the Adequacy of Procedures in Protecting Property

8.8.2.1. Physical Security Review. Determine if storage facilities are adequate to ensure proper safeguarding of all items, especially those items that are sensitive, classified, or subject to pilferage. The review should include an evaluation of compliance with regulatory requirements, procedures to determine degree of susceptibility of items to theft or pilferage, and lessons to be learned from losses that have been experienced.

8.8.2.2. Receipt, Storage, and Shipment Procedures Review. Determine if adequate procedures exist to prevent loss from theft or pilferage during receipt, storage, or shipment. The degree of protection should be commensurate with statutory and regulatory requirements, the degree of susceptibility to theft or pilferage, and experienced losses.

8.8.3. Determine Procedural Compliance. Determine if the responsible persons have complied with existing procedures to protect government property. If they have not complied with the procedures, determine if they failed to comply or were instructed not to comply.



## 9.0 PETROLEUM PRODUCT/LOSSES (0709)

### 9.1 Loss Expectancy (070901)

Some losses are unavoidable in the handling and storage of volatile products. These losses can be controlled by management actions to limit the rates of loss for such products so that standards are not exceeded. For this reason, DoDM 4140.25-V9, provides allowable loss limits to accommodate product losses normally expected. Losses are categorized as in-transit, operating, and determinable, these categories are defined in DoDM 4140.25-V9. However, any trends, such as a pattern of losses within the allowable percentage, must be researched and investigated.

### 9.2 In-Transit Losses (070902)

Losses of product received at DoD activities are allowable only when the actual loss is within the allowable loss tolerance percentages. When a loss exceeds the allowable limit, a portion of the loss is not allowable, and the entire loss will be reported as prescribed in DoDM 4140.25-V9. Causative research, as described in subparagraph 8.2.3, must be performed if there is any suspicion of negligence or abuse on the part of U.S. Government personnel who contributed to the loss.

### 9.3 Storage or Operating Losses (070903)

The allowable storage or operating loss tolerance percentages for various types of petroleum products are prescribed in DoDM 4140.25-V9. When the loss exceeds the allowable limit, a portion of the loss is not allowable; and the entire loss must be researched and reported in accordance with the provisions in section 8.0.

### 9.4 Determinable Losses (070904)

Losses which occur from determinable causes (such as tank overflows, spills, pipeline breaks, recovered abandoned product, fire or unrecoverable tank bottom) can normally be precluded or greatly minimized by effective management. These losses must be researched and reported in accordance with section 8.0.

## \*10.0 DEFINITIONS (0710)

No.	List of Definitions	Description of Definitions
1.	Abuse	Willful misconduct or deliberate unauthorized use.
2.	Accountability	The obligation imposed by law, lawful order, or regulation, accepted by an organization or person for keeping accurate records, to ensure control of property, documents or funds, with or without physical possession. The obligation, in this context, refers to the fiduciary duties, responsibilities, and obligations necessary for protecting the public interest; however, it does not necessarily impose personal liability upon an organization or person.
3.	Accountable Property Officer	Comparable terms include: Army -- Supply Support Accountable Officer/Property Book Officer; Navy -- Personal Property Manager; Air Force -- Accountable Officer/Chief of Supply/Chief of Materiel Management; Marine Corps -- Accountable Officer; Defense Logistics Agency -- Accountable Property Officer. An individual who, based on his or her training, knowledge, and experience in property management, accountability, and control procedures, is appointed by proper authority to establish and maintain an organization's accountable property records, systems, and/or financial records, in connection with Government property, irrespective of whether the property is in the individual's possession.
4.	Accountable Property	A term used to identify property recorded in the <a href="#">APSR</a> .
5.	Accountable Property Record	The record contained within the <a href="#">APSR</a> .
6.	Acquisition Cost	The amount, net of both trade and cash discounts, paid for the property, plus transportation costs and other ancillary costs.
7.	Adjustment	Posting to the accountable property records the changes made necessary by the loss, damage, destruction, or theft.

## DEFINITIONS (Continued)

<b>No.</b>	<b>List of Definitions</b>	<b>Description of Definitions</b>
8.	Administration	An established process or system to determine whether a responsible party should be held financially liable.
9.	Appointing Authority	An individual designated in writing by the approving authority. The approving authority may act as the appointing authority. The appointing authority appoints financial liability officers, if required; approves or disapproves the recommendations of the accountable property officer, reviewing authority, or financial liability officer; and recommends actions to the approving authority. The appointing authority is normally senior to the reviewing authority, accountable property officer, and financial liability officer.
10.	Approving Authority	The approving authority makes determinations to either relieve involved individuals from responsibility and/or accountability or approve assessment of financial liability. The approving authority may act as the appointing authority or designate an appointing authority in writing. DoD Component regulations must designate who may serve as the approving and appointing authority. The approving authority is normally senior to the appointing authority.
11.	Collective Liability	Where more than one individual may be liable for a debt, both collectively or individually.
12.	Commander	An individual vested with command authority in a DoD Component.

## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
13.	Contractor Acquired Property (CAP)	Any property acquired, fabricated, or otherwise provided by the contractor for performing a contract, and to which the Government has title. Although the Government may have title, CAP has not yet been delivered. CAP that is subsequently delivered to the Government for use on the same or another contract is considered Government Furnished Property. See definition 20, "Government Furnished Property."
14.	Controlled Inventory Items	<p>Those items designated as having characteristics which require that they be identified, accounted for, secured, segregated, or handled in a special manner to ensure their safekeeping and integrity. Controlled inventory items in descending order of the degree of control normally exercised are:</p> <p>a. Classified Items. Materiel which requires protection in the interest of national security.</p> <p>b. Sensitive Items. Materiel which requires a high degree of protection and control due to statutory requirement or regulations, such as narcotics and drug abuse items; precious metals; items which are of a high value, highly technical, or a hazardous nature; and small arms, ammunition, explosives, and demolition materiel.</p> <p>c. Pilferable Items. Materiel having a ready resale value or application to personal possession and which is, therefore, especially subject to theft.</p>
15.	Culpability	Determination of fault.
16.	Deliberate Unauthorized Use	Willful or intentional use without right, permit, or authority.
17.	Determination of Proximate Cause	Ascertaining whether the loss, damage, destruction, or theft was proximately caused by an individual's negligence or abuse.
18.	Financial Liability	The statutory obligation of an individual to reimburse the government for lost, damaged, or destroyed government property as a result of negligence or abuse.

## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
19.	Financial Liability Officer	An individual who is appointed in writing by the appointing authority to conduct an investigation to determine responsibility for loss, damage, or destruction of government property. Individuals so appointed must not be the accountable property officer, property custodian, or otherwise have any direct interest in the property being investigated. The individual must be a commissioned officer; warrant officer; enlisted member in grades E 7, E 8, or E 9; or a civilian employee GS 07, or above. However, the financial liability officer is normally senior to the person(s) directly involved with the discrepancy. The appointing authority may act as the financial liability officer.
20.	Government Furnished Property	Any property in the possession of, or directly acquired by, the Government and subsequently furnished to the contractor for performance of a contract. CAP that is subsequently delivered to the Government for use on the same or another contract is considered Government Furnished Property. See definition 13, "Contractor Acquired Property."
21.	Gross Negligence	An extreme departure from the course of action to be expected of a reasonably prudent person, all circumstances being considered. The act is characterized by a reckless, deliberate, or wanton disregard of foreseeable consequences.
22.	Inquiry	An informal <a href="#">process of ascertaining the facts, circumstances, and cause of the loss, damage, destruction, or theft.</a>
23.	<a href="#">Inventory</a>	<a href="#">Tangible personal property that is held for sale, in the process of production for sale, or to be consumed in the production of goods for sale or in the provisions of services for a fee.</a>

## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
24.	Investigation	A formal proceeding for determining the facts and circumstances related to loss, damage, destruction, or theft of government property; determining the present condition of such property; receiving recommendations as to disposition, retention, and further accountability for such property; or determining the responsibility for loss, gain, damage, or destruction of government property.
25.	Liability	The state of being responsible or answerable for the loss, gain, damage, or destruction of government property.
26.	Negligence	The failure to act as a reasonable prudent person would have acted under similar circumstances. An act or omission that a reasonably prudent person would not have committed or omitted under similar circumstances and which is the proximate cause of the loss of, damage to, or destruction of government property. Failure to comply with existing laws, regulations, or procedures may be considered as evidence of negligence.
27.	Probable Cause	Reasonable grounds for belief.
28.	Property Custodian	Also known as responsible officer. An individual appointed by the accountable property officer, who accepts custodial responsibility for property, typically by signing a hand receipt. The property custodian is directly responsible for the physical custody of accountable property under their control. See Definition 32, “Responsible Officer.”
29.	Proximate Cause	The cause which, in a natural and continuous sequence of events unbroken by a new cause, produced the loss or damage. Without this cause the loss, gain, or damage would not have occurred. It is further defined as the primary moving cause, or the predominate cause, from which the loss, gain, or damage followed as a natural, direct, and immediate consequence.
30.	Record	All forms of information (e.g., narrative, graphic data, and computer memory) registered in either temporary or permanent form so that it can be retrieved, reproduced, or preserved.

## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
31.	Research	<p>An investigation of potential or actual discrepancies between physical count and recorded balances. The purpose of the research is to determine the correct balance and determine the cause of discrepancies. There are three types of research:</p> <p>a. Post count Validation. A comparison of physical count with potential recorded balances or another count, with consideration of transactions that have occurred recently. The purpose of post count validation is to determine the validity of the count. Post count validation research ends when the accuracy of the count has been verified or when any necessary recounts have been taken.</p> <p>b. Pre-adjustment Research. A review of potential discrepancies, which involves the consideration of recent transactions and verification of catalog data. The purpose of pre-adjustment research is to determine the correct balance. Pre-adjustment research ends when the balance has been verified or the adjustment quantity determined (see <a href="#">DLM 4000.25-V2</a>).</p> <p>c. Causative Research. An investigation of discrepancies (i.e., gains and losses) consisting of (as a minimum) a complete review of all transactions to include supporting documentation: catalog change actions, shipment discrepancies, and unposted or rejected documentation occurring since the last completed inventory; the last location reconciliation which included quantity; or back one year whichever is sooner. The purpose of causative research is to identify, analyze, and evaluate the cause of inventory discrepancies with the aim of eliminating repetitive errors. Causative research ends when the cause of the discrepancy has been discovered or when, after review of the transactions, no conclusive findings are possible.</p>

## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
32.	Responsible Officer	An individual appointed by the accountable property officer, who accepts custodial responsibility for property, typically by signing a hand receipt. The property custodian is directly responsible for the physical custody of accountable property under their control. Also known as property custodian. See definition 28, "Property Custodian."
33.	Responsibility	The requirement placed on an organization or individual who acts as the custodian of another individual's property by controlling, supervising and managing the property in their care.
34.	Reviewing Authority	An individual designated in writing by the approving authority to review and analyze the results of supply system stock research.
35.	Simple Negligence	See definition 26, "Negligence."
36.	Standard Price	The unit price of an item, as it is recorded in the Standard Catalog for use in financial and accountable records of the holding service or agency. (An item not included in the appropriate service or agency pricing catalog must be priced at original cost, if available, or if not known, at fair market value, as stated in paragraph 2.8.1.2).
37.	Stock Record	A perpetual inventory form of record that shows by nomenclature, the quantities received, issued, and the balance on hand. The stock record must show by item the receipt, issue, and transfer of accountability of property; the balances on hand; and such other identifying or stock control data as required. See DLM 4000.25-V2.
38.	Supply System Materiel	Supply system materiel refers to those inventories, wholesale and below wholesale, where a stock record account is required to be maintained. See DLM 4000.25-V2.



## DEFINITIONS (Continued)

No.	List of Definitions	Description of Definitions
39.	Value	The financial value of an item. Typically, the original acquisition cost or, in the case of capital equipment, the full cost or net book value.
40.	Willful Misconduct	Intentional damage, destruction, misappropriation, or loss of government property.

**VOLUME 12, CHAPTER 8: “FOREIGN NATIONAL EMPLOYEES SEPARATION  
PAY ACCOUNT, DEFENSE”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [April 2022](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and language to comply with current guidance and increase readability.	Revision

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## CHAPTER 8

### **FOREIGN NATIONAL EMPLOYEES SEPARATION PAY ACCOUNT, DEFENSE**

#### 1.0 GENERAL

#### 1.1 Purpose

This chapter specifies policy applicable to the United States Department of the Treasury (Treasury) “Foreign National Employees Separation Pay Account, Defense” account. Except as provided herein, all separation payments for Department of Defense (DoD) foreign national employees must be made from this account. All amounts that were obligated for such separation payments, but not expended before enactment, must be transferred to this account. Similar amounts obligated after enactment must also be transferred into this account on a quarterly basis. Amounts in the account remain available until expended.

#### 1.2 Authoritative Guidance

1.2.1. The National Defense Authorization Act ([\*NDA\* for Fiscal Years 1992](#)) and 1993 authorized a trust fund account to accumulate funds to finance obligations for separation payments to foreign national employees of the DoD. The [\*NDA\* for Fiscal Year 1995](#) extended this authorization to include foreign nationals employed by a foreign government, for the benefit of DoD, under any of the following agreements that provide for separation pay: (1) a contract, (2) a treaty, or (3) a memorandum of understanding with a foreign nation. Title 10, United States Code, section 1581 ([\*10 U.S.C. § 1581\*](#)), “Foreign National Employees Separation Pay Account,” provides for the establishment and operation of this account. The use of the term “foreign national employees” in this chapter is meant to apply to both foreign national direct and indirect hire employees. [\*10 U.S.C. § 1592\*](#) establishes that funds in the “Foreign National Employees Separation Pay Account, Defense” account may not be used to pay severance pay to a foreign national employed by DoD that provides for payment of separation pay if the separation of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.

1.2.2. This guidance applies to all DoD appropriations. This guidance does not apply to activities under the Defense Working Capital Fund (DWCF). DWCF activities must continue to make necessary foreign national employee severance payments under established DWCF procedures. This guidance also does not apply to the Foreign Military Sales (FMS) Trust Fund. The FMS Trust Fund activities must continue to accrue and disburse separation pay to their foreign national employees from the FMS Trust Fund. Use of non-appropriated funds (NAF) to pay for severance or separation entitlements, accrued during periods of employment with appropriated funded (APF) entities is prohibited.

## 2.0 POLICY

### 2.1 Calculations

Foreign national employees' separation pay must be determined and calculated at the installation level in accordance with applicable host country agreements. These amounts must be obligated in the full amount of the liability that accrues during the fiscal year, without regard to whether the amount is currently payable. Disburse these amounts from the Treasury "Foreign National Employees Separation Pay Account, Defense," 097X8165. The applicable Treasury receipt account is 097X8165.001, "Employing Agency Contributions, Defense." Find additional guidance on obligations for separation allowances for foreign national employees in Volume 3, Chapter 8.

### 2.2 Pay Accruals

Transfer foreign national employee separation pay accruals (obligations) quarterly to the "Foreign National Employees Separation Pay Account, Defense." Transfer amounts via a Standard Form (SF) 1081, "Voucher and Schedule of Withdrawals and Credits."

### 2.3 Director, Defense Finance and Accounting Service

The Director, Defense Finance and Accounting Service (DFAS) must administer the account as well as perform related accounting functions.

### 2.4 Administrative Subdivisions

Establish administrative subdivisions within the account for each DoD Component that budgets for foreign national employee separation pay. Record deposits into and payments from the account in the applicable DoD Component subdivision.

### 2.5 Disbursements

Except for those organizations operating within the DWCF and the FMS Trust Fund disburse, all separation payments for foreign national employees paid from DoD appropriations from the "Foreign National Employees Separation Pay Account, Defense." Forward requests for authorization to disburse from this account to the appropriate servicing DFAS site. Forward a copy of the backup documents to the DFAS Indianapolis, Enterprise Accounting and Audit Support, Trust Funds Accounting and Reporting Operations mailbox at: dfas.indianapolis-in.jja.mbx.cin-jjra@mail.mil.

### 2.6 Transfers

Transfers into the "Foreign National Employees Separation Pay Account, Defense" must be made as follows:

2.6.1. **Transfer** all amounts accrued (obligated) for foreign national employee separation pay liability during each fiscal year by any DoD Component into the account quarterly via an SF 1081. Forward a copy of the backup documents to DFAS Indianapolis, Enterprise Accounting and Audit Support, Trust Funds Accounting and Reporting Operations mailbox at: dfas.indianapolis-in.jja.mbx.cin-jjra@mail.mil.

2.6.2. **Obligate and transfer** additional amounts from funds otherwise available to a DoD Component into the account under authority provided in the 10 U.S.C. § 1581, **when** payments from a DoD Component's subdivision of the account exceed the balance in that Component's subdivision. These transfers must equal the amount of the payment in excess of the balance of the DoD Component's subdivision of the account, plus any amounts accrued but not currently payable. **Find** additional guidance on the transfer of a foreign national employee from one DoD Component to another in Volume 3, Chapter 8.

2.6.3. Each DoD Component, in conjunction with the Director, DFAS, or designee, must perform at least an annual review of the amounts in its respective account subdivision and compare such amounts to its foreign national separation pay liabilities to ensure sufficient funds have been obligated for future payment. Both parties must certify the accuracy of the information. **Conduct this** annual review each April. DFAS and the other DoD Components also must maintain an audit trail of accounting records and **ensure** the establishment of an effective internal control system for the entire account.

## 2.7 Deobligations

Each DoD Component must notify its supporting DFAS site of all deobligation transactions, adjustments, and corrections, in a timely and accurate manner. The respective site will record adjustments and corrections in the accounting records.

## 2.8 Availability of Deobligated Amounts

**Maintain** amounts deobligated by DoD Components in the account for 2 years from the date of deobligation for recording, adjusting, and liquidating amounts properly chargeable to the liability of the respective DoD Component. **Cancel** any such deobligated amount remaining after the 2 years.

## 3.0 SUBSEQUENT DISBURSEMENTS

### 3.1 Validation of Funds Availability

**Local disbursing offices and the Department of State may continue to make disbursements for foreign national employee separation payments**, when approved by DFAS, using DoD cross-disbursement procedures. Each DoD Component and non-DoD office (e.g., Department of State) must coordinate its disbursement/cross-disbursement actions with the supporting DFAS site to validate the availability of funds prior to disbursement.

A positive balance in the account is necessary prior to payment; therefore, both DoD and non-DoD activities will verify from the supporting DFAS site that sufficient funds are available prior to submitting vouchers to servicing disbursing offices for employee payments.

### 3.2 Cross-Disbursements

When cross-disbursements procedures are used, the appropriate DFAS site must be advised prior to each actual disbursement. Find additional guidance on cross-disbursement transactions in Volume 3, Chapter 11.

## 4.0 RESPONSIBILITIES

### 4.1 DFAS Indianapolis- Enterprise Accounting and Audit Support, Trust Funds Accounting and Reporting

4.1.1. Oversee the recording and reporting of all required accounting information. Perform the required reporting and reconciliation of cash in the Treasury.

4.1.2. Maintain a general ledger account structure with necessary subsidiary ledgers to support the various accounts. Also accurately maintain subsidiary ledgers and an audit trail. The detailed subsidiary ledgers may remain at the supporting DFAS sites or DoD Component field level activities.

4.1.3. Process all accounting transactions through the accounting network in a timely and accurate manner.

4.1.4. Provide accurate and timely accounting service to customers, e.g., DoD Components, upon request. Coordinate the accounting process with other DFAS sites.

4.1.5. Perform a positive funds control function and alert the DoD Components when necessary to ensure a timely transfer, based on available information.

4.1.6. Provide a point of contact with telephone, email address, and fax numbers to the DoD Components.

### 4.2 DoD Components

4.2.1. Determine the obligation amount and notify the supporting DFAS site in a timely manner to accomplish the quarterly transfer. This information will be the basis for future SF 1081 processing and for updating the accounting records.

4.2.2. Process the SF 1081 and return a copy to the supporting DFAS site in a timely manner.

4.2.3. Manage all pertinent agreements regarding DoD foreign national employees. Forward a copy of all agreements and/or arrangements, including changes and amendments, to the supporting DFAS site.

4.2.4. Notify the supporting DFAS site of all changes, adjustments, or cancellations of previously reported information at least monthly.

4.2.5. Provide the supporting DFAS site with a point of contact, telephone, email address, fax numbers, and current mailing address.



**VOLUME 12, CHAPTER 9: “INTERNATIONAL AGREEMENTS”****SUMMARY OF MAJOR CHANGES**

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The previous version dated [October 2008](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
5.2.1. (090502.A)	Deleted obligation determination	Clarification
5.5.3. (090505.C)	Deleted. Incorporated relevant guidance in paragraph 5.5.1.	Update
TABLE 9-3	Updated. Changed title to remove ‘Number of Participants’ and replaced with ‘Benefitting Assets’ before and at the end of the table.	Update

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## CHAPTER 9

### INTERNATIONAL AGREEMENTS

#### 1.0 OVERVIEW (0901)

##### 1.1 Purpose (090101)

This chapter establishes the financial procedures that shall be followed when DoD Components initiate, develop, and request formal review of international agreements and any annexes, appendices, amendments, or modifications thereto.

#### 2.0 GENERAL (0902)

##### 2.1 International Agreement Document (090201)

The term “international agreement” includes any document, among others, identified as an international agreement, memorandum of understanding, memorandum of agreement, memorandum of arrangement, exchange of notes, exchange of letters, or technical arrangement with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization. It does not include Foreign Military Sales (FMS) transactions and contracts entered into under the provisions of the Federal Acquisition Regulation or agreements financed with security assistance funds. The latter agreements are implemented under provisions identified in Volume 15.

##### 2.2 International Agreement Design For Coordination (090202)

Each international agreement submitted for coordination must contain a fiscal and legal memorandum in accordance with [DoD Directive 5530.3](#), “International Agreements,” paragraphs 9.3.2 and 9.3.3, or a Summary Statement of Intent (SSOI) in accordance with [DoD Instruction 5000.2](#), “Operation of Defense Acquisition System,” Enclosure 9, section E9.4.1 and the [Defense Acquisition Guidebook](#), Chapter 1 Supplement, The fiscal memorandum shall identify all financial implications of the agreement and provide all information required for a complete understanding and analysis of those implications. The legal memorandum shall identify the statutory authority for any obligation or expenditure of United States (U.S.) appropriated or nonappropriated funds involved in the agreement, as well as the legal basis for any use of U.S. Government property by or on behalf of a foreign government or international organization contemplated by the agreement. The SSOI, in addition to providing information on the fiscal implications and the legal basis for the agreement, provides information such as overview, objective, partner nations, project management, benefits/risks to the U.S., potential industrial base impact, procurement, information security and technology transfer, and points of contact. It is the responsibility of the proponent to provide the references and details supporting the agreement as requested by the approving officials.

### 3.0 LEGAL CONSIDERATIONS (0903)

#### 3.1 General (090301)

Legal authority information is critical to the preparation of an agreement and is the basis for determining the legal authority for entering into the agreement and subsequent financial requirements. The legal information is used by financial management officials to review applicable international agreements and determine the existence of any special pricing or funding requirements. The legal information normally provides the following, as relevant:

3.1.1. Special Legal Pricing Requirements. The legislative authority to enter into an agreement also may mandate special pricing requirements on the U.S. Thus, the legal authority information shall identify any peculiar pricing that must be reflected in the agreement. In the absence of specific legal authority to price on other than a full cost basis, DoD services and materials shall be priced on a full cost basis.

3.1.2. Legal Requirement for the Disposition of Monies Collected by the Department of Defense (DoD). Amounts collected as reimbursements for DoD material or services or new procurements must be deposited into the miscellaneous receipts of the U.S. Treasury, unless there is specific legal authority to credit collections to a DoD appropriation or fund. Options available for deposit of collections include deposit to an appropriation account, a commercial bank account, or a U.S. Treasury deposit account.

3.1.3. Legal Requirement for Recognition of Obligational Authority. Obligational authority can be created only to the extent that funds are collected and deposited into the U.S. Treasury and appropriated by Congress, unless there is express legal authority to create obligatory authority on a dependable undertaking (contract authority) or other basis.

3.1.4. Special Prohibitions or Requirements on the Use of Appropriated Funds. The legal information section shall identify any special prohibitions or requirements on the use of appropriated funds in support of the agreement. These special prohibitions are in addition to the standing prohibitions discussed in paragraph 4.4. An example of a special requirement is when FMS credit funds are to be used to finance co-production or licensed production in a foreign country. The approval of such use requires the Secretary of State first to advise the Congress. (See section 42(b) of the Arms Export Control Act ([AECA](#)).)

### 4.0 FISCAL CONSIDERATIONS (0904)

The fiscal information in the fiscal memorandum or SSOI documents the various financial considerations involved in implementing an international agreement. Specific considerations to be included in the fiscal information are as follows:

#### 4.1 Financing Sources for U.S. Costs (090401)

4.1.1. The fiscal information shall include a schedule of proposed financing sources to be used by the sponsoring DoD Component to implement the agreement. Financing sources may be

current appropriations or funds, provision for inclusion in the Future Years Defense Program (FYDP), or a statement of an intent to include in future program and/or budget requests or FYDPs. This information shall be in a schedule form by FY as illustrated in Table 9-1. When current appropriations or funds are to be used as a financing source, the fiscal information section shall identify the specific appropriation(s) or fund(s), the FYDP Program Element, the amount(s) available therein, and the respective amounts to be used. If the source of financing in current appropriations is in two accounts, the applicable sources of financing must be supported by details showing the specific financing appropriation account symbols.

4.1.2. If the proposed international agreement is, in fact, a firm order for goods or services, a formal certification of fund availability shall be included. Applicable funds shall be committed in accordance with Volume 3 of this Regulation.

#### 4.2 Provisions for the Disposition of Funds Collected (090402)

The fiscal information section shall describe the planned disposition of any funds collected from the foreign country or international organization. The four possible alternatives for disposition of amounts collected are as follows:

4.2.1. Reimbursement to Financing DoD Appropriations or Funds. If reimbursements are to be returned to the financing DoD appropriation accounts, the fiscal memorandum or SSOI shall identify the accounts to be reimbursed. This identification need not specify the fiscal year of the appropriations. Normal reimbursable accounting procedures shall apply.

4.2.2. Deposit in the U.S. Treasury as Miscellaneous Receipts. Without statutory authority to reimburse DoD appropriations or funds or to make other disposition, collections shall be deposited into the U.S. Treasury as miscellaneous receipts. The miscellaneous receipt account to be credited with such collections shall be specified by the depositor. DoD accounting systems shall accumulate costs incurred on behalf of the other participant(s), establish an accounts receivable identified to the applicable miscellaneous receipts account and bill such amounts.

4.2.3. Deposit in a U.S. Treasury Deposit Account. If a Treasury deposit account has been established for the agreement, the fiscal memorandum shall identify the appropriate U.S. Treasury account symbol.

#### 4.2.4. Deposit in a Commercial Bank Account

4.2.4.1. If execution of a proposed agreement contemplates use of a commercial bank account for a foreign country's funds, such a provision shall be included in the fiscal memorandum or SSOI with a description of intended bank account operation.

4.2.4.2. For contracts administered by DoD, two funding accounts must be cited: the DoD appropriation account for the U.S. share and the commercial bank account for the share of the other participant(s). The fund citation on the contract shall indicate the commercial bank account rather than the normal accounting classification code. In this case, only the Department can draw down on the commercial bank account.

#### 4.3 Use of Amounts Credited (090403)

Foreign contributions collected by a DoD Component under terms of a cooperative project on a cost sharing basis from a foreign country or North Atlantic Treaty Organization (NATO) may be credited to a financing DoD appropriation or fund. Such contributions, however, are available only for the payment of the share of project expenses allocated to the foreign country or NATO making the contribution. The fiscal memorandum or SSOI shall certify that such collections will be used only for purposes as prescribed herein. Payments for which such amounts are available include the following:

4.3.1. Payments to contractors and other suppliers (including DoD and other participants acting as suppliers) for necessary articles and services.

4.3.2. Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation.

4.3.3. Payments or reimbursements of other program expenses, including program office overhead and administrative costs.

4.3.4. Refunds to other participants.

#### 4.4 Availability of Financing Sources (090404)

There are two general prohibitions on the use of appropriated funds for international agreements. In addition, the legal section must identify any other applicable prohibitions. It is implicit in the identification of the financing sources set forth in paragraph 4.1, that funds are available. It is desirable, however, to include in the fiscal information section a certification that all legal and policy prohibitions on the use of funds have been complied with. The general prohibitions are as follows:

4.4.1. No funds designated by the Congress for NATO or major non-NATO cooperative research and development under [10 U.S.C. 2350a](#) may be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity (including NATO participants) to the agreement.

4.4.2. U.S. Government military assistance funds (i.e., Foreign Military Financing, FMS loans, and FMS credits) are not available to finance a foreign participant's share of the cost of a cooperative project authorized by section 27 of the [AECA](#) or a cooperative development project with a major non-NATO ally under [10 U.S.C. 2350a](#).

#### 4.5 Financial and Nonfinancial Contributions (090405)

A contribution to an international agreement may be financial, nonfinancial, or both. Nonfinancial contributions may be in the form of defense articles or defense services needed for the cooperative project. In the event that the contribution is nonfinancial, a price analysis must be made to ensure the valuation assigned to such nonfinancial contribution is fair and reasonable. The fiscal information section shall summarize the results of such an analysis. The price analysis shall be based on prior cost experience for the nonfinancial contribution to be provided. When a foreign contribution is in the form of foreign currency or the awarding of a contract in a foreign country, the foreign currency contribution generally shall be valued at the exchange rate current at the time that the agreement is prepared. There shall be no subsequent modification of the valuation because of changes in the currency exchange rate. The fiscal memorandum or SSOI shall display the value of the currency in terms of U.S. dollars.

#### 4.6 Valuation of Nonfinancial Contributions (090406)

The value of all nonfinancial (background data/information, software, services, military and civilian labor, materiel, equipment, and facilities) contributions to an agreement is to be determined and considered for the evaluation of equitableness of the proposed project. The fiscal memorandum or financial section of the SSOI shall describe the nonfinancial contributions, indicate their value, and state the method used in determining the valuation. The nonfinancial contributions shall also be valued in terms of U.S. dollars in the fiscal memorandum or SSOI. The alternatives for determining the value of nonfinancial contributions are as follows:

4.6.1. Full Costs. Volume 11A, Chapter 1 provides guidance on the specific cost elements and identification methods for pricing sales to private parties. These same methods shall be followed in valuing nonfinancial contributions to an international agreement.

4.6.2. Other Than Full Costs. An agreement that requires the identification or use of less than full cost is normally authorized only when a reciprocal pricing agreement has been entered into by the Department and the other party (parties) to the agreement. The agreement shall demonstrate that costs to be excluded mutually have not been considered by the other party in a determination of equitableness.

4.6.3. Cost Recoupment Waivers. In the event that less than full cost is being identified on the basis of a cost waiver, the legal authority for the waiver, the date of the waiver, and its approving authority must be provided in the SSOI. Copies of such waivers shall be made available on request.

#### 4.7 Reasonable and Necessary Expense (090407)

Any obligation of DoD appropriations under an international agreement must be supported by a showing that it is a reasonable and necessary expense required for the accomplishment of DoD missions, unless the use of DoD funds for other than a DoD mission specifically is authorized by statute.

## 5.0 PROPOSED AGREEMENT (0905)

### 5.1 Financial Policies and Appropriate Cross References (090501)

An agreement must contain language that implements the requirements established by U.S. law and regulation. This section discusses the financial policies that must be followed and provides appropriate cross references to other parts of this Regulation that provide more specific guidance.

### 5.2 Fund Availability Qualification (090502)

5.2.1. Because agreements may involve future years for which the Congress has not yet appropriated funds, all agreements that require that DoD provide financial contributions shall contain a funds availability clause to prevent a premature recording of an obligation against a future year's appropriation.

5.2.2. Examples of typical fund availability qualification clauses inserted in an international agreement follow:

5.2.2.1. "All undertakings of the U.S. Government under this agreement and any annexes, appendices, amendments, or modifications thereto, are expressly subject to the availability of U.S. funds for such purpose."

5.2.2.2. "The obligations of each participant under this agreement are subject to the availability of funds for those purposes."

### 5.3 Reconciliation of Agreement Dollar Value to Financing Sources (090503)

An international agreement must set forth the dollar value of the agreement and portions of the dollar value that must be borne by each participant. This cost sharing may be in the form of monies or nonfinancial contributions. A preliminary requirement is to ensure that any obligations that the Department may be required to incur in implementation of the agreement have been identified in the fiscal information section. Nonfinancial contributions, described in the scope section, may be valued in the fiscal information section as part of the overall financial contributions, or described solely in the scope section without valuation in the financial information section. The financial information in the fiscal memorandum or SSOI will value all financial and nonfinancial contributions identified in the international agreement.

### 5.4 Adherence to Prescribed Pricing Rules (090504)

5.4.1. In the event that an international agreement provides for nonfinancial contributions, there must be assurance that proper pricing procedures have been followed. Paragraphs 4.5 and 4.6 of this chapter discuss special requirements that may be applicable to certain agreements. The text of an agreement must be reviewed carefully to ensure compliance with these paragraphs. An area of special pricing attention is charges for existing DoD technical data and computer software, or the use of equipment or facilities.



5.4.2. Preexisting technical data and computer software or such data developed outside the scope of an agreement is normally referred to as background data. When background data is a nonfinancial contribution, its value for determining equitability is its full (total) cost of development, adjusted for any special modifications, shipping, installation, etc. When the original development cost is unknown, background data should be valued at the cost of similar data, or the estimated cost to reconstruct the data.

5.4.3. Background data may be provided for use in furtherance of the purpose of an international agreement as long as it is used solely in connection with the purpose of the agreement. However, an agreement must specify that if the background information is used for any other purpose, approval of the originating participant must be obtained. The following specifics apply:

5.4.3.1. If the data are to be used for cooperative production purposes, the Department must receive appropriate financial credit as part of the DoD share of project cost, unless a cost recoupment waiver has been approved. Any provision for waiver shall be identified in the fiscal information section.

5.4.3.2. If the data is to be used for development and production purposes, a technology transfer fee may be applicable for the development phase. This fee may be offset by a nonrecurring cost recoupment charge when production occurs.

5.4.3.3. All background information exchanged shall be used only for the purposes of the agreement, and is not to be transferred to any third party without the approval of the originating participant.

5.4.4. Equipment and facilities provided for use in the furtherance of the purpose of an international agreement should be based on an amortized rate. This amortized rate should be based on the cost and useful life of the equipment or facilities, and applied to the length of time the equipment or facilities will be used in the furtherance of the purpose of the international agreement. Standard rates, if available, can also be used.

## 5.5 Determination of Program Equitableness (090505)

\* 5.5.1. Public law and DoD policy require that international agreements that involve cost sharing be equitable. The U.S. and the other participants to an international agreement shall contribute their equitable share of the full cost in funds or in defense articles or services needed to execute the cooperative project, and shall receive their equitable share of the results of the cooperative project in the form of defense articles or services. [A participant's cost share must be proportionately equal to the benefits it receives.](#) The following methodology for determining equitability is in direct response to those requirements and is based on the authority of the Under Secretary of Defense (Comptroller) in accordance with [10 U.S.C. 135](#) and [DoD Directive 5118.03](#), "Under Secretary of Defense (Comptroller)/Chief Financial Office, Department of Defense," for establishing and supervising the execution of uniform DoD policies, principles, and procedures for international financial matters, including the adequacy of international financial agreements.

5.5.2. The SSOI or fiscal memorandum to a proposed international agreement must clearly explain why the agreement is considered equitable. Prior to approval of all proposed international agreements, a determination of agreement equitability must be made by the approving DoD officials. It is critical that sufficient detail and information be provided to clearly demonstrate to approving officials that the proposed international agreement is equitable.

5.5.3. Calculation of Expected Contribution. In support of an equitability determination by DoD approving officials, the expected contribution shall be calculated and presented in the SSOI or supporting documentation using one of the methods below:

5.5.3.1. Number of Participants Method. This is the preferred method of calculating the expected contribution for cooperative feasibility studies, research and development efforts, and test and evaluation programs, and for agreements that establish management or oversight program offices. It is the method that should be employed when estimated unit production quantities are not known or the number of benefiting assets is equal. Under the number of participants method, the expected contribution is determined by dividing the agreement costs by the number of participating nations. An equitable share is where all participating nations equally share the total cost and the benefits. An example of this method is provided in Table 9-2.

5.5.3.2. Estimated Unit Production Method. This is the preferred method of calculating the expected contribution for an agreement that cooperatively establishes a program for the production of defense articles or weapon systems. It is used when specific unit production quantities are known or can be estimated. Under the unit production method, the shares are considered to be equitable when the contribution is proportionately equal to the share of the program production to be received. An example of this method is provided in Table 9-3. An equitability statement is required in the SSOI or accompanying documentation, and it must clearly present the calculation showing production estimates in relation to the total cost of the international agreement or production program.

5.5.3.3. Benefiting Assets. This is the preferred method of calculating the expected contribution when the number of benefiting assets are known or can be estimated. Under the benefiting assets method, the shares are considered to be equitable when the contribution is proportionately equal to the number of assets that will be benefited. An example of this method would be Table 9-3 where the number of units is replaced with benefiting assets. An equitability statement is required in the SSOI or accompanying documentation, and it must clearly present the calculation showing benefiting assets in relation to the total cost of the international agreement.

5.5.3.4. Other Methods of Calculation. There may be situations when none of the above three methods apply, and another calculation is legally supportable. For example, where the U.S. has agreed by treaty to pay a specified percentage of the costs of the operations of an international organization. An equitability statement is required in the SSOI or accompanying documentation. The calculation and justification for use of that calculation must be clearly presented.

## 5.6 Sales and Transfers of Technical Data Developed Under an Agreement (090506)

An agreement should provide that, in the event technical data developed under the agreement is sold or transferred to third parties, a charge may be made to recoup a pro-rata share of each participant's investment. The agreement also must provide that background information and data developed outside the program not be retransferred without the prior approval of the owner of the information or data, and contain provisions for any applicable charges. For third party sales and transfers, or the addition of new participants, any recoupment charge for the information or data developed under the program must be shared on the basis of the participants' financial contribution to the development of the item or technology. The amount of the charge and the procedures for assessing and distributing it shall be determined mutually by the participants prior to the approval of any such third party sale consistent with the policies and laws of each participant. The agreement also should provide that any participant may reduce or waive the assessment of its share of the levy in accordance with its laws and policies. Furthermore, the agreement should provide for rights of use of information developed under the agreement for defense purposes of a participant without payment to the other participant(s).

## 5.7 Taxes, Duties, and Similar Charges (090507)

Agreements should provide that, insofar as existing laws and regulations permit, the participants shall use their best efforts to ensure that readily identifiable taxes, customs duties, and similar charges on the program components and services shall not be levied in connection with the project. If an agreement obligates the U.S. Government to bear the cost of any U.S. taxes, duties, or similar charges levied in connection with the program, the legal memorandum or SSOI must identify the legal authority for such U.S. obligation.

## 5.8 Advance of DoD Funds (090508)

5.8.1. An advance constitutes a disbursement of DoD funds before an authorized DoD official has certified that materials have been delivered or ordered services performed. An agreement shall not provide for DoD advance payments, unless the conditions for such advances, as set forth in Volume 4, Chapter 5 are met. An advance to a foreign country is authorized only when required for compliance with the laws and ministerial regulations of the foreign country and is further required by the agreement.

5.8.2. When possible, advances shall be made for no more than the amount necessary to fulfill the DoD share of project expenses for one month. Advances and prepayments shall not exceed the amount necessary to fulfill the DoD share of project expenses for a current fiscal quarter. If monies are paid in advance and deposited into commercial banks, provision must be made to ensure that the agreement requires:

5.8.2.1. Payment of interest at competitive rates;

5.8.2.2. Timely identification of interest earned by each party; and

5.8.2.3. Interest disposition in accordance with the participants' instructions.

5.8.3. The DoD share of funding required to support an international project shall be obtained in full by appropriation, and no part of such funding shall be derived from interest earnings on U.S. contributions. In view of this policy, the U.S. Government share of interest earned on U.S. advance payments must be returned to the U.S. Treasury Miscellaneous Receipts Account 3210, “General Fund Proprietary Receipts, Defense Military, Not Otherwise Classified.” The interest shall not be used to reduce a future call for funds, nor used for any project cost that would result in funding derived outside the appropriation process.

5.8.4. Advances of DoD funds in excess of 90 days or \$5 million require consultation with the Department of the Treasury. Contact with the Department of the Treasury shall be through the Office of the Under Secretary of Defense (Comptroller).

## 5.9 Billing Requirements (090509)

When payments are to be made, the agreement or subsequent financial arrangements must include the following information:

5.9.1. Billing Cycle. Bills for incurred costs are to be rendered on a 30-day cycle. This is a U.S. Treasury requirement and must be adhered to by DoD. However, in the negotiation process and only at the initiation of other participants, agreement may be reached on up to a 90-day billing cycle.

5.9.2. Collecting Office. The agreement or subsequent financial arrangements shall provide the name and address of the organization to which payments shall be made. It also is desirable to set forth a position title and a telephone number to which questions may be addressed.

5.9.3. Paying Office or Offices. The agreement or subsequent financial arrangements shall provide the name and address of the organization that is responsible for making payments under the agreement. It also is desirable to set forth a telephone number and a position title to which questions may be addressed.

5.9.4. Payment Terms. The payment due date shall not be more than 30 days from the date of the invoice, date prepared.

5.9.5. Documentation in Support of Billings. The agreement or subsequent financial arrangements must identify the form of the bill and the specific supporting details.

5.9.6. Currency of Payment. Normally, payment shall be in the currency of the supplying nation or the lead country if joint financing is provided for in the agreement. The invoice shall identify the amount paid in foreign currency at the current exchange rate and the equivalent conversion rate in U.S. dollars.

## 5.10 Special Types of Agreements 090510)

5.10.1. Agreements for Reciprocal Exchange of Materials or Services. These agreements must set forth the time period allowed for exchange of materials and services. They also must set forth financial settlements that must be made if the exchange does not take place. DoD services or materials provided are priced in accordance with Volume 11A, Chapter 1.

5.10.2. Cooperative Research, Development, Test and Evaluation, Technical Data Exchange, Co-production, Licensed Production, and Related Standardization Agreements That Are Not Implemented through the Security Assistance Program. Full costs must be identified and shared equitably. Cost sharing may be accomplished through the following:

5.10.2.1. Pooling of monies and designation of a lead country to manage the program, collect cash, and award contracts. Specific shares of program cost are set forth in the agreement.

5.10.2.2. No pooling of monies or designation of a lead country. Specific efforts to be accomplished by each participating country and estimated costs of such efforts are set forth in the agreement.

TABLE 9-1: Example International Agreement Financing Schedule

(\$ in Millions)

Financing Sources	Current Year	Current Year + 1	Current Year + 2	Totals
U.S./PE 0603456	1.5	1.0	0.0	2.5
U.S./PE 0603567	0.0	0.5	1.0	1.5
France	1.5	1.5	1.0	4.0
Germany	1.5	1.5	1.0	4.0
Totals	4.5	4.5	3.0	12.0

TABLE 9-2: Calculation of Expected U.S. Contribution Using the Number of Participants Method

Step 1: Determine the total program cost to the U.S. and other participants.

U.S. Share	\$150
Other Participants	300
Total Cost	\$450

Step 2: Determine the percentage of the U.S. share of the total costs under the agreement.

U.S. Share	\$150 = 33% share
Total Cost	450

Step 3: Determine the total number of participants and calculate the U.S. share on a percentage basis.

Total Participants	3
U.S.	1 = 33% U.S. as a percentage of Participants

Step 4: Compare the results of step two to step three. If the result of step two is equal to the result of step three, the U.S. appears to be paying an equitable share.

TABLE 9-3: Calculation of Expected U.S. Contribution Using the Benefitting Assets Method

Step 1: Determine the total program cost to the U.S. and other participants.

U.S. Share	\$150
Other Participants	<u>300</u>
Total Cost	\$450

Step 2: Determine the percentage of the U.S. share of the total costs under the agreement.

U.S. Share	\$150 = 33% share
Total Cost	450

Step 3: Determine the total number of production units or benefiting assets under the agreement.

U.S. Units/Assets	20,000
Other Participants	40,000
Total Units/Assets	60,000

Step 4: Determine the percentage of the U.S. share of the total number of production units or benefiting assets under the agreement.

U.S. Units/Assets	20,000 = 33% share
Total Units/Assets	60,000

Step 5: Compare the results of step two to step four. If the result of step two is equal to that of step four, the U.S. appears to be paying an equitable share.

**VOLUME 12, CHAPTER 10: “FUNDING CIVILIAN SEPARATION INCENTIVES  
AND CIVILIAN PERSONNEL TRANSITION INITIATIVE”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [April 2020](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.2.1	Updated guidance to include Public Law 101-510, Section 322 “Guidelines for Future Reductions of Civilian Employees of Industrial-type or Commercial-Type Activities.”	Revision
2.1	Revised the description of separation incentives and outpatient subsidy to clarify the recipient and the maximum amount that DoD is allowed to pay under each category.	Revision
3.4	Clarified that a DoD Component-offered outplacement subsidy is offered to the gaining Federal agency, not the employee.	Revision
4.0	Removed verbiage to clarify that all Antideficiency Act provisions apply to all Federal agencies.	Deletion



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## CHAPTER 10

**FUNDING CIVILIAN SEPARATION INCENTIVES  
AND CIVILIAN PERSONNEL TRANSITION INITIATIVES**

## 1.0 GENERAL

## 1.1 Purpose

The purpose of this chapter is to provide definitions and funding requirements to implement civilian separation incentives and civilian personnel transition initiatives.

## 1.2 Authoritative Guidance

The financial management policy and related requirements prescribed in this chapter are in accordance with the applicable provisions of the following sources:

\*1.2.1. [Public Law 101-510, Section 322](#), “Guidelines for Future Reductions of Civilian Employees of Industrial-type or Commercial-Type Activities.”

1.2.2. Title 5, United States Code, Section 5724, [\(5 U.S.C. § 5724\)](#), “Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis.”

1.2.3. [5 U.S.C. § 9902 \(f\)](#), “Department of Defense personnel authorities.”

1.2.4. Department of Defense Instruction [\(DoDI\) 1400.25, Volume 1700](#), “DoD Civilian Personnel Management System: Civilian Assistance and Re-Employment (CARE) Program.”

1.2.5. [DoDI 1400.25, Volume 1702](#), “DoD Civilian Personnel Management System: Voluntary Separation Programs.”

## 2.0 OVERALL FUNDING POLICY DEFINITIONS

## \*2.1 Separation Incentives/Outplacement Subsidies

2.1.1 For the purpose of this policy, the term “civilian separation incentives” means resignation and retirement incentives and outplacement subsidies [that may be used to encourage designated civilian employees to separate voluntarily from DoD](#).

2.1.2. Available separation incentives include Voluntary Separation Incentive Pay (VSIP), VSIP Phase II, Voluntary Early Retirement Authority (VERA), and Voluntary Reduction in Force (VRIF). The DoD activities may pay up to \$25,000 (before taxes and deductions) from appropriations, funds, or accounts available for such purposes for the voluntary resignation, early retirement, or optional retirement of a designated civilian employee.

2.1.3. Outplacement subsidies are used as an incentive for other Federal agencies to hire employees displaced by reduction in force (RIF) or transfer of function. DoD activities may pay up to \$20,000 from appropriations, funds, or accounts available for such purposes. The payment is for Permanent Change of Station (PCS) costs incurred by another Federal agency when that agency hires any DoD employee in a surplus skill category who is subject to RIF. See paragraph 3.4.

## 2.2 Audit Readiness/Internal Procedures

Each DoD Component must develop and implement internal operating procedures and/or guidance to implement this overarching policy in a manner that ensures accurate, timely, and relevant reporting of financial data. Relevant records supporting financial statements must be maintained and made available during financial statement audits.

## 2.3 Recording Funding Obligations

Funds for separation incentives and outplacement subsidies must be obligated when an employee accepts the offer of an incentive payment. The obligation must be recorded in DoD Standard General Ledger account 640000, “Benefits Expense,” and reported as object class 13.0, “Benefits for former personnel” for separation incentive and object class 12.1 for outplacement subsidies. Refer to the [Office of the Deputy Chief Financial Officer Standard Financial Information Structure \(SFIS\)](#) for additional information on account descriptions, and Office of Management and Budget [\(OMB\) Circulars](#), Circular A-11, Section 83 for additional information on object class codes.

## 3.0 SPECIFIC FUNDING POLICIES FOR DIFFERENT TYPES OF EMPLOYEES

### 3.1 Civilian Separation

A DoD Component that offers civilian separation incentives to an employee, in order to induce the voluntary separation of that employee to create a vacancy for another employee of the same DoD Component, must fund the resulting separation payments from the applicable appropriation, fund or account that otherwise is available to pay for salaries and expenses of that DoD Component. The source of VSIP funds may include a Defense Working Capital Fund (DWCF) for employees of a DWCF-funded activity. DoD central account funding is not provided.

### 3.2 Base Realignment and Closure Act

Congress amended the [Base Realignment and Closure \(BRAC\)](#) statute in the Fiscal Year 2013 National Defense Authorization Act and created a single Treasury account known as the “Department of Defense Base Closure Account” to improve the BRAC program’s overall efficiency and effectiveness. The Defense Base Closure Account is available for payment of separation incentives when determined necessary to implement a BRAC recommendation. The departmental policy contained in Volume 2B, Chapter 7 provides the general criterion to apply costs to the DoD Base Realignment and Closure Account.

### 3.3 Foreign Military Sales Trust Fund

For employees paid from, or whose salaries are fully reimbursed by, the Foreign Military Sales (FMS) Trust Fund, an offer of separation incentives or civilian personnel transition initiatives (either to an FMS Fund civilian employee or to a non-FMS Fund civilian employee to benefit an FMS Fund civilian employee) must be funded as follows:

3.3.1. Separation incentives offered to an FMS civilian employee, in order to induce a voluntary separation of the FMS civilian employee, with the elimination of that FMS civilian employee position, must be paid by the FMS Fund.

3.3.2. Separation incentives offered to an FMS civilian employee, in order to create a vacancy within the same DoD Component for another FMS civilian employee who otherwise would be separated, must be paid by the FMS Fund.

3.3.3. Separation incentives offered to a non-FMS civilian employee, in order to create a vacancy for an FMS civilian employee who otherwise would have been separated, where the FMS civilian employee continues fully to support the FMS program, must be paid by the FMS Fund.

3.3.4. Any costs of outplacement subsidy described in paragraph 3.4, for an FMS civilian employee, must be funded by the FMS Fund.

3.3.5. No other separation payments are chargeable to the FMS Fund.

### \*3.4 Placements Outside the Department

DoD activities may pay up to \$20,000 (subject to the availability of funds) in outplacement subsidy for Permanent Change of Station (PCS) costs associated with placement of a surplus DoD employee with another Federal Agency as authorized under 5 U.S.C. §5724 and DoDI 1400.25, Volume 1702. When a DoD Component-offered outplacement subsidy is accepted [by the gaining Federal agency](#), the DoD activity must notify the gaining [agency](#) that DoD funds may be billed up to \$20,000 per employee or for the actual PCS costs, whichever is less. The notification must include the DoD fund citation to be billed and the address of the fiscal station paying the subsidy. Payment must be made by the applicable DoD activity based upon documentation of the amounts paid or to be paid to the employee by the gaining Federal Agency.

### \*4.0 CONTROLS OVER AVAILABLE FUNDS

Controls must be established to ensure that sufficient funds are available to cover projected requirements for employee acceptance of incentive offers and outplacement subsidies each quarter. Antideficiency Act provisions apply to the DoD Component appropriations, funds and accounts. Therefore, if available funds are projected to be inadequate to cover anticipated incentive program acceptances and outplacement subsidies; appropriate action must be taken. In this regard, the DoD Components either must cancel or withdraw incentive offers prior to employee acceptance, or obtain additional funds.

**VOLUME 12, CHAPTER 11: “PRIVATIZATION OF DEFENSE UTILITY SYSTEMS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue and underlined font\*\*\*](#).

The previous version dated [August 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks, and format to comply with current revised guidance.	Revision
3.2.4.1	Defined the Military Services responsibility to ensure accurate transactional input to the Defense Finance and Accounting Service for reporting.	Addition

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## CHAPTER 11

**PRIVATIZATION OF DEFENSE UTILITY SYSTEMS**

## 1.0 GENERAL

## 1.1 Purpose

This chapter prescribes financial management policies to the implementation of statutory provisions of Title 10, United States Code, section 2688 ([10 U.S.C. § 2688](#)), “Utility Systems: Conveyance Authority.” Section 2688 permits the Secretary of a Military Department to convey (i.e., transfer or pass title to) a utility system, or part of a utility system, under the Secretary’s jurisdiction to a municipal, private, regional, district, or cooperative utility company, or other entity (this authority does not apply to utility projects constructed or operated by the Army Corps of Engineers under its civil works authority). A utility system is defined as any system used for the: (1) generation and supply of electric power, steam, hot water, or chilled water; (2) supply of natural gas; (3) treatment or supply of water; (4) collection or treatment of wastewater; or (5) transmission of telecommunications. The term “utility system” also includes the following: (A) equipment, fixtures, structures, and other improvements utilized in connection with a utility system as defined and (B) real property, easements, and rights-of-way associated with a utility system as defined.

## 1.2 Authoritative Guidance

The financial management policies in this chapter correspond with the Department of Defense ([DoD](#)) [Instruction 4170.11](#), *Installation Energy Management*. The Instruction specifies that utilities privatization “is the preferred method for modernizing and recapitalizing DoD utility systems. “To this end, the Instruction provides: “Except where the Secretary of the Military Department has certified that the systems are exempt due to security reasons, or where privatization is uneconomical, the Military Services must attempt to privatize those types of utility systems at every Active and Reserve Component installation within and outside the United States that is not designated for closure under a base closure law.” This guidance also assigns the office of primary responsibility for the Instruction to the Under Secretary of Defense for Acquisition and Sustainment. [10 U.S.C § 2925](#) defines the annual reporting requirements related to Installations Energy Management, Energy Resilience, and Mission Assurance.

## 2.0 CONVEYANCE OF UTILITY SYSTEMS

## 2.1 Consideration and Determination

Subsection 2688(c)(1) of 10 U.S.C. provides that the Secretary of a Military Department concerned may require as consideration for a conveyance an amount for the value (as determined by the Secretary) the right, title, or interest conveyed. Such consideration may take the form of a reduction in charges for future utility services or a lump sum payment. Subsection 2688 does not itself constitute authority for the Secretary of a Military Department to

convey a utility system without any consideration or cause to be inapplicable to authorities that govern disposal of DoD real property and personal property. **The Secretary concerned** may authorize a contract for utility services to have a term in excess of 10 years, but not to exceed 50 years. The determination of cost effectiveness must be made using a business case analysis that includes an independent estimate of the level of investment that should be required to maintain adequate operation of the utility system over the proposed term of the contract. The business case analysis must also demonstrate how a privatized system will operate in a manner consistent with energy resilience and cybersecurity requirements and associated metrics provided to the conveyee to ensure that the reliability of the utility system meets mission requirements.

## 2.2 Reduction in Charges

A reduction in charges for future utility services is acceptable consideration when the services are provided by the utility or entity obtaining the utility and the reduction in charges is provided to the military installation at which the utility system is located at the time of conveyance. In such circumstances, a reduction in charges for utility services is an exchange of dissimilar assets that does not result in a credit to an appropriation. The consideration (reduction) in such an exchange is considered an Other Asset (Account 199000), and the recorded asset is reduced by charges to Operating Expenses/Program Costs (Account 610000) over the life of the contract for utility services. Corresponding asset disposal losses must be recognized as described in Volume 4, Chapter 17.

## 2.3 Lump Sum Payment

2.3.1. Provisions of 10 U.S.C. § 2688 provide that any lump sum cash payment received as consideration for the sale of a utility system must be credited, at the election of the Secretary concerned, to an appropriation of the Military Department available for:

2.3.1.1. The procurement of the same utility services as are provided by the utility system conveyed;

2.3.1.2. Carrying out energy savings or water conservation projects (as discussed in Chapter 12); or

2.3.1.3. Improvements to other utility systems.

2.3.2. A lump sum payment must be credited to the appropriation used to fund the types of base operating support costs described in subparagraph 2.3.1 at the location of the privatized utility system. In most cases, this will be an Operations and Maintenance appropriation. Approval of the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)), Program/Budget (P/B) is required for the use of any other appropriation type, as described in paragraph 3.2.



2.3.3. The amount credited to an appropriation must be merged with the funds in that appropriation and must be available for obligation in the same period, for the same purposes, and subject to the same conditions and limitations as that appropriation. There is no provision in the statute for extending the availability of such funds beyond the normal expiration date of the appropriation.

2.3.4. The conveyance of a utility for a lump sum payment results in budgetary and proprietary accounting entries by the entity responsible for collection as follows:

2.3.4.1. Receipt of a lump sum payment is recorded in the budgetary accounts as an earned reimbursement, as described in Volume 3, Chapter 15.

2.3.4.2. Receipt of a lump sum payment for the conveyance of a utility is recorded in the proprietary accounts as a gain or loss on disposition of assets, as described in Volume 4, Chapter 17.

### 3.0 CONVEYANCE AUTHORIZATION AND AGENDA

#### 3.1 Same Utility Service Procurements

Before utility conveyance proceeds may be used to procure the same utility services as those provided by the utility system conveyed, the organization receiving the funds must submit the proposed distribution of funds to the Assistant Secretary of a Military Department (Financial Management and Comptroller) (ASMD(FM&C)) for approval. The ASMD(FM&C) must notify the supporting Defense Finance and Accounting Service (DFAS) site of approved funds distributions.

#### 3.2 Savings and Conservation Projects and Improvements

3.2.1. Receiving Organization. Before utility conveyance proceeds may be used for carrying out energy savings or water conservation projects or improvements to other utility systems, the receiving organization must:

3.2.1.1. Prepare and submit to ASMD(FM&C) – for each major construction, minor construction, emergency construction, or Federal Energy Management Program project - the budget estimate data required by Volume 2B, Chapter 6, using Department of Defense Form 1391 ([DD Form 1391](#)), “FY\_\_ Military Construction Project Data.”

3.2.1.2. Ensure the required approval and funding authorization is received before the disbursement of funds.

3.2.1.3. Prepare the paperwork necessary for the disbursement of funds in accordance with Volume 5, Chapter 9.

3.2.1.4. Ensure any amount credited to an appropriation from a conveyance under 10 U.S.C. § 2688, is administered in accordance with the financial policy and guidance in Volume 3, Chapter 15.

3.2.2. The ASMD(FM&C). Before approving a receiving organization's request to carry out energy savings or water conservation projects or improvements to other utility systems, ASMD(FM&C) must:

3.2.2.1. Review the receiving organization's proposal submitted under subparagraph 3.2.1.1, and forward it to OUSD(C), P/B, Directorate for Military Personnel and Construction, for final approval.

3.2.2.2. Ensure required OUSD(C), P/B approval and funding authorization are received before the disbursement of funds is approved.

3.2.2.3. Provide funds control and reporting information to the supporting DFAS site.

3.2.2.4. Notify the receiving organization of the final decision and provide the funding authorization document.

3.2.3. The OUSD(C), P/B, Directorate for Military Personnel and Construction

3.2.3.1. Before approving an ASMD(FM&C) request to carry out energy savings or water conservation projects or improvements to other utility systems, OUSD(C), P/B must:

3.2.3.1.1. Review the receiving organization's proposal submitted under subparagraph 3.2.1.1.

3.2.3.1.2. Prepare and submit any necessary apportionment and reapportionment schedule using the most current version of Standard Form 132, "Apportionment and Reapportionment Schedule," (e.g., for urgent unforeseen projects not already included in the Military Construction program) to the Office of Management and Budget (OMB) for approval.

3.2.3.1.3. Notify the ASMD(FM&C) of the final decision and OMB approval, and provide the funding authorization document.

3.2.3.2. Provide funds control and reporting information to Washington Headquarters Service (for Department-level appropriation accounting).

3.2.4. The DFAS

\* 3.2.4.1. The Military Services are responsible for ensuring that all funding authorization documents and expenditure transactions are complete, and accurately reported to the DFAS Departmental Reporting System, Budgetary (DDRS-B).

3.2.4.2. The Director, DFAS, must account for and report to OMB and the U.S. Department of the Treasury on amounts credited to appropriations resulting from a conveyance under 10 U.S.C. 2688 and on any related fixed asset transactions.

**VOLUME 12, CHAPTER 12: “IDENTIFICATION, RETENTION, AND USE OF ENERGY AND WATER CONSERVATION SAVINGS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [October 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting updates in accordance with the Department of Defense Financial Management Regulation Revision Standard Operating Procedures.	Revision
1.2.2	Added statutory reference to the Fiscal Year 2021 National Defense Authorization Act section 2827 for Authoritative Guidance and reference.	Addition

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## CHAPTER 12

**IDENTIFICATION, RETENTION, AND USE OF ENERGY AND WATER  
CONSERVATION SAVINGS**

## 1.0 GENERAL

## 1.1 Purpose

This chapter prescribes financial management policy for the identification, retention, and use of energy and water cost savings. The Congress has enacted several measures pertaining to energy security within the Department of Defense (DoD), to provide instruction and guidance for the receipt and use of incentives and water cost savings from utilities for water conservation; the availability and use of energy cost savings; energy savings contracts and activities; energy conservation construction projects; the use of renewable forms of energy and energy efficient products in military construction and facility repair and renovation projects; the sale of electricity from alternate energy and cogeneration production facilities; and for the DoD activities' participation in programs for management of energy demand or reduction of energy usage during peak periods.

## 1.2 Authoritative Guidance

1.2.1. Title 10, United States Code, section 2866 ([10 U.S.C. § 2866](#)) "Water Conservation at Military Installations," provides that funds attributable to water cost savings realized under the provisions of that section must be used as prescribed in subparagraphs 1.2.3.1 and 1.2.3.2, provided that such use under subparagraph 1.2.3.1 is for water conservation activities. Neither 10 U.S.C. § 2866 nor any provision in the Department's appropriations acts, however, provide for the extended availability of such funds. Accordingly, such funds are available only for the period for which they were appropriated.

\* 1.2.2. The Installation Energy & Water Plans in Section 2827 of the [National Defense Authorization Act for Fiscal Year 2021](#), "Improving Water Management and Security on DOD Installations," requires the creation and implementation of a joint methodology for conducting water management and security assessments. This report discusses water security and efficiency through innovative ways to reduce water use across installations in order to strengthen base readiness through improved water security. Suggestions include systems upgrades, alternate water resources, and water use related changes and opportunities to replicate projects across installations.

1.2.3. [10 U.S.C. § 2912](#), "Availability and Use of Energy Cost Savings," provides that an amount of funds appropriated to DoD for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts pursuant to [10 U.S.C. § 2913](#), "Energy Savings Contracts and Activities," must remain available for obligation until expended, without additional authorization or appropriation. The amount that remains available for obligation must be used as follows:

1.2.3.1. One-half of the amount must be used for the implementation of additional energy conservation and energy security measures, including energy resilience and energy conservation construction projects, for buildings, facilities, or installations of the DoD, or related to vehicles and equipment of the DoD, which are designated, in accordance with regulations prescribed by the Secretary of Defense, by the head of the department, agency, or instrumentality that realized the savings.

1.2.3.2. One-half of the amount must be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for (a) improvements to existing military family housing units; (b) any unspecified minor construction project that will enhance the quality of life of personnel; or (c) any Morale, Welfare, and Recreation (MWR) facility or service.

1.2.4. 10 U.S.C. § 2913, provides that the Secretary of Defense must develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of DoD as well as the private sector. The Secretary may provide for the direct negotiation (by departments, agencies, and instrumentalities of DoD) of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

1.2.5 10 U.S.C. § 2914, “Energy Resilience and Conservation Construction Projects,” provides that the Secretary of Defense may carry out a military construction project for energy resilience, energy security, or energy conservation, which has not been previously authorized, using funds appropriated or otherwise made available for that purpose. When a decision is made to carry out a project under this section, the Secretary of Defense must notify the appropriate congressional committees of the decision. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by such committees in an electronic medium.

1.2.6. 10 U.S.C. § 2915, “Facilities: Use of Renewable Forms of energy and Energy Efficient Products,” provides that the Secretary of Defense must encourage the use of energy systems using solar energy or other renewable forms of energy as a source of energy for military construction projects for energy resilience, energy security, or energy conservation (including military family housing projects), and facility repairs and renovations, and ensure, to the maximum extent practicable, the use of energy efficient products in facility construction, repair, and renovation. The Secretary concerned must require that the design for the construction, repair, or renovation of facilities (including family housing and back-up power generation facilities) must include consideration of energy systems using solar energy or other renewable forms of energy and require such energy systems be installed if consistent with the energy performance goals and energy performance master plan for the Department and is shown to be cost effective. Additionally, the Secretary of a military department may grant exceptions to otherwise applicable square foot and cost per square foot limitations.

1.2.7. 10 U.S.C. § 2916, “Sale of Electricity from Alternate Energy and Cogeneration Production Facilities,” provides that the Secretary of a military department may sell, contract to sell, or authorize the sale by a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy must be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978, and 16 U.S.C. § 2601, “Findings: Public Utility Regulatory Policies.” (Revenues from the sale of electricity must be deposited and utilized in accordance with section 4.0.)

1.2.8. 10 U.S.C. § 2919, “Department of Defense Participation in Programs for Management of Energy Demand or Reduction of energy Usage During peak Periods,” provides that the Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of the other instrumentalities of the Department are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following: an electric utility; an independent system operator; a State agency; or a third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator or State agency. Financial incentives received from such entity must be (a) received as a cost reduction in the utility bill for a facility; or (b) deposited into a fund established under 10 U.S.C. § 2919(c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

## 2.0 DEFINITIONS

The following definitions apply with respect to the identification, retention, and use of energy conservation cost savings:

### 2.1 Energy Savings Performance Contracts

An Energy Savings Performance Contract (ESPC) is a contract between the Federal government and an energy service company (ESCO) that allows agencies to accomplish energy projects for their facilities without up-front capital costs and without Congressional appropriations to pay for the improvements. The ESCO designs, implements, and arranges financing for an energy savings project that meets the Federal agency’s needs. The ESCO guarantees that the improvements will generate savings sufficient to pay for the project over the term of the contract (up to 25 years). If the energy conservation measures installed by the ESCO do not deliver the guaranteed energy savings, the agency pays only an amount equal to the verified, not guaranteed, savings for that period. The ESCO must immediately determine the reasons for the under achieved energy savings during that period. If it is determined that the ESCO-installed and maintained equipment and controls malfunctioned, then the ESCO must immediately correct the malfunction. If it is determined that the ESCO-installed and government-maintained equipment and controls malfunctioned, the government may be required to pay the guaranteed savings to the ESCO for that period. After the contract ends, any additional cost savings accrue to the agency. The additional savings are transferred to an extended availability account, in accordance with



section 3.0 for use as indicated in subparagraph 1.2.3. An ESPC is an alternative financing tool to reduce energy use, modernize aging equipment, reduce maintenance costs, and deploy energy efficiency and renewable energy technologies. See [DoD Instruction 4170.11](#), Installation Energy Management, for further details on ESPC.

## 2.2 Energy Cost Savings

Energy cost savings, for the purposes of 10 U.S.C. § 2912, are savings realized as the result of a reduction in the cost of energy as measured against budget documentation, which is determined by metering (if available) or by other methodology, such as professionally acceptable engineering models and estimates, as determined appropriate by the Component Head. The Component Head or designee may define the types of energy commodities to be included in their programs (water is not included as a commodity for this purpose, per subparagraph 1.2.1). Energy cost savings could refer to funding remaining after an energy bill is paid or to additional unobligated funding made available in an amount equivalent to avoided cost from energy not consumed during the previous fiscal year.

## 2.3 Extended Availability of Funds

Except as stated in subparagraph 1.2.1, pursuant to 10 U.S.C. § 2912, savings realized by DoD and transferred to an extended availability account, including financial benefits, remain available for obligation until expended in accordance with subparagraph 1.2.3, without additional authorization or appropriation.

## 2.4 Cost Effectiveness

An energy system using solar energy or other renewable forms of energy is considered cost effective if the cost difference between the original investment cost of that energy system, and the original investment cost of an energy system not using renewable energy sources can be recovered over the expected life of the facility.

## 2.5 Extended Availability of Funds Account

This is an account established for each appropriation to which identified energy cost savings and unobligated balances resulting from such energy cost savings, or a portion thereof, are transferred. The balances in this account remain available for obligation until expended. The Military Department realizing the savings must retain, until expended, an equivalent amount of funding in the extended year account, using appropriately established financial management accounting codes to separate the funding (50 percent of the savings amount for the military department and 50 percent for the installation) to ensure use in accordance with subparagraph 1.2.3.

## 2.6 Component Head or Designee

The Secretary of a military department, the Director of a defense agency, an individual designated to act for the Secretary of a military department, or the Director of a defense agency

for the purposes of executing the duties, functions, and responsibilities set forth in this chapter. When a provision is applicable only to the military departments, reference is made to the Secretary concerned, or designee.

### 3.0 ENERGY SAVINGS AND INCENTIVES RECEIVED FROM UTILITIES

#### 3.1 Extended Availability from Energy Savings

Energy savings amounts having an extended availability must be transferred to extended availability accounts for execution.

3.1.1. An extended availability account must be established for each appropriation for which energy cost savings have been identified and for which a period of extended availability is to be established.

3.1.2. Transfers to extended availability accounts must be made by a Standard Form (SF) 1151, "Nonexpenditure Transfer Authorization," or other authorized Service-specific method that incorporates all SF 1151 requirements (see Volume 14, Chapter 1, subparagraph 2.6.2.6). Reprogramming actions will not be required in the case of such transfers.

3.1.3. Accounting, appropriate controls, and oversight for amounts in extended availability accounts must be established at the level that use the accounts; this will be at the installation, Military Department, Defense Agency, and/or Office of the Secretary of Defense level.

#### 3.2 Financial Incentives

Financial incentives received from gas or electric utilities under 10 U.S.C. § 2913 are not considered energy cost savings. These incentives are credited to the installation's accounts used for operations and maintenance and remain available for the same purposes and the same period as the appropriation to which they are credited. Such incentives are refunds or rebates received as a check and deposited in the accounts used for operations and maintenance; they are not credits to the utility bill.

### 4.0 REVENUES FROM THE SALE OF ELECTRICITY

#### 4.1 Sale of Electricity

Proceeds from sales of electricity from alternate energy and cogeneration production facilities under 10 U.S.C. § 2916 must be credited to the appropriation account currently available to the military department concerned for the supply of electrical energy. The Secretary concerned or designee determines the accounts to which such proceeds must be credited. (See Treasury's Federal Account Symbols and Titles: [\*The FAST Book\*](#) for current accounts.) In the case of proceeds from the sale of electrical energy generated from any geothermal energy resource, 50 percent must be credited to the appropriation account, and 50 percent must be deposited in a special account per the guidelines that are described in 10 U.S.C. § 2916(b)(3).

## 4.2 Use of Proceeds from the Sale of Electricity

Subject to the availability of appropriations for this purpose, proceeds credited may be used to carry out military construction projects for energy resilience, energy security, or energy conservation, under the energy performance plan developed by the Secretary of Defense under [10 U.S.C. § 2911\(b\)](#), “Energy Policy of the Department of Defense,” including minor military construction projects for energy resilience, energy security, or energy conservation, authorized under [10 U.S.C. § 2805](#), “Unspecified Minor Construction,” which are designed to increase energy conservation.

## 4.3 Congressional Notification

4.3.1. Before carrying out an unspecified minor military construction project for energy resilience, energy security, or energy conservation, described in paragraph 4.2 using proceeds from sales under paragraph 4.1, the Secretary concerned must notify the appropriate committees of Congress of the project. For energy conservation projects, the notification must include the justification and cost estimate, the expected savings-to-investment ratio, payback estimates, and the project’s measurement and verification cost estimate. For energy resilience or energy security, the notification must include the rationale for the project, and known vulnerabilities. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by Congress in an electronic medium pursuant to [10 U.S.C. § 480](#), “Reports to Congress: Submission in Electronic Form.”

4.3.2. In accordance with the reporting parameters detailed in 10 U.S.C. § 2914, not later than 90 days after the end of each fiscal year (beginning with fiscal year 2017), the Secretary of Defense must submit to the appropriate committees of Congress a report on the status of the planned and active projects carried out (including completed projects).

## 5.0 BUDGETING FOR ENERGY COST SAVINGS

The portion of the guaranteed savings due to the contractor for payment under ESPCs must be included in each military department’s utility requirements submitted in budget requests for the length of the ESPCs entered into by that military department. The entire amount of guaranteed savings provided in ESPCs (including amounts for contract payments and amounts to be retained by installations) must be included in total utility requirements submitted as part of budget requests for the first five years of ESPCs. The total of the amounts requested must not exceed those that would have been requested in the absence of ESPCs. The Secretary concerned, or designee, must specify the procedures for identification of such amounts by installations, facilities, or operating locations at which ESPCs for that military department are in existence. In accordance with the Office of Management and Budget ([OMB Circular A-11, Appendix B](#), “Budgetary Treatment of Lease-Purchases and Leases of Capital Assets,” the costs of ESPCs may be scored on an annual basis, consistent with the guidance provided in OMB Memorandum M-98-13, “Federal Use of Energy Savings Performance Contracting,” and OMB Memorandum M-12-21, “Addendum to OMB Memorandum M-98-13 on Federal Use of Energy Savings Performance Contracts and Utility Energy Service Contracts.”

## 6.0 CAPTURING BALANCES AVAILABLE FOR USE RESULTING FROM ENERGY CONSERVATION MEASURES

### 6.1 Installation Commanders

6.1.1. When carrying over unobligated balances resulting from energy conservation, Installation Commanders or their designees must ensure energy cost savings amounts carried over for use beyond the fiscal year for which they were originally appropriated are authorized to be used only for funding initiatives specified by 10 U.S.C. § 2912 (see subparagraph 1.2.3). Installation Commanders must also:

6.1.2. Ensure that unobligated fund balances available at the end of the normal period of appropriation availability that are the direct result of energy conservation measures are identified based on the most current available consumption data and represent actual unobligated funds remaining in the appropriation accounts.

6.1.3. Ensure that the unobligated energy cost savings balances at year-end are carried forward for use beyond the fiscal year by transferring the funds to the extended availability of funds account.

6.1.4. Submit to the Component Head or designee proposed energy savings projects for a given fiscal year that are projected to cost more than the amount of funds available to the Commander for that purpose.

6.1.5. Implement additional energy conservation initiatives approved by the Component Head, or designee and other projects as specified.

### 6.2 Component Heads

The Component Head or designee must receive and evaluate savings measures submitted by Installation Commanders and authorize funding for those other energy savings measures as the Component Head or designee deems appropriate. The Component Head or designee must also ensure that procedures are established to provide sufficient time to compute the energy cost savings and identify the savings amounts to be transferred to the extended availability of funds account.

## 7.0 ACCOUNTING FOR ENERGY COST SAVINGS

### 7.1 Title 10, United States Code, Section 2912

The energy cost savings amounts realized in accordance with 10 U.S.C. § 2912 remain as unobligated balances available for obligation at the end of the fiscal year.

### 7.2 Unobligated Balance Transfers

Unobligated balances covered by paragraph 7.1 must be transferred to extended availability accounts on an SF 1151 or other authorized Service-specific method that incorporates all SF 1151

requirements (see paragraph 3.1). The authority to be cited for the transfer is 10 U.S.C. § 2912. No further adjustments to the amounts carried forward are permitted once the balance is established in the extended availability account.

## 8.0 REPORTING REQUIREMENTS

The standardized Service-specific reporting methods (e.g., the Army's General Fund Enterprise Business System) or the following requirements must be used to report the status of extended availability accounts:

### 8.1 Accounting Report (Monthly) 1002

The following special procedures have been established for reporting extended availability obligated and unobligated balances on the Accounting Report (Monthly), (AR(M)) 1002, Appropriation Status by Fiscal Year Program and Subaccounts:

#### 8.1.1. Normal Availability Obligated and Unobligated Balances

Identify and report as usual.

#### 8.1.2. Extended Availability Unobligated Balances

Identify, in column F (Cumulative Unobligated Balance), unobligated extended availability amounts resulting from energy cost savings at the end of the normal availability period (e.g., FY 200X/200X+1 or FY 200X/200X+2, +3, and so on) and available unobligated amounts (that is, FY 2024/2025, FY 2024/2026, FY 2024/2027 for the FY 2024 account). The stub entry, column a (Budget Activity) identifies the unobligated extended availability amount as "Extended Availability - Energy Cost Savings." The amount reported must agree with line 2201 of the SF 133, "Report on Budget Execution" (see paragraph 8.2).

#### 8.1.3. Extended Availability Obligated Balances

Identify, in column e, obligations incurred against the extended availability account. The stub entry must identify those obligations as to the purpose for which the obligations were incurred. The reporting categories for the extended availability accounts must be continued for all fiscal years with remaining obligated balances against the extended availability account.

### 8.2 Standard Form 133

At the end of the first fiscal year, use line 2201, "Unob(ligated) Bal(ance): Apportioned: Avail(able) in the current period" on the [SF 133](#), to identify the amount of available unobligated funds that are available for energy savings investments (or other authorized purposes) in the following fiscal year(s).

**VOLUME 12, CHAPTER 13: “FISCAL POLICY FOR BASE CLOSURE AND REALIGNMENT”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [May 2018](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated chapter to reflect new template/formatting rules.	Revision
All	Updated hyperlinks	Revision
2.4.3.3	Stigmatizing language was modified in accordance with the Deputy Secretary of Defense memo, “Review of Policies to Eliminate Stigmatizing Language Related to Mental Health,” dated November 7, 2022.	Revision

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## CHAPTER 13

### FISCAL POLICY FOR BASE CLOSURE AND REALIGNMENT

#### 1.0 GENERAL (1301)

#### 1.1 Purpose (130101)

This chapter specifies financial policy for base closure and realignment.

#### 1.2 Authoritative Guidance (130102)

1.2.1. Since 1988, the Congress has enacted legislation that created six separate accounts at the U.S. Department of the Treasury (Treasury) to finance base closure and military installation realignment.

1.2.1.1. Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act ([Public Law \(P.L.\) 100-526](#)), October 24, 1988, established the “DoD Base Closure Account.”

1.2.1.2. Section 2906 of the Defense Base Closure and Realignment Act of 1990 ([P.L. 101-510](#)), November 5, 1990, created the “DoD Base Closure Account 1990.”

1.2.1.3. Section 2921 of the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510), November 5, 1990, established the “DoD Overseas Military Facility Investment Recovery Account.”

1.2.1.4. Section 344 of the National Defense Authorization Act for Fiscal Years (FYs) 1992 and 1993 ([P.L. 102-190](#)) established the “Reserve Account.”

1.2.1.5. Section 2906A of the Defense Base Closure and Realignment Act of 1990 created the “[DoD Base Closure Account 2005](#).”

1.2.1.6. Section 2711 of the National Defense Authorization Act ([NDAA](#)) [for FY 2013](#) establishes a new appropriation for the “Department of Defense Base Closure Account” (097X0516) and cancels existing Base Closure Accounts (097X0510 and 097X0512).

1.2.2. This guidance also establishes funds distribution, accounting and reporting policy and procedures for the “DoD Base Closure Account 1990,” “DoD Base Closure Account 2005” and the “Reserve Account.”



## 2.0 POLICY (1302)

### 2.1 General (130201)

2.1.1. [Department of Defense \(DoD\)](#) Components are responsible for implementing all base closure and realignment action including preparation of an economic analysis in accordance with Volume 2B, Chapter 6, and must administer the allocations of base closure funds.

2.1.2. DoD Components are to deposit the proceeds in the appropriate account authorized by law. If transfer funds were deposited into the wrong account, a suspense account, or other interim account, a Standard Form (SF) 1080, “Voucher for Transfers Between Appropriations and/or Funds,” must be used to transfer funds to the proper account.

### 2.2 DoD Base Closure Account 1990 and DoD Base Closure Account 2005 (130202)

2.2.1. The Treasury symbol for DoD Base Closure Account 1990 is 097X0510. This account is identified as the “Base Realignment and Closure Account, Part II, Defense,” in Treasury’s Federal Account Symbols and Titles (FAST) publication. Section 2711 of the National Defense Authorization Act for FY 2013 cancels this account effective upon enactment of the National Defense Authorization Act for FY 2014. Existing unobligated balances as of December 31, 2013, transfer to the new appropriation (097X0516).

2.2.2. The Treasury symbol for DoD Base Closure Account 2005 is 097X0512. This account is identified as the “Base Realignment and Closure Account 2005, Defense,” in Treasury’s FAST publication. Section 2711 of the National Defense Authorization Act for FY 2013 cancels this account effective upon enactment of the National Defense Authorization Act for FY 2014. Existing unobligated balances as of December 31, 2013, transfer to the new appropriation (097X0516).

2.2.3. The U.S. Treasury symbol for DoD Base Closure Account is 097X0516. This account is identified as the “Base Realignment and Closure Account, Defense,” in Treasury’s FAST publication. Section 2711 of the National Defense Authorization Act for FY 2013 established this account effective upon enactment of the National Defense Authorization Act for FY 2014. Existing unobligated balances as of December 31, 2013, transfer from 097X0510 and 097X0512 to the new appropriation.

2.2.4. Except as provided for in subparagraph 2.2.6 funds deposited into these accounts must be:

2.2.4.1. Funds authorized for, and appropriated to, the account.

2.2.4.2. Proceeds received from the sale or disposal of any property at an installation closed or realigned under the provisions of the Defense Base Closure and Realignment Act of 1990, P.L. 101-510.

2.2.5. Proceeds resulting from the sale or disposal of property or facilities (including buildings and structures) due to the base closure process must be deposited as reimbursements into the appropriate DoD Base Closure Account (DoD Base Closure Account 1990 or DoD Base Closure Account 2005). Treat these reimbursements as a collection and an earned reimbursement, and credited to the appropriation as a budget source.

2.2.6. Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act, P.L. 100-526 and Title 10, United States Code, section 2687 ([10 U.S.C. § 2687](#)) must be deposited as reimbursements into the appropriate DoD Base Closure Account.

2.2.7. Deposit a portion of the proceeds resulting from the transfer or disposal of any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds into the “Reserve Account.” The amount deposited must be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. Complete the depreciated value of the investment in accordance with Volume 4, Chapter 4, for property funded with commissary store funds. See Volume 13, Chapter 3, for property funded with nonappropriated funds.

2.2.8. Subject to their availability, funds in the account may be used to:

2.2.8.1. Carry out actions as may be necessary to close or realign any military installation. Such actions include the acquisition of such land, construction of such replacement facilities, performance of such activities, and conduct of such advance planning and design as may be required to transfer functions from an installation being closed or realigned to another military installation.

2.2.8.2. Provide economic adjustment assistance to any community located near an installation being closed or realigned. Additionally, provide community planning assistance to any community located near a military installation to which functions must be transferred as a result of such closure or realignment.

2.2.8.3. Carry out activities for the purposes of environmental restoration and mitigation at an installation being closed or realigned. This includes reducing, removing and recycling hazardous waste, and removing unsafe buildings and debris.

2.2.8.4. Offer outplacement assistance to civilian employees employed by the DoD at installations being closed or realigned.

2.2.8.5. Reimburse other federal agencies for actions performed at the request of the Secretary of Defense with respect to any such closure or realignment.

### 2.3 DoD Overseas Military Facility Investment Recovery Account (130203)

2.3.1. The Treasury symbol for the receipt account (funds deposited in the DoD Overseas Military Facility Investment Recovery Account Deposits, DoD) are 097X5193.017, .057, .021, and .097, as applicable. The Treasury symbol for the special fund account (expenditure of funds from the account) is 097X5193.

2.3.2. Except as offered in subparagraph 2.3.3, funds deposited into this account must be amounts paid to the United States, pursuant to any treaty, status of forces agreement, or other international agreement to which the United States is a party, for the residual value of real property or improvements to real property used by DoD civilian or military personnel.

2.3.2.1. Steps must be taken to ensure that the United States receives, through direct payment or otherwise, consideration equal to the fair market value (FMV) of the improvements made by the United States at facilities scheduled for release to host countries. Determine the FMV for such improvements on a facility-by-facility basis.

2.3.2.2. The term “fair market value of the improvements” means the value of improvements on the basis of their highest use.

2.3.2.3. The term “improvements” includes new construction of facilities and all additions, improvements, modifications, or renovations made to existing facilities or to real property, without regard to whether they were carried out with appropriated or nonappropriated funds.

2.3.3. In the case of a payment for the residual value of real property or improvements at an overseas military facility, deposit the portion of the payment that is equal to the depreciated value of the investment made with nonappropriated funds into the “Reserve Account” not in the “DoD Overseas Military Facility Investment Recovery Account.”

2.3.4. Subject to availability, funds in the account may be used by the DoD for payment, as shown in appropriations acts, of costs incurred by the DoD in connection with:

2.3.4.1. Facility maintenance, repair and environmental restoration at military installations in the United States.

2.3.4.2. Facility maintenance, repair and compliance with environmental laws at military installations outside the United States that the Secretary of Defense anticipates must be occupied by the U.S. Forces for an extended period.

### \*2.4 Reserve Account (130204)

2.4.1. The Treasury symbol for the receipt account (funds deposited into the Reserve Account) is 097X5195.003. The U.S. Treasury symbol for the special account (expenditure of funds from the Reserve Account) is 097X5195. This account is identified as “Use of Proceeds from the Transfer or Disposition of Commissary Facilities, Defense.”

2.4.2. The transfer or disposal of a commissary or nonappropriated fund (NAF) facility must be connected with the closure or realignment of a military installation. Deposit into this account a portion of the proceeds equal to the depreciated value of the investment made in any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds.

2.4.3. If the proceeds from the transfer or disposal of any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds are greater than the depreciated value, then the excess amount must be deposited into the appropriate base closure account, not the Reserve Account.

2.4.3.1. The term “commissary store funds” means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under 10 U.S.C. § 2685.

2.4.3.2. The term “nonappropriated funds” means funds received from a NAF instrumentality. (See [Volume 13 for additional guidance and definitions.](#))

2.4.3.3. The term “nonappropriated fund instrumentality (NAFI)” means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Military Exchange Services). [NAFI programs and facilities shall be operated, maintained, and funded as an integral part of the personnel and readiness program.](#) (See [Volume 13 for additional guidance and definitions.](#))

2.4.3.4. The depreciated value of the investment made by NAF must be computed in accordance with Volume 13, Chapter 3.

2.4.4. Subject to availability, funds in the account may be used for the purpose of acquiring, constructing, or improving commissary stores, and real property and facilities for NAF instrumentalities.

2.4.5. DoD Components are responsible for ensuring that budgeting and accounting procedures can separately identify the following:

2.4.5.1. Commissary

2.4.5.2. Exchange system

2.4.5.3. All other NAFI balances in the Reserve Account.

### 3.0 BUDGET AND ACCOUNTING RESPONSIBILITIES (1303)

#### 3.1 Requests for Funds (130301)

##### 3.1.1. DoD Components

3.1.1.1. DoD Base Closure Account Financial Plan. The Military Departments and Defense Agencies, in cooperation with, and at the direction of, the Under Secretary of Defense for Acquisition and Sustainment or designee, the Director, Office of the Secretary of Defense (OSD) Base Realignment and Closure (BRAC) Office, must submit a financial plan to the Director, Military Personnel and Construction, Office of the Under Secretary of Defense (Comptroller) (OUSD(C)), Program/Budget (P/B), supported by a “DoD Base Closure Account Financial Plan,” (Format 460-BC) (see Figure 13-1), to request allocations of base closure funds. For planned military construction and family housing construction requirements, list separately on the financial plan each project to be executed using requested base closure funds. Also submit a separate narrative explanation for other planned expenditures to the Director, Military Personnel and Construction, OUSD(C), P/B, in sufficient detail on the Format 460-BC to support the DoD Component financial plan. Host DoD Components are responsible for coordination with all affected tenant activities, including Defense Agencies, Defense Medical Facilities Office, Reserve Components, and nonappropriated fund activities. Tenant activities must identify specific base closure program requirements to their host DoD Component.

3.1.1.2. BRAC Reprogramming Procedures. Section 2905A(f) of the Defense Base Closure and Realignment Act of 1990, as amended by the FY 2008 National Defense Authorization Act, Section 2704, (P.L. 110-181) specifies certain cost and scope limits on those BRAC 2005 military construction projects with costs equal to or in excess of \$5 million, as follows:

3.1.1.2.1. Cost may not be increased or reduced by more than 20% or \$2 million than the authorized amount, whichever is less.

3.1.1.2.2. Scope may not be reduced by more than 25% from the scope specified in the most recent budget justification material.

These limits do not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project “needs to be made for the sole purpose of meeting unusual variations in cost or scope.” If such a determination is made, then the DoD must notify the congressional defense committees not later than 21 days before the date on which the variation is made (or 14 days if notification submitted electronically). The Deputy Under Secretary of Defense for Installations and Environment memorandum of February 27, 2008, delegated notification responsibility to the DoD Components contingent upon OUSD(C) and OSD BRAC Office concurrence.

3.1.2. Director, Military Personnel and Construction. This office must initiate the SF 132, “Apportionment and Reapportionment Schedule” for the appropriate base closure account for submission to the Office of Management and Budget (OMB) for its approval.

### 3.2 Funds Distribution (130302)

3.2.1. Director, Military Personnel and Construction. Upon OMB approval of the SF 132 for the base closure account, this office must provide a Fund Authorization Document to the applicable component for recording in the agency-level accounting records.

3.2.2. Director, Defense Finance and Accounting Service (DFAS). The Director of DFAS must obtain and record, in the departmental-level accounting records, a Financial Management Service (FMS) 6200, “Appropriation Warrant,” for the base closure accounts. Exhibit 13-1 illustrates the most common entries used for this account.

#### Exhibit 13-1. Accounting Entries for Recording Warrants

Dr 411900 Other Appropriations Realized
Cr 445000 Unapportioned Authority
Dr 101000 Fund Balance With Treasury
Cr 310100 Unexpended Appropriations – Appropriations Received
To record the appropriation warrant (FMS 6200).

### 3.2.3. DoD Components. The DoD Components must:

3.2.3.1. Record the Fund Authorization for the base closure accounts received from the Director, Military Personnel and Construction, OUSD(C), P/B. Exhibit 13-2 illustrates the most common entry used to accomplish this action.

#### Exhibit 13-2. Accounting Entries for Fund Authorization

Dr 445000 Unapportioned Authority
Cr 451000 Apportionments
To record the Fund Authorization received from OUSD(C) P/B.

3.2.3.2. Receive and record the allocations of base closure funds received from the Director, Military Personnel and Construction, OUSD(C), P/B, subdivide the allocations of the base closure accounts by subaccount, and distribute the base closure funds to the installations responsible for base closure actions. Each DoD Component must distribute the base closure funds to its installations in accordance with its normal fund distribution procedures. The applicable subaccounts are shown in Exhibit 13-3.

## Exhibit 13-3. Base Closure Accounts by Subaccount

**Military Construction:**

Construction

a. (Project)

b. (Project)

Planning and Design

NOTE: The military construction subaccount must be reserved for projects listed individually on the Format 460 accompanying the fund allocation document.

**Family Housing:**

Construction

a. (Project)

b. (Project)

Planning and Design

Operations

## Exhibit 13-3. Base Closure Accounts by Subaccount (continued)

**Operation and Maintenance (O&M):**

- Civilian Severance Pay
- Civilian Permanent Change of Station (PCS)
- Transportation of Things
- Facilities Sustainment
- Program Management (civilian work years, travel, and related support dedicated to implementation efforts)

**Environmental:**

Includes environmental restoration, including reducing, removing, and recycling hazardous wastes, and removing unsafe buildings and debris; Memoranda of Agreements between Defense and States (DSMOA), and reimbursements to the Agency for Toxic Substance and Disease Registry (ATSDR); and mitigation efforts associated with a military installation closure or realignment. Mitigation efforts do not apply to the DoD Base Closure Account.

**Community Programs:**

Community Planning Assistance: For communities located near a military installation to which functions must be transferred as a result of a closure or realignment of a military installation.

Economic Adjustment Assistance: For communities located near a military installation being closed or realigned.

**Federal Agencies Reimbursement:**

Includes reimbursements to other federal agencies for actions, other than for environmental activity discussed in this exhibit, performed with respect to any closure or realignment.

**Military Personnel:**

Limited to PCS and Temporary Duty (TDY) expenses dedicated to implementation efforts.

**Procurement-type Items:**

The procurement account should be limited to investment items in accordance with the expense/investment criteria.

**Other Costs:**

Any other expenses associated with base closure and realignment efforts.



3.2.3.3. Account for the receipt and allotment of the allocations using the entries in Exhibit 13-4.

Exhibit 13-4. Accounting Entries for Recording Allocations

Dr 455000 Internal Fund Distributions Received  
    Cr 456000 Funds Available For Allotment  
Dr 101000 Fund Balance With Treasury  
    Cr 310100 Unexpended Appropriations – Appropriations Received

To record receipt of an allocation of direct program obligational authority.

Dr 456000 Funds Available For Allotment  
    Cr 457000 Allotments Issued  
Dr 101000 Fund Balance With Treasury  
    Cr 310100 Unexpended Appropriations – Appropriations Received

To record the allotment of direct program obligational authority to a subordinate activity.

3.3 Plan Execution (130303)

The DoD Components must:

3.3.1. Record the allotment of base closure funds provided to installations. Exhibit 13-5 illustrates the entries to record the allotment.

Exhibit 13-5. Accounting Entries for Recording Allotments for Base Closure Accounts

Dr 458000 Allotments Received  
    Cr 461000 Allotments--Realized Resources  
  
Dr 101000 Fund Balance With Treasury  
    Cr 310100 Unexpended Appropriations – Appropriations Received

To record receipt of an allotment.

3.3.2. Implement base closure and realignment actions and administer their allocation of base closure funds in accordance with their approved financial plan.

3.3.2.1. Exhibit 13-6 illustrates the entries for recording expenses that result in a fund outlay and that are incurred as a result of a DoD base closure.

Exhibit 13-6. Accounting Entries for Recording Expenses/Expenditures for Base Closure Accounts

Dr 461000 Allotments--Realized Resources  
    Cr 490200 Delivered Orders --Obligations, Paid  
        and  
Dr 610000 Operating Expenses/Program Costs  
    Cr 101000 Fund Balance With Treasury

To record expenditure of an allotment.

3.3.2.2. Losses that do not result in a fund outlay and that are incurred as a result of a DoD base closure must be accounted for as an extraordinary loss. Exhibit 13-7 illustrates these entries.

Exhibit 13-7. Accounting Entries for Recording an Extraordinary Loss (Or Gain) That Does Not Result In Fund Outlay

Dr 173900 Accumulated Depreciation on Buildings, Improvements and Renovations  
Dr 174900 Accumulated Depreciation on Other Structures and Facilities  
Dr/Cr 730000 Extraordinary Items (Debit for Loss or Credit for Gain)  
    Cr 171100 Land and Land Rights  
    Cr 173000 Buildings, Improvements and Renovations  
    Cr 174000 Other Structures and Facilities

To record extraordinary loss (or gain) that does not result in a fund outlay from base closures.

3.3.3. Rephase planned execution of the financial plan as the situation dictates, and with the prior approval of the Under Secretary of Defense for Acquisition and Sustainment or designee, the Director for Base Closure and Utilization, and in coordination with the Director, Military Personnel and Construction, OUSD(C), P/B. A revised Format 460-BC and supporting documentation must be prepared that reflects the changes in the financial plan.

#### 4.0 REPORTING RESPONSIBILITIES (1304)

##### 4.1 DoD Components (130401)

The DoD Components must prepare and submit reports to the appropriate DFAS site on the status of its allotments. At a minimum, these reports must offer detail for each subaccount specified in a Fund Authorization document provided by OSD (see subparagraph 3.2.3). Submit these reports in accordance with a schedule of due dates to be provided by the DFAS.

## 4.2 Defense Finance and Accounting Service (130402)

### 4.2.1. Establish base closure accounts with Treasury.

4.2.2. Post SF 1151, “Nonexpenditure Transfer Authorizations” transactions, as necessary, for the base closure accounts.

4.2.3. Prepare departmental-level appropriation and fund status reports as required by Volume 6A, Chapter 4, for the base closure accounts administered by the Military Departments and Defense Agencies.

### 4.2.4. Prepare Chief Financial Officer reports for all base closure accounts.

4.2.5. Offer consolidation of appropriate financial reports to produce Treasury Index 97 financial reports on a pass-through basis.

4.2.6. Subject to the approval of the OUSD(C), supplement this guidance with additional procedures, as may be required.

## 5.0 ADMINISTRATION OF BASE CLOSURE FUNDS (1305)

### 5.1 Appropriated Fund Activities (130501)

Expenses, losses, or other events occurring at an appropriated fund activity as a direct result of a DoD base closure action, which result in a cash outlay, are eligible for reimbursement from the applicable DoD Base Closure Account. Expenses, losses, or other events not resulting in a cash outlay by an appropriated fund activity are not eligible for reimbursement. Expenses, losses, or other events that result in a cash outlay (vice expenses, losses, or other events that do not result in a cash outlay) are dependent largely upon the unique circumstances in existence at a particular activity subject to closure. The general guidance on those two categories of expenses and losses are:

#### 5.1.1. Expenses that Ordinarily Result in a Cash Outlay

5.1.1.1. Military Construction projects, including planning and design efforts, for which base closure funds are requested.

5.1.1.2. Family Housing projects, including construction, planning and design, and operations for which base closure funds are requested.

5.1.1.3. Operations and Maintenance-type efforts including civilian severance pay, civilian PCS, outplacement assistance transportation of things, facilities sustainment, and program management (civilian work years, travel, and related support dedicated to implementation efforts).

5.1.1.4. Environmental projects including environmental restoration (reducing, removing, and recycling hazardous wastes, and removing unsafe buildings and debris),

Memoranda of Agreements between the DoD and the various states, and reimbursements to the Agency for Toxic Substance and Disease Registry (ATSDR).

5.1.1.5. Community Programs including economic adjustment assistance to a community in which the closed base is located, or community planning assistance to the community to which functions must be transferred as a result of a closure or realignment of a military installation.

5.1.1.6. Federal agencies including reimbursements to other Federal agencies for actions, other than for environmental activity discussed in subparagraph 5.1.1.4, performed with respect to any closure or realignment.

5.1.1.7. Military Personnel, limited to PCS and TDY expenses dedicated to implementation efforts.

5.1.1.8. Procurement-type Items for those items normally purchased with procurement appropriations.

5.1.1.9. Other expenses associated with base closure and realignment efforts.

5.1.2. Losses that Do Not Ordinarily Result in a Cash Outlay. Losses on real property or facilities sold, leased, transferred, or disposed of in connection with the closure or realignment of a military installation.

## 5.2 Disposition of DoD Base Closure Assets (130502)

The loss (or gain) from the sale, lease, or other disposal of assets must be recorded by the activity having financial custody of those assets. The sale, lease, or other disposal action must only be recorded in proprietary accounts of that installation. Any proceed generated from the sale, lease, or other disposal action of assets does not add to, or otherwise affect, the budgetary accounts of that activity. Exhibit 13-8 illustrates these entries.

Exhibit 13-8. Accounting Entries For Extraordinary Loss (Or Gain) Resulting From the Sale or Other Disposal of Base Closure Assets

Dr 101000 Fund Balance With Treasury

Dr 173900 Accumulated Depreciation on Buildings, Improvements, and Renovations

Dr 174900 Accumulated Depreciation on Other Structures and Facilities

Dr/Cr 730000 Extraordinary Items (Debit for Loss or Credit for Gain)

Cr 171100 Land and Land Rights

Cr 173000 Buildings, Improvements, and Renovations

Cr 174000 Other Structures and Facilities

To record extraordinary loss (or gain) resulting from the sale or other disposal of base closure assets.

Figure 13-1. DoD Base Closure Account Financial Plan

DOD BASE CLOSURE ACCOUNT FINANCIAL PLAN		SERVICE FISCAL YEAR OF APPROPRIATION (Dollars, in Thousands)			SUBMISSION NO. As of:	
INSTALLATIONS/PROJECT(S)	PROGRAM AMOUNT	CHANGE AMOUNT	PREVIOUSLY APPROVED	PROPOSED	QT	OSD APPROVED
(a)	(b)	(c)	(d)	(e)	(f)	(g)
<u>A Military Construction</u> 1. Construction a. (Project) b. (Project) 2. Planning and Design  <u>B Family Housing</u> 1. Construction a. (Project) b. (Project) 2. Planning and Design 3. Operations  <u>C Operation and Maintenance (O&amp;M)</u> 1. Civilian Severance Pay 2. Civilian PCS 3. Transportation of Things 4. Facilities Sustainment 5. Program Management  <u>D. Environmental</u>  <u>E Community Programs</u> 1. Community Planning 2. Economic Assistance  <u>F. Federal Agencies</u>  <u>G. Military Personnel</u>  <u>H. Procurement-type Items</u>						



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 13 ANNEX 1: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 13 ANNEX 2: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



**VOLUME 12, CHAPTER 14: "TRANSFERRING, DISPOSING, AND LEASING OF  
REAL PROPERTY AND PERSONAL PROPERTY"****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [July 2022](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.2	Added Statement of Federal Financial Accounting Standards (SFFAS) 34, "The Hierarchy of Generally Accepted Accounting Principles and Including the Application of Standards Issued by the Financial Accounting Standards Board;" SFFAS 54, "Leases"	Addition
Table 14-1	Revised special accounts for gain on disposal of property and lease revenue	Revision
Table 14-2	Revised the lease accounts based on SFFAS 54	Revision

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## CHAPTER 14

**TRANSFERRING, DISPOSING, AND LEASING OF REAL PROPERTY AND  
PERSONAL PROPERTY**

## 1.0 GENERAL

## 1.1 Purpose

This chapter provides financial policy for the disposal, transfer, and leasing of real property, as well as the transfer and lease of personal property. Financial policy for the disposal of personal property is addressed in [Volume 11A, Chapter 5](#), “Disposition of Proceeds from Department of Defense Sales of Surplus Personal Property.”

## \*1.2 Authoritative Guidance

1.2.1. Title 40, United States Code, section 572(b) ([40 U.S.C. § 572\(b\)](#)), “Real Property,” applies to real property, including any improvement on the property, that is under the control of a Military Department and that the Secretary of the Department determines is excess to the Department's needs. [10 U.S.C. § 2667](#), “Leases: non-excess property of Military Departments and Defense Agencies,” governs leases of Department of Defense (DoD) real and personal property. Sections 572(b) and 2667 require that [Military Departments must deposit](#) proceeds received from the transfer or disposition, or lease of real and personal property controlled into special accounts established by the United States Department of the Treasury (Treasury) for that Secretary. [10 U.S.C. § 2687](#), “Base closures and realignments,” requires [Military Departments to deposit](#) proceeds from the lease, transfer, or disposal of any property at a military installation that is closed or realigned into accounts established by Treasury. [Statement of Federal Financial Accounting Standards \(SFFAS\) 54](#), “Leases” applies to federal entities that present general purpose federal financial reports, in conformance with generally accepted accounting principles, as defined by [SFFAS 34](#), “The Hierarchy of Generally Accepted Accounting Principles, Including the Application of Standards Issued by the Financial Accounting Standards Board.”

1.2.2. Unless otherwise stated, the provisions of this chapter do not apply to:

1.2.2.1. The disposition of proceeds from the sale of surplus personal property (see Volume 11A, Chapter 5);

1.2.2.2. Property at a military installation designated for closure or realignment under 10 U.S.C. § 2687 (see [Chapter 13](#), “DoD Support to United States Commercial Space Activities”);

1.2.2.3. Damaged or deteriorated military family housing (see [10 U.S.C. § 2854a](#), “Conveyance of damaged or deteriorated military family housing; use of proceeds”);

1.2.2.4. The lease of defense articles in the stocks of DoD to an eligible foreign country or international organization under [22 U.S.C. § 2796](#), “Leasing Authority;”

1.2.2.5. Transfer of defense articles to Iraq under the National Defense Authorization Act for fiscal year 2008 ([Public Law 110-181](#), section 1228);

1.2.2.6. Proceeds from the disposal of property received as gifts under [10 U.S.C. § 2601](#), "General gift funds," (see [Chapter 30](#), "Operation and Use of General Gift Funds").

## 2.0 POLICY

### 2.1 Leases: Non-excess Property and Personal Property

2.1.1. The Secretary of a Military Department [may](#) lease non-excess real and personal property under its control that is not needed for a public use for the time that it is leased in accordance with 10 U.S.C. § 2667. Section 2667 provides the same authority to the Secretary of Defense (SecDef) with respect to property under the control of a Defense Agency. Throughout this chapter, the term "Secretary concerned" will mean the Secretary of a Military Department, with respect to matters concerning that Military Department; and the SecDef, with respect to matters concerning the Defense Agencies.

2.1.2. Leases for non-excess property may be accepted under the following conditions:

2.1.2.1. The lease is not more than five years unless the Secretary concerned determines a longer period to be in the public interest.

2.1.2.2. The lease has a provision that it may be revoked at any time. If the lease is revoked to sell the property, the lessee may be given [the](#) first option to buy.

2.1.2.3. The payment (in cash or in-kind) is not less than the fair market value.

2.1.2.4. The lease may not provide for a leaseback payment of [more than \\$500,000 per year by the Secretary concerned or DoD](#).

2.1.2.5. [Deposit](#) all fees received from such leases (other than from leases of property at a military installation designated for closure or realignment) into a special Treasury account established for that Secretary.

2.1.2.6. [Deposit](#) proceeds deposited in the special Treasury account established for the Secretary concerned [to make proceeds](#) available to that Secretary and distributed by the Office of the Under Secretary of Defense (Comptroller), Program/Budget (OUSD(C)/PB) consistent with appropriation law. See paragraph 2.2.

2.1.2.7. This section does not apply to oil, mineral, or phosphate lands.

2.1.3. Repeal of 10 U.S.C. § 2667a. The Duncan Hunter National Defense Authorization Act for fiscal year 2009 repealed 10 U.S.C § 2667a, "Leases: non-excess property of Defense agencies" (see [Public Law 110-417](#), section 2812). This authority is now incorporated into

10 U.S.C. § 2667, as revised, and that section now covers leases by both military services and Defense Agencies. In addition:

2.1.3.1. The repeal of 10 U.S.C. § 2667a does not affect the validity or terms of any lease with respect to [the](#) property of a Defense Agency entered into by the SecDef under 10 U.S.C. § 2667a.

2.1.3.2. Amounts deposited in a special Treasury account established for a Defense Agency pursuant to 10 U.S.C. § 2667a before repeal and amounts that would be deposited in connection with outstanding leases:

2.1.3.2.1. Remain available until expended for the purposes specified in section 2667a, specifically, solely for the maintenance, repair, restoration, or replacement of the leased property; or

2.1.3.2.2. To the extent provided by appropriations law, [it](#) must be transferred to the special Treasury account described in paragraphs 2.2 and 2.3.

2.1.4. Easements for Rights-of-Way. [10 U.S.C. § 2668](#) allows the Secretary of a Military Department to grant easements for rights-of-way over, in, and upon public lands under the Secretary's control. This authority is available provided the Secretary of that Military Department finds that the easement will not be against the public interest.

2.1.4.1. The easement may be made upon such terms as the Secretary considers advisable. The authorized purposes of the easement are listed in 10 U.S.C. § 2668(a).

2.1.4.2. [Account for](#) proceeds and in-kind consideration received from the granting of easements in the manner specified for leases of DoD property in 10 U.S.C. § 2667. See paragraphs 2.2 and 2.3.

2.1.5. Natural Resource Conservation. [10 U.S.C. § 2694a](#) allows the Secretary of a Military Department to convey certain surplus real property for purposes of natural resource conservation.

2.1.5.1. Surplus property that may be conveyed under this authority is limited to property that:

2.1.5.1.1. Is under the administrative control of the Secretary;

2.1.5.1.2. Is suitable and desirable for conservation purposes;

2.1.5.1.3. Has been made available for public benefit transfer for a sufficient period of time to potential claimants; and

2.1.5.1.4. Is not subject to a pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer under the real

property disposal processes and authorities in [40 U.S.C. § 550](#), “Disposal of real property for certain purposes.”

2.1.5.2. Entities eligible to receive surplus property for purposes of natural resource conservation are limited to states, political subdivisions of a state; and nonprofit organizations that exist for the primary purpose of conservation of natural resources on real property.

## 2.2 Accounting Procedures for Leases of Real and Personal Property

2.2.1. Deposit of Funds. [Deposit](#) funds received from the lease or easement of real and personal property under 10 U.S.C. § 2667 and 10 U.S.C. § 2668 (other than from leases of property at a military installation designated for closure or realignment) into the special fund Treasury receipt account, net of amounts paid for utilities and services furnished to lessees.

2.2.2. Services Furnished to Lessees. [Treat](#) payments for utilities and services furnished lessees pursuant to leases as a normal reimbursable transaction with funds credited to the appropriation account or working capital fund from which the cost of furnishing the utilities and services was paid.

2.2.3. Designated Purposes. [Deposit](#) funds in Treasury receipt account 5189 to the Secretary concerned for expenditure to the extent provided for in appropriation acts, for the following:

2.2.3.1. Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

2.2.3.2. Construction or acquisition of new facilities.

2.2.3.3. Lease of facilities.

2.2.3.4. Payment of utility services.

2.2.3.5. Real Property maintenance services

### 2.2.4. Use of Proceeds

2.2.4.1. At least 50 percent of the funds deposited [are](#) available for the designated purposes at the military installation or Defense Agency location where the proceeds were derived.

2.2.4.2. [Proceeds](#) deposited for designated purposes, derived from activities associated with a military museum, must be available for that museum.

2.2.4.3. [The Secretary concerned may spend](#) the remainder of the funds deposited for the designated purposes as described in subparagraph 2.2.3.

2.2.5. Agricultural and Grazing. [The Secretary concerned may retain and spend money for](#) rentals received related to a lease for agricultural or grazing purposes to cover the administrative expenses of agricultural or grazing leases and to cover the financing of multiple-land use management programs at any installation under the jurisdiction of the Secretary. This provision does not apply to lands acquired by the United States for flood control or navigation purposes or any related purpose, including the development of hydroelectric power.

2.2.5.1. To ensure appropriate accounting and reporting of proceeds from agricultural and grazing leases, the Military Departments must factor collections received into their annual budget process and request the Office of Management and Budget to apportion them prior to use. See 10 U.S.C. § 2667 for complete guidance for collections and disbursements related to agricultural and grazing leases. The Military Departments are prohibited from using suspense account F3875 to record and report these proceeds.

2.2.5.2. When recording the direct offsetting collections in general fund accounts (e.g., an Operation and Maintenance account for agricultural and grazing lease proceeds), the Military Departments must use United States Standard General Ledger (USSGL) account 426600 “Other Actual Business-Type Collections From Non-Federal Sources,” which provides direct spending authority on line 1800 of the Standard Form (SF) 132, “Apportionment,” and the SF 133, “Report on Budget Execution and Budgetary Resources.”

2.2.6. Leases under 10 U.S.C. § 2667a. The provisions of this paragraph apply to the proceeds from leases of Defense Agency property under 10 U.S.C. § 2667a (repealed October 2008) only to the extent provided by appropriation law. Otherwise, such proceeds may be used only for costs related to the leased property. See subparagraph 2.2.3. The repeal of this section does not affect the validity or terms of any lease with respect to [the](#) property of a Defense Agency entered into by the SecDef before the repeal date of October 14, 2008.

2.2.7. Accounting Entries. The value of lease payments received and payments for services provided will be recognized as revenue. The accounting entries for the recognition of revenue are specified in the DoD USSGL, Standard Financial Information Structure ([SFIS](#)) [Transaction Library](#), primarily in Category C, “Collections and Receivables.”

2.2.8. Appropriation Authority. Per section 8034 of the fiscal year 2005 DoD Appropriations Act, [Public Law 108-287](#), amounts deposited in special Treasury accounts established pursuant to 40 U.S.C. § 572 and 10 U.S.C. § 2667 during fiscal year 2005 and in subsequent years remain available until transferred by the SecDef to current applicable appropriations, at which point they are available for the same time period and the same purposes as the appropriation to which transferred.

## 2.3 Special Treasury Fund for the Proceeds of Sale and Lease

2.3.1. Requirements. The special funds are to be established and operated under the provisions of [Chapter 1](#), “Funds.” The special funds designated by the Treasury for use in connection with 40 U.S.C. § 572, [40 U.S.C. § 485](#), and 10 U.S.C. § 2667, are Treasury Fund Symbols 5188, “Disposal of DoD Real Property,” and 5189, “Lease of DoD Real Property.” These Federal

Treasury account symbols have been established as no-year accounts. These Funds and applicable point accounts are listed in Table 14-1.

### 2.3.2. Purposes

2.3.2.1. 40 U.S.C. § 572. Any net proceeds (gross proceeds less expenses of transferring or disposing of the property) received from the transfer or disposal of real property under 40 U.S.C. § 572 must be deposited into special fund Treasury receipt account 5188, "Disposal of DoD Real Property," with point accounts as listed in Table 14-1. See paragraph 2.2 for the appropriate accounting treatment.

2.3.2.2. 10 U.S.C. § 2667(e)(1)(A). Funds received from leases of real property entered into pursuant to 10 U.S.C. § 2667 must be deposited into the special fund Treasury receipt account 5189, "Lease of DoD Real Property," with point accounts as listed in Table 14-1. Funds received from leases of personal property must also be deposited into the special fund Treasury receipt account 5189, "Lease of DoD Real Property." See paragraph 2.2 for the appropriate accounting treatment.

## 2.4 Acceptance of Funds to Cover Administrative Expenses

2.4.1. In connection with real property transactions with nonfederal persons or entities, 10 U.S.C. § 2695 states: "...the Secretary of a Military Department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction." Acceptance of funds applies to the following transactions:

2.4.1.1. The exchange of real property;

2.4.1.2. The grant of an easement over, in, or upon real property of the United States;

2.4.1.3. The lease or license of real property of the United States;

2.4.1.4. The disposal of real property of the United States for which the Secretary will be the disposal agent; or

2.4.1.5. The conveyance of real property under 10 U.S.C. § 2694a.

2.4.2. Amounts collected for administrative expenses must be credited to the appropriation, fund, or account from which the expenses were paid. The amounts credited must be merged with funds of an identical appropriation, fund, or account and must be available for the same purposes and subject to the same limitations as these funds.

2.4.3. Accounting Entries. Funds received to cover administrative expenses will be recognized as revenue. Standard accounting entries are specified in the USSGL SFIS Transaction Library.



## 2.5 Leases: In-Kind Consideration

2.5.1. Acceptance of In-Kind Consideration. Generally, the receipt of cash is the preferred form of consideration for leases of buildings and property of the Federal Government per [40 U.S.C. § 1302](#). In some cases, under 10 U.S.C § 2667, as payment of part or all of the consideration for the lease, the terms of the lease may provide for the alteration, repair, or improvement, by the lessee, of the property leased.

2.5.2. Types of In-Kind Consideration. In-Kind consideration falls into two categories: construction or maintenance of real property, and the reduction of expenses.

### 2.5.2.1. Real Property In-Kind Consideration involves:

2.5.2.1.1. Alteration, repair, or improvement of property leased in lieu of rental payments.

2.5.2.1.2. Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

2.5.2.1.3. Construction of new facilities for the Secretary concerned.

### 2.5.2.2. Expense-type In-Kind Consideration involves:

2.5.2.2.1. Provision of facilities for use by the Secretary concerned.

2.5.2.2.2. Provision or payment of utility services for the Secretary concerned.

2.5.2.2.3. Provision of real property maintenance services for the Secretary concerned.

2.5.2.2.4. Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

2.5.2.3. Expense-type In-Kind Consideration results in revenue recognition equal to the operating expenses that are avoided because of receiving the in-kind contribution.

## 2.5.3. Accounting for In-Kind Consideration

2.5.3.1. Real Property In-Kind Consideration. SFFAS No.7, "Accounting for Revenue and Other Financial Sources and Concepts for Reconciling Budgetary and Financial Accounting", paragraph 36(d) states: "Revenue from specific types of exchange transactions [must](#) be recognized as follows: When services are rendered continuously over time or the right to use an asset extends continuously over time, such as the use of borrowed money or the rental of space

in a building, the revenue **must** be recognized in proportion to the passage of time or the use of the asset."

2.5.3.2. Accounting Entries. The accounting entries for in-kind revenue earned are in the USSGL SFIS Transaction Library. To recognize revenue earned and capitalized assets received, the Treasury accounts detailed in Table 14-2 must be used. [For additional information on leases see Volume 4, Chapter 26, "Accounting For Leases."](#)

## 2.6 Transfers of DoD Real Property

2.6.1. In accordance with 40 U.S.C. § 572(b), real property and related improvements under the control of a Military Department (other than property at a military installation designated for closure or realignment) that are determined by the Secretary of the Military Department to be excess to the needs of that Department must be made available for transfer without reimbursement to other Military Departments. If the property is not transferred to another Military Department, the Secretary of the Military Department must request the Administrator of the General Services Administration (GSA) to transfer or dispose of such property in accordance with applicable laws.

2.6.2. Any proceeds generated from [the](#) transfer or disposition of property will be deposited into a special account in the Treasury. Funds deposited into the special Treasury account will be distributed to the Military Department(s) by the OUSD(C)/PB consistent with applicable appropriation law to include an amount for facility maintenance and repair or environmental restoration as stated in 40 U.S.C. § 572(b).

2.6.3. If a Military Department determines that real property and related improvements under its control (other than property at a military installation designated for closure or realignment) are [in](#) excess [of](#) its needs and are available for transfer to another Military Department, the transfers will be made on a non-reimbursable basis.

2.6.4. Both the losing and gaining Military Departments will recognize the transfer of real property in the accounting records. The value of the transfer is the net book value of the assets (acquisition cost of the real property plus the cost of capitalized improvements less accumulated depreciation). If the net book value of the property is not known or cannot be determined, the fair market value at the time of the transfer may be used. The same amount of the transfer must be used by both parties. Detailed explanations for property and fiscal accountability are required as supporting footnotes to the accounting entries.

2.6.5. The accounting entries for transfers between DoD components without reimbursement are standard transactions E510 and E606 specified in the USSGL SFIS Transaction Library.

2.6.6. The [DoD \(DD\) Form 1354](#), "Transfer and Acceptance of DoD Real Property," is used to document the transfer of real property between DoD Components.

## 2.7 Disposal of DoD Real Property

2.7.1. Sale by GSA. If real property is not transferred to another Military Department, the SecDef must request that the GSA Administrator dispose of such real property in accordance with the provisions of applicable laws. See [DoD Instruction 4165.72](#), “Real Property Disposal,” for additional information.

2.7.2. Deposit of Proceeds. Any consideration (money) received must be deposited directly into the special fund Treasury receipt account 5188 with the point account specified in Table 14-1. The explanation for this transaction is as follows: to record the disposition of real property located at (include a full description and the Real Property Universal Identifier number). Monies received were deposited into the special fund Treasury account [097X5188](#), “Disposal of DoD Real Property,” under cash voucher #\_\_\_\_\_ in accordance with 40 U.S.C. § 572.

2.7.3. Availability of amount deposited. To the extent provided in an appropriation act, an amount deposited in a special Treasury account from the disposal of property is available for facility maintenance and repair or environmental restoration as follows:

2.7.3.1. In the case of property located at a military installation that is closed, the amount is available for facility maintenance and repair or environmental restoration by the Military Department that had jurisdiction over the property before the closure of the military installation.

2.7.3.2. In the case of property located at any other military installation:

2.7.3.2.1. Fifty percent of the amount is available for facility maintenance and repair or environmental restoration at the military installation where the property was located before it was disposed of or transferred; and

2.7.3.2.2. Fifty percent of the amount is available for facility maintenance and repair and for environmental restoration by the Military Department that had jurisdiction over the property before it was disposed of or transferred.

2.7.4. Accounting Entries. The accounting entries for disposal of real property are specified in the USSGL SFIS Transaction Library, primarily in Category C, “Collections and Receivables” and Category D, “Adjustments, Write-offs and Reclassifications.”

## 3.0 REPORTING REQUIREMENTS TO CONGRESS

### 3.1 Reporting and Notification

3.1.1. 40 U.S.C. § 572(b)(6). As part of the annual request for authorization of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Department must include an accounting of each transfer and disposal of real property made during the fiscal year proceeding the fiscal year in which the request is made. This summary must include a detailed explanation of such disposal and the use of the proceeds received.

3.1.2. 10 U.S.C. § 2662(a). Includes specific reporting requirements for leases in which the Secretary of a Military Department or, with respect to a Defense Agency, the SecDef may not enter into any transactions by or for the use of that Department until the Secretary concerned submits a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. These reporting requirements are discussed in detail in paragraph 3.2.

3.1.3. 10 U.S.C. § 2667(h). When a proposed lease involves only personal property, the lease term exceeds one year, and the fair market value of the lease consideration exceeds \$100,000:

3.1.3.1. This paragraph does not apply if the Secretary concerned determines that:

3.1.3.1.1. A public interest will be served as a result of the lease; and

3.1.3.1.2. The use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under [subparagraph 3.1.3.1.1](#).

3.1.3.2. Not later than 45 days before entering into a lease, the Secretary concerned must submit to Congress written notice describing the terms of the proposed lease to include:

3.1.3.2.1. The competitive procedures used to select the lessee; or

3.1.3.2.2. In the case of a lease involving the public benefit exception authorized by 10 U.S.C. § 2667(h) (2) and the description of the public benefit to be served by the lease.

3.1.3.3. The reporting requirement described in this paragraph does not apply to [the](#) renewal or extension of a certain lease by the Secretary of the Navy for [the](#) operation of a ship within the University National Oceanographic Laboratory System. See 10 U.S.C. § 2667(h)(3) for the specific terms of this exception.

3.1.4. 10 U.S.C. § 2668. Copies of instruments granting easements over public lands must be furnished to the Secretary of the Interior.

## 3.2 Reporting under Title 10 U.S.C. § 2662

3.2.1. Under 10 U.S.C. § 2662, the Secretary concerned must submit a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives before entering into an acquisition, lease, license, or easement of real property owned by the United States (other than a lease or license entered into under Base Closure and Realignment Property), if the estimated price or annual fair market rental value of the property is more than \$750,000.

3.2.2. Reporting notifications under 10 U.S.C. § 2662 do not apply to any new facilities whose construction is accepted as in-kind consideration. The Secretary concerned must notify

Congress of the proposed lease before (1) issuing a contract solicitation or other lease offering with regard to the transaction; and (2) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction. The contents of this public notification are specified in 10 U.S.C. § 2662(b)(2). Specifically, the notification must include the following with regard to the proposed lease:

3.2.2.1. A description of the proposed transaction, including the proposed duration of the lease;

3.2.2.2. A description of the authorities to be used in entering into the transaction;

3.2.2.3. A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget;

3.2.2.4. A determination that the property involved in the transaction is not excess property, as required by 10 U.S.C. § 2667 (a)(3), including the basis for the determination;

3.2.2.5. A determination that the proposed transaction is directly compatible with the mission of the military installation at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease;

3.2.2.6. A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments in lieu of taxes, and other development issues related to local municipalities; and

3.2.2.7. If the proposed lease involves a project related to energy production, a certification by the SecDef that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the DoD performance goals and plan required by [10 U.S.C. § 2911](#).

3.2.3. 10 U.S.C. 2662 Notification. The Secretary concerned may not enter into the actual lease with respect to property for which the information required by 10 U.S.C. § 2662(b)(2) (see 3.1.2) was submitted in a report to Congress unless the Secretary again complies with these notice-and-wait requirements. The subsequent report to Congress must include the following with regard to the proposed transaction:

3.2.3.1. A cross reference to the prior report that contained the information submitted under 10 U.S.C. § 2662(b)(2) with respect to the transaction;

3.2.3.2. A description of the differences between the information originally submitted under 10 U.S.C. § 2662(b)(2) and the information regarding the transaction being submitted in the subsequent report;

3.2.3.3. A description of the payment to be required in connection with the lease, license, or easement including a description of any in-kind consideration that will be accepted;

- 3.2.3.4. A description of any community support facility or provision of community support services under the lease, license, or easement, regardless of whether the facility will be operated by a covered entity (as defined in 10 U.S.C. § 2667(d)) or the lessee or the services will be provided by a covered entity or the lessee; and

3.2.3.5. A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by 10 U.S.C. § 2667 (h)(2), a description of the public benefit to be served by the lease.

\*Table 14-1. Special Funds Designated for the Proceeds of Sale and Lease of DoD Property

<b>Treasury Fund Symbol</b>	<b>Description</b>
097X5188	Disposal of Department of Defense Real Property, Defense
097X5189	Lease of Department of Defense Real Property, Defense

\*Table 14-2. USSGL Accounts for Leases with In-Kind Consideration

Entry	Account	Account Description	Comments
Debit	101000	Fund Balance with Treasury	For cash received from lessee
Debit	193000	Lessor Lease Receivable	This account is used to record the present value of lease payments to be received for the lease term in leases other than short-term, intragovernmental, and lease contracts that transfer ownership. This account does not close at year-end.
Debit	1xxxxx	Appropriate asset account(s)	For capitalized assets received from or constructed by lessee
Debit	679000	Other Expenses Not Requiring Budgetary Resources	For in-kind services and non-capitalizable assets received from lessee
Credit	593000	Lessor Lease Revenue	This account is used to record the amount of revenue earned from (1) Short-term lease payments paid to a lessor based on the provisions of the lease contract; (2) Intragovernmental lease receipts to a lessor, including lease related operating costs (maintenance, utilities, taxes, etc.,) received from the lessee based on the provisions of the lease agreement; and (3) Variable payments based on future performance of the lessee or usage of the underlying asset in leases other than short-term, intragovernmental, and lease contracts that transfer ownership.



**VOLUME 12, CHAPTER 15: “EDUCATIONAL ASSISTANCE PROGRAMS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated March 1998 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.2.2. (150102.B.)	Provides additional references for the Title 10, U.S.C., Chapter 1607 benefits, the “National Call to Service” program, and the “Benefits Transferred to Dependents” program.	Addition
2.3.1.5. (150203.A.5.)	Details the expiration of the benefit entitlement for active duty.	Addition
2.3.2.3. (150203.B.3.)	Provides the benefit entitlement criteria for the Reserve Component members who are ordered to active duty.	Addition
2.3.2.4. (150203.B.4.)	Provides guidance on benefit entitlement criteria for Reserve Component members who separate because of a disability.	Addition
2.3.3. (150203.C.)	Details benefit criteria for Reserve Component Members supporting Contingency Operations (Title 10, U.S.C., Chapter 1607).	Addition
2.3.4. (150203.D.)	Details benefit criteria for the National Call to Service Incentive program (Title 10 U.S.C., section 510(e)).	Addition
2.3.5. (150203.E.)	Details benefit criteria for the 38 U.S.C. Chapter 30 benefits Transferred to Dependents program (Title 38, U.S.C., section 3020).	Addition
2.3.6. (150203.F.)	Provides clarification on maximum combined eligibility for multiple benefit programs.	Addition
3.3.2. (150303.B.)	Details the Reserve Educational Assistance Program (REAP) for Reserve Component Members Supporting Contingency Operations and Other Specified Missions (Title 10, U.S.C., Chapter 1607).	Revision
5.3 (150503)	Details FY 2007 monthly benefit rates for members who are entitled to basic education assistance with regard to REAP.	Revision

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
7.4.1. (150704.A.)	Details contribution reporting requirements for the active duty appropriations.	Revision
7.4.2. (150704.B.)	Details contribution reporting requirements for the Reserve and National Guard appropriations.	Revision
7.3.1. (150703.A.)	Update to office symbol for the DFAS Trust Fund Investment Office.	Revision
8.2 (150802)	Update to e-mail address when requesting a fund transfer from the trust fund to DVA.	Revision

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## CHAPTER 15

**EDUCATIONAL ASSISTANCE PROGRAMS**

## 1.0 OVERVIEW (1501)

## 1.1 Purpose (150101)

This chapter provides guidance relative to [financial operations of and](#) recording transactions for the Educational Assistance Programs and establishes the accounting principles and standards relative to those requirements.

## 1.2 General (150102)

1.2.1. Entitlements under the Educational Assistance Programs are established by law and are available to any person meeting eligibility requirements. Authorizations for entitlements constitute a binding obligation on the part of the Federal Government, and eligible recipients may have legal recourse if the obligation is not fulfilled. Legislation authorizing entitlements does not necessarily include a corresponding appropriation of funds; thus, the subsequent enactment of appropriations may be necessary.

\* 1.2.2. Entitlements for veteran educational assistance shall be established in accordance with [DoD Directive 1322.16](#), “Montgomery GI Bill (MGIB) Program (dated June 18, 2002, USD(P&R)),” [DoD Instruction 1322.17](#), “Montgomery GI Bill for the Selected Reserve (dated November 29, 1999, ASD(RA)),” Directive-type Memorandum, “Interim Procedures for Implementing the Program of Educational Assistance Authorized Under the Provisions of [Chapter 1607, Title 10, U.S.C.](#) (dated March 7, 2006, ASD(RA)),” the “National Call to Service Implementation Memorandum (dated September 6, 2003, USD(P&R))” (10 U.S.C. section 510(e)); and Benefits Transferred to Dependents ([Chapter 30, 38 U.S.C. section 3020](#)).

## 2.0 EDUCATIONAL ASSISTANCE PROGRAMS (1502)

## 2.1 Background (150201)

The Veteran’s Educational Assistance Act of 1984 (P.L. 98-525) referred to as the Montgomery GI Bill (MGIB), provides for an educational assistance program to aid in the recruitment and retention of members of the Armed Forces and the readjustment of members to civilian life after their separation from military service. The Act also provides a program of educational assistance to aid in the recruitment and retention of members of the Selected Reserve.

## 2.2 Accounting Treatment (150202)

The accounting treatment to be followed for entitlement programs depends on the program and the nature and other circumstances surrounding the requirements to pay benefits. Generally, the unexpended appropriation shall be reduced by the amount of the liability and recorded as a financing source when the liability and expense are recognized. [Specific payment procedures for each education benefit program are outlined below.](#)

## 2.3 Eligibility Requirements (150203)

\* 2.3.1. Active Duty ([Chapter 30, Title 38 U.S.C.](#)). Eligibility is obtained when an individual:

\* 2.3.1.1. First becomes a member of the Armed Forces [but expires 10-years after the member separates.](#)

2.3.1.2. Does not disenroll from the basic program.

2.3.1.3. Has their pay reduced by \$100 per month for the first 12 months of active duty.

2.3.1.4. Meets the initial Service-defined criteria for additional or supplemental benefits of any type.

\* 2.3.1.5. [Members who are separated from active duty because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which that member became entitled to educational assistance, such member's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which the member was discharged or was released from active duty.](#)

### 2.3.2. Selected Reserve ([Chapter 1606, Title 10, U.S.C.](#))

2.3.2.1. Members of the Selected Reserve who meet all of the following criteria are entitled to educational assistance:

2.3.2.1.1. On or after July 1, 1985, enlisted, reenlisted or extended an enlistment in a Reserve component for service in the Selected Reserve for a period of not less than 6 years or, in the case of officers, agree to serve in the Selected Reserve for 6 years beyond any existing Selected Reserve service obligation.

2.3.2.1.2. Completed the requirements for award of a high school diploma or equivalency certificate before applying for benefits (Reference [10 U.S.C. 16132\(a\)](#)).

2.3.2.1.3. Completed the initial period of active duty for training required of the member.

2.3.2.2. Each person who becomes entitled to educational assistance shall be given a written DD Form 2384-1, Notice of Basic Eligibility summarizing the provisions of 10 U.S.C. Chapter 1606. This notice provides a date of basic eligibility contingent on meeting initial eligibility criteria established in subparagraph 2.3.2.1 above.

\* 2.3.2.3. Period of Entitlement. Member's entitlement to educational assistance expires at the end of the 14-year period beginning on the date on which the member became entitled to such assistance or on the date the member separates from the Selected Reserve, whichever occurs first. However, the expiration of a Service member's entitlement who is ordered to active duty under an order issued under sections 12031(a), 12301(d), 12301(g), or 12304 of 10 U.S.C. shall be extended beyond the 14-year period or the date the Service member separated from the Selected Reserve by the length of the period of active duty plus 4 months.

\* 2.3.2.4. Members who are separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which that member became entitled to educational assistance, such member's entitlement to educational assistance expires at the end of the 14-year period beginning on the date on which the member became entitled to such assistance.

\* 2.3.3. Reserve Component Members Supporting Contingency Operations (Chapter 1607, Title 10, U.S.C.).

2.3.3.1. Reserve Component members supporting contingency operations and National Guard Members supporting certain operational requirement who meet all of the following criteria are entitled to educational assistance:

2.3.3.1.1. Reserve Component member ordered to active duty in support of a contingency operation and served for 90 consecutive days or more on or after September 11, 2001.

2.3.3.1.2. A member of the Army or Air National Guard, ordered to duty under Section   , for 90 consecutive days or more if the duty performed was authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by federal funds, and 90 or more consecutive days of such duty occurred on or after September 11, 2001.

2.3.3.2. Members released from duty before completing 90 consecutive days because of an injury, illness, or disease incurred or aggravated in the line of duty (Line of Duty determination required) shall be entitled to educational assistance at the rate prescribed in Section 16162(c)(4)(A) of Title 10, U.S.C.

2.3.3.3. Active Guard and Reserve members may qualify for this benefit but only if their name is listed on an individual or collective by name list of personnel stating that they have been mobilized and/or deployed to support a qualifying mission as described in subparagraphs 2.3.3.1 or 2.3.3.2, above.

2.3.3.4. An Active Guard or Reserve member cannot gain eligibility by merely providing support (even if direct support) to a mobilized portion of the unit unless the Active Guard or Reserve member is mobilized or deployed as provided in subparagraph 2.3.3.3, above.

2.3.3.5. To retain eligibility for educational assistance under 10 U.S.C. Chapter 1607.

2.3.3.5.1. A member who was serving in the Selected Reserve at the time the member was ordered to active duty or full-time National Guard duty must continue to serve in the Selected Reserve, except, under regulations prescribed by the Secretary of Defense, educational assistance may be provided to a member of the Selected Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service;

2.3.3.5.2. A member who was serving in the Individual Ready Reserve to the time the member was ordered to active duty must continue to serve in the Ready Reserve (either the Selected Reserve or the Individual Ready Reserve).

\* 2.3.4. National Call to Service (10 U.S.C. 510(e)). The National Call to Service (NCS) Incentive program requires a participant to perform a period of national service to be eligible for benefits.

2.3.4.1. There is a three-tiered service requirement to qualify for incentives under the NCS program:

2.3.4.1.1. First, after completion of initial entry training, individuals must serve on active duty in a military occupational specialty designated by the Secretary of Defense for a period of 15 months.

2.3.4.1.2. After this, and without a break in service, these individuals must serve either an additional period of active duty as determined by the Secretary of Defense, or a period of 24 months in an active status in the Selected Reserve.

2.3.4.1.3. After completion of this period of service, and also, without a break in service the remaining period of obligated service specified in the agreement will be served as follows:

2.3.4.1.3.1. On active duty in the armed forces.

2.3.4.1.3.2. In the Selected Reserve.

2.3.4.1.3.3. In the Individual Ready Reserve.

2.3.4.1.3.4. In AmeriCorps, or another domestic national service program jointly designated by the Secretary of Defense and the head of such a program.



2.3.4.2. Any combination of the service referred to above may also be approved by the Secretary of the Military Department concerned pursuant to regulation prescribed by the Secretary of Defense and specified in the agreement.

2.3.4.3. Individuals who participate in this program have a choice of incentives as follows:

2.3.4.3.1. Cash bonus of \$5,000.

2.3.4.3.2. Repayment of a qualifying student loan not to exceed \$18,000.

2.3.4.3.3. Entitlement to allowance equal to the 3-year monthly 38 U.S.C. Chapter 30 rate for 12 months (\$1,101 effective October 1, 2007).

2.3.4.3.4. Entitlement to allowance equal to fifty percent of the less than 3-year monthly 38 U.S.C. Chapter 30 rate for 36 months (fifty percent of \$894.00 effective October 1, 2007).

2.3.4.4. The NCS participants are not entitled to additional assistance under 10 U.S.C. Chapter 1606 or 38 U.S.C. Chapter 30 benefits. However, if the NCS participant has eligibility under either of these chapters, he or she may be paid the amount of 10 U.S.C. Chapter 1606 or 38 U.S.C. Chapter 30 benefits minus any amounts paid under the NCS program. The education benefit options will be administered to the extent possible like 10 U.S.C. Chapter 1606.

2.3.5. Chapter 30 Benefits Transferred to Dependents (Chapter 30, Title 38, U.S.C., Section 3020). Developed for the purpose of enhancing recruitment and retention of members of the Armed Forces, this program allows eligible Members to transfer basic educational assistance to one or more dependents.

2.3.5.1. Members who meet the following criteria are eligible:

2.3.5.1.1. Completed 6 years of service in the Armed Forces;

2.3.5.1.2. Has critical military skill designed by the Secretary; or

2.3.5.1.3. Is in a military specialty designated by the Secretary concerned as requiring critical military skills; and

2.3.5.1.4. Enters into an agreement to serve at least 4 more years as a member of the Armed Forces.

2.3.5.2. Individuals who are approved to transfer an entitlement to basic educational assistance follow:

2.3.5.2.1. The member's spouse.

2.3.5.2.2. To one or more of the member's children.

2.3.5.2.3. To a combination of "a" and "b" above.

2.3.5.3. The total number of months of entitlement transferred by a Member to a dependent may not exceed 18 months.

2.3.6. Maximum Combined Eligibility. Members eligible for multiple benefit programs, e.g., 38 U.S.C. Chapter 30 and 10 U.S.C. Chapter 1606; or 10 U.S.C. Chapter 1606 and 10 U.S.C. Chapter 1607 can use up to 36 months of a given program but cannot exceed more than 48 months combined.

### 3.0 TYPES OF PROGRAMS (1503)

#### 3.1 Categories of Education Benefits (150301)

Education benefits are comprised of two major categories -- Those with a pay reduction and those without a pay reduction.

#### \*3.2 Pay Reduction Programs (150302)

Enrollees in these programs, 38 U.S.C. §§ 3011 and 3012, have their pay reduced by \$100 each month for the first 12 months of active duty. All participating service members are required to have completed the requirements for a high school diploma or an equivalency certificate, or have successfully completed the equivalent of 12 credit hours in a program of education leading to a standard college degree before becoming eligible to use the benefit. Members who meet these requirements are entitled to a basic monthly benefit and can receive up to 36 months of benefit. Some exceptions exist for early discharge for service connected disability.

3.2.1. Educational Assistance Program for Service on Active Duty. Participation in this program is limited to persons who:

3.2.1.1. After June 30, 1985, first become a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

3.2.1.2. Serve at least 3 years of continuous active duty in the Armed Forces.

3.2.1.3. Serve at least 2 years of continuous active duty in the case of an individual whose initial period of active duty is less than 3 years, (see further stipulations in subparagraph 3.2.2 below).

3.2.1.4. After completion of the service described above:

3.2.1.4.1. Continue on active duty.

3.2.1.4.2. Are discharged from active duty with an honorable discharge.

3.2.1.4.3. Are placed on the retired list or temporary disability retired list, or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve.

3.2.1.4.4. Are released from the Armed Services under honorable conditions by the Secretary of Defense for further service in a Reserve Component of the Armed Forces.

3.2.2. Educational Assistance Program for Less than 3 Years Service on Active Duty. Participation in this program is limited to persons who:

3.2.2.1. After June 30, 1985, first become a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

3.2.2.2. Serve at least 2 years of continuous active duty.

3.2.2.3. Beginning within 1 year after completion of the service on active duty, serve at least 4 years of continuous duty in the Selected Reserve during which the individual participates satisfactorily in the training as required by the Reserve Unit or the Department of Defense.

### 3.3 No Pay Reduction Programs (150303)

#### 3.3.1. Educational Assistance Program for Service in the Selected Reserve.

3.3.1.1. The Montgomery GI Bill (MGIB) for the Selected Reserve (Chapter 1606, Title 10, U.S.C.) provides educational assistance to individuals who agree to serve in the Selected Reserve of the Ready Reserve for 6 years and meet the eligibility criteria specified in paragraphs 2.3.2.1 through 2.3.2.3.

3.3.1.2. Additionally, the Secretary of the Military Department concerned may provide additional educational assistance to a member who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel. This benefit is often referred to as the “kicker” and is in addition to the assistance provided under the basic benefit. To be eligible for kicker payments, the member must qualify for and be assigned to a Service-designated critical specialty, skill, or unit in the Selected Reserve designated by the Secretary concerned, be in receipt of basic MGIB Selected Reserve benefits or benefit under 38 U.S.C. Chapter 30 (other than section 3012), and enter into a period of obligated service, as described in subparagraph 2.3.2.1. The period of obligated service for kicker payments is separate from the period of obligated service for the basic MGIB Selected Reserve benefit, but runs concurrently with that period of obligated service. Kicker payments may not exceed \$350 per month.

3.3.1.3. Individuals may not receive credit for service in both this program and the programs under paragraph 3.2.

3.3.1.4. Members who have met the eligibility criteria will be given a statement in writing summarizing the provisions of sections 16134 and 16135, Chapter 1606, Title 10 U.S.C.

3.3.1.5. A member is prohibited from receiving educational assistance under this program and financial assistance as a member of the Senior Reserve Officers’ Training Corps Program.

\* 3.3.1.6. Eligibility for educational assistance under 10 U.S.C. Chapter 1606 terminates when a member fails to participate satisfactorily in the required training as a member of the Selected Reserve or 14 years after becoming eligible for MGIB Selected Reserve benefits, whichever occurs first. However, the expiration of a Service member’s entitlement who is ordered to active duty under an order issued under sections 12301(a), 12301(d), 12301(g), or 12304 of 10 U.S.C. shall be extended beyond the 14-year period or the date the Service member separated from the Selected Reserve by the length of the period of active duty plus 4 months.

\* 3.3.2. Reserve Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Other Specified Missions. Enrollees in this program, as provided in section 16163(a), Chapter 1607 of Title 10, U.S.C., are required to have been ordered to active duty in support of a contingency operation or in the case of National Guard members order to duty under section 502(f), Title 32, U.S.C., at the request of the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President or the Congress.

3.3.2.1. Participation in this program is limited to persons who:

3.3.2.1.1. On or after September 11, 2001, have been ordered to active duty in support of a contingency operation or ordered to full-time National Guard duty to respond to national emergency declared by the President or the Congress and have served for 90 consecutive days or more.

3.3.2.1.2. The educational assistance entitlement increases based on the length of continuous service.

3.3.2.1.2.1. A member who completes 90 consecutive days of qualifying service is entitled to assistance at a rate equal to 40 percent of the rate provided to an individual eligible for assistance under 38 U.S.C. 3011.

3.3.2.1.2.2. A member who completes 1 continuous year of qualifying service is entitled to assistance at a rate equal to 60 percent of the rate provided to an individual eligible for assistance under 38 U.S.C. 3011.

3.3.2.1.2.3. A member who completes 2 continuous years of qualifying service is entitled to assistance at a rate equal to 80 percent of the rate provided to an individual eligible for assistance under 38 U.S.C. 3011.

3.3.2.1.3. A member who was ordered to active service as described in subparagraph 3.3.2.1 but was released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty is entitled to educational assistance at the rate prescribed for a member who has completed 90 consecutive days of duty.

\* 3.3.2.2. To retain eligibility for educational assistance under Chapter 1607, Title 10, U.S.C.:

3.3.2.2.1. A member who was serving in the Selected Reserve at the time the member was ordered to active duty or full-time National Guard duty must continue to serve in the Selected Reserve, except, under regulations prescribed by the Secretary of Defense, educational assistance may be provided to a member of the Selected Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service;

3.3.2.2.2. A member who was serving in the Individual Ready Reserve at the time the member was ordered to active duty must continue to serve in the Ready Reserve (either the Selected Reserve or the Individual Ready Reserve).

\* 3.3.2.3. A member who has met the eligibility requirements of subparagraph 3.3.2.1 will be given a statement in writing notifying the member of such eligibility and summarizing the provisions of section 16163(a), Chapter 1607 of Title 10, U.S.C..

\* 3.3.2.4. A member who has a service connected injury, illness or disease is not required to meet the requirement in subparagraph 3.3.2.2 regarding continued membership in the Selected Reserve or Ready Reserve.

\* 3.3.2.5. Individuals may not receive credit for service in both this program and the programs under paragraph 3.2.

**3.3.3. Vietnam Era GI Bill Service.** This program required service during the period February 1, 1955 through December 31, 1976.

**3.3.4. Inservice Enrollment in a Program of Education.** Participation in this program is limited to individuals who are a member of the Armed Forces who did not elect to participate in the contributory programs in paragraph 3.2 above, and:

3.3.4.1. After June 30, 1985, have completed at least 2 years of service on active duty.

3.3.4.2. Continue on active duty or in the Selected Reserve without a break in service. Some exceptions apply for not being able to find a vacancy in, or locate a unit of the Selected Reserve within stipulated timeframes.

**3.3.5. Supplemental Educational Assistance for Additional Service.** Benefits payable under this program are prescribed by the Secretary of Defense, and may provide for the payment of supplemental educational assistance to individuals eligible for educational assistance under paragraph 3.2 above. Eligible persons for this program:

3.3.5.1. Must have served 5 or more consecutive years of active duty in the Armed Forces beyond the years of active duty counted under paragraph 3.2 without a break in service.

3.3.5.2. Must have been discharged from service with an honorable discharge, or is placed on the retired list, or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retire list without a break in service after completion of 5 or more consecutive years of active duty beyond the years of active duty as specified in the above.

3.3.5.3. Must have completed 2 or more consecutive years of active duty in the Armed Forces beyond the years of active duty counted under paragraph 3.2 without a break in service, and 4 or more consecutive years of duty in the Selected Reserve.

**3.3.6. Educational Program for Tutorial Assistance.** Benefits for participation in this program are in addition to other educational benefits received, but are limited in benefit amount and number of months.

**3.3.7. Additional Educational Assistance for Qualified Individuals with Critical Skills or Specialties.** The Secretary of Defense, without regard to application, may authorize educational assistance to individuals in specialized categories such as physicians and registered nurses in critical specialties, students in the nursing program, and other health professions.

#### 4.0 BENEFITS UNDER PAY REDUCTION PROGRAMS (1504)

\* Rates for budgeting purposes are updated annually and issued in the Office of the Under Secretary of Defense (Comptroller) Program and Budget Submission Guidance.

#### 4.1 Monthly Benefits (150401)

Veterans entitled to basic educational assistance with regard to subparagraph 3.2.1 who are pursuing an approved program of education are entitled to receive monthly benefits up to \$1,101, beginning October 1, 2007, for an approved program of education pursued on a full-time basis. Veterans will receive an appropriately reduced rate, as determined under prescribed regulations, for an approved program of education pursued on less than a full-time basis.

#### 4.2 Eligibility Criteria (150402)

With regard to subparagraph 3.2.2, veterans entitled to basic educational assistance who are pursuing an approved program of education are entitled to receive benefits at the monthly rate of \$894 beginning October 1, 2007, for an approved program of education pursued on a full-time basis. Veterans in this category also will receive an appropriately reduced rate, as determined under prescribed regulations, for an approved program of education pursued on less than a full-time basis.

#### \*4.3 Monthly Benefit Increases (150403)

With respect to the fiscal year beginning on October 1, 1993, and each fiscal year thereafter, the monthly basic benefits for each fiscal year will increase by the percentage which the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made exceeds the Consumer Price Index for the previous 12 months. Any increase in a benefit rate with respect to a fiscal year after fiscal year 2004 and before fiscal year 2014 shall be rounded down to the next lower whole dollar amount. Any such increase with respect to a fiscal year after fiscal year 2013 shall be rounded to the nearest whole dollar amount.

#### 4.4 Skill or Specialty Designators (150404)

With regard to subparagraph 3.2.1, individuals who have a skill or specialty designated by the Secretary of Defense as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, may be entitled to receive an additional benefit known as the “kicker” benefit at a monthly rate of up to \$950.

## 5.0 BENEFITS FOR THE NON PAY REDUCTION PROGRAMS IN THE SELECTED RESERVE (1505)

### 5.1 Benefit Payments (150501)

Individuals entitled to basic educational assistance with regard to subparagraph 3.3.1 who are pursuing an approved program of education are entitled to receive monthly payments, effective October 1, 2007, at the monthly rate of \$317 for a full-time pursuit of a program of education; \$237 per month for three-quarter-time; and \$157 per month for half-time. Individuals will receive an appropriately reduced rate, as determined under prescribed regulations, for an approved program of education pursued on less than a full-time basis if tuition assistance is not available to the person from the respective Military Department.

5.1.1. Effective February 10, 1996, a member who meets the eligibility criteria for 10 U.S.C. Chapter 1606 “kicker payments” (subparagraph 3.3.1.2) is entitled to an additional \$100, \$200 or \$350 per month, as determined by the Secretary of the Military Department concerned, in addition to the basic benefit monthly payment.

\* 5.1.2. Rates for budgeting purposes are updated annually and issued in the Office of the Under Secretary of Defense (Comptroller) Program and Budget Submission Guidance.

### 5.2 Educational Programs Eligible for Assistance Payments (150502)

Educational assistance provided under subparagraph 3.3.1 is available to individuals pursuing a program of education consisting of a program of apprenticeship, other on-the-job training, a cooperative program, a correspondence program of education, flight training program, or a program of approved individualized tutorial assistance. The amount of monthly educational assistance allowance for each program varies and is a predetermined percentage of the monthly allowance otherwise payable to a veteran entitled to receipt of assistance, or a percentage of the cost of the program.

### \*5.3 Eligibility Requirements (150503)

Members entitled to basic educational assistance with regard to subparagraph 3.3.2 who are pursuing an approved program of education are entitled to receive benefits at the monthly rate, effective October 1, 2007, according to the period of continuous service.

5.3.1. Completed 90 continuous days of duty or performed fewer than 90 days of duty but have a service-connected injury, illness or disease:

5.3.1.1. \$440.40 per month for a full-time pursuit of a program of education.

5.3.1.2. \$330.30 per month for three-quarter-time.

5.3.1.3. \$220.20 per month for half-time.



5.3.1.4. \$220.20 for less than half-time but greater than one-quarter time.

5.3.1.5. \$110.10 for one-quarter time or less.

5.3.1.6. Reduced rates will be paid to apprenticeship and on-the-job training, flight training, correspondence training and cooperative training. Individuals will receive an appropriately reduced rate, as determined under prescribed regulations, for an approved program of education pursued on less than a full-time basis if tuition assistance is not available to the person from the respective Military Department.

5.3.2. Completed 1 continuous year of duty:

5.3.2.1. \$660.60 per month for a full-time pursuit of a program of education.

5.3.2.2. \$495.45 per month for three-quarter-time.

5.3.2.3. \$330.30 per month for half-time.

5.3.2.4. \$330.30 for less than half-time but greater than one-quarter time (tuition and fees only).

5.3.2.5. \$165.15 for one-quarter time or less.

5.3.2.6. Reduced rates will be paid to apprenticeship and on-the-job training, flight training, correspondence training and cooperative training.

5.3.3. Completed 2 continuous years of duty:

5.3.3.1. \$880.80 per month for a full-time pursuit of a program of education.

5.3.3.2. \$660.60 per month for three-quarter-time.

5.3.3.3. \$440.40 per month for half-time.

5.3.3.4. \$440.40 for less than half-time but greater than one-quarter time (tuition and fees only).

5.3.3.5. \$220.20 for one-quarter time or less.

5.3.3.6. Reduced rates will be paid to apprenticeship and on-the-job training, flight training, correspondence training and cooperative training.

#### \*5.4 Basic Monthly Benefit (150504)

The basic monthly benefit for each fiscal year will increase by the percentage by which the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made exceeds the Consumer Price Index for the previous 12 months. Any resulting increase in a benefit rate shall be rounded to the nearest whole dollar amount.

Rates for budgeting purposes are updated annually and issued in the Office of the Under Secretary of Defense (Comptroller) Program and Budget Submission Guidance.

### 6.0 FUNDING FOR EDUCATIONAL ASSISTANCE PROGRAMS (1506)

#### 6.1 DoD Education Benefits Fund (150601)

The Veteran's Educational Assistance Act of 1984 established a trust fund to finance DoD education liabilities on an actuarially sound basis. The DoD Education Benefits Fund is a trust fund used to accumulate funds for transfer to the Department of Veterans Affairs (DVA) to cover the DoD share of benefits. The Fund, 97X8098 - Department of Defense Education Benefits Fund (Education Fund), contains the following assets:

6.1.1. Amounts paid into the Education Fund from the active duty and reserve personnel appropriations.

6.1.2. Any amount that may be appropriated by the Congress to the Education Fund.

6.1.3. Interest earned as a result of the investment of available Education Fund cash balance in U.S. Government securities. This method of funding the educational assistance program became effective July 1, 1985.

#### 6.2 Education Fund Payments (150602)

Amounts payable to the Education Fund shall be determined using methods and assumptions approved by the DoD Education Benefits Board of Actuaries. The accounting principles contained in Chapter 16 also apply to the education benefits programs.

#### 6.3 Education Fund Transfers (150603)

Amounts to be transferred to the Education Fund shall be obligated by Components at the same time military pay is obligated as required in Volume 3, Chapter 8, and further explained in Chapter 16.

#### 6.4 Educational Fund Deposits (150604)

The Act provides for withholding a total of \$1,200 (in 12 equal monthly installments) from the basic pay of active duty military members who elect to participate in the new educational program. The Military Departments shall deposit the withheld funds to the general fund of the Treasury as miscellaneous receipts. The miscellaneous receipts subaccounts are identified in subparagraph 6.6.2, below.

#### 6.5 “Kicker” Educational Benefit (150605)

The DVA pays all claims for benefits under the educational program. The DVA also funds most of the basic educational benefits for active duty military members from a general fund appropriation. An additional benefit (i.e., the “kicker”) may be paid at the discretion of the Secretary of Defense. However, this is funded in the military personnel appropriations by the Department of Defense as are all supplemental benefits. These funds shall be paid into the Education Fund for subsequent transfer to the DVA.

#### 6.6 Education Fund Transfer to Department of Veterans Administration (150606)

The Education Fund is used to accumulate funds for transfer to the DVA to cover the DoD share of benefits. The Director, DFAS, shall account and report for the DoD Education Benefits Fund since it is an Office of the Secretary of Defense account. In addition, the Director, DFAS, shall invest the cash balances of the Education Fund not actually needed to cover transfers to the DVA for payment of benefits.

6.6.1. For amounts withheld from active duty members, a general fund proprietary receipt account has been established to which collections of military personnel contributions are deposited. However, the funds collected are treated as proprietary receipts of the DVA, rather than of the Department of Defense, with the appropriate offset against budget subfunction 702 (Veterans’ Education, Training, and Rehabilitation).

6.6.2. Even though the Department of Defense does not receive credit for the offsetting receipts, it is responsible for collecting the contributions from individuals participating in the program. To ensure proper crediting of the collected funds, all contributions shall be deposited [into Miscellaneous Receipt Account 36R2473 - Contributions from Military Personnel, Veteran’s Educational Assistance Act of 1984](#) (per capita amounts defined in 7.2). It is essential that the funds be deposited to Treasury index number “36” (DVA) rather than the index numbers for each Military Department.

## 6.7 Monthly Report for Miscellaneous Receipt (150607)

Each Military Department shall provide the DVA a monthly letter report of funds deposited to Miscellaneous Receipt Account 362473. The report shall show only the net amount deposited with no detail.

6.7.1. Submit the report in time to reach the DVA no later than the close of business on the seventh workday after the close of the reported month. The following address shall be used for sending the reports:

Department of Veterans Affairs (047H1)  
810 Vermont Avenue, NW  
Washington, DC 20420  
ATTN: C.O. Finance (047H1)

6.7.2. If the report cannot be submitted in time to reach the DVA by the seventh workday after the reported month, the Military Department shall report by facsimile machine the amount deposited. The report should be “faxed” to the DVA Central Office, Field Finance Division.

## 7.0 FUND TRANSFERS OF MILITARY PERSONNEL APPROPRIATIONS (1507)

Transfers from the military personnel appropriations to the DoD Education Benefits Fund shall be processed as indicated below. (The accounting for these amounts shall follow the accounting requirements contained in Chapter 10, Volume 4.)

### 7.1 Receipt and Expenditure Accounts. (150701)

The DoD Education Benefits Fund is classified as a trust fund and uses both receipt and expenditure accounts since it is not designated a trust revolving fund. Receipts are available immediately for expenditure; therefore, the Treasury Department requires deposits to be made using “X” symbolization for the receipt account. Deposits are made to the following trust fund receipt accounts as applicable.

7.1.1. 97X8098.1 - Employing Agency Contribution, Department of Defense, Education Benefits Fund. Payments from DoD military personnel appropriations.

7.1.2. 97X8098.2 - Earnings on Investments, Department of Defense, Education Benefits Fund. Payments of interest by Treasury on Education Fund investments in U.S. securities.

7.1.3. (62) 97X8098 - Disbursements-Unamortized Premium and Discount, Department of Defense Military Retirement and Education Benefits Funds. Purchase of premium, interest, and discount.

7.1.4. (72) 97X8098 - Receipts-Unamortized Premium and Discount, Department of Defense Military Retirement and Education Benefits Fund. Write-off and amortization of premium and discount and collection of interest purchased.

7.1.5. 20X6825.01 - Unamortized Discount, Department of Defense Military Retirement and Education Benefits Funds. Purchase of discount, write-off, and amortization of discount.

7.1.6. 20X6825.02 - Unamortized Premium, Department of Defense Military Retirement and Education Benefits Funds. Purchase of premium, write-off, and amortization of premium.

7.1.7. 20X6825.03 - Accrued Interest Purchased, Department of Defense Military Retirement and Education Benefits Funds. Purchase of interest and collection of interest purchased.

## 7.2 Timing (150702)

Transfers of funds for a given month shall be accomplished on or before the last business day of that month. If the transfers are accomplished on an estimated basis, they shall be adjusted in the subsequent month when actual figures become available.

## 7.3 Method for Transfer of Funds (150703)

7.3.1. Transfers are made on an expenditure basis. Funds shall be disbursed from the military personnel appropriations and collected into the Education Fund. The disbursement and collection transactions are accomplished using the Intragovernmental Payment and Collection System (IPAC). The disbursement and collection transactions also can be made on an SF 1081, Voucher and Schedule of Withdrawals and Credits. The disbursing officer making the payment shall forward a copy of the completed SF 1081 to the DFAS, and also report both the disbursement and collection transactions on the monthly DD Form 1329, Statement of Transactions. Completed forms shall be forwarded to the following address:

Director  
Defense Finance and Accounting Service  
Trust Fund Investment Office  
ATTN: [DFAS-JJRA](#), COLUMN 203L  
8899 E. 56<sup>TH</sup> Street  
Indianapolis, IN 46249  
Fax Number: (317)275-0247  
E-mail Address: [CIN-JJRA@dfas.mil](mailto:CIN-JJRA@dfas.mil)

7.3.2. The total amount transferred from the military personnel appropriation to the Education Fund shall be detailed by the Military Service obligation program and reported on the face of the SF 1081 or on a separate attachment.

## \*7.4 Calculation of Transfers (150704)

Transfers to the Education Fund from the active duty and reserve component personnel appropriations shall be accomplished monthly. The amounts to be transferred shall be calculated using the formulas provided in subparagraphs 7.4.1 and 7.4.2, below, which are based on existing legislation and, therefore, subject to change upon any enacted amendments. The per capita amounts to be used in the calculations shall be determined by the DoD Office of the Actuary using

methods and assumptions approved by the DoD Education Benefits Board of Actuaries. The per capita amount is the per-person normal cost potentially offset by an amount related to amortizing a surplus (if this particular service or Reserve Component's portion of the Fund as determined by the Office of the Actuary for a particular program has a surplus). This information shall be provided to the Military Departments when it becomes available.

\* 7.4.1. Active Duty Appropriations. The per capita normal cost multiplied by the number of new entrants who become eligible during the month. Eligibility is defined in subparagraph 2.3.1, above.

7.4.1.1. The Services shall report monthly to DFAS, and DFAS shall report monthly in their trial balance, the total amount of per capita contributions for each combination of benefit level and years of obligated service. The report shall specify how such amounts are derived in terms of the number of members for the current month, reconciling corrections from the prior month (if any), and the per capita amounts used in such calculations. These amounts should be reported separately from contributions that fund other programs.

7.4.1.2. The Services shall pay an amortization payment into the Department of Defense Education Benefits Fund on October 1st of each year to reduce the fund's liability. The amount of the contribution, if any, for each Component shall equal the amount specified in the letter for the current fiscal year issued by the Department of Defense Education Benefits Board of Actuaries to the Secretary of Defense.

7.4.1.3. To ensure proper crediting of contributions made to DFAS, the Services shall reference the following account titles:

**Active Army**

Basic Selected Skill Benefit

2 Year Obligation \$150 per month "kicker"  
2 Year Obligation \$250 per month "kicker"  
2 Year Obligation \$350 per month "kicker"  
2 Year Obligation \$450 per month "kicker"  
2 Year Obligation \$550 per month "kicker"  
2 Year Obligation \$650 per month "kicker"  
2 Year Obligation \$750 per month "kicker"  
2 Year Obligation \$850 per month "kicker"  
2 Year Obligation \$950 per month "kicker"  
3 Year Obligation \$150 per month "kicker"  
3 Year Obligation \$250 per month "kicker"  
3 Year Obligation \$350 per month "kicker"  
3 Year Obligation \$450 per month "kicker"  
3 Year Obligation \$550 per month "kicker"  
3 Year Obligation \$650 per month "kicker"  
3 Year Obligation \$750 per month "kicker"  
3 Year Obligation \$850 per month "kicker"  
3 Year Obligation \$950 per month "kicker"

4 Year Obligation \$150 per month “kicker”  
4 Year Obligation \$250 per month “kicker”  
4 Year Obligation \$350 per month “kicker”  
4 Year Obligation \$450 per month “kicker”  
4 Year Obligation \$550 per month “kicker”  
4 Year Obligation \$650 per month “kicker”  
4 Year Obligation \$750 per month “kicker”  
4 Year Obligation \$850 per month “kicker”  
4 Year Obligation \$950 per month “kicker”  
5 Year Obligation \$150 per month “kicker”  
5 Year Obligation \$250 per month “kicker”  
5 Year Obligation \$350 per month “kicker”  
5 Year Obligation \$450 per month “kicker”  
5 Year Obligation \$550 per month “kicker”  
5 Year Obligation \$650 per month “kicker”  
5 Year Obligation \$750 per month “kicker”  
5 Year Obligation \$850 per month “kicker”  
5 Year Obligation \$950 per month “kicker”  
6 Year Obligation \$150 per month “kicker”  
6 Year Obligation \$250 per month “kicker”  
6 Year Obligation \$350 per month “kicker”  
6 Year Obligation \$450 per month “kicker”  
6 Year Obligation \$550 per month “kicker”  
6 Year Obligation \$650 per month “kicker”  
6 Year Obligation \$750 per month “kicker”  
6 Year Obligation \$850 per month “kicker”  
6 Year Obligation \$950 per month “kicker”

Amortization Payment – Active Army

Post-Vietnam Era Voluntary and Involuntary Separatees  
(Category 3)

National Call to Service – 12 months

National Call to Service – 36 months

Active Army – Benefits Transferred to Dependents

**Active Navy**

## Basic Selected Skill Benefit

4 Year Obligation \$150 per month “kicker”  
4 Year Obligation \$250 per month “kicker”  
4 Year Obligation \$350 per month “kicker”  
4 Year Obligation \$450 per month “kicker”  
4 Year Obligation \$550 per month “kicker”  
4 Year Obligation \$650 per month “kicker”  
4 Year Obligation \$750 per month “kicker”  
4 Year Obligation \$850 per month “kicker”  
4 Year Obligation \$950 per month “kicker”

## Amortization Payment – Active Navy

Post Vietnam Era Voluntary and Involuntary Separates  
(Category 3)

National Call to Service – 12 months  
National Call to Service – 36 months

## Active Navy – Benefits Transferred to Dependents

**Active Marine Corps**

## Basic Selected Skill Benefit

4 Year Obligation \$150 per month “kicker”  
4 Year Obligation \$250 per month “kicker”  
4 Year Obligation \$350 per month “kicker”  
4 Year Obligation \$450 per month “kicker”  
4 Year Obligation \$550 per month “kicker”  
4 Year Obligation \$650 per month “kicker”  
4 Year Obligation \$750 per month “kicker”  
4 Year Obligation \$850 per month “kicker”  
4 Year Obligation \$950 per month “kicker”  
5 Year Obligation \$150 per month “kicker”  
5 Year Obligation \$250 per month “kicker”  
5 Year Obligation \$350 per month “kicker”  
5 Year Obligation \$450 per month “kicker”  
5 Year Obligation \$550 per month “kicker”  
5 Year Obligation \$650 per month “kicker”  
5 Year Obligation \$750 per month “kicker”  
5 Year Obligation \$850 per month “kicker”  
5 Year Obligation \$950 per month “kicker”

## Amortization Payment – Active Marine Corps



Post Vietnam Era Voluntary and Involuntary Separatees  
(Category 3)

National Call to Service – 12 months  
National Call to Service – 36 months

Active Marine Corps – Benefits Transferred to Dependents

**Active Air Force**

Basic Selected Skill Benefit

4 Year Obligation \$150 per month “kicker”  
4 Year Obligation \$250 per month “kicker”  
4 Year Obligation \$350 per month “kicker”  
4 Year Obligation \$450 per month “kicker”  
4 Year Obligation \$550 per month “kicker”  
4 Year Obligation \$650 per month “kicker”  
4 Year Obligation \$750 per month “kicker”  
4 Year Obligation \$850 per month “kicker”  
4 Year Obligation \$950 per month “kicker”

Amortization Payment – Active Air Force

Post Vietnam Era Voluntary and Involuntary Separatees  
(Category 3)

National Call to Service – 12 months  
National Call to Service – 36 months

Active Air Force – Benefits Transferred to Dependents

NOTE: In the future, account numbers will be assigned to each account title by DFAS. When new benefit programs are added, the Services and DFAS shall create and use new account numbers and titles as needed to ensure proper crediting of contributions.

\* 7.4.2. Reserve and National Guard Appropriations. Per capita amounts and amortization payments required.

7.4.2.1. The per capita amount cost is multiplied by the number of Reserve Component members who become eligible during the preceding month. Eligibility is defined in subparagraph 2.3.2, above. A contribution is made for an eligible member only one time. Eligibility date is established in the Notice of Basic Eligibility also described in subparagraphs 3.3.2 and 3.3.3. This eligibility date never changes.

7.4.2.2. The per capita amount is multiplied by the number of Reserve Component members who become eligible during the [preceding](#) month. Eligibility is defined in subparagraph 2.3.3, above (REAP). A contribution is made for an eligible member only one time. Eligibility date is established when the member has completed the minimum service requirement as specified in subparagraphs 2.3.3.1 through 2.3.3.3, above.

\* 7.4.2.2.1. The amount of the contribution for each member (i.e., the per capita amount) shall equal the amount specified in the letter for the current fiscal year issued by the Department of Defense Education Benefits Board of Actuaries, corresponding to one of the three benefit levels - 90 days, 1 year, or 2 years ((10 U.S.C. 16162(c)(4)) - based on the length of the member's activation orders or based on the members who actually served 90 days or more if the activation orders are for less than 90 days. In this context, "activation orders" refers to the maximum level of consecutive qualifying service the member is anticipated to obtain for the current mobilization event. For example, if a member is called up for 120 days to complete required training in preparation for activation or deployment, and the member is scheduled to be activated for 15 months following the training (with a short break in between the two), the component shall contribute based on the 1-year benefit level when the member reaches the 90-day point during the training.

7.4.2.2.1.1. The Components shall track whether members have previously reached the qualifying 90-day threshold.

7.4.2.2.1.2. No contribution shall be made for a member who subsequently reaches the initial 90-day threshold, if a contribution has already been made.

7.4.2.3. The Reserve Components shall report monthly to DFAS, and DFAS shall report monthly in their trial balance, the total amount of per capita contributions for 10 U.S.C. Chapter 1606; to include the breakout by basic and kicker, and within kicker, by kicker benefit level. The report shall specify how such amounts are derived in terms of the number of members for the appropriate month, reconciling corrections from the prior month(s) (if any), and the per capita amounts used in such calculations. These amounts should be reported separately from contributions that fund other programs.

7.4.2.4. The Reserve Components shall report monthly to DFAS the total amount of per capita contribution for each of the three benefit levels (90 days, 1 year, or 2 years) for 10 U.S.C. Chapter 1607. The report shall specify how such amounts are derived in terms of the number of members for the appropriate month, reconciling corrections from the prior month(s) (if any), and the per capita amounts used in such calculations. These amounts should be reported separately from contributions that fund other programs.

7.4.2.5. If required due to a program's unfunded liability, the Reserve Components shall pay an amortization payment into the Department of Defense Education Benefits Fund on October 1st of each year to reduce the funds liability. One payment shall be made for 10 U.S.C. Chapter 1606 and a separate payment shall be made for 10 U.S.C. Chapter 1607. The amount of the contribution, if any, for each component shall equal the amount specified in the letter for the current fiscal year issued by the Department of Defense Education Benefits Board of Actuaries to the Secretary of Defense.

7.4.2.6. To ensure proper crediting of contributions made to DFAS, the Reserve Components shall reference the following account titles:

**Army Reserve**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Army Reserve

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly "kicker" benefit

\$200 monthly "kicker" benefit

\$350 monthly "kicker" benefit

Amortization (10 U.S.C. Chapter 1606) – Army Reserve

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Army Reserve

**Army National Guard**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Army National Guard

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly "kicker" benefit

\$200 monthly "kicker" benefit

\$350 monthly "kicker" benefit

Amortization (10 U.S.C. Chapter 1606) – Army National Guard

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Army National Guard

**Navy Reserve**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Navy Reserve

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly “kicker” benefit

\$200 monthly “kicker” benefit

\$350 monthly “kicker” benefit

Amortization (10 U.S.C. Chapter 1606) – Navy Reserve

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Navy Reserve

**Marine Corps Reserve**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Marine Corps Reserve

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly “kicker” benefit

\$200 monthly “kicker” benefit

\$350 monthly “kicker” benefit

Amortization (10 U.S.C. Chapter 1606) – Marine Corps Reserve

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Marine Corps Reserve

**Air Force Reserve**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Air Force Reserve

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly “kicker” benefit

\$200 monthly “kicker” benefit

\$350 monthly “kicker” benefit

Amortization (10 U.S.C. Chapter 1606) – Air Force Reserve

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Air Force Reserve

**Air National Guard**

Selected Reserve Benefit (10 U.S.C. Chapter 1606)

Air National Guard

Critical Skill or Critical Unit Benefit (10 U.S.C. Chapter 1606)

\$100 monthly “kicker” benefit

\$200 monthly “kicker” benefit

\$350 monthly “kicker” benefit

Amortization (10 U.S.C. Chapter 1606) – Air National Guard

Educational Benefits for Reservists in Support of Contingency Operations (10 U.S.C. Chapter 1607)

Mobilized 90 Days

Mobilized 1 year but not 2

Mobilized 2 years or more

Amortization (10 U.S.C. Chapter 1607) Air National Guard

NOTE: In the future, account numbers will be assigned to each account title by DFAS. When new benefit programs are added, the Services and DFAS shall create and use new account numbers and titles as needed to ensure proper crediting of contributions.

## 8.0 FUND TRANSFERS TO DVA (1508)

Transfers from the DoD Education Benefits Fund to the DVA shall be processed as follows:

### 8.1 General Fund Appropriation Transfer Account (150801)

The DFAS shall transfer funds to the DVA on an expenditure basis. This is required because VA pays the benefits from general fund appropriation account 36X0137 - Readjustment Benefits, Veterans Administration.

### 8.2 IPAC Transactions (150802)

The actual transaction is accomplished by using IPAC. The DVA will provide DFAS a letter of intent to disburse prior to making any IPAC transactions. This request will be sent [CIN-JJRA@dfas.mil](mailto:CIN-JJRA@dfas.mil). The DVA will report the collection into 36X0137 on its DD Form 1329.

## 9.0 PAYROLL DEDUCTIONS (1509)

### 9.1 Order of Precedence for Deductions (150901)

Deductions from pay for the education benefits program are governed by the order of precedence for deductions from gross pay established by the [Treasury Financial Manual, Volume 1, Part 3, Chapter 7000, "Allotments and Assignment of Pay."](#) The order of precedence shall be used when the gross entitlement payment is not sufficient to permit all deductions to be made. The order of precedence is in Volume 7.

### 9.2 Participation Election Criteria (150902)

When an individual enters on active duty as a member of the Armed Forces, participation in the education benefits program is automatic, unless the service member makes an election not to enroll for education benefits using [DD Form 2366](#), Montgomery GI Bill Act of 1984 Basic Enrollment. Once enrolled in the program, a reduction of the service member's pay becomes mandatory. The deduction is considered an "Indebtedness Due the United States." Therefore, it ranks ahead of state income taxes and all other deductions of lower precedence. Within the "Indebtedness" category, it takes precedence below any debts due to the Department of Defense since the reduction is deposited to a civil agency account.

### 9.3 Selected Reserve Participation (150903)

In the case of a member of the Selected Reserve, the Secretary of Defense shall collect from the individual an amount equal to \$1,200 not later than 1 year after completion by the individual of the 2 years of service on active duty providing the basis for such entitlement. Collection may be made through a reduction in basic pay or through such other method as the Secretary of Defense considers appropriate.

## 10.0 REFUNDS OR ERRONEOUS DEDUCTIONS (1510)

Refunds or erroneous deductions from active duty members shall be processed as follows:

### 10.1 Current Year Deductions (151001)

If the refund takes place within the same fiscal year as the erroneous deduction was made, the payment to an active duty member shall be charged to miscellaneous receipt account 362473. Such transactions will reduce the monthly deduction deposited to miscellaneous receipt account 362473 and reported to the DVA.

### 10.2 Prior Year Deductions (151002)

If the refund takes place after the close of the fiscal year in which the erroneous deduction was made, the payment to an active duty member shall be made from Treasury appropriation 20X1807 - Refund of Monies Erroneously Received and Covered. Such payments shall be reported routinely on the Military Department's monthly Statement of Transactions. The Treasury Department shall be contacted by telephone if payments from 20X1807 in excess of \$100,000 are to be made in a given month. The report shall be provided to the Credit and Debt Management Branch, Financial Management Service.

## 11.0 COLLECTION OF EDUCATIONAL DEBTS OWED TO THE GOVERNMENT (1511)

Collection of educational debts owed to the government by members of the Selected Reserve shall be processed as follows.

### 11.1 Selective Reserve Participation Refunds (151101)

Members of the Selected Reserve receiving educational assistance benefits under Title 10 U.S.C. Chapter 1606, and who fail to participate satisfactorily in required reserve training, may be required to refund an amount to the United States. This amount is calculated in accordance with the formula established in Title [10 U.S.C. 16135\(b\)\(1\)](#).

### 11.2 Selective Reserve Participation Refund Calculation (151102)

The refund shall equal the product of the following:

11.2.1. The number of months of obligated service remaining under the agreement entered into by the reservist divided by the original number of months of the original obligation.

11.2.2. The total amount of educational assistance provided to the reservist increased by interest equal to the highest rate being paid by the Treasury on securities having maturity of 90 days or less on the day on which the refund is determined to be due. The interest shall accrue from the day on which the reservist first is notified of the amount due to the U.S. Government as a refund.

**11.3 Selective Reserve Data Collection Requirements (151103)**

Each Military Department shall maintain data on Selected Reserve members who are:

11.3.1. Eligible for educational assistance.

11.3.2. Fail to participate satisfactorily.

11.3.3. Not excused from the responsibility to refund overpayments received under the Selected Reserve educational assistance program.

**11.4 Collection of Debts Owed (151104)**

Responsibility for administering the collection of debts owed to the program has not been established. This matter will be addressed in the memorandum of understanding with the DVA covering financial matters. The Military Departments shall be advised of the determination when the memorandum of understanding is ratified.

**11.5 Reporting Requirements for Education Benefits Programs (151105)**

The reporting requirements and related standards contained in Chapter 13, Volume 4, also apply to the education benefits programs.



## VOLUME 12, CHAPTER 16: “MILITARY PERSONNEL ENTITLEMENT PROGRAMS”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [October 2015](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks, format, and renumbered sections and paragraphs in accordance with standard operating procedures.	Revision
1.3 (160103)	Added an “Authoritative Guidance” paragraph and incorporated the appropriate references.	Addition
2.0 (1602)	Moved the “Definitions” section and added a definition for capitation payments.	Revision
5.3 (160503)	Incorporated requirements to align with the Department of Defense Instruction (DoDI) 6070.02, “Department of Defense Medicare-Eligible Retiree Health Care Fund Operations.”	Addition
5.7 (160507)	Added information for Medicare-Eligible Retiree Health Care reimbursements.	Addition
5.9.2.2.2. (160509.B.2.b)	Changed the “Uniformed Services Family Health Plan” to the “Designated Provider Program,” effective October 1, 2012.	Revision
5.9.4.2.3.1. (160509.D.2.c.(1))	Added clarifying language to ingredient costs.	Revision

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## CHAPTER 16

**MILITARY PERSONNEL ENTITLEMENT PROGRAMS**

## 1.0 GENERAL (1601)

## 1.1 Overview (160101)

Entitlements Programs are legally established benefits available to any person or unit of government meeting eligibility requirements established by law. Authorizations for entitlements constitute a binding obligation on the part of the Federal Government, and eligible recipients may have legal recourse if the obligation is not fulfilled. Legislation authorizing entitlements does not necessarily include a corresponding appropriation of funds, thus subsequent enactment of appropriations may be necessary.

## 1.2 Purpose (160102)

This chapter prescribes the accounting policy for two entitlement programs established for Department of Defense (DoD) military personnel. The entitlement programs are the Military Retirement Fund (MRF) and the Medicare-Eligible Retiree Health Care Fund (MERHCF).

## \*1.3 Authoritative Guidance (160103)

The accounting policy and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.3.1. Title 10, United States Code, sections 1461 – 1467 ([10 U.S.C. §§ 1461 - 1467](#)), Chapter 74, “Department of Defense Military Retirement Fund.”

1.3.2. [10 U.S.C. §§ 1111 - 1117](#), Chapter 56, “Department of Defense Medicare-Eligible Retiree Health Care Fund.”

1.3.3. Office of Management and Budget ([OMB Circular A-11](#)), Section 20, “Terms and Concepts.”

1.3.4. [OMB Circular A-136](#), “Financial Reporting Requirements.”

1.3.5. DoD Instruction ([DoDI 6040.40](#)), “Military Health System Data Quality Management Control Procedures.”

1.3.6. [DoDI 7770.01](#), “Reporting Requirements for Retired Uniformed Service Pay File Extracts.”

1.3.7. [DoD 6010.13-M](#), “Medical Expense and Performance Reporting System for Fixed Military Medical and Dental Treatment Facilities.”

1.3.8. [Actuarial Standards Board](#) (ASB) provides a list of definitions from the Actuarial Standards of Practice and Actuarial Compliance Guidelines of the ASB.

1.3.9. [DoD Office of the Actuary](#) (OACT) provides actuarial expertise on all matters relating to military compensation and benefits.

1.3.10. [DoD Agency Financial Report](#). The Under Secretary of Defense (Comptroller) (USD(C)) website publishes the “Military Retirement Fund Audited Financial Report,” and the “Medicare-Eligible Retiree Health Care Fund Audited Financial Statements” on the DoD Agency Financial Report web page. Both financial reports are shown on the web page as “MRF” and “MERHCF,” respectively.

## \*2.0 DEFINITIONS (1602)

The following terms and their definitions apply to this chapter.

### 2.1 Capitation Payments (160201)

These are payments agreed upon in a capitated contract by a health insurance company and a medical provider. They are fixed, pre-arranged monthly payments received by a physician, clinic or hospital per patient enrolled in a health plan, or per capita.

### 2.2 Cost (160202)

The price or cash value of the resources used to produce a program, project, or activity (OMB Circular A-11).

### 2.3 Federal Financial Statements ([160203](#))

Principal financial statements and reporting information applicable to the MERHCF include the Balance Sheet, Statement of Net Cost, Statement of Changes in Net Position, Statement of Budgetary Resources, notes to financial statements and required supplementary information as required by [OMB Circular A-136](#).

### 2.4 Medicare-Eligible ([160204](#))

With respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 [U.S.C § 1395c](#) et seq).

### 2.5 Military Treatment Facilities ([160205](#))

A medical facility (hospital or clinic) operated by one or more of the Uniformed Services.

## 2.6 Normal Cost Contribution (160206)

Amounts paid into [MERHCF](#) from the “Military Personnel, Reserve Personnel and National Guard Personnel” appropriations to fund future benefits payable from [MERHCF](#), attributable to military service rendered in the current fiscal year. Contribution amounts are based on the normal cost per capita rates (developed by the DoD OACT) multiplied by the expected average force strength (in the President’s Budget) for that fiscal year ([available on the DoD OACT website](#)).

## 2.7 Per Capita Normal Cost Rates (160207)

Average per Uniformed Service member actuarial rate developed by the DoD OACT.

## 2.8 Refund (160208)

The return of excess [payments](#) to or by the Government retired or retainer pay. The gross entitlement for a member based on conditions of the retirement law, pay grade, years of service for basic pay, years of service for percentage multiplier, percentage of disability, if applicable, and date of retirement (transfer) [in accordance with](#) DoDI 7770.01.

## 2.9 Uniformed Services Retiree Health Care Programs (160209)

The provisions of [Title 10](#) or any other provision of law creating an entitlement to or eligibility for health care (services) for a member or former member of a participating uniformed service who is entitled to retired or retainer pay and an eligible dependent under such program.

## 3.0 GENERAL ACCOUNTING POLICY FOR ENTITLEMENT PROGRAMS (1603)

### 3.1 Payment of Benefits (160301)

Entitlement programs are divided into three categories according to the events that give rise to benefit payments: payments based on individual eligibility, payments required by law, and reimbursable events. These categories are accounted for as follows:

3.1.1. Individual Eligibility. When the program is administered by a federal agency, entitlement benefits based on individuals meeting eligibility requirements of a program [must](#) be recorded as a liability and an expense when the eligibility requirements are met (as determined by program officials). The recorded liability and expense [must](#) cover all expected payments for the current period of eligibility. Payments to recipients reduce the recorded liability.

3.1.2. Compliance with Statutory Laws. When payments are authorized (through appropriation and allotment of funds) for disbursement pursuant to legal requirements with no specific action required of the recipients, a liability and expense [must](#) be recorded when the appropriated funds are allotted to the applicable program. The recorded liability and expense [must](#) cover the total amount to be disbursed. As payments are made, the liability [must](#) be reduced.

3.1.3. Reimbursable Events. When payments are based on the occurrence of a specific event for which costs are reimbursable under an entitlement program, a liability **must** be recorded when the event occurs. If the reimbursement is based on end-of-period reports from program administrators, an estimated amount **must** be accrued at the end of a reporting period.

### 3.2 Identifiable Refunds (160302)

When the expense for payments made under an entitlement program exceeds the appropriation (permissible for certain programs under special statutory authority), the source of the related funds **must** be clearly identified. If the funds were borrowed, the appropriate liability account **must** be established.

### 3.3 Suspension of Payments (160303)

When substantiated doubt exists on the continued entitlement of a military retiree or annuitant to receive benefit payments and payments on an account are suspended, the Defense Finance and Accounting Service (DFAS) **must** cease obligating on the subject account for retired pay, retainer pay, or annuitant benefits. Previously obligated amounts **must** be deobligated to the extent of recoveries on previous payments or amounts held in a suspense account. Although this procedure is directed primarily at suspected death status accounts, it applies equally to other situations that may terminate entitlement. Examples of other situations include (but are not limited to) employment by a foreign government, renouncing U.S. citizenship, remarriage of a surviving spouse, and certain student annuitants dropping out of school.

## 4.0 ACCOUNTING POLICY FOR THE ACCRUAL AND INVESTMENT OF MRF (1604)

### 4.1 Retired Pay Entitlements (160401)

Retired military pay is a pension program established by 10 U.S.C. §§ 1461 – 1467 and administered by the Secretary of the Treasury. The MRF **must** be used for the accumulation of funds in order to finance on an actuarially sound basis, liabilities of the DoD under military retirement and survivor benefit programs. As such, the program fits under the category of entitlement authority as defined by 2 U.S.C. § 622(9).

### 4.2 MRF Assets (160402)

In accordance with 10 U.S.C. §1462, “Assets of Fund,” the following deposits are made into the DoD MRF, which constitute the assets of MRF:

4.2.1. Amounts paid into the MRF from the “Military Personnel, Reserve Personnel and National Guard Personnel” appropriations representing future retirement and survivor benefits being accrued by members performing current service.

4.2.2. Amounts paid into the MRF from the U.S. Department of the Treasury (Treasury) as an unfunded liability and Concurrent Receipt normal cost payment.

4.2.3. Interest earnings on investments in government securities made by the Treasury and the payment of the par values of these securities at maturity.

#### 4.3 Unfunded MRF Liabilities (160403)

Determinations of funding contribution amounts for the current portion of retired military benefits and amounts required to liquidate the unfunded portion of the MRF are as follows:

4.3.1. Amounts necessary to fund present and future benefits payable to military retirees and their survivors **must** be based on actuarial funding determinations by the DoD OACT, using methods and economic assumptions (including the inflation, interest, and salary rates) approved by the DoD Board of Actuaries and in accordance with [10 U.S.C. § 1465](#). DoD Components **must** include sufficient funds to be transferred to the MRF, as determined by the DoD OACT, in their Military Personnel (MILPERS) appropriation budgets.

4.3.2. The annual amount required to liquidate the unfunded liability of the MRF **must** be calculated by the DoD OACT, in accordance with methods and assumptions approved by the DoD Board of Actuaries.

4.3.3. Amounts to be transferred to the MRF for retired pay accrual **must** be obligated by the DoD Components at the same time military retired pay is obligated, as required in Volume 4, Chapter 10.

4.3.4. Entitlements for former spouse payments from military retired pay and survivor benefits annuities are described in Volume 7B, Chapter 29. Payments of authorized and accrued benefits **must** be made from the MRF, a trust fund established under Public Law 98-94, in accordance with [10 U.S.C. § 1463](#).

4.3.5. Calculations of funding amounts for the current portion of retired military benefits **must** be performed centrally by the Military Departments for Active, Reserve, and National Guard military personnel. The calculations **must** employ retired military pay accrual percentages published annually by the Office of the Secretary of Defense (OSD) and **must** be applied to the total base pay amount calculated. The term "base pay" means outlays for basic pay.

#### 4.4 Investment of MRF Cash Balances (160404)

The Investment Fund Manager, DFAS, is responsible for investing cash balances of the MRF not needed to cover current retirement payments. Investments are limited to Market-Based U.S. Government Special Securities issued by the Treasury (see [10 U.S.C. § 1467](#)).

#### 4.5 Calculation of Retired Pay Benefits (160405)

Retired pay benefits **must** be calculated (see Volume 7B, Chapter 3) and paid by DFAS.



#### 4.6 Reimbursements of Retired Military Pay (160406)

All reimbursements made to DoD Components in accordance with the guidance contained in [Volume 11A, Chapter 6](#) for retired military pay **must** be credited to the applicable MILPERS appropriation account. The annual reimbursable rates are also available online at the Office of the Under Secretary of Defense (Comptroller) ([OUSDC](#)) public website under the “Quick Links” section; select the “DoD Reimbursable Rates.”

#### 4.7 Accounting for MRF Obligations and Accruals (160407)

Using DoD Board of Actuarial approved relevant actuarially percentages for obligations and accruals, military pay active duty accounts and Reserve and National Guard personnel accounts **must** be accounted for as follows:

4.7.1. Amounts equating to an actuarially determined percentage of basic pay **must** be obligated each month for subsequent payment to the MRF.

4.7.2. Accounting for the direct program **must** be at the budget sub-activity level prescribed in [Volume 2A, Chapter 2](#). Accounting for the reimbursable program may use a simplified structure to include basic pay, retired pay accrual, and other.

4.7.3. The amount accrued for retired pay **must** be obligated each month. At the end of the month, amounts obligated for retired pay accrual **must** be disbursed. If information on the total entitlement and total expenditures is not available at the end of the month, estimates may be used and appropriate adjustments made when the actual amounts become known.

4.7.4. Release of funds **must** be consistent with budgetary authority. An undelivered order entry **must** be made at the beginning of each month to accrue the estimated MRF obligations to the members. Before the end of each month, the actual obligations **must** be recorded and an accrued expenditure (paid or unpaid, as applicable) established. The corresponding disbursement of funds **must** agree with the reported outlay and amount obligated.

4.7.5. All military pay accounting systems **must** provide for the recording of obligations for basic pay separate from other kinds of pay and allowances. However, the liquidation of obligations for pay and allowances may be on a gross basis. If the actual amount of basic pay disbursed is not known at the end of the month, an estimated retired pay obligation to be liquidated and disbursed to the MRF may be developed by a formula such as: multiplying the estimated basic pay by the retired pay accrual percentage (provided by the DoD OACT).

4.7.6. [The Military Departments must also obligate and disburse amounts calculated for the retired pay accrual in the applicable military pay for Active, Reserve, and National Guard accounts; and disbursements for retired pay benefits accruals must be deposited, via the Intra-Governmental Payment and Collection \(IPAC\) system, at the end of each month to trust fund receipt account 097X8097.001, “Employing Agency Contribution, Department of Defense Military Retirement Fund.”](#) The associated disbursement and collection transactions must be supported using a Standard Form (SF) 1081, “Voucher and Schedule of Withdrawals and Credits.” The SF 1081 **must** be

properly certified prior to submission to the DFAS Trust Fund Accounting and Reporting (TFAR) division. The disbursing officer making the payment also **must** process the collection, forward a copy of the completed SF 1081 to DFAS TFAR, and report both the disbursement and collection transactions on the monthly SF 1220, “Statement of Transactions (According to Appropriations, Funds, and Receipt Accounts).” The DFAS copy of the SF 1081, with all supporting documentation, **must** be transmitted electronically, immediately upon completion of the transactions, so that the deposit may be recorded in the MRF as soon as possible and the funds invested.

#### 4.8 Accounting for MRF Appropriations (160408)

The permanent indefinite appropriations, 097\_0040, “Payments to Military Retirement Fund, Defense,” and 097\_0041, “Concurrent Receipt Accrual Payments to the Military Retirement Fund, Defense,” are accounted for as follows:

4.8.1. At least 3 weeks before the end of the fiscal year, the Secretary of Defense **must** provide the Secretary of the Treasury with a certification of the amounts, as determined using methods and assumptions approved by the DoD Board of Actuaries that should be deposited to these accounts for the ensuing fiscal year. The certification **must** include the amounts needed to fund the amortization of the original unfunded liability for military retirement, any other unfunded liability resulting from benefit structure changes and actuarial gains or losses, and the portion of the accrual charge to be funded by the Treasury. A copy of the certification **must** be sent directly to:

Department of the Treasury  
Bureau of the Fiscal Service  
Budget Reports Division  
3201 Pennsy Drive, Building E  
Landover, MD 20785-1603

4.8.2. Upon receipt of the certification, the Treasury provides the **Fiscal Service (FS) Form 6200**, “Department of the Treasury Appropriation Warrant,” for the amount certified. The Warrant **must** be dated October 1 and provided to DFAS on or before that date so that the funds are available for immediate investment in the new fiscal year.

4.8.3. On October 1, DFAS is required to: (1) record the **FS Form 6200** to 097\_0040, “Payments to **Military Retirement Fund**, Defense;” (2) disburse the entire amount from 097\_0040, and (3) deposit it to trust fund receipt account 097X8097.003, “Federal Contribution, **Department of Defense Military Retirement Fund**.”

4.8.4. The DoD MRF is classified as a trust fund and makes use of both receipt and expenditure accounts since it is not designed as a trust revolving fund.

4.8.4.1. Deposits are made to the following trust fund receipt accounts as applicable:

4.8.4.1.1. 097X8097.001, “Employing Agency Contribution, Department of Defense Military Retirement Fund.” Payments from DoD Military Departments for accrual of future retired pay benefits and transfers of deposits made by Judges of the U.S. Court of Military Appeals, including interest, from 024X8135, “Civil Service Retirement and Disability Fund, Office of Personnel Management,” and the payment from the indefinite appropriation for the normal costs contribution, 097\_0041, “Concurrent Receipt Accrual Payments to the Military Retirement Fund, Defense.”

4.8.4.1.2. 097X8097.002, “Earnings on Investments, Department of Defense Military Retirement Fund.” Payment of interest by Treasury on Fund investments in U.S. securities.

4.8.4.1.3. 097X8097.003, “Federal Contribution, Department of Defense Military Retirement Fund.” Payments from the permanent indefinite appropriation for the unfunded liability, 097\_0040, “Payments to Military Retirement Fund, Defense”.

4.8.4.1.4. 097X8097, “Disbursements-Unamortized Premium and Discount, Department of Defense Military Retirement Fund.” Purchase of premium, interest, and discount.

4.8.4.1.5. 097X8097, “Receipts-Unamortized Premium and Discount, Department of Defense Military Retirement Fund.” Write-off and amortization of premium and discount and collection of interest purchased.

4.8.4.2. The Treasury account symbol for the trust fund expenditure account is 097X8097. Amounts deposited to the receipt accounts identified in subparagraph 4.8.4.1 are available immediately to the trust fund expenditure account for investment or payment of retired pay benefits.

4.8.4.2.1. Account 097X8097 **must** incorporate the same budget activity structure as the account “Retired Pay, Defense.” Accounting **must** be at least at the budget activity level, and lower level accounts **must** be established as necessary to meet reporting requirements.

4.8.4.2.2. Since account 097X8097 is an OSD account, DFAS is responsible for its overall accounting and reporting.

4.8.4.2.3. Acting for the Secretary of Defense, DFAS **must** allocate a portion of 097X8097 to each Military Department in order to fund payments of retirement benefits.

4.8.4.2.4. Annuity payments to retired Judges of the U.S. Court of Military Appeals **must** be charged to 097X8097.

#### 4.9 MRF Financial Reporting Requirements (160409)

4.9.1. DoD Components **must** report in their Statement of Operations the amount of Federal contributions (including accrued amounts), if any, made to the pension plans(s) on behalf of their employees. The agency contribution **must** not include amounts withheld from employee's compensation for submission to the plan(s).

4.9.2. DoD Components which administer programs that provide annuity benefits to eligible participants **must** recognize, for reporting purposes, an actuarial (accrued) liability for the program. Determination of the liability **must** be in accordance with applicable [Federal Accounting Standards Advisory Board](#) standards (e.g., [Statement of Federal Financial Accounting Standards \(SFFAS\) 5](#) and [SFFAS 33](#)).

4.9.2.1. For the year in which the actuarial (accrued) liability is first recorded, the initial amount of the liability **must** be reported as an accounting change, i.e., a charge to equity and an accrued liability. Thereafter, changes in the liability each year **must** be charged or credited to expense.

4.9.2.2. Footnotes to the financial statements **must** disclose the nature and amount of required agency contributions, if any. The footnotes also **must** disclose the agency responsible for reporting the pension plan's unfunded liability.

4.9.2.3. Financial information for pension plans **must** be reported in the annual financial statements of administering agencies.

4.9.2.4. The notes to the financial statements **must** include a description of the methods and significant assumptions used in computing the actuarial present value of future program benefits. Additionally, if the actuarial liability computed in accordance with these standards is different from the actuarial liability computed for funding purposes, the footnotes **must** include an adequate explanation of the basis for any significant differences between the two liabilities.

4.9.3. DFAS is responsible for preparing MRF reports in accordance with Volume 6A.

4.9.3.1. [SF 133, Report on Budget Execution and Budgetary Resources](#). DFAS **must** submit the SF 133 for all MRF expenditure accounts.

4.9.3.2. [ACCT RPT \(M\) 1002, Appropriation Status by Fiscal Year Program and Subaccounts](#). DFAS **must** submit this report for the MRF expenditure account prepared in accordance with Volume 6A, Chapter 4.

4.9.3.3. [Other Reports](#). DFAS **must** follow the instructions in Volume 6A as applicable. In addition, the Military Departments **must** comply with the monthly reporting requirements contained in Volume 6A.

4.9.4. Status of Funds. The DFAS **must** prepare a Status of Funds and forward it to the Deputy Comptroller, Program/Budget, on the fifteenth workday of the following month. The DFAS must report actual data for current fiscal year through the previous fiscal month.

## 5.0 ACCOUNTING POLICY FOR THE ACCRUAL, INVESTMENT, AND TRANSFERS OF MERHCF (1605)

### 5.1 MERHCF Purpose (160501)

MERHCF was established by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. As amended, the MERHCF pays the qualifying health care service costs of all uniformed service retiree health care programs for the benefit of members or former members of a participating service who are entitled to retired or retainer pay and are Medicare-eligible. This includes their dependents who are Medicare-eligible, and survivors who are Medicare-eligible.

### 5.2 MERHCF Entitlements (160502)

The DoD MERHCF is an OSD Special Fund and is considered an entitlement authority as defined in 2 U.S.C. § 622(9). The DoD MERHCF, administered by the Secretary of the Treasury, **must** be used for the accumulation of funds in order to finance, on an actuarially sound basis, liabilities of DoD under uniformed services health care programs for specific Medicare-eligible beneficiaries, as designated by 10 U.S.C. §§ 1111 – 1117.

### \*5.3 MERHCF Proponent (160503)

5.3.1. Assistant Secretary of Defense for Health Affairs (ASD(HA)). Under the authority, direction, and control of the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)), the ASD(HA):

5.3.1.1. Approves and issues procedures for management and operation of MERHCF.

5.3.1.2. Provides guidance and operational direction to the Director, Defense Health Agency (DHA) regarding the management and operation of MERHCF.

5.3.2. Director, DHA. Under the authority, direction, and control of the ASD(HA) the Director, DHA:

5.3.2.1. Directs and oversees the implementation of DoD policy on management and operation of MERHCF:

5.3.2.1.1. Develops and implements methods for calculating amounts to be transferred periodically from MERHCF for projected costs of uniformed service retiree health care programs for Medicare-eligible beneficiaries (purchased health care and direct health care) in accordance with 10 U.S.C. §§ 1111 – 1117.

5.3.2.1.2. Coordinates with the Chief Actuary, DoD OACT to determine any actuarial impacts to MERHCF resulting from any proposed changes to the method or methods for calculating amounts to be transferred periodically from MERHCF for the projected costs of uniformed service retiree health care programs for Medicare-eligible beneficiaries.

5.3.2.1.3. Conducts an annual execution review in coordination with the USD(C) and the Secretaries of the Military Departments to compare projected costs to the costs based on actual workload performed for Medicare-eligible beneficiaries. Provide Military Treatment Facility (MTF)-level feedback on the status of reported workload for eligible beneficiaries and the associated Fund payments for that workload.

5.3.2.1.4. Coordinates with the ASD(HA); the USD(C); the Director, DFAS; the Chief Actuary; and DoD OACT to:

5.3.2.1.4.1. Establish or update the accounting policy and financial management processes for payments to and from MERHCF.

5.3.2.1.4.2. Review and approve appropriate amounts and disclosures needed for the Federal financial statement reports and the related footnote disclosures and schedules.

5.3.2.1.4.3. Review and update MERHCF's Financial Management Committee charter as necessary.

5.3.2.1.4.4. Support annual required independent financial audits in accordance with the provisions of MERHCF's Financial Management Committee charter and support any other operational audits of MERHCF, as needed.

5.3.2.2. Reviews current and proposed legislative program changes for potential impacts to MERHCF's valuations and coordinates with the Chief Actuary, DoD OACT and the USD(C) to provide input for decision making.

5.3.3. DoD MERHCF Board of Actuaries. The MERHCF Board:

5.3.3.1. Furnishes advice and opinion to the ASD(HA) and the Director, DHA on matters referred to it as appropriate.

5.3.3.2. Reviews actuarial valuations of MERHCF. This includes review and approval of the amortization schedule for the unfunded actuarial liability to ensure the liability will be fully funded in the future.

5.3.3.3. Reports on the actuarial status of MERHCF annually to the Secretary of Defense and not less than once every four years (quadrennial report) to the President and Congress.

5.3.4. Chief Actuary, DoD OACT. The Chief Actuary, DoD OACT under the authority, direction, and control of the Director, Defense Human Resources Activity:

5.3.4.1. Coordinates with the MERHCF Board to report on the actuarial status of MERHCF annually to the Secretary of Defense and not less than once every four years (quadrennial report) to the President and Congress.

5.3.4.2. Using methods and assumptions approved by the MERHCF Board, coordinates with the USD(C) and the Director, DHA to provide the National Security Division, OMB with:

5.3.4.2.1. Annual estimates of per capita normal cost rates and total annual normal cost contribution amounts for the coming fiscal year.

5.3.4.2.2. Preliminary estimates of per capita normal cost rates and estimates of total annual normal cost contribution amounts for the succeeding fiscal year.

5.3.4.3. Using methods and assumptions approved by the MERHCF Board, coordinates with the USD(C) to:

5.3.4.3.1. Calculate the annual amounts due to MERHCF from the Secretary of the Treasury for:

5.3.4.3.1.1. The total unfunded actuarial liability amortization payment, and

5.3.4.3.1.2. The total normal cost contribution on behalf of the Secretaries of the Military Departments.

5.3.4.3.2. Provide an annual estimate of per capital normal cost rates to the participating uniformed services (the United States Coast Guard (USCG), Public Health Service (PHS), and the National Oceanic and Atmospheric Administration (NOAA)).

5.3.4.4. Coordinates with the ASD(HA), and the Director, DHA to provide to the USD(C), the Secretaries of the Military Departments, Secretaries of the Uniformed Services and the Director, DFAS:

5.3.4.4.1. Notification of all public meetings and decisions made by the MERHCF Board.

5.3.4.4.2. Annual estimates of the per capita normal cost rates and total projected normal cost contribution amounts to MERHCF.

5.3.4.4.3. Annual estimates of total projected outlays from MERHCF.

5.3.4.4.4. Annual adjustments and schedules needed for Federal financial statement reports.



5.3.4.5. Reviews current and proposed legislative and regulatory program changes for potential impacts to MERHCF's actuarial valuations and coordinates with the Director, DHA and the USD(C) to provide input for decision making as applicable.

5.3.4.6. Coordinates with the ASD(HA) to determine any actuarial impacts to MERHCF of any proposed changes to the method or methods for calculating amounts to be transferred periodically from MERHCF.

5.3.5. USD(C). The USD(C) prepares the total unfunded liability amortization payment plus the total normal cost contribution for certification by the Secretary of Defense, on behalf of the Military Department Secretaries, to the Secretary of the Treasury using the annual amounts due to MERHCF calculated by the DoD OACT.

5.3.6. Director, DFAS. The Director, DFAS under the authority, direction and control of the USD(C), coordinates with the Secretary of the Treasury, the Chief Actuary, DoD OACT, the Secretaries of the Military Departments, the Secretaries of the participating Uniformed Services, and/or the Director, DHA as applicable, to:

5.3.6.1. Manage MERHCF's investments in accordance with the provisions of 10 U.S.C § 1117.

5.3.6.2. Establish the necessary accounts for MERHCF.

5.3.6.3. Develop financial management processes for payments to and from MERHCF and establish or update them.

5.3.6.4. Develop, report and approve appropriate amounts and disclosures needed for the Financial Statement reports and the related Footnote disclosures.

5.3.6.5. Support the annual independent financial audit of MERHCF's Federal financial statements and any other financial or operational audits of MERHCF as necessary.

5.3.6.6. Incorporate into the Planning, Programming, Budgeting, and Execution System the accounting process for contributions to MERHCF and for payments and outlays from MERHCF, in accordance with 10 U.S.C. §§ 1111 – 1117.

5.3.7. Secretaries of the Military Departments. The Secretaries of the Military Departments:

5.3.7.1. Provide current and projected personnel end strength and average strength data and estimates to the DoD OACT and USD(C) when requested.

5.3.7.2. Conduct all fund transfers, accounting, reconciliation, and other administration relating to the operation of MERHCF.



5.3.8. Administering Secretaries for the Participating Uniformed Services. The Administering Secretaries for the participating Uniformed Services include the Secretary of Homeland Security (for USCG) and the Secretary of Health and Human Services for PHS and NOAA. The Administering Secretaries for the participating Uniformed Services:

5.3.8.1. Using the annual estimate of per capital normal cost rates provided by the DoD OACT, calculate the normal cost contribution amounts using current personnel end strength and average strength data.

5.3.8.2. Coordinate with the USD(C) to transfer the calculated normal cost contributions to MERHCF consistent with 10 U.S.C. §§ 1111 – 1117.

5.3.8.3. Provide the basis for the calculation of the normal cost contribution amount to the DoD OACT, the USD(C), and the Director, DFAS.

5.3.8.4. Provide current and projected personnel end strength and average strength data to the DoD OACT and USD(C) when requested.

5.3.8.5. Provide retiree strength data to the DoD OACT when requested.

#### 5.4 MERHCF Accounts (160504)

The DoD MERHCF (097X5472, “Department of Defense, Medicare-Eligible Retiree Health Care Fund”) is classified as a Special Fund and uses both receipt and expenditure accounts. The account number 097X5472 is the special fund expenditure account. Amounts deposited to the MERHCF receipt accounts are available immediately to the special fund expenditure account for investment, payment of benefits and administrative costs. Transfers from 097X5472 **must** be reported as expenditures. Transfers received by the appropriate program accounts **must** be reported as offsetting collections and as expenditures when expenses are paid. Acting for the Secretary of Defense, DFAS **must** make amounts available from 097X5472 in order to fund all qualifying expenses. All credits (deposits) and charges (payments) to ALC 97200010 for account 097X5472 made through the IPAC system **must** be reported to Treasury using the Governmentwide Accounting (GWA) system.

5.4.1. Deposit Accounts. Deposits are made to the following special fund receipt accounts, as applicable:

5.4.1.1. 097X5472.001, “Non-DoD Employing Agency Contributions, DoD Medicare-Eligible Retiree Health Care Fund.” Payments from participating uniformed services for accrual of future health benefits.

5.4.1.2. 097X5472.002, “Earnings on Investments, DoD Medicare-Eligible Retiree Health Care Fund.” Payment of interest by Treasury on Fund investments in U.S. public debt securities.

5.4.1.3. 097X5472.003, “Federal Contributions, DoD Medicare-Eligible Retiree Health Care Fund.” Payments from the permanent indefinite appropriation for the unfunded liability – 097X0850.

5.4.1.4. 097X5472.004, “Refunds Received, DoD Medicare-Eligible Retiree Health Care Fund.” Refund of amounts previously transferred from MERHCF, which are determined to be not necessary for the purposes transferred.

5.4.1.5. 097X5472.005, “Department of Defense Contributions, DOD Retiree Health Care Fund.” DoD MERHCF payments from the Military Services.

5.4.2. Investment Accounts. The following accounts are used exclusively for investment transactions in U.S. securities, as applicable:

5.4.2.1. 097X5472 – Disbursements, Unamortized Premium and Discount. Purchase of premium, discount (CR) and interest.

5.4.2.2. 097X5472 – Receipts, Unamortized Premium and Discount. Write-off and amortization of premium and discount and collection of interest purchased.

5.4.2.3. 097X5472 – Investment in U.S. Securities (par). The par value of purchases of U.S. securities.

5.4.2.4. 097X5472 – Redemption of U.S. Securities (par). The par value of redemptions prior to maturity and the par value of matured U.S. Securities.

## 5.5 MERHCF Assets (160505)

5.5.1. Contributions. Amounts are contributed to MERHCF by DoD, other uniformed services (USCG, NOAA, and PHS), and the Treasury. These amounts must be based on determinations by the DoD OACT under methods and assumptions approved by the DoD MERHCF Board in accordance with the provisions of 10 U.S.C. §§ 1111 – 1117 as follows:

5.5.1.1. DoD. Amounts are paid into MERHCF from the “Military Personnel, Reserve Personnel and National Guard Personnel” appropriations to fund future benefits payable from MERHCF attributable to Military Service rendered in the current fiscal year.

5.5.1.2. Other Uniformed Services. Amounts paid into MERHCF from other uniformed services

5.5.2. Unfunded Actuarial Liability Payment. Amounts paid into MERHCF from a permanent indefinite general fund appropriation, 097X0850, to fund future benefits payable from MERHCF attributable to service rendered prior to October 1, 2002 (i.e., the unfunded actuarial liability) as well as all actuarial gains and losses.

5.5.3. Investment Income. Income on the invested portion of MERHCF.

5.5.4. Return of Prospective Payment Transfers. Amounts returned to MERHCF that were previously transferred to fund the payment of expenses.

## 5.6 Accounting for MERHCF Revenues (160506)

Amounts earned on investments are recorded by DFAS in accordance with the provisions of 10 U.S.C. §§ 1111 – 1117 and applicable accounting principles. DFAS deposits the amounts received for investment income into the MERHCF receipt account number 097X5472.002, “Earnings on Investments, DoD Medicare-Eligible Retiree Health Care Fund.” Amounts contributed to MERHCF by the DoD, other uniformed services, and the Treasury **must** be based on determinations by the DoD OACT under methods and assumptions approved by the DoD MERHCF Board in accordance with the provisions of 10 U.S.C. §§ 1111 – 1117:

### 5.6.1. Annual Certification Letter and Apportionment

5.6.1.1. Prior to the beginning of each fiscal year, the Secretary of Defense issues a letter certifying the amortization payment (the initial unfunded actuarial liability plus amortization of actuarial gains and losses) and the normal cost contributions (the accrued cost associated with the current year’s military service) on behalf of DoD. The normal cost contributions are determined in accordance with 10 U.S.C. §§ 1111 – 1117.

5.6.1.2. The certifying letter **must** request the Treasury to issue warrants to the DoD MERHCF payment account (097X0850) at the start of the fiscal year for the amortization payment and to the ten MERHCF contribution accounts for the normal cost accrual contributions. A copy of the letter **must** be sent directly to:

Department of the Treasury  
Bureau of the Fiscal Service  
Budget Reports Division  
3201 Pennsy Drive, Building E  
Landover, MD 20785-1603

5.6.1.3. The OUSD(C) submits an apportionment request to OMB for the ten MERHCF contribution accounts. The MERHCF contribution accounts correspond to one of the ten military personnel accounts (Active, Reserve, and National Guard).

### 5.6.2. Accounting for the Amortization of the Unfunded Actuarial Liability

5.6.2.1. Upon receipt of the certification, the Treasury provides the FS Form 6200, for the certified amortization amount. The warrant **must** be dated October 1 and provided to DFAS on or before that date so that the funds are available for immediate investment in the new fiscal year.

5.6.2.2. On October 1, DFAS **must** record the FS Form 6200, disburse the entire amortization amount from 097X0850, and deposit it to special fund receipt account 097X5472.003 – Federal Contributions, DoD MERHCF and notify the DoD OACT, the USD(C), and the Director, DHA when the payments are deposited.

### 5.6.3. Accounting for Military Pay Contributions

5.6.3.1. On the first duty day of October, Treasury issues warrants to the ten MERHCF normal cost contribution accounts. The Military Services will transmit payment to MERHCF, via facsimile or email, using an SF 1081 as supporting documentation for the IPAC.

5.6.3.2. To ensure the timely payment of funds and prevent a possible loss of interest to MERHCF, the Military Services **must** pre-coordinate their payments with the DFAS TFAR prior to the issuance of warrants by the Treasury and **must** prepare the SF 1081 to transmit payment based on the amounts certified by the Deputy Secretary of Defense.

5.6.3.3. DFAS deposits the amounts received for the normal cost contribution amounts into the MERHCF receipt account 097X5472.001, "Employing Agency Contributions, DoD Medicare-eligible Retiree Health Care Fund" and notifies the USD(C), the DoD OACT, and DHA when these payments have been deposited.

### 5.6.4. Accounting for Other Uniformed Services Contributions

5.6.4.1. The normal cost contribution payments to MERHCF for participating uniformed services **must** be computed and deposited in a manner similar to that described for the Military Services in subparagraph 5.5.1 using the rates provided by DoD OACT in accordance with the provisions of 10 U.S.C. §§ 1111 – 1117.

5.6.4.2. Payments to the MERHCF will be made at the beginning of the fiscal year to ALC 97200010 through the IPAC system. DFAS **must** credit the special fund account 097X5472.001, "Non-DoD Employing Agency Contributions, Department of Defense Medicare-Eligible Retiree Health Care Fund." Documentation supporting the deposits **must** be transmitted electronically to DFAS prior to or immediately upon completion of the transaction.

## \*5.7 Reimbursements of Medicare-Eligible Retiree Health Care (160507)

The Fiscal Year 2005 National Defense Authorization Act provides permanent, indefinite appropriations from the Treasury to finance the cost of Medicare-Eligible Retiree Health Care (MERHC) accruals beginning in fiscal year 2006, rather than from MILPERS annual appropriations. Therefore, the per capita normal cost for MERHC accruals are not billable to other DoD Agencies or Federal Agencies. 22 U.S.C. § 2761(a)(1)(C) of the Arms Export Control Act requires foreign countries or international organizations, in the case of the sale of a defense service, to pay "the full cost to the United States Government of furnishing such service." Therefore, the per capita normal cost for MERHC accruals must be included in the DoD Annual Rate Billable to Foreign Military Sales (i.e., the reimbursable rate billed to foreign countries or international organizations). Reimbursements of the per capita normal cost for MERHC accrual must be deposited into the Treasury Miscellaneous Receipts account 304100.

## 5.8 Investment of MERHCF Cash Balances (160508)

The Investment Fund Manager, DFAS, is responsible for investing cash balances of MERHCF not required to meet current withdrawals. Investments are limited to Market-Based U.S. Government Special Securities issued by the Treasury and are made in accordance with the provisions of [10 U.S.C. §§ 1111 – 1117](#). The income on such investments must be credited to receipt account 097X5472.002, “Earnings on Investments, DoD Medicare-Eligible Retiree Health Care Fund,” and form a part of MERHCF. The reporting instructions for accounts invested in the Treasury securities contained in the Treasury Financial Manual do not pertain to the DoD MERHCF (097X5472). The reporting procedures for this Fund were agreed to by Treasury’s [Bureau of the Fiscal Service](#), OMB, and DoD. These agreed upon procedures were formalized by DoD and Treasury in 1993, and DFAS [must](#) maintain documentation of the agreement.

## 5.9 Accounting for MERHCF Outlays (160509)

5.9.1. DFAS [must](#) make amounts available from the special fund, account 097X5472, for payment of qualifying expenses in accordance with the provisions of [10 U.S.C. §§ 1111 – 1117](#):

5.9.1.1. Amounts transferred from MERHCF [must](#) be merged with and available for the same purposes and for the same time period as the appropriation to which transferred in accordance with the provisions of [10 U.S.C. §§ 1111 – 1117](#).

5.9.1.2. Funds may be returned to the MERHCF within two years in accordance with the provisions of [10 U.S.C. §§ 1111 – 1117](#).

5.9.1.3. The DHA determines annual prospective payments / transfer amounts from MERHCF in accordance with [10 U.S.C. §§ 1111 – 1117](#) and the following accounting and financial management processes for two categories of health care expenses: Purchased Care and Direct Care.

5.9.2. Purchased Care. Health care purchased from non-DoD providers is paid through the Operations and Maintenance (O&M) accounts within the MERHCF under the DHA Contract Resource Management (DHA-CRM) limit code (097X5472.18D9). For Purchased Care, the DHA-CRM must provide an estimated annual expense program to DFAS and the Director, DHA, at least one month prior to the start of each fiscal year. These estimates are used by DFAS for management of the investment portfolio and effective cash management and forecasting and are used by the Director, DHA in the development of the annual distribution plan. Accounting and financial management processes for using MERHCF funds for payment of pharmacy claims and health care purchased from non-DoD providers are as follows:

5.9.2.1. A Funding Authorization Document (FAD) will be issued to DHA-CRM for MERHCF funding in the amount(s) approved on the annual/quarterly distribution plan.

5.9.2.2. DHA-CRM uses this MERHCF funding for modifications to contracts for administrative payments and for pass through costs for healthcare and pharmacy claims attributable to Medicare-eligible beneficiaries.

5.9.2.2.1. The TRICARE Dual Eligible Fiscal Intermediary Contract (TDEFIC), TRICARE Overseas Program (TOP), and TRICARE Pharmacy Program (TPHARM – Mail Order and Retail) contracts process individual healthcare claims and administrative costs including per claim administrative payments and monthly costs. These contracts utilize TRICARE Encounter Data (TED) to process healthcare and pharmacy claims as well as the claim rate associated with the claims.

\* 5.9.2.2.2. The Designated Provider Program (DPP), formerly Uniformed Services Family Health Plan (USFHP) contracts, have capitated rates by contract based upon enrollments at each DPP/USFHP hospital. Modifications to the contracts are done at least once a year to initiate a new option period and to set aside funds for the new fiscal year. Each modification for MERHCF funding is an estimate of enrollments of Medicare-eligible retirees, retiree family members, and survivors for the period of time covered by the modification (i.e. one year, one month. These plans include inpatient and outpatient services and a pharmacy benefit. The capitation rate is paid by DoD. Beneficiaries who choose enrollment in these plans are ineligible for care in MTFs as well as for benefits under the TRICARE for Life (TFL) (or other TRICARE plans) and Pharmacy programs. Prior to August 20, 2012, USFHP enrollees were not required to participate in Medicare. Beginning October 2012, a military retiree (or eligible family member) who becomes eligible for Medicare due to age may not enroll or stay enrolled in the USFHP, unless the military retiree (or eligible family member) was enrolled in the plan prior to September 30, 2012.

5.9.2.2.3. Marketing and Education contract supports the healthcare and pharmacy contracts with marketing and educational materials. Modifications to the contracts are done at least once a year to initiate a new option period.

5.9.2.3. DHA-CRM makes payments based on contract requirements and the appropriate funding source.

5.9.2.4. Validation of claims processed against MERHCF:

5.9.2.4.1. TED related health care and pharmacy claims and administrative payments are validated through a series of edits in TED and in DHA-CRM's accounting system. Edits include validation of funding source based on claim details contained in the TED records. This ensures that only costs attributable to Medicare-eligible beneficiaries have been included in payments drawn from MERHCF.

5.9.2.4.2. Modifications to contracts are not processed without the availability of MERHCF funding on the FAD. Payments are reconciled against available funding on the modifications when payments are made.

5.9.2.5. DFAS and DHA-CRM Reporting Procedures:

5.9.2.5.1. Estimated payments and collections using MERHCF funds will be reported to DFAS, as needed, by agreement with DFAS. Payments and collections include those made through all Treasury systems used by DHA-CRM.



5.9.2.5.2. At the end of every month, DHA-CRM will report to DFAS a final reconciliation of payments and collections that used MERHCF funds for the month.

5.9.2.5.3. At the end of every month, DHA-CRM will report the amounts of open accounts payable and open accounts receivable using MERHCF funds for use in Federal financial statement reporting.

5.9.3. Direct Care. Direct care is health care services provided to Medicare-eligible beneficiaries directly in MTFs of the DHA Service Medical Activities (SMAs) of the Army, Navy and Air Force and the DHA National Capital Region Medical Directorate (NCR MD).

5.9.3.1. Defense Health Program (DHP) O&M Transfers. Direct care qualifying expenses are paid through the DHP O&M account (0130188\*/18P\*) for the SMAs and the NCR MD. MERHCF transfers for benefit outlays are reported in GWA by ALC 97200010 as an increase to the DHP account 097 CY 0130 for the current fiscal year and as an increase to the expenditure account 097X5472. This must be completed by DFAS on the first workday of each quarter and reported to Treasury. Copies of the SF1081 recording the transfer must be sent by DFAS to the appropriate OUSD(C) Directorate, who must distribute the funds to DHA via a FAD.

5.9.3.2. Military Pay Reimbursements. Direct care funding amounts for MILPERS accounts of the Army, Navy and Air Force for health care provided to Medicare-eligible beneficiaries in MTFs by active duty Service personnel are processed via IPAC and reported in the same manner as other IPAC transactions. This must be completed by DFAS on the first work day of each quarter. Copies of the SF 1081 (or SF 1151, “Nonexpenditure Transfer Authorization”) supporting these transactions must be sent to the appropriate OUSD(C) Directorates and DFAS sites that account for the funds.

5.9.4. Direct Care Annual Prospective Payment Development. The Director, DHA annually develops prospective payment amounts for the estimated costs of providing health care services projected to be provided in MTFs to Medicare-eligible beneficiaries as authorized by 10 U.S.C. §§ 1111 – 1117 and in accordance with OMB Circular A-11, section 20. The annual projected expenses are transferred in quarterly increments in accordance with a distribution plan provided by DHA to DFAS approximately one month prior to the start of each fiscal year. The annual distribution plan to DFAS contains quarterly payment amounts by Uniform Service, and for the NCR MD as appropriate, for the Service MILPERS payments and the DHP O&M payments and transfers. The DHP O&M projected payment includes civilian pay expense.

5.9.4.1. Expense Allocation. The DHA bases prospective payment amounts on expenses reported by the MTF's Medical Expense and Performance Reporting System (MEPRS) and patient encounter data for the most recent fiscal year for which data is complete at the time the calculations are prepared. MEPRS expense data are recorded as MILPERS and DHP O&M components of costs per individual patient encounter to develop a workload Level of Effort (LOE) for each Service and the NCR MD for that fiscal year. After the LOE and cost allocations for each SMA and the NCR MD are adjusted and reconciled with the distributions previously made for that fiscal year, the LOE rate amounts and cost allocations by service are inflated to the coming fiscal

year's equivalent for execution using standard OMB inflation rates applicable to the Medical industry and issued in OSD inflation guidance.

5.9.4.2. Workload Rate Development. DHA develops the MTF-specific rates for the prospective payment calculation. These MTF-specific rates are the average dollar expense per workload unit for each MTF as described in the following subparagraphs 5.9.4.2.1 – 5.9.4.2.3 for Medicare Severity-Relative Weighted Product (MS-RWP), Composite Weights, or Outpatient Pharmacy prescriptions. These rates are separated into MILPERS and DHP O&M rates and [must](#) be developed for the following categories of health care services:

5.9.4.2.1. Inpatient care - cost per MS-RWP. An MS-RWP is a DoD measure of workload that represents the relative resource consumption of a patient's hospitalization as compared to that of other inpatients. MS-RWPs are generated as the result of completed Composite Health Care System (CHCS) Standard Inpatient Data Records (SIDRs). The prospective payment amount for inpatient care for eligible beneficiaries for each MTF [must](#) be the product of the estimated MS-RWPs for that MTF multiplied by the MTF-specific rate per MS-RWP for the year of execution. The MS-RWP data source [must](#) be the Military Health System Data Repository (MDR).

5.9.4.2.2. Outpatient care - cost per Composite Weights. Composite weights are a combination of Ambulatory Payment Classification (APC) weights and relative value units (RVUs). The Composite Weight is an ambulatory workload measure of encounters adjusted for case complexity as measured by combining provider aggregate RVU with APC aggregate weight after standardizing to an APC-based unit. Composite Weight components (APCs and RVUs) are generated from Comprehensive Ambulatory Provider Encounter Records (CAPERs). The prospective payment amount for outpatient care for each MTF [must](#) be the product of the estimated composite weights for that MTF multiplied by the MTF-specific rate per composite weight for the year of execution. The CAPERs data source [must](#) be the MDR.

5.9.4.2.3. MTF Outpatient Pharmacy. MTF Outpatient Pharmacy prospective payments [must](#) be calculated for two separate cost components:

\* 5.9.4.2.3.1. Ingredient costs. Ingredient costs are prices paid for pharmacy ingredients (drugs) purchased from vendors. [The per unit costs for pharmaceuticals dispensed for Medicare-eligible retirees/dependents or retired at the MTFs are calculated based on the prime vendor invoices for all continental U.S.-based facilities for the National Drug Codes within their Generic Sequence Numbers based on a weighted average basis of the average acquisition cost \(the price paid by the MTF for the pharmaceutical product\) during the relevant fiscal year.](#)

5.9.4.2.3.2. Non-ingredient costs. Non-ingredient costs are all other costs associated with MTF Outpatient Pharmacy operations as allocated in MEPRS. These rates are based on MEPRS costs per prescription for the most recent fiscal year for which data is complete at the time the calculations are prepared, inflated to the year of execution. Prospective payment amounts are based on qualifying MEPRS pharmacy “non-ingredient” expenses allocated to beneficiary categories (DoD and other Uniformed Services) on the basis of [Pharmacy Data](#)



[Transaction Service \(PDTs\)](#) prescription counts (volume) for Military Pay and non-ingredient O&M. The data source for the number of prescriptions filled [must](#) be the MDR using data fed from PDTs.

5.9.4.3. Management Controls on Data Used to Develop Prospective Payment Amounts. Management controls on data used to develop prospective payment amounts include, but are not limited to, the following:

5.9.4.3.1. The MEPRS data and the MS-RWP, SIDR, and CAPER records [must](#) be prepared, reviewed, and validated in accordance with DoD 6010.13 and DoDI 6040.40.

5.9.4.3.2. MEPRS data [must](#) be recorded and maintained by the Military Departments in accordance with DoD 6010.13-M.

5.9.4.3.3. The Defense Manpower Data Center within the Defense Human Resources Activity under USD (P&R) receives a monthly data feed from the Centers for Medicare and Medicaid Services that provides Medicare eligibility data. These data are merged with data in the Defense Enrollment Eligibility Reporting System (DEERS) to provide both DoD and Medicare eligibility status. Individual patient eligibility data [must](#) be verified for each patient encounter using DEERS, and subsequently stored in the encounter record by the capture system (Composite Health Care System or claims processor). If a source system does not perform this check and recoding, the records from that system [must](#) be verified centrally through merge and comparison to the DEERS extracts.

5.9.4.4. Execution Reviews

5.9.4.4.1. Comparison of the MTF LOE to the Prospective Payment Amount. After the year of execution is complete and the associated expenses and workload data are available, DHA conducts an execution review in coordination with USD(C), SMAs and the NCR MD to determine the direct care MTF LOE for that fiscal year and the allocated actual expense to estimate the cost of caring for the Medicare-eligible beneficiaries during that period. The prospective payment amounts for that fiscal year that were paid to each SMA and the NCR MD are compared to the allocated expenses and actual workload LOE calculated for the same time period.

5.9.4.4.2. Reconciliation and Execution Review. Results of the execution review (LOE calculation) are:

5.9.4.4.2.1. Reported to the DoD OACT for use in determining future Fund requirements under the oversight of the Medicare-eligible Retiree Health Care Board of Actuaries (MERHCF Board).

5.9.4.4.2.2. Used during subsequent Program and Budget Reviews with OSD to determine impacts, if any, to future MTF prospective payment amounts.

5.9.4.4.2.3. Used to determine whether any additional transfers from MERHCF or transfers back to MERHCF are appropriate for Direct Care payments. Prospective payment amounts (full or partial) determined to be not necessary (in excess of reconciled expenses), may be returned to the MERHCF within two years after the end of the obligation year that funds were originally transferred in accordance with 10 U.S.C. §§ 1461–1467. Returns to the MERHCF should be processed to the appropriate MERHCF account.

5.9.4.4.2.4. Used as a starting point for developing the coming fiscal year's prospective payment amounts. The workload units and expense allocation used in the execution review is described in paragraph 5.9.

## 5.10 MERHCF Financial Reporting Requirements (160510)

5.10.1. Permanent Indefinite Appropriation 097X0850 – Payment to DoD MERHCF. The DFAS is responsible for preparing the reports for this account in accordance with Volume 6A.

5.10.2. SF 133, Report on Budget Execution and Budgetary Resources. DFAS must submit a monthly SF 133 that includes all MERHCF accounts.

5.10.3. Federal Financial Statements. The DFAS must prepare all MERHCF Federal financial statements as required by OMB Circular A-136 to support the DoD Agency-wide financial statement process. The MERHCF Federal financial statements must recognize a liability for the present value of future MERHC benefits for eligible participants. For the year in which the liability is first recorded, the initial amount of the liability must be reported as an accounting change (i.e., a change to equity and an accrued liability). Thereafter, changes in the liability each year must be charged to expense.

5.10.4. Status of Funds. The DFAS must prepare a Status of Funds and forward it to the Deputy Comptroller, Program/Budget, on the fifteenth workday of the following month. The DFAS must report actual data for current fiscal year through the previous fiscal month.

**VOLUME 12, CHAPTER 17: “DoD REWARDS PROGRAM”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [September 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.1	Added an overview section	Addition
1.3	Updated authoritative guidance section to include only hyperlinks and title of reference	Addition
2.0	Added definitions	Addition

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## CHAPTER 17

**DoD REWARDS PROGRAM**

## 1.0 GENERAL

## \*1.1 Overview

The Secretary of Defense (SecDef) is authorized to offer either monetary compensation or payments-in-kind to individuals who supply information or non-lethal assistance to the United States (U.S.) Government personnel, or personnel from allied forces involved in joint operations with U.S. Armed Forces. This aid must benefit the operations or activities of the armed forces or of allied forces in combined operations outside the U.S. against international terrorism or contribute to force protection. This capability is valuable in motivating local citizens in foreign nations to assist by providing information or other forms of help, such as handing over dangerous individuals and weapons, to U.S. Government personnel or allied force personnel. The Department of Defense Rewards Program (DoDRP) facilitates the provision of incentives for U.S. Government or allied force personnel to encourage cooperation.

## 1.2 Purpose

This chapter provides guidance on implementing the DoDRP for all Department of Defense (DoD) entities. It covers the execution, management, recording, and reporting of U.S. appropriations for the DoDRP. It assigns responsibilities for administration, specifies uses for U.S. funds, and outlines procedures for transparency and accountability. Geographic combatant commanders can provide additional guidance aligned with these directives.

## \*1.3 Authoritative Guidance

1.3.1. Title 10, United States Code, section 127b ([10 U.S.C. § 127b](#)), “Department of Defense Rewards Program.”

1.3.2. DoD Instruction ([\(DoDI\) O-3000.13](#)), “DoD Rewards Program.” (DoD [Public Key Infrastructure](#) certificate [is](#) required to access this document.)

## \*2.0 DEFINITIONS

2.0.1. Allied Forces. For the purposes of this chapter only, the term “allied forces” is defined as foreign government personnel participating with [the](#) U.S. Armed Forces in combined operations outside of the U.S. against international terrorism.

2.0.2. Combatant Commands Reward Programs (CCRPs). The collective activities of a combatant command to incentivize eligible persons, through the offer and payment of rewards, to provide information or non-lethal assistance that enables or enhances force protection of, or combating terrorism by, U.S. or allied forces.

2.0.3. DoDRP. The enterprise of Rewards Programs and governance established, planned, executed, and overseen throughout the DoD in accordance with Section 127b of Title 10, U.S.C., and this issuance.

2.0.4. Force Protection. Activities intended to protect against, disrupt, or mitigate threats (all threats, not just international terrorism threats) to U.S. or allied forces. Also includes personnel recovery of U.S. or allied forces.

2.0.5. Non-lethal Assistance. Assistance not intended primarily to inflict bodily harm or death that is beneficial to force protection or counterterrorism.

2.0.6. Tactical Rewards Officers (TROs). A member of U.S. forces (excluding contractors), appointed in accordance with CCRP guidance, who may approve reward offers and reward payments with a value up to and including \$10,000. A TRO is a DoDRP fund-approving official. Formerly known as a “reward authorization officer.”

### 3.0 RESPONSIBILITIES

#### 3.1 Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO)

3.1.1. Oversees development of justification materials for the DoDRP in the President’s Budget.

3.1.2. Allocates DoDRP funds as part of the Under Secretary of Defense (Policy) (USD(P)) budget to the Director, Washington Headquarters Service.

3.1.3. Oversees execution of DoDRP funds as part of the USD(P) budget.

3.1.4. Coordinates DoDRP appropriations-related engagements with the Senate Appropriations Committee – Defense, House Appropriations Committee – Defense, and other congressional staff members, Members of Congress, or committees, as required.

3.1.5. Coordinates on the DoDRP Annual Report.

#### 3.2 Office of the USD(P), Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC)

3.2.1. Implements policy for the DoDRP.

3.2.2. Approves allocation of DoDRP funds to combatant commanders (CCDRs).

3.2.3. Maintains a single consolidated SecDef pre-approved rewards list. This list will include the identity, nominating headquarters or office, the amount approved, and other relevant data. CCDRs may nominate individuals or items to be placed on the pre-approved rewards list through the Director, Joint Staff.

3.2.4. Coordinates the SecDef pre-approved rewards list with the Department of State (DOS) and the Department of Justice (DOJ) to ensure that a reward does not duplicate or interfere with the payment of reward authorized by those Departments.

### 3.3 Geographic Combatant Commander

3.3.1. Designates, in writing, a program liaison officer to serve as the point of contact for all disbursement of funds, goods, or services;

3.3.2. Establishes procedures for the accounting, obligating, cash management, and disbursement of funds;

3.3.3. Establishes procedures and processes to coordinate notification of awards with appropriate representatives of the DOS and the DOJ to ensure the making of a reward does not duplicate or interfere with the payment of a reward authorized by those Departments.

3.3.4. Establishes internal controls and review procedures for classified voucher processing when required and in accordance with Volume 5, Chapter 9, "Disbursements."

3.3.5. Provides a copy of commander-approved lists to the Director, Joint Staff as updates occur.

3.3.6. Submits estimated Rewards Program budget requirement for the upcoming fiscal year on August 15 of the current fiscal year.

3.3.7. Reports annually to the Director, Joint Staff, no later than October 15 of each year for the preceding fiscal year.

3.3.8. Requests additional funds from ASD SO/LIC if all available funds for these purposes have been expended and additional funds are required.

### 3.4 Director, Joint Staff

3.4.1. Advises the SecDef on the DoDRP.

3.4.2. Coordinates on the DoDRP Annual Report.

3.4.3. Appoints the Joint Staff DoDRP Monitor and may, as necessary, appoint one or more Joint Staff DoDRP Assistant Monitors.

### 3.5 Washington Headquarters Service

3.5.1. Receives DoDRP funds from the USD(C)/CFO, as part of the USD(P) budget.

3.5.2. Allocates DoDRP funds to CCDRs upon approval of the ASD(SO/LIC).



## 4.0 IMPLEMENTING THE PROGRAM IN THE FIELD

## 4.1 Rewardable Information

Eligible persons may receive a reward for providing information or non-lethal assistance that benefits (1) an operational activity of U.S. or allied forces in combined operations against international terrorism outside the U.S. or (2) force protection of U.S. or allied forces in combined operations.

## 4.2 Payment Approval Amounts

TROs can authorize rewards up to \$10,000. A CCDR is permitted to approve rewards up to \$1,000,000. For rewards greater than \$1,000,000 and up to \$2,000,000, approval from the USD(P) is necessary. Rewards exceeding \$2,000,000 but not surpassing \$5,000,000 require the authorization of the SecDef or the Deputy Secretary of Defense (DepSecDef), or alternatively, through a separate written delegation, the USD(P). Statutorily, if any proposed reward (whether pre-approved or otherwise) exceeds \$2,000,000, consultation with the Secretary of State is mandated for the SecDef. Table 17-1 in DoDI O-3000.13 outlines these approval limits.

Table 17-1. DoDRP Fund-Approving Officials: Reward Offers and Reward Payments

<b>DoDRP Fund-Approving Official</b>	<b>Approval Level</b>	<b>Remarks</b>
SecDef or DepSecDef	Up to \$5,000,000	For rewards more than \$2,000,000, must coordinate with the Secretary of State in all instances and the Attorney General in law enforcement-related instances before approving.
USD(P)	Up to \$2,000,000	May not be further delegated.
CCDR	Up to \$1,000,000	
Deputy CCDR	Up to \$1,000,000	Upon delegation by CCDR. May not be further delegated.

Table 17-1. DoDRP Fund-Approving Officials: Reward Offers and Reward Payments (continued)

<b>DoDRP Fund-Approving Official</b>	<b>Approval Level</b>	<b>Remarks</b>
Directly Subordinate CCDR	Up to \$100,000	Upon delegation by CCDR. May not be further delegated.
	More than \$100,000 and up to \$1,000,000	Upon approval of USD(P) and delegation by CCDR. May not be further delegated.
TRO	Up to \$10,000	In accordance with CCRP guidance. May not be further delegated.

#### 4.3 Geographic Combatant Commanders' Nominations for Reward Lists

Geographic combatant commanders can propose individuals or items for the SecDef pre-approved rewards list if the reward amount exceeds their authority. Nominations are submitted to ASD SO/LIC via the Director, Joint Staff. ASD SO/LIC will coordinate with DOS and DOJ to avoid duplication or interference with other authorized rewards, then forward them to the SecDef or DepSecDef for approval. ASD SO/LIC will maintain a consolidated list including the identity, nominating headquarters or office, approved amount, and other relevant information.

#### 4.4 Geographic Combatant Commander Approvals

A geographic combatant commander has the authority to approve rewards up to \$1,000,000 per reward. Geographic combatant commanders must also provide immediate written notification to ASD SO/LIC when they approve or pre-approve awards and payments of \$100,000 or more.

#### 4.5 Geographic Combatant Commander's Pre-Approved Rewards List

The geographic combatant commander may provide a list of pre-approved rewards for information or assistance pertaining to specific individuals or items. Pre-approving these rewards ensures that field forces can promptly compensate informants for valuable information or assistance, with the combatant commander's prior authorization indicated in the pre-approved list. Copies of these lists, along with any updates, will be provided by the geographic combatant commanders to the Director, Joint Staff.

#### 4.6 Deputy Geographic Combatant Commander Approvals

A geographic combatant commander can delegate their authority to approve or pre-approve rewards to the deputy commander. Additionally, this authority can be delegated to the commander of a direct subordinate command, with approval from the SecDef or DepSecDef.

#### 4.7 TRO Approvals

A geographic combatant commander can delegate approval of rewards up to \$10,000 to subordinate U.S. Service members or civilian employees by appointing TROs. These appointments must be documented in writing, specifying the reward authority's scope, limitations, and accounting procedures. Geographic combatant commanders will also provide guidelines and criteria for TROs to evaluate whether information or assistance qualifies for a reward, including type and amount.

#### 4.8 TRO Certifies Reward Parameters are Met

When issuing a list of pre-approved rewards to field forces, geographic combatant commanders must set up procedures and designate responsibility for certifying that the information or assistance received meets the approval criteria. This certification responsibility can be assigned regardless of the delegation limits on reward approval authority based on monetary value. Only U.S. TROs are permitted to fulfill this role.

#### 4.9 Types of Reward Payments and Other Acceptable Uses of Funds

Rewards can be disbursed in cash, either U.S. dollars or foreign currency. TROs may also authorize non-cash rewards, such as food, local amenities, necessities, or communal rewards. Aside from the rewards outlined in Table 17-1, DoDRP funds are authorized to cover overhead costs directly tied to the program's operations. These funds can be allocated for advertising reward offers, travel expenses, and administrative costs associated with running the program. Approval thresholds for these overhead costs, before delegation, are detailed in Table 17-2.

Table 17-2. DoDRP Fund-Approving Officials: Advertising, Travel, and Administration

DoDRP Fund-Approving Official	Approval Level	Remarks
SecDef or DepSecDef	Up to \$5,000,000	
USD(P)	Up to \$2,000,000	May be delegated, in whole or in part, to any member of U.S. forces (excluding contractors) within the Office of the USD(P) and may be further delegated.
CCDR	Up to \$1,000,000	May be delegated, in whole or in part, to any member of U.S. forces (excluding contractors) and may be further delegated in accordance with CCRP guidance.

#### 4.10 Payments Made by Designated Disbursing Officers/Paying Agents

After a TRO has approved or certified a reward, that officer will inform the program liaison officer, or an appointed disbursing officer or paying agent as per [Volume 5, Chapter 2](#), “Disbursing Offices, Officers, and Agents,” who will proceed to make the authorized payment.

#### 4.11 Coordination with DOS and DOJ

The procedures of the geographic combatant commander will include a process to coordinate with relevant country team representatives from the DOS and DOJ, ensuring that offering a reward does not duplicate or conflict with a reward authorized by those departments.

#### 4.12 Requests for Additional Funds

Geographic combatant commanders can request additional funding from ASD SO/LIC if they have exhausted their allocated resources and need more. Each geographic combatant commander will submit their projected budget needs for the next fiscal year by August 15 of the current fiscal year.

### 5.0 PROCEDURES

#### 5.1 Allocation of Funds

The USD(C)/CFO will ensure DoD funds for the Rewards Program are correctly allocated to Washington Headquarters Service for control and execution. Geographic combatant commanders will inform the Director, Joint Staff of any necessary inter-theater fund allocations.

#### 5.2 Improper Usage of Funds

U.S. citizens, officers or employees of the U.S. federal, state, or local government, or employees of a U.S. Government contractor are not eligible for rewards under the DoDRP. [CCDRs should be cautious about rewarding foreign security force members due to potential risks such as extortion, corruption, negative perceptions, or undermining U.S. law or DoD human rights policies related to training and equipping foreign security forces.](#) The USD(P) can grant exceptions to this rule for specific countries and will review these waivers annually. Requests for such approvals should be directed to the ASD SO/LIC. Previously approved waivers remain valid under this guidance.

#### 5.3 Delivery, Transporting and Safeguarding of Funds

Any funds made available for the DoDRP will be delivered, transported, and safeguarded consistent with [Volume 5, Chapter 3](#), “Obtaining and Safeguarding Public Funds.”

#### 5.4 Appointment of Paying Agents

Paying Agents responsible for delivering funds under the DoDRP will be appointed in accordance with Volume 5, Chapter 2. Allied forces members will receive the same training as U.S. paying agents and sign a statement of understanding. Since foreign nationals and other non-U.S. citizens cannot be held pecuniarily liable for fund losses, it is important to consider the necessity and risk when appointing non-U.S. citizens as paying agents. All funds given to and returned by allied forces paying agents must be recorded on [DD Form 1081](#), "Statement of Agent's Officer's Account," as specified in [Volume 5, Chapter 15](#), "Disbursing Officer Accountability." Upon completing authorized payments, the paid vouchers, negotiable instruments, and any remaining funds must be returned to the disbursing officer along with a properly filled out DD Form 1081.

#### 5.5 Documentation of Payments

DoDRP payments will be executed and recorded in accordance with Volume 5, Chapter 9 and [Volume 10, Chapter 8](#), "Commercial Payment Vouchers and Supporting Documentation."

#### 5.6 Circumventing Limits

Circumventing monetary limits and approval requirements by dividing a single reward into multiple smaller rewards, or by other methods, is not permitted. However, splitting payments of approved expenses for administrative purposes is allowed (for instance, paying a vendor 50 percent at the start of a project and the remaining 50 percent upon completion).

#### 5.7 Clearance of Accounts

Accounts maintained under the Rewards Program will be cleared consistent with Volume 5, Chapter 2.

#### 5.8 Certification of Payments

Payments made under the DoDRP will be certified in a manner consistent with [Volume 5, Chapter 5](#), "Certifying Officers, Departmental Accountable Officials, and Review Officials."

#### 5.9 Audits and Program Reviews

The DoDRP will undergo periodic audits by internal bodies like the DoD Inspector General and other audit agencies, as well as external groups such as the Government Accountability Office and congressional oversight committees. Officials managing the Rewards Program must cooperate fully with these reviews, audits, or investigations.

## 6.0 PAYMENTS AND REWARDS THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES

### 6.1 Execution of Rewards through Allied Government Personnel

The SecDef, geographic combatant commanders, and all delegated officials may use their authorities, acting through government personnel of allied forces to offer and make rewards. Rewards may not be paid acting through allied government officials after the payment date authorized by 10 U.S.C. § 127b.

### 6.2 Request for Payment of Reward

Allied government personnel will send reward payment requests to the geographic combatant commander's liaison officer or a TRO with delegated authority. That individual will decide if the information or assistance warrants a reward and determine its type and amount.

### 6.3 Appointment of Allied Government Personnel as Paying Agents

When feasible, reward payments to support allied forces will be distributed directly by U.S. personnel. If direct payment by U.S. personnel is not feasible, commanders may appoint allied personnel as paying agents for the DoDRP, even though Volume 5, Chapter 2 requires paying agents to be U.S. Service Members or civilian U.S. Government employees. Commanders should follow the provisions of Volume 5, Chapter 2 when appointing allied paying agents. Commanders and disbursing officers must evaluate the risks of using allied government personnel as paying agents. A paying agent acts on behalf of the disbursing officer, who remains accountable for public funds given to an allied paying agent. Commanders and disbursing officers must ensure effective internal controls to reduce the potential risks of fraud, waste, and mismanagement by allied personnel. All funds advanced to and returned from the allied paying agent must be documented on a DD Form 1081, according to Volume 5, Chapter 15. After completing authorized payments, the paid vouchers, negotiable instruments, and any remaining funds should be returned to the disbursing officer with a properly completed DD Form 1081.

### 6.4 Allied Government Personnel Limitations

Funds will be advanced to an allied paying agent only after a specific reward has been approved for payment to an identified payee. Disbursing officers will advance funds to allied paying agents after reviewing the payment voucher for the rewards. All funds advanced to and returned from the allied paying agent will be documented on a DD Form 1081. Combatant commands are responsible for ensuring that all allied government personnel nominated by their subordinate commands to offer or make rewards are properly qualified and trained. They are also responsible for ensuring that these personnel perform their duties in accordance with DoD policy and procedures. Allied force government personnel participating in the reward program will have a designated U.S. liaison officer through whom they can request reward funds or in-kind items and validate the information or non-lethal support.

## 7.0 INFORMATION DISSEMINATION

### 7.1 Information Dissemination

Media queries regarding the DoDRP will be referred to the Office of the Assistant Secretary of Defense for Public Affairs.

### 7.2 Program Identification and Combination with Other Programs

This program does not need to be identified as a U.S. or DoD program or display an official symbol. Geographic combatant commanders can coordinate with other U.S. Government Rewards Programs and are not required to distinguish this one from others if it does not duplicate or interfere with rewards authorized by the DOS or DOJ.

### 7.3 Advertisements

Geographic combatant commanders can spend funds to publicize the DoDRP and cover administrative costs. Advertisements may mention coalition or allied headquarters as offering the reward. U.S. commanders will maintain control and authorization of rewards within these headquarters. Geographic combatant commanders can also use theater information dissemination programs to support the DoDRP. Military Information Support Team (MIST) expertise should be used for effective advertising, with MIST funds available only if DoDRP funds are insufficient. Expenses for publicizing and administering the program must be documented in quarterly and annual reports, detailing the target audience, required funds, and objectives. Establishing call centers using DoDRP funding requires coordination and approval from the Director, Joint Staff, to ASD SO/LIC.

## 8.0 REPORTS AND NOTIFICATIONS

### 8.1 Annual Report

According to 10 U.S.C. § 127b, by February 1 each year, the SecDef must report to the Senate and House Armed Services Committees on the administration of the Rewards Program for the previous fiscal year.

8.1.1. Each report for a fiscal year under this subsection must include the following:

8.1.1.1. Information on the total amount expended during that fiscal year to carry out the Rewards Program under this section.

8.1.1.2. Specification of the amount, if any, expended during that fiscal year to publicize the availability of rewards under this section.

8.1.1.3. With respect to each reward provided during that fiscal year:

8.1.1.3.1. The amount or value of the reward and whether the reward was provided as a monetary payment or in some other form;

8.1.1.3.2. The recipient of the reward and the recipient's geographic location; and

8.1.1.3.3. A description of the information or assistance for which the reward was paid, together with an assessment of the significance and benefit of the information or assistance.

8.1.1.4. A description of the status of program implementation in each geographic combatant command, including in which countries the program is being operated.

8.1.1.5. A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar Rewards Programs administered by the U.S. Government.

8.1.1.6. An assessment of the effectiveness of the program in meeting its objectives.

8.1.2. The SecDef may submit the report in classified form if the SecDef determines that it is necessary to do so.

## 8.2 Report on Designation of Countries for Which Rewards May Be Paid

8.2.1. Within 15 days of designating a country for operations or activities eligible for rewards under this section, the SecDef must report to the Senate and House Armed Services Committees.

8.2.2. Each report must include:

8.2.2.1. The designated country.

8.2.2.2. The reason and justification for the designation of the country.

8.2.2.3. An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this chapter.

## 9.0 WAIVERS

### 9.1 Requests for Waivers or Exceptions to Law

Requests for waivers or exceptions to any provision of law that would otherwise prohibit, restrict, limit, or constrain the execution of the reward program must be submitted through ASD SO/LIC, the USD(C)/CFO, and DoD General Counsel to the SecDef for approval.



## 9.2 Requests for Waivers or Exceptions to Guidance

Requests for waivers or exceptions to this guidance must be submitted through ASD SO/LIC to the USD(C)/CFO for approval.



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 18: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 12, CHAPTER 19: “FOOD SERVICE PROGRAM”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2013** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Made administrative changes to comply with Department of Defense (DoD) Financial Management Regulation (FMR) Standard Operating Procedures (SOP)	Revision
All	Removed references to Volume 11A, Chapter 6, Appendix F, which was cancelled.	Deletion
1.0	Removed DoD Instruction (DoDI) 1338.10, “DoD Food Service Program,” September 12, 2012. The DoD Manual 1338.10, “DoD Food Service Program” incorporated and cancelled the DoDI.	Deletion
1.0	Specified the DoD Secretary’s responsibilities under Title 37, United States Code, section 1011.	Revision
2.2	Clarified factors for food service pricing.	Revision
5.2	Removed personally identifiable information, such as Social Security Number, from the example.	Deletion
7.0	Specified that the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)) will replace the expense report with another data gathering method to be formulated with the Services.	Revision

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## CHAPTER 19

**FOOD SERVICE PROGRAM**

## \*1.0 GENERAL

## 1.1 Overview

Title 37, United States Code, section 1011 (37 U.S.C. § 1011), requires the Secretary of Defense to establish rates for meals sold at messes to officers, enlisted members, Reserve personnel who are paid from Reserve or National Guard appropriations, federal civilian employees, military retirees, dependents of military personnel, and any other authorized diners. The rates are published on the Office of the Under Secretary of Defense (Comptroller) (OUSD(C) reimbursable rates website under Quick Links, Department of Defense, (DoD) Reimbursable Rates. “Food Service Charges at Appropriated Fund Dining Facilities (Tab G).”

## 1.2 Purpose

1.2.1. Every calendar year, the OUSD(C) must establish rates for the meals to be consumed at appropriate dining facilities. The established rates must be sufficient to provide reimbursement for operating expenses and food costs to the appropriations concerned. The Secretary may reduce a rate for meals established by the amount of that rate attributable to operating expenses, if the Secretary determines that it is in the best interest of the United States. The statute generally requires the DoD to collect the full cost of meals consumed in an appropriated facility. The provisions of this chapter must be used to determine specific meal charges for all classes of diners, to include individuals, groups and units.

1.2.2. The OUSD(C) is responsible for the financial management policy herein. The Defense Finance and Accounting Service is responsible for applicable procedures necessary to assist the DoD Components in implementing this policy. The financial management policy herein must not be supplemented by DoD Component issuances without the prior written approval of the OUSD(C).

## 1.3 Authoritative Guidance

The financial management policy and related requirements set forth in this chapter are in accordance with the applicable provisions of:

1.3.1. [37 United States Code \(U.S.C.\) § 1011](#), Mess operation: reimbursement of expenses

1.3.2. [37 U.S.C., § 402](#), Basic allowance for subsistence

1.3.3. [37 U.S.C., § 422](#), Cadets and midshipmen

1.3.4. [37 U.S.C., § 474](#), Travel and transportation allowances: general

1.3.5. [26 Code of Federal Regulations § 1.119-1](#), Meals and lodging furnished for the convenience of the employer

1.3.6. The DoD Manual, “DoD Food Service Program,” [\(DoDM\) 1338.10](#)

1.3.7. DoD Directive [\(DoDD\) 1418.05](#), Basic Allowance for Subsistence (BAS) Policy

1.3.8. OUSD(C) “Food Service Charges at Appropriated Fund Dining Facilities (Tab G)”

1.3.9. The Joint Travel Regulations ([JTR](#))

## 2.0 REIMBURSABLE MEAL AND MEAL SERVICE (OPERATING) CHARGES

### 2.1 Meal Rates

The provisions of this chapter must be used to determine use of the DoD discount meal rate (the cost of the food only) or the DoD standard meal rate (the cost of both the food and the non training/readiness food service operating expenses).

#### \*2.2 Meal Services Available

There are two types of meal service available to personnel authorized to use an appropriated dining facility on a reimbursable basis--traditional and a la carte.

2.2.1. Traditional Meal Service. Under the traditional meal service system, diners must pay either the DoD standard meal rate or the DoD discount meal rate (as prescribed by section 3.0), without regard to the menu items taken.

2.2.2. A la carte Meal Service. Under the a la carte meal service system, diners must pay either the DoD standard meal rate or the DoD discount meal rate (as prescribed by section 3.0), for the food items selected.

2.2.2.1. The Military Departments must ensure that a consistent and fair a la carte pricing policy is applied uniformly and consistent with guidance provided by the OUSD(C).

2.2.2.2. [When using an “a la carte” menu, the price of each item on the menu must be established at 133 percent of the food cost \(i.e., the cost of unprepared food multiplied by a factor of 1.33\), rounded to the nearest five cents. However, price averaging of certain salads, vegetables, and other food categories is authorized \(e.g., a salad bar with different types of salads or vegetables\). Refer to OUSD\(C\) reimbursable rates website.](#)

2.2.2.3. When the cost of food changes, the a la carte items must be repriced accordingly.

### 3.0 MEAL CHARGES

Reimbursement charges for persons authorized to eat in an appropriated dining facility vary depending on the status of each person. The five major categories of personnel are officers, enlisted personnel, military dependents, Federal civilian employees and others.

#### 3.1 Officers

3.1.1. Charge Required. DoD military officers are not authorized to eat in appropriated dining facilities without charge.

3.1.2. Discount Meal Rate. Officers, when not receiving the meal portion of per diem, must be charged the discount meal rate when they are:

3.1.2.1. Performing duty on a U.S. Government vessel,

3.1.2.2. On field duty,

3.1.2.3. In a group travel status, or

3.1.2.4. Included in essential unit messing (EUM) as defined in the JTR. EUM refers to using the Government dining facility as a unit or group and cannot be applied to an individual traveler. It may be required for operational deployments or training courses, when the Secretary concerned, the Combatant Commander, or the Joint Task Force (JTF) Commander determines that it is essential for accomplishing training and readiness or is necessary for military operations.

3.1.3. Standard Meal Rate. Officers must be charged the standard meal rate when in any status other than that set forth in subparagraph 3.1.2.

#### 3.2 Enlisted Personnel

3.2.1. Conditions for Charge. Enlisted personnel may eat in an appropriated dining facility without charge when not receiving either an allowance for subsistence or the meal portion of per diem. Enlisted personnel entitled to meals at government expense must be furnished such meals on a nonreimbursable basis without regard to unit or DoD Component affiliation. Reimbursement between the Military Departments for such meals is not authorized for active duty personnel and members of the Reserve Components. See Tab G.

3.2.2. Discount Meal Rate. Enlisted personnel when not receiving the meal portion of per diem, must be charged the discount meal rate when they are:

3.2.2.1. On a U.S. Government aircraft on official duty either as a passenger or as a crew member engaged in flight operations, or

3.2.2.2. On JTF operations other than training at temporary U.S. installations or using temporary appropriated dining facilities.

3.2.3. Standard Meal Rate. Enlisted personnel must be charged the standard meal rate when they are receiving the meal portion of per diem or when they are receiving an allowance for subsistence.

### 3.3 Military Dependents

3.3.1. Charge Required. Military dependents are not authorized to eat in appropriated dining facilities without charge.

3.3.2. Discount Meal Rate. Military dependents must be charged the discount meal rate when they are dependents of enlisted members in pay grades E-1 through E-4.

3.3.3. Standard Meal Rate. All military dependents, other than military dependents of enlisted members in pay grades E-1 through E-4, must be charged the standard meal rate.

### 3.4 Federal Civilian Employees

3.4.1. Charge Required. Federal civilian employees are not authorized to eat in appropriated dining facilities without charge.

3.4.2. Discount Meal Rate. Federal civilian employees, not receiving the meal portion of per diem, must be charged the discount meal rate when they are:

3.4.2.1. Performing duty on a U.S. Government vessel,

3.4.2.2. On field duty,

3.4.2.3. In a group travel status,

3.4.2.4. Included in EUM as defined in the JTR,

3.4.2.5. On a U.S. Government aircraft on official duty either as a passenger or as a crew member engaged in flight operations, or

3.4.2.6. On JTF operations other than training at temporary U.S. installations or using temporary appropriated dining facilities.

3.4.3. Standard Meal Rate. Federal civilian employees must be charged the standard meal rate when in any status other than those set forth in subparagraph 3.4.2.



### 3.5 Members of Youth Groups

This category consists of members of organized nonprofit youth groups sponsored at the national or local level and ad hoc groups of youths. The distinction between the two groups is that an organized youth group has continuity over time and a structure (such as officers, advisors, organization rules); while an ad hoc group does not. For example: A local high school Key Club, which may be sponsored by the Kiwanis Club, would qualify as an organized nonprofit youth group. On the other hand, if the children of a local Kiwanis Club's members visited an installation, they would be considered an ad hoc group because they are not a formally organized and structured youth group.

3.5.1. Charge Required. These individuals are not authorized to eat in appropriated dining facilities without charge.

3.5.2. Discount Meal Rate. Members of an organized nonprofit youth group sponsored at either the national or local level must be charged the discount meal rate, when extended the privilege of visiting a military installation, or when residing at a military installation and permitted to eat in the general mess by the commanding officer of the installation (37 U.S.C. § 1011(b)).

3.5.3. Standard Meal Rate. All ad hoc youth group members must be charged the standard meal rate.

### 3.6 Others

This category includes: (1) military retirees and their dependents, (2) government contractors in overseas contingency operations, (in accordance with the Defense Federal Acquisition Regulation Supplement, Procedure, Guidance, and Information 225.7401 ([DFARS PGI 225.7401](#))) and (3) all other individuals not included in paragraphs 3.1 through 3.5.

3.6.1. Charge Required. These individuals are not authorized to eat in appropriated dining facilities without charge.

3.6.2. Standard Meal Rate. These (all other) be charged the standard meal rate.

## 4.0 GENERAL PROVISIONS (1904)

### 4.1 Personnel, Other Than Enlisted Personnel

Personnel, other than enlisted personnel, may receive a meal from an appropriated dining facility, provided no increase in direct resources results from feeding such personnel and appropriate meal charges are collected consistent with paragraph 3.0.

#### 4.2 Commanding Officer Responsibility

The commanding officer of the DoD installation, at which an appropriated dining facility is located, is responsible for assuring that meals are provided only to authorized personnel within the capabilities and availability of existing appropriated dining facilities.

#### 4.3 Temporary Duty Orders

Temporary duty orders must indicate the food allowance/per diem status of travelers to assist in determining the appropriate meal charge to be assessed.

#### 4.4 Service Academies

Service academies (i.e., Army, Navy, and Air Force) are to use the food service charges at Tab G. See Chapter 20.

#### 4.5 Civilian and Military Personnel of a Foreign Government

Civilian and military personnel of a foreign government must be furnished meals in accordance with specific arrangements made between the U.S. Government and the foreign government. Charges for food costs and related food service operating expenses must be made on the same basis as they would be for U.S. Government personnel of equal rank.

### \*5.0 DISPOSITION OF FUNDS

#### 5.1 Overview

Each Military Service is responsible for the program, budget, and accounting for obligations, expenditures, revenues, and food service operating expenses and all meals in accordance with this Chapter.

#### 5.2 Recording Policy

Program obligations and expenditures, as well as revenues and food service operating expenses, must be recorded, accumulated, and controlled in accordance with this chapter.

#### 5.3 Collections

5.3.1. Except when deductions from pay are authorized and have been provided for, or prior arrangements for payment have been established with an official of an authorized group, diners must pay for a meal in cash prior to the meal being served. In any event, all meal charges must be determined and posted no later than the last day of the month incurred with payment being made not later than the 15th of the following month.

5.3.2. Any losses that might be incurred from uncollectible accounts must be absorbed by the subsistence account funding the facility.

## 5.4 Discounted and Standard Meal Rate Distribution

Collections must be distributed as follows:

5.4.1. Discount Meal Rate. Collections received from patrons paying the discount meal rate (food costs only) must be credited to the applicable financing subsistence account of the Military Service.

5.4.2. Standard Meal Rate. Collections received from patrons paying the standard meal rate must be credited to the financing appropriation(s). The food cost portion must be credited to the subsistence account and the operating expense portion (difference between discount and standard meal rates) to the operations and maintenance or other financing account(s).

## 6.0 ACCOUNTING FOR FOOD ALLOWANCES

### 6.1 Information Requirements

6.1.1. Information requirements have been established to ensure that data are maintained and that information is reported for use in determining and administering food allowances. These requirements prescribe procedures for counting meals furnished to personnel in appropriated dining facilities under the daily food allowance and authorized reimbursable programs. They are designed to assist in monitoring food costs and allowances and making the accumulation of data more consistent throughout the Department under the Food Service Program established by DoDM 1338.10.

6.1.2. The recording and reporting of obligations/expenditures against the daily food allowance portion of the operations and maintenance appropriations are as set forth in Volumes 2A and 2B, "Budget Formulation and Presentation," and Volume 3, "Budget Execution—Availability and Use of Budgetary Resources."

6.1.3. The data reported must support budget requests based on furnishing meals to entitled enlisted personnel by each Military Service, after consideration of the absentee rate, without regard to the member's parent Military Service.

### \*6.2 Counting the Number of Persons' Furnished Meals

6.2.1. Except for mass feeding situations as set forth in subparagraphs 6.2.2.1 and 6.2.2.2, all personnel authorized to eat in appropriated dining facilities must identify themselves with a meal card, DoD Common Access card, or travel orders issued by a DoD Component before receiving a meal from an appropriated dining facility. Enlisted personnel on BAS or receiving the meal portion of per diem, as well as all officers, civilian employees, official visitors, dependents, and guests authorized to eat on a reimbursable basis, must be required to identify themselves as to the category of entitlement (authorized to eat on a reimbursable basis) and status (per diem or non-per diem). They must reimburse DoD at the appropriate meal rate before receiving a meal from an appropriated dining facility.

6.2.2. The following procedures must be used to account for meals served to authorized subsistence-in-kind entitled or cross Service reimbursable personnel:

6.2.2.1. Each appropriated dining facility must maintain usage data in an electronic management information system or other logs in which each diner's unit of assignment and identification, travel order number, or other authorizing document are recorded. The applicable identification number may include, for example, the diner's meal card, [DoD ID](#), or [Common Access Card \(CAC\) number](#). When reimbursement is required, the rate category must be recorded in the log. A person independent of the appropriated dining facility operation must complete the log. When mass feeding within a specified time period is required, such as at recruit (basic) training centers and special schools, a single person responsible for the group may certify the entitlement classification and/or the reimbursement rate for all diners in the group.

6.2.2.1.1. Record of daily usage must be used by the appropriated dining facility in preparing necessary reports.

6.2.2.1.2. The meal card control officer or the personnel manager of the installation must use the usage records to conduct local management reviews and perform periodic tests of meal card usage, entitlement and reimbursement rates. The responsible official must retain all records and test results in accordance with approved disposition schedules.

6.2.2.2. As an alternative to the procedures in subparagraphs 6.2.1 and 6.2.2, each diner must sign an appropriate signature record, including authorization category, for each meal received. These records must be reviewed at the local command level and retained until verified independently against the reports submitted for the appropriated dining facility.

6.2.2.3. At their discretion, installation commanders are authorized to impose requirements that are more stringent.

6.2.2.4. DoD Common Access Card, other SMART card technology, or other headcount procedures approved by the Secretary of a Military Department may be utilized for diner identification/authorization, as long as the integrity of the count is maintained.

6.2.3. The total count of each meal must be classified and recorded by the diner's category of entitlement and by type of food allowance, i.e., basic daily food allowance (BDFA), special food allowance, and supplemental food allowance.

6.2.4. During combat or other operational conditions (e.g., mass troop movements, maneuvers or field exercises when actually subsisted under field conditions, forces afloat, and emergency conditions resulting from catastrophes or civil disorders), when maintenance of a meal log or signature record is not practicable, an internal control system must be established to maintain the integrity of the headcount.

6.2.5. Each appropriated dining facility must number, serially, the daily log forms and signature records, which must include the following minimum requirements:

6.2.5.1. Identification of the appropriated dining facility and date.

6.2.5.2. Identification of the number of meals.

6.2.5.3. Signatures of the person maintaining the log, and of the officer in charge.

6.2.5.4. Diner's unit of assignment, identification number, or travel order number or other authorizing document identification, and category of entitlement, which authorizes the diner to eat on a reimbursable basis.

6.2.5.5. Diner's signature and rank or grade.

**\*7.0 FOOD SERVICE OPERATING EXPENSE REPORTING REQUIREMENTS**

The OUSD(C) Program and Budget Office establishes meal rates annually for personnel authorized meals on a reimbursable basis. [The Military Services are required, in coordination with OUSD\(C\), to report cost of food served to service members and food service operating expenses.](#)

**VOLUME 12, CHAPTER 20: “MILITARY ACADEMY DINING HALL  
OPERATIONS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [November 2019](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Administrative updates in accordance with Department of Defense Financial Management Regulation (FMR) Revision Standard Operating Procedures	Revision

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## CHAPTER 20

**MILITARY ACADEMY DINING HALL OPERATIONS**

## 1.0 GENERAL

## 1.1 Purpose

This chapter promulgates the policy that implements Title 37, United States Code, section 422 ([37 U.S.C. § 422](#)) which authorizes funding for the operation of cadet and midshipmen dining halls at the military academies and prescribes associated reporting requirements.

## 1.2 Authoritative Guidance

The financial management policy and related requirements set forth in this chapter are in accordance with the applicable provisions of:

1.2.1. 37 U.S.C. § 422, “Cadets and midshipmen,” which authorizes an allowance in lieu of subsistence;

1.2.2. Department of Defense Instruction ([DoDI 1015.15](#)), “Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources”; and

1.2.3. [DoDI 7600.06](#), “Audit of Nonappropriated Fund Instrumentalities (NAFI) and Related Activities.”

## 2.0 POLICY

## 2.1 Authorization Determination

[2.1.1.](#) Each Military Department operates an academy dining hall to provide complete food service support to the cadets or midshipmen as an integral part of the activities of its academy.

[2.1.2.](#) The superintendent of each academy is authorized to determine who may be authorized to eat in the academy dining hall and the regulations incident thereto within guidelines issued by the secretary of the cognizant Military Department.

[2.1.3.](#) Charges for meals furnished to other than cadets and midshipmen will be established by the Under Secretary of Defense (Comptroller) (USD(C)) and the reimbursable rate for “Food Service” issued annually.

[2.1.4.](#) All collections for food costs must be deposited into the nonappropriated fund described in [subparagraph 2.2.2](#). The charge for operating expenses will be collected and deposited under the same rules that are applicable to appropriated fund food service activities as prescribed by Chapter 19, sections 5.0 and 6.0.



## 2.2 Subsistence Allowance Amount

2.2.1. The amount of the subsistence allowance for cadets and midshipmen is prescribed by the Secretary of Defense.

2.2.2. The amount prescribed **is** allocated by the Military Departments from the current military personnel appropriation to a nonappropriated fund at each academy based on the number of cadets and midshipmen present for training.

2.2.2.1. Each nonappropriated fund **is** used to procure the food and food products necessary to provide subsistence for the cadets and midshipmen.

2.2.2.2. Nonappropriated funds must be established as a NAFI and administered as a Program Group V – Supplemental Mission Fund in accordance with DoDI 1015.15.

2.2.2.3. The **nonappropriated** fund must be audited in accordance with DoDI 7600.06 if the annual revenues in the fund exceed the threshold established therein.

2.2.2.4. The nonappropriated fund must not be used for any purpose other than subsistence procurement. All other charges associated with dining service must be charged against appropriated funds.

## 2.3 Subsistence Allowance – Leave Status

The subsistence allowance that is not earned for any cadet or midshipman on leave or otherwise away from the academy, and not subsisted at Government expense, will be credited to the cadet/midshipman's pay account.

## 2.4 Subsistence Allowance – Temporary Duty Status

The subsistence allowance that is not earned for any cadet or midshipman on temporary duty, and subsistence-in-kind that is furnished at the temporary duty location, will not be collected by the nonappropriated fund.

## 3.0 RESPONSIBILITIES

### 3.1 Internal Control and Procurement **Requirements**

Under overall policy supervision by the secretary of the cognizant Military Department, the superintendent of each academy is responsible for:

3.1.1. Assuring the efficient and effective management of the academy dining hall and its nonappropriated fund for the purchase of subsistence items. In connection with this responsibility, the superintendent must install an accrual accounting system that permits an objective, constructive evaluation of the dining hall operation.

3.1.2. Assuring that the procurement procedures maintain the same degree of integrity as those procurement actions taken in accordance with the Federal Acquisition Regulation (FAR). In the event any question arises regarding the proper procurement procedure, the FAR will be used as a guide.

### 3.2 Reporting Requirements

An annual report on meal operating expenses in the military academy dining halls should be submitted in accordance with the guidance contained in Volume 11A, Chapter 6, Appendix F.

## 4.0 ANNUAL REIMBURSABLE RATES

The annual reimbursable rates for military academy dining halls are located on the USD(C) public website, listed by fiscal year (FY) under the following headings: Financial Management, Reports, [DoD Reimbursable Rates](#). Example: The FY 2024 rates are titled, “Food Service Charges at Appropriated Fund Dining Facilities (Tab G).”

## VOLUME 12, CHAPTER 21 “**FINANCIAL MANAGEMENT** FOR DEFENSE HEALTH PROGRAM RESOURCES”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **June 2015** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
Title	Revised title of the chapter from “Accounting for Defense Health Program Resources” to “Financial Management for Defense Health Program Resources” to more accurately reflect the chapter content.	Revision
1.1 (2101)	Updated references and reorganized sections to comply with Department of Defense Financial Management Regulation Revision Standard Operating Procedures to include the addition of an “Authoritative Guidance” paragraph.	Revision Addition
Table 1	This revision incorporates and cancels Appendix A.	Cancellation

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## CHAPTER 21

**FINANCIAL MANAGEMENT FOR DEFENSE HEALTH PROGRAM RESOURCES****\*1.0 GENERAL (2101)****1.1. Overview (210101)**

1.1.1. The annual [Defense Health Program](#) (DHP) appropriation funds all elements of the DHP, including annual Operations and Maintenance, multi-year Research, Development, Test and Evaluation, and multi-year Procurement. The applicable [U.S. Department of Treasury \(Treasury\) Federal Account Fund Symbol and Titles \(FAST\)](#) is 097X0130.

1.1.2. The Department of Defense (DoD) Components execute the DHP through direct allotment to performing installations/activities for all DHP costs, except for military medical personnel costs paid centrally from the applicable Military Personnel appropriation.

1.1.3. Civilian medical personnel end strength and full-time equivalents are retained by the applicable DoD Components. [Each](#) DoD installation/activity must direct cite its own DHP operating account for payment of medical civilian personnel.

1.1.4. DoD policy applicable to budget formulation and congressional justification (including presentation formats) for the DHP is found in Volume 2B, Chapter 12, section [1204](#), “Defense Health Program.”

**1.2 Purpose (210102)**

This chapter prescribes the financial management policies and procedures necessary to account for DHP resources.

**1.3 Authoritative Guidance (210103)**

The financial management and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.3.1. Title 31, United States Code, section 1514 ([31 U.S.C. § 1514](#)), “Administrative division of apportionments”;

1.3.2. [Office of Management and Budget \(OMB\) Circular A-11](#), section 150 and Appendix H “Administrative Control of Funds”;

1.3.3. Treasury FAST Book;

1.3.4. [DoD Directive \(DoDD\) 5136.01](#), “Assistant Secretary of Defense for Health Affairs (ASD (HA))”;

1.3.5. [DoDD 5136.13](#), “Defense Health Agency”; and

1.3.6. [DoD Manual 8910.01, Volume 1](#), “DoD Information Collections Manual: Procedures for DoD Internal Information Collections.”

## 2.0 RESPONSIBILITIES (2102)

### 2.1 Office of the Assistant Secretary of Defense (Health Affairs) (210201)

The Office of the Assistant Secretary of Defense (Health Affairs) allocates total obligation authority to the headquarters level of each DoD Component Medical Command to fund the DHP at respective installations/activities. The following activities are also funded on a direct basis from the DHP appropriations:

2.1.1. Defense Health Agency (DHA),

2.1.2. Uniformed Services University of the Health Sciences,

2.1.3. DHA, Contract Resource Management.

### 2.2 Head of Performing DoD Component (210202)

The Head of each performing DoD Component Medical Command, or designee, must:

2.2.1. Provide DHP allotments to performing installations/activities within that Component.

2.2.2. Receive installation/activity level monthly execution reports and summarize those reports for submission to each Defense Finance and Accounting Service (DFAS) site. Each DFAS site **must** submit their data to DFAS-Indianapolis (DFAS-IN), Other Defense Organizations, Audited Financial Statements and Budget Execution Division for consolidation.

2.2.3. Ensure adequate funding in the DHP operating appropriation for medical civilian personnel payroll costs.

2.2.4. Maintain full responsibility for the operation and execution of appropriate Centrally Managed [Accounts](#) (CMA) or open allotments to provide for emergency care of active duty military personnel and fund the CMAs from the DHP authority made available to them. [For additional information regarding CMAs, see Volume 14, Chapter 1, paragraph 010207.](#)

2.2.5. Require Military Treatment Facilities to establish and maintain programs for reimbursable operations consisting of the Third-Party Collections program, Medical Services Accounts program, and Medical Affirmative Claims programs to collect the reasonable charges for medical services provided to Uniform Services beneficiaries and non-beneficiaries. Programs will be established per DHA-Procedures Manual (PM) 6015.01, “Military Treatment Facility Uniform Business Office Manual” which is available on the [DHA Publications](#) home page.

2.2.6. Ensure Service Medical Components [comply](#) with the Standard Financial Information Structure (SFIS) [and Standard Line of Accounting \(SLOA\)](#) as the common business language that enables budgeting, performance-based management and the generation of financial statements in accordance with Volume 1, Chapter 4. SFIS is a comprehensive data structure that supports budgeting, financial accounting, cost/performance, and external reporting needs across the DoD.

## 2.3 Performing Installation/Activity (210203)

The performing installation/activity must:

2.3.1. Direct cite the DHP allotment received from its Component headquarters to fund all transactions in support of the DHP.

2.3.2. Continue to provide personnel and other support for the DHP.

2.3.3. Maintain monthly and year-to-date DHP civilian end strength and full-time equivalent utilization data and transmit such data to the Component headquarters and DFAS-IN Departmental Reports, Budget Execution and Financial Statement Division, as appropriate, in conjunction with monthly execution reports.

2.3.4. Maintain detailed accounting records and data integrity, including the capability to provide data, in accordance with the requirements detailed in [DHA PM 6010.1 Volumes 1 and 2](#), “Medical Expense and Performance Reporting System for Fixed Military Medical and Dental Treatment Facilities.”

2.3.5. Ensure the Budget Activity Group (BAG) and corresponding Program Element (PE) structure, unique to the DHP, is maintained within accounting systems. The BAG and PE structure for the [DHP](#) Budget Activity 1, Operations & Maintenance, is provided at [Table 1](#). The PE definitions are included in the [Future Years Defense Program Structure Handbook \(FYDP\) Appendix E](#) that is maintained by the Office of Cost Assessment and Program Evaluation.

\*Table 1: DHP Budget Activity 1, Operation and Maintenance, BAG and Corresponding PE Structure

BAG	BAG Title	Program Element	Description
1	In-house Care	0807700	Defense Medical Centers, Hospitals and Medical Clinics – Continental United States (CONUS)
		0807900	Defense Medical Centers, Hospitals and Medical Clinics – Outside the Continental United States (OCONUS)
		0807701	Pharmaceuticals – CONUS
		0807901	Pharmaceuticals – OCONUS
		0807715	Dental Care Activities – CONUS
		0807915	Dental Care Activities – OCONUS
2	Private Sector Care	0807702	Pharmaceuticals – Purchased Health Care
		0807703	Pharmaceuticals – National Retail Pharmacy
		0807723	TRICARE Managed Care support Contracts
		0807738	Military Treatment Facilities (MTF) enrollees – Purchased Care
		0807741	Dental – Purchased Care
		0807742	Uniformed Services Family Health Program
		0807743	Supplemental Care – Health Care
		0807745	Supplemental Care - Dental
		0807747	Continuing Health Education/ Capitalization of Assets Program
		0807749	Overseas Purchased Health Care
		0807751	Miscellaneous Purchased Health Care
		0807752	Miscellaneous Support Activities
3	Consolidated Health Support	0801720	Examining Activities
		0807714	Other Health Activities
		0807705	Military Public/Occupational Health
		0807760	Veterinary Services
		0807724	Military Unique Requirements – Other Medical
		0807725	Aeromedical Evacuation System
		0807730	Service Support to Other Health Activities - TRANSCOM
		0807785	Armed Forces Institute of Pathology
		0807786	Joint Pathology Center
		0903300	Support to Federal Advisory Committee Act (FACA) Advisory Board Activities



Table 1. DHP Budget Activity 1, Operation and Maintenance, BAG and Corresponding PE Structure (Continued)

BAG	BAG Title	Program Element	Description
4	Information Management/ Information Technology (IM/IT)	0807744	Theater Medical Information Program – Joint (TMIP-J)
		0807746	Joint Operational Medicine Information System (JOMIS)
		0807758	Cybersecurity
		0807759	Desktop to Datacenter (D2D)
		0807781	Non-Central IM/IT
		0807783	DHP IM/IT
		0807793	MHS Tri-Service IM/IT (Central)
		0807784	Information Technology Development - Integrated Electronic Health Record
		0807787	Information Technology Deployment and Sustainment-DoD Healthcare Management System Modernization
		0807788	DoD Medical Information Exchange and Interoperability
5	Management Activities	0807798	Management Activities (Components)
		0807704	Defense Health Agency
6	Education and Training	0806722	Armed Forces Health Professions Scholarship Program
		0806721	Uniformed Services University of the Health Sciences
		0806761	Other Education and Training
7	Base Operations/ Communications	0806276	Facilities Restoration and Modernization (RM) – CONUS
		0806376	Facilities RM – OCONUS
		0806278	Facilities Sustainment – CONUS
		0806378	Facilities Sustainment – OCONUS
		0807779	Facilities Operations, Health Care – CONUS
		0807979	Facilities Operations, Health Care – OCONUS
		0807795	Base Communications – CONUS
		0807995	Base Communications – OCONUS
		0807796	Base Operations – CONUS
		0807996	Base Operations – OCONUS
		0807753	Environmental Conservation
		0807754	Pollution Prevention
		0807756	Environmental Compliance
		0807790	Visual Information Systems
		0808093	Demolition/Disposal of Excess Facilities



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 21 APPENDIX A: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 22: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 12, CHAPTER 23: “CONTINGENCY OPERATIONS”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [September 2007](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Reworded and reformatted chapter for clarity. Revised references and added electronic links.	Revision
1.2 (230102)	Added reference to Budgeting for Contingency Operations.	Revision
2.6 (230206)	Removes reference to USD(C) memorandum, April 20, 1992, “Disaster Relief Funds” (hereby rescinded) and adds reference to DoD Directive 5100.46, Foreign Disaster Relief, dated July 6, 2012.	Revision
2.10 (230210)	Added reference for War-Related Reporting Requirements	Addition
2.11 (230211)	Added reference to Report Incremental Contingency Operations costs on a Monthly Basis	Addition
2.12 (230212)	Added reference to the OMB memorandum on “Criteria for War/Overseas Contingency Operations Funding requests”	Addition
3.7 (230307)	Reworded and reformatted chapter for clarity.	Revision
3.8 (230308)	Added paragraph to explain the Office of the Military Advisor role in processing United Nations requests.	Addition
4.6 (230406)	Added explanation on cost categories and the cost breakdown structure, inserts hyperlink to Overseas Contingency Operations Guidance, and reassigns the Costs Categories Table (23-1) to Annex 4.	Revision
4.9 (230409)	Added paragraph on using the Contingency Operation Support Tool (COST) for developing estimates for an operation.	Addition
7.1 (230701)	Added guidance on the assignment of Special Program Codes.	Addition

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
9.2.13. (230902.M)	Reworded and reformatted chapter for clarity.	Revision
9.4.2. (230904.B)	Added guidance on cost reporting and standard operating procedure documentation.	Addition
9.5 (230905)	Added guidance for using the Program Resource Collection Process (PRCP) to request funding for Overseas Contingency Operations requirements.	Addition
12.2 (231202)	Reassigned Annex 2 to Annex 3.	Revision
15.0 (2315)	Added section to address budget justification and reporting requirements for Overseas Contingency Operations Transfer Fund (OCOTF) and Base Funded Overseas Contingency Operations.	Addition
15.1 (231501)	Added paragraph to explain purpose of the OCOTF.	Addition
15.1 (231501)	Added paragraph to address budget justification process for base funded contingency operations.	Addition
16.0 (2316)	Added section to address Foreign Disaster Relief (FDR) Funded by Overseas Humanitarian, Disaster, and Civic Aid (OHDACA)	Addition
16.1 (231601)	Added purpose/practicability for the program	Addition
16.2 (231602)	Added financial oversight responsibilities for Contingency Operations	Addition
16.3 (231603)	Added guidance for funding OHDACA	Addition
Annex 1	Added Standard Data Reporting Format	Revision
Annex 2	Added Disaster Relief and Humanitarian Assistance Reporting Format	Addition
Annex 3	Reassigned Annex 2 to Annex 3	Revision
Annex 4	Reassigned Table 23-1 to Annex 4 - Cost Breakdown Structure Listing and Definitions	Addition

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## CHAPTER 23

CONTINGENCY OPERATIONS

## 1.0 PURPOSE (2301)

## 1.1 General (230101)

This chapter promulgates financial policy and procedures for small, medium and large-scale campaign level military contingency operations related to the Department of Defense (DoD). These might include, but are not limited to, support for peacekeeping operations, [foreign disaster relief \(FDR\)](#) efforts, and noncombatant evacuation operations (NEO). Note that the term “contingency operation,” as used in this chapter, is more [encompassing](#) than the specific definition contained in Title 10, United States Code, section 101(a), paragraph 13. Explicitly excluded from this chapter are peacetime civil emergencies occurring within the United States, the guidance for which is included in DoD Directive 3025.18, “[Defense Support of Civil Authorities \(DSCA\)](#).” [Also excluded from this chapter are steady-state DoD humanitarian assistance activities.](#)

## 1.2 Budgeting for Contingency Operations (230102)

DoD Components normally do not budget for contingency operations as discussed in this chapter. Therefore, DoD Components must accomplish directed contingency operations using funds available to the cognizant command or unit, independent of the receipt of specific funds for the operation. The authority for DoD Components to expend available funds is issued by the Secretary of Defense. [Since the Fiscal Year 2010 President’s Budget, estimates for the Global War on Terror and Overseas Contingency Operations are included with the submission of the President’s Budget.](#)

## 1.3 An Execute Order from the Secretary of Defense (230103)

An execute order from the Secretary of Defense is both the authority for the commander of a combatant command to [initiate military operations](#) and the authority for DoD Components to expend available funds to carry out the order. Planning orders and alert orders from the Chairman, [of the Joint Chiefs of Staff \(CJCS\)](#) constitute authority for a commander of a combatant command to expend funds available to that commander of a combatant command and authority to direct a military component to expend funds available to that component for forces assigned to the commander of a combatant command. [Refer to Joint Publication 5-0, Joint Operation Planning, for information on joint operation order types.](#)

## 1.4 DoD Policy Requirements (230104)

DoD policy requires that controls, accounting systems, and procedures provide, in financial records, proper identification and recording of costs incurred in supporting contingency operations. For such operations, data must be collected and records maintained to support bill development and the distribution of reimbursements to the applicable organizations.

## 1.5 Emergency Supplemental Funding (230105)

This chapter does not address wartime activities or the unique circumstances that require U.S. military forces to be placed on a wartime footing. Those situations may result in activities and costs that are not covered specifically by this chapter, but would, nonetheless, require emergency supplemental funding. Such activities will be addressed separately, on an exception basis, from the activities addressed in this chapter. Such exceptions may, for example, include purchase of munitions, replacement of major items of equipment, and repair of facilities or other infrastructure.

## 1.6 Elimination of Potential Duplicative Efforts (230106)

DoD officials having responsibility for reviewing and approving purchases for which the source of funding is derived from a transfer account like the Overseas Contingency Operations Transfer Fund (OCOTF) shall, to the greatest extent possible, review transactions to: (1) eliminate the potential for duplicating the procurement of goods and services, and (2) ensure that contractors are reimbursed for only those services and goods provided to the government.

## 1.7 Allowable Contingency Operations Cost (230107)

The funding derived from a contingency transfer account is available only for those incremental costs incurred in direct support of a contingency operation. As such, funds that are transferred into a Component's baseline appropriation are not to be used to finance activities and programs that are not directly related to the incremental cost of the contingency. In addition, the funds transferred to a Component's appropriation are not to be used to procure durable and expendable items in excess of what is required. Furthermore, those durable items procured with transferred funds are to be retained in support of the contingency even after the Component/unit has completed its tour of duty to support the contingency. Those durable items in the inventory, such as office equipment and expendable supplies that have not been consumed, should be made available to Components/units that are replacing the Component/unit that is departing the contingency operation area.

## 1.8 Fiduciary Responsibility (230108)

It is vital for civilian and military personnel authorized to obligate and expend funds in support of a contingency operation, using resources derived from the transfer of funds from a centrally funded transfer account (e.g., OCOTF), to employ a fiduciary approach to ensure that the funds are used in a prudent manner. Contingency funds are not to be used for purchases that are improper or are in excess of government requirements or which might bring embarrassment to the U.S. Government. Furthermore, special attention must be given by the Components' approving officials when the government purchase card is used for purchases to be funded with funds derived from a contingency operations transfer account. Approving officials are responsible for reviewing and reconciling cardholders' statements and for verifying that all transactions were necessary government purchases made in accordance with the Federal Acquisition Regulation and all other government policies and procedures. (See Volume 10, Chapter 12, of this Regulation for more information.)

## 2.0 REFERENCES (2302)

The following references document the authority and procedures under which contingency operations have been executed. The memoranda listed in paragraphs 2.4, 2.5, and 2.6, issued to provide interim guidance for financial management of contingency operations, are superseded by the policies and procedures provided by this chapter.

### 2.1 Waiver of Requirement to Reimburse Support Units (230201)

Secretary of Defense Memorandum, July 22, 1996, “Waiver of Requirement to Reimburse Support Units.”

### 2.2 Guidance on Contingency Operations and on Contributions for Defense Programs, Projects, and Activities (230202)

Under Secretary of Defense (Comptroller) (USD(C)) memorandum, February 8, 1995, “Guidance on Contingency Operations and on Contributions for Defense Programs, Projects, and Activities.”

### 2.3 Billing Procedures for U.S. Efforts Supporting Applicable United Nations (UN) Peacekeeping Efforts (230203)

USD(C) memorandum, March 29, 1994, “Billing Procedures for U.S. Efforts Supporting Applicable United Nations (UN) Peacekeeping Efforts.”

### 2.4 Cost Reporting Requirements and Applicable Billing Procedures for Support to UN Peacekeeping Operations in FY 1994 (230204)

USD(C) memorandum, March 9, 1994, “Cost Reporting Requirements and Applicable Billing Procedures for Support to UN Peacekeeping Operations in FY 1994.”

### 2.5 Reimbursement of Defense Business Operations Fund Activities for Contingency Operations and Humanitarian Efforts (230205)

USD(C) memorandum, July 28, 1994, “Reimbursement of Defense Business Operations Fund Activities for Contingency Operations and Humanitarian Efforts.”

### [\\*2.6 Foreign Disaster Relief \(230206\)](#)

[Department of Defense Directive 5100.46, “Foreign Disaster Relief,” dated July 6, 2012.](#)

### 2.7 Foreign Assistance Act, section 506, Special Authority (230207)

### 2.8 Foreign Assistance Act, section 607, Furnishing of Services and Commodities (230208)

### 2.9 Foreign Assistance Act, section 632, Allocation and Reimbursement Among Agencies (230209)

### \*2.10 War-Related Reporting Requirements (230210)

National Defense Authorization Act (NDAA) for Fiscal Year 2006, Public Law 109-163, Section 1221, as amended.

### \*2.11 Report Incremental Contingency Operations Costs on a Monthly Basis (230211)

Department of Defense Appropriations Act, 2016, Public Law 114-113, Section 8093.

### \*2.12 Criteria for War/Overseas Contingency Operations Funding Requests (230212)

Office of Management and Budget memorandum, dated September 9, 2010, “Criteria for War/Overseas Contingency Operations Funding Requests.”

## 3.0 RESPONSIBILITIES (2303)

### 3.1 Under Secretary of Defense for Policy (USD(P)) (230301)

USD(P) has policy and management responsibility, through subordinate activities, for peace operations, and foreign disaster relief operations. For these operations, the USD(P) is responsible for accepting requests for assistance from organizations external to the Department and transmitting cost and availability data to those organizations. In coordination with the USD(C), the USD(P) determines financial responsibility for all contingency operations.

### 3.2 Under Secretary of Defense (Comptroller) (USD(C)) (230302)

USD(C) is responsible for overall financial policy for contingency operations and works with the USD(P) to determine the most responsive method of financing for contingency operations. In addition, USD(C) is responsible for pursuing prompt reimbursement to the Department from UN and other multinational organizations, other nations, and U.S. agencies for support which the Department has rendered. Additionally, USD(C) will issue guidance, as required, that provides the UN rates for reimbursements.

### 3.3 Under Secretary of Defense for Personnel and Readiness (USD(P&R)) (230303)

USD(P&R) is the NEO coordinator on behalf of the Secretary of Defense. In that capacity, the USD(P&R) ensures that existing policy and procedures for NEO remain current, including the memorandum of understanding with the Department of State in accordance with DoD Directive 3025.14, “Evacuation of U.S. Citizens and Designated Aliens from Threatened Areas Abroad” (short title: Noncombatant Evacuation Operations), and the Joint Federal Travel Regulation. USD(P&R) monitors the provisions of each to ensure compliance.

### 3.4 Chairman, Joint Chiefs of Staff (CJCS) (230304)

CJCS is responsible for transmitting the Secretary's order to the cognizant Commander of a Combatant Command when a contingency operation is to be executed (via Deployment Orders and Execute Orders). Those orders will include a funding paragraph outlining financial guidance as directed by the USD(C) and USD(P).

### 3.5 Director, Defense Finance and Accounting Service (DFAS) (230305)

DFAS is responsible for administering centralized cost consolidation; billing and reimbursement distribution functions in support of contingency operations; and issuing to reporting activities the necessary reporting and coding instructions, transmission links, points of contact, and other related information necessary to ensure accurate and timely reporting of costs. DFAS shall assist DoD Components, as required, in the identification and accumulation of costs. The Director, DFAS, has assigned responsibility for all contingency cost consolidations and billings to the [DFAS site supporting contingency operations](#). DFAS, to effect cost consolidation at the DoD level, shall prepare a monthly status report, by operation, appropriation, and appropriate DoD Component, as applicable, consolidating the cost reports submitted by the DoD Components. In addition, DFAS shall prepare a monthly status report on amounts billed and reimbursements received for each applicable contingency operation. DFAS shall provide copies of the monthly cost and billing status reports to OUSD (Comptroller), Program and Budget.

### 3.6 Secretaries of the Military Departments; Heads of Defense Agencies; and the Commander for U.S. Special Operations Command (230306)

The Heads of the DoD Components cited herein are responsible for preparing cost estimates and submitting budget justifications to the USD(C), and also providing monthly incremental cost reports to DFAS in accordance with USD(C) policy stated herein. The DoD Component headquarters also are responsible for ensuring that guidance is disseminated to the appropriate unit level that details the required cost collection and reporting procedures and methodology for contingency operations.

### 3.7 Director, Defense Security Cooperation Agency (DSCA) (230307)

[DSCA is responsible for using foreign military sales \(FMS\) systems and other acquisition mechanisms to implement sales or leases of equipment in support of contingency operations as directed by the USD\(P\). Such support may be in response to requests from the Department of State or requests from the UN for articles and services to support equipment leased under FMS procedures. DSCA provides oversight, funding, and exercises overall program management responsibility for FDR activities funded with Overseas Humanitarian, Disaster, and Civic Aid \(OHDACA\).](#)

### 3.8 U.S. Mission to the UN (Military Advisor) (230308)

The UN Office of the Military Advisor to the U.S. Mission determines the appropriate U.S. agency to support UN requests for assistance. For DoD support, UN requests for price and availability and letters of assist shall be forwarded directly to the USD(P) for approval and action. Other UN requests for assistance shall be forwarded through the Executive Secretary to the USD(P).

### 3.9 DoD Executive Agent for Repatriation Plans and Operations (230309)

The Deputy Chief of Staff for Personnel, Department of the Army, has been designated by the Secretary of Defense and the Secretary of the Army as the responsible DoD Component for coordinating repatriation operations of DoD noncombatants. The DoD Executive Agent develops and maintains a Joint Plan for DoD Noncombatant Repatriation. Financial responsibility remains with the affected DoD Component.

## 4.0 ESTIMATING PROCEDURES FOR CONTINGENCY OPERATIONS (2304)

### 4.1 Three Different Types of Contingency Operations Estimates (230401)

There are three different types of estimates that are developed and used during the course of an operation. The pre-deployment estimate is used to assess various operational assumptions and to inform the go/no-go decision-making process; the budget estimate is used to define and defend requests for reprogramming or additional appropriations; and the working estimate is used during execution of the operation against which the Military Departments measure actual costs, and which can be used as the base for determining the changes in cost that would result from changes to the operational plan. All three types of estimates are important to ensure that senior leaders have the latest and most accurate information available for use in the resource allocation process.

### 4.2 Pre-Deployment Estimate (230402)

4.2.1. The pre-deployment cost estimate usually is required on short notice, sometimes within hours of notification. This estimate is the most difficult and unreliable of the three estimates due to lack of supporting information. The preliminary estimate typically is prepared by the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)) and the Joint Staff J-8 using a cost model that uses major incremental cost drivers such as modes of transportation, operation duration, force deployment/phasing, and environmental conditions to project a rough order of magnitude cost estimate. Typically, DoD Components need additional time to develop “ground up” estimates.

4.2.2. As an adjunct to the cost model, the OUSD(C) has established a Contingency Cost Estimating Team to help develop more reliable preliminary cost estimates for contingency operations. This team is on call to OUSD(C) and consists of financial managers from the Office of the Secretary of Defense, the Joint Staff, and DoD Components, and augmented by operational and logistics planners as needed, to collect information about the operation and to formulate assumptions to support the cost estimating effort.



#### 4.3 Budget Estimate (230403)

This estimate is based on specific Commander of a Combatant Command operational plans, troop levels, location, and operating circumstances. The respective Military Services, via their financial management and logistics staffs, use data provided by the Commander of a Combatant Command and the in-theater Service Components to derive a projected incremental cost estimate for submission to OUSD(C). Data provided is examined in detail by the Office of the Secretary of Defense Joint Staff to determine the extent to which variations in the plan have been considered in developing the cost estimate. Time permitting, and on an exception basis, information briefings may be solicited from the staffs of the cognizant Commander of a Combatant Command (and/or service Component commands) to detail anticipated requirements and factors that may prove useful in enhancing the development of the cost estimate. As a standard procedure in developing cost estimates, the Military Components shall utilize all available sources of relevant information and ensure that the field commands and headquarters personnel have applied the lessons learned from cost estimates associated with previous operations.

#### 4.4 Working Estimate (230404)

This estimate, formulated by the Military Department headquarters staff based on data provided by the respective component commands, builds on the budget estimate by adjusting periodically the budget estimate to reflect actual execution experience and changes in the operational and logistics plans. These estimates shall be revised/updated formally on a quarterly basis (through the Quarterly Contingency Cost Estimate Report) and reported to OUSD(C) as part of the effort to inform senior leadership of changes in cost. These quarterly updates shall incorporate changes to the operational plan and other policy and fact-of-life changes that have a significant impact on the cost estimate formulated prior to actual program implementation. Such changes shall be generated, at least in part, as a result of decisions made by the local commander, who sets requirements based on his assessment of the operational situation.

#### 4.5 Major Command Monthly Contingency Cost Estimate Report (230405)

These monthly reports to the DoD Component headquarters, from the component commands, identify changes to cost estimates. The reports facilitate regular communication between the Component headquarters and its subordinate commands that have responsibility for executing budgets for various contingency operations. The Component headquarters staff shall use the data submitted to prepare the Quarterly Contingency Cost Estimate Report.

#### \*4.6 Contingency Operations Cost Categories and Definitions (230406)

For estimating and reporting purposes (and, in some cases, for billing purposes), the costs associated with contingency operations are limited to the incremental costs of the operation, that is, costs that are above and beyond baseline training, operations, and personnel costs. Since both the cost estimates and execution reports are based on the same cost categories, cognizant analysts more easily can compare the estimates to actual execution experience. Using a common cost structure facilitates rational cost comparisons. The cost categories at [Annex 4](#) form the basic structure to be used by the Component headquarters to estimate and report contingency operations



costs as defined in the cost breakdown structure listing (e.g., personnel, operating support, investment costs, retrograde, and reset). This document is updated annually to accommodate new cost categories and is posted online. The listing is available on the OUSD(C) Policies and Guidance website for Overseas Contingency Operations at <https://guidanceweb.ousdc.osd.mil/OCO.aspx>.

#### 4.7 Contingency Operations Estimate (230407)

For estimating purposes, the Components will prepare the Contingency Operations estimate for a deployment of military personnel and equipment as approved by the Secretary of Defense using the [Contingency Operations Support Tool \(COST\)](#) as directed by the Office of the Under Secretary (Comptroller). The OUSD(C) will issue specific guidance as necessary pertaining to factors and cost criteria for the CONOPS being estimated. The COST estimate will address the funding requirements for Operation and Maintenance, and Military Personnel costs. [For further information on the COST, see paragraph 4.9.](#)

## 4.8 Justification of Cost Estimates (230408)

To defend and explain cost estimates, Components shall consider the following factors and note the assumptions and/or facts that apply to the estimate.

<u>Factor</u>	<u>Considerations</u>
Number of Troops (Active and Reserve)	How many troops are in theater and in surrounding countries providing support? Include those afloat.
Number of Reserve Personnel	How many reservists will be deployed? Are these reservists serving beyond their normal tour of duty?
Duration	What is the assumed length of the contingency?
Terrain/Weather	Are there unique environmental factors that may affect costs?
Equipment	What type of equipment is needed to perform the mission e.g., light forces, heavy forces, or aviation support?
Threat	Is this a permissive environment or a hostile environment?
Operational Tempo	Will equipment and weapon systems be operated above the normal peace time tempo already budgeted?
Communications Support	What additional communications support is required? Is the service provided through Defense Information Systems Agency or a commercial firm?
Intelligence Support	What additional intelligence support is required? Any National Foreign Intelligence Program must be coordinated through the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

<u>Factor</u>	<u>Considerations (Continued)</u>
Reconstitution	What supplies must be replaced and equipment repaired when troops and/or equipment are redeployed or rotated?
Pre-Deployment Training	Is any training required prior to deployment beyond that already budgeted?
Post-Deployment Training	Is any refresher training required after deployment for lost or degraded skills?
Quality-of-Life	Are there quality-of-life costs? Examples include, but are not limited to delivery of newspapers, establishing commissary or exchange facilities, installing telecommunications and computer email for personal use.
Host Nation Support	Will the host government provide services or support, i.e., assistance-in-kind, to offset the cost of the contingency?
Local Infrastructure	What is the condition of the local infrastructure? Are water and sewage facilities available? Is the road, rail, and air transportation adequate for the mission?
Rotations	Are force rotations planned? At what intervals? Will the equipment rotate with the personnel?
Transportation	How will equipment and personnel be transported to the contingency area? Where will they originate?

#### 4.9 Contingency Operations Support Tool (COST) (230409)

4.9.1. COST uses pre-defined cost factors and weighing coefficients, along with a user-supplied description of the contingency, to estimate the cost of an operation for a specified cost breakdown structure (CBS). The cost factors are either provided by DoD components or developed by the contractor. Users can review and change any of the factors used by a calculation. All COST calculations produce incremental costs, which are over and above budgeted peacetime operations costs.

4.9.2. COST incorporates appropriate algorithms to compute the cost of each line item in the CBS. The CBS used to report COST estimates is the same structure that has been directed for use by the Services and Agencies for reporting actual costs of contingency operations. Users can view these algorithms at any time to verify the calculations or to determine which factors were used to produce an estimate. Users can change the factors and recalculate an estimate to see the effect of the change. Cost factor tables are structured to facilitate updates, and the update process is automated to the extent feasible.

4.9.3. COST is designed to work in a joint environment. While each Component may tailor the tool to its own requirements, all the Components use the same software at the same time in a truly joint effort to build a single DoD cost estimate contingency operation. COST is one of the two joint systems, along with the Joint Planning and Execution System (JOPES), used by DoD to plan and execute contingency operations in support of crises action or campaign level planning. The JOPES translates policy into an operation plan (OPLAN), while COST estimates the incremental cost of the OPLAN.

4.9.4. Components shall use COST to estimate the incremental operational cost for all contingency operations. Additionally, the Combatant Commands (CCMD) and Military Services will coordinate with the OUSD(C) and the Joint Staff J-8 on their cost estimates for contingency operations. The Joint Staff and Military Services will provide cost estimates based on contingency operations' requirements. The OUSD(C) will periodically review the budget estimate to reflect actual execution experience and changes in the operational and logistics plans. Updates, as required, shall incorporate changes to the operational plan and other policy and fact-of-life that have a significant impact on the cost estimate formulated prior to actual plan implementation.

4.9.5. Based upon annual component proposed assumptions, and factor updates to the COST model, the OUSD(C) Operations Directorate will review the components' methodology to ensure that the COST model output is properly informed based on historical execution. In addition, the OUSD(C) Deputy Comptroller (Program/Budget), or appointed designee, will convene a group of senior level component budget officials, as necessary, to review any improvements they believe are needed in the model to better reflect the functional requirements of each Service and to produce improved results. Their review will result in updates to the COST model, as required.

## 5.0 GENERAL FUNDING RESPONSIBILITIES (2305)

### 5.1 Service Component (230501)

Each service Component command shall collect all applicable costs related to specific contingency operations, and report these costs to the respective Military Department Senior Financial Manager for subsequent submission for consolidation to DFAS. To the extent that financing has not been provided for a contingency operation, the Department will pursue all options to obtain the additional funding required to ensure readiness of U.S. Forces is not reduced by participation in the operation.

### 5.2 U.S. Transportation Command and the Defense Logistics Agency (230502)

Except as provided in section 6.0 below, all requests for transportation or other services to a Working Capital Fund Activity, such as the U.S. Transportation Command and the Defense Logistics Agency, shall include a funding source. In the event that a Working Capital Fund activity receives a valid order (e.g., execute or deployment order or a commander of a Combatant Command operations order) that directs action without a funding source, the parent Military Department of the subordinate command receiving the services shall provide funding to finance the request.

## 6.0 SPECIAL FUNDING MECHANISMS (2306)

### 6.1 General (230601)

Title 10, United States Code, section 127a was revised to include special funding mechanisms operations for which funds are not provided in advance. The statute also requires that such operations be so designated and identified by the Secretary of Defense to the Congress. When an operation is so designated, DoD Components immediately shall notify subordinate organizations. Also, DoD Components shall establish procedures and controls for these special funding mechanisms.

### 6.2 Special Funding Mechanisms Participating Units (230602)

Units participating in such designated operations may not be required, under certain conditions, to reimburse (provide funded customer orders to) Working Capital Fund organizations for goods and services at the time such goods and services are ordered. These procedures apply only to units actually participating in the covered operation, and only to requirements that are directly attributable to the operation; would not have been incurred but for the operation; and have not been financed previously through an appropriation, supplemental funding, reprogramming, or a reallocation of existing appropriations.

### 6.3 General Restrictions (230603)

The following general restrictions apply since the Department is not relieved of the legal restrictions of the Antideficiency Act, and because Working Capital Fund cash must remain positive under these legal restrictions. Prior to acceptance by a Working Capital Fund activity of an unfunded customer order, the commander of the Working Capital Fund activity involved shall determine that the unfunded customer order can be filled without incurring a violation of an Antideficiency Act. If filling the requested goods or services, without a funded customer order, would result in a violation of the Act, the Working Capital Fund activity shall notify the requesting DoD Component either to issue a funded order or arrange for the transfer of sufficient Working Capital Fund cash to the supporting Working Capital Fund activity to cover the requested service or supplies.

### 6.4 Working Capital Fund Activities (230604)

When a participating unit of the U.S. Armed Forces orders goods or services from a Working Capital Fund activity and those goods or services meet the criteria addressed in paragraphs 6.2 and 6.3 above, the unit providing the unfunded customer order to the performing Working Capital Fund activity must, in each such request, notify the performing Working Capital Fund activity that the order, or specified portion thereof, is in support of a designated operations and that a funded customer order for the goods or services is not required.

### 6.5 Working Capital Fund Activity Unfunded Customer Orders (230605)

The Working Capital Fund activity filling the unfunded customer order separately shall account for all such unfunded customer orders filled and separately report those costs, on a monthly

basis, to the DoD Component Senior Financial Manager of the requesting activity. The DoD Components' Senior Financial Manager shall report separately the cumulative amounts of such unfunded customer orders to DFAS in accordance with provisions contained in this chapter. In accordance with 10 U.S.C. 127a, such amounts shall be accounted for separately and will be used to determine the amounts required to be transferred to the Working Capital Fund activities in order to restore balances to previous levels.

#### 6.6 Working Capital Fund Priorities (230606)

In order to ensure that the cash reserves of any Working Capital Fund activity are used for the highest priority requirements, the commander of the Working Capital Fund activity shall notify the Principal Deputy Under Secretary of Defense (Comptroller), in writing, and wait 5 workdays before filling the unfunded customer order.

#### 6.7 Guidance on Reporting (230607)

As needed, the OUSD(C) will provide additional guidance on reporting the use of this authority for designated operations that become eligible for the special funding mechanisms available under 10 U.S.C. 127a.

#### 7.0 COST COLLECTION (2307)

##### 7.1 Special Program Codes (230701)

Upon being alerted of an impending contingency operation, each participating DoD Component shall establish a unique special program code to capture costs. [The OUSD\(C\) Operations Directorate shall issue a Standard Financial Information Structure \(SFIS\) code for contingency operations. The SFIS Values Library Service webpage maintains a list of contingency codes.](#) Additionally, the Joint Staff shall issue a three-digit CJCS Project Code, which provides precedence for supply requisitions and facilitates cost capturing and reporting.

##### 7.2 Accounting System(s) (230702)

Each organization that supports a contingency operation shall capture related obligations and disbursements in its accounting system(s) at the lowest possible level of the organization. This provides tracking of obligations and disbursements for affected appropriations.

##### 7.3 Costs Related to Contingency Operations (230703)

Costs related to a contingency operation may be incurred both in the area of responsibility and in other locations. It is the responsibility of the organization that incurs costs in support of the operation, directly or indirectly, to ensure that information on all costs is transmitted to the appropriate DoD Component Senior Financial Manager for forwarding to DFAS, as appropriate.

#### 7.4 Cost Accounting Systems (230704)

Cost accounting systems shall not be established solely for the purpose of determining costs for contingency operations, but the data from existing systems shall be used as applicable.

#### 7.5 Incremental and Billable Costs (230705)

DoD Component Senior Financial Managers shall determine incremental and billable costs.

#### 8.0 COST REPORTING (2308)

##### 8.1 Cost Reporting Requirements (230801)

Cost reports, SFs 1080, and substantiating documents shall be submitted through the DoD Component Senior Financial Manager to DFAS. Component submissions shall be initiated in sufficient time to arrive at DFAS not later than 30 days following the month in which the cost occurs. Costs shall be reported only by the DoD Component Senior Financial Manager that incurs the cost against appropriated funds. Submissions to DFAS for reporting and billing shall be approved by the DoD Component Senior Financial Manager. See Annex 1 for the standard data reporting format for preparation of the Contingency Cost Report.

##### 8.2 DoD Component Inclusions (230802)

The DoD Component cost reports shall include all costs, including Working Capital Funds costs (common user/Component unique), that are collected in the accounting or cost accounting system. The Services shall reimburse the Working Capital Funds activity for costs, and separately reflect such costs in their cost reports.

##### 8.3 Monthly Consolidation Cost Reports (230803)

On a monthly basis, DFAS will consolidate the costs reported provided by the DoD Components and provide reports to the offices of the OUSD (Comptroller), Component Command comptrollers, DoD Component Senior Financial Managers and others, as required, no later than 15 days after receipt from the DoD Components.

#### 9.0 DETERMINING COST (2309)

The following guidelines are provided to assist the DoD Components in determining baseline and incremental costs for contingency operations.

##### 9.1 Baseline Costs (230901)

Baseline costs are the continuing annual costs of DoD operations funded by the operation and maintenance and military personnel appropriations. Essentially, baseline costs are those costs that would be incurred whether or not a contingency operation took place, i.e., programmed and

budgeted costs. Examples include: scheduled flying hours, steaming days, training days, and exercises.

## 9.2 Incremental Costs (230902)

Incremental costs are additional costs to the DoD Component appropriations that would not have been incurred had the contingency operation not been supported. Incremental costs do not include the cost of property or services acquired by the Department that was paid for by a source outside the Department or out of funds contributed by such a source. The costs of investment items, construction costs, and costs incurred to fix existing shortcomings can be categorized as incremental expenses *only if* the expenditures were necessary to support a contingency operation and would not have been incurred in that fiscal year in the absence of the contingency requirement. Costs incurred beyond what was reasonably necessary to support a contingency operation cannot be deemed incremental expenses, since such costs are not directly attributable to support of the operation. The following are examples of allowable incremental costs:

9.2.1. Military entitlements such as premium pay, hazardous duty pay, family separation allowance, or other payments made over and above the normal monthly payroll costs.

9.2.2. Increases in the amount of allowances due to changes in geographic assignment area due to a contingency (i.e., Basic Allowance for Subsistence (BAS) or Basic Allowance for Housing (BAH)).

9.2.3. Travel and per diem of active military personnel and costs of Reserve Component personnel, called to active duty by a federal official, who are assigned solely to support the contingency.

9.2.4. Overtime, travel, and per diem of permanent DoD civilian personnel in support of a contingency.

9.2.5. Wages, travel, and per diem of temporary DoD civilian personnel hired or assigned solely to perform services supporting the operation.

9.2.6. Transportation costs of moving personnel, material, equipment, and supplies to the contingency or contingency staging area, including such things as port handling charges; packing, crating and handling charges; first and second destination charges.

9.2.7. Cost of rents, communications, and utilities that is attributable to the contingency. Examples of such incremental costs include: telephone service, computer time, satellite time, and crypto-traffic support of the contingency.

9.2.8. Cost of work, services, training, and material procured under contract for the specific purpose of providing assistance in a contingency.



9.2.9. Cost of material, equipment, and supplies from regular stocks used in providing directed assistance. Material, equipment and supplies from stock shall be priced at the standard prices that are used for issues to the DoD activities. Included in this category will be consumables such as field rations, medical supplies, office supplies, chemicals, cleaning and toilet supplies, petroleum, and items ordinarily consumed or expended within 1 year after they are put into use. Material, equipment and supplies determined to be excess to the departmental requirements may be made available for transfer under excess property disposal authority without reimbursement. In these instances, however, accessorial charges for packing, crating, handling, and transportation shall be added where applicable.

9.2.10. Costs incurred that are paid from trust, revolving, or other funds, and whose reimbursement is required.

9.2.11. Replacement costs of attrition losses directly attributable to support of the operation.

9.2.12. That portion of equipment overhaul and maintenance costs when computed on a fractional use basis when the additive cost attributable to the contingency can be identified.

9.2.13. Cost of increased flying hours in excess of the level of flying hours otherwise programmed and budgeted for, except that, in the case of foreign disaster relief undertaken under the authority of 10 U.S.C. 2561 or similar authority funded by the OHDACA appropriation, and within specific parameters authorized by the Secretary of Defense, all flying hour costs shall be included for flights made for the primary purpose of providing the disaster relief.

9.2.14. Service specific costs for increased OPTEMPO, such as steaming costs for the Navy. Such costs, however, require individual determinations. Reported incremental costs shall reflect, as closely as possible, the actual incremental costs incurred by the unit involved in the specific operation, using cost factors for the specific command or geographic area, when available, as compared to composite cost factors for the overall DoD Component.

### 9.3 Cost Offsets (230903)

In some instances, costs for which funds have been appropriated may not be incurred as result of a contingency operation. Examples include: basic allowance for subsistence not paid, training not conducted, and base operations support not provided. In other situations, identified incremental costs may be offset in various ways, such as supply turn-ins for items not used or placed in inventory, and non-monetary contributions, such as free fuel. See Chapter 3 of this volume for reporting non-monetary contributions. These offsets shall be accurately documented and reported at the cognizant organization levels to maintain adequate accountability for reporting and audit purposes.

### 9.4 Guidance/Instructions (230904)

Each DoD Component shall ensure that detailed guidance is disseminated to the appropriate subordinate organization levels to ensure the accuracy and reporting of costs.

9.4.1. Acquisition Requirements. For contingency operations involving extended deployment of equipment and/or the consumption of materials, leading to the depletion of war reserve stock, a Component may request funding for such procurement items directly related to the prosecution of operations as approved by OUSD(C). In general, it is anticipated that procurement costs intended to replace consumed equipment or material, will be associated with “Campaign Level Contingency Operations” characterized as military deployments of extended duration and involving the utilization of significant numbers of combat elements of the Services.

9.4.1.1. Cost Estimating. The replacement and reconstitution of equipment, munitions, and other end items related to the contingency operation will be handled on an exception basis. OUSD(C) will request the submission of exhibits indicating the level of consumption, cost, quantities to be procured, inventory objectives, and similar financial and programmatic data necessary to assess the requirement. OUSD(C) will provide additional instructions regarding submission of recapitalization costs at an appropriate time.

9.4.1.2. Major Platforms. For major platforms, the Component must demonstrate that the end item is directly associated with current operations. The request should not contain funding to support accelerations of baseline procurement end items unless specifically approved by OUSD(C). Components will not include estimates for future combat losses in their request.

9.4.1.3. Funding Requests for Procurement Funds. Funding requests for procurement programs should not exceed the numerical quantity that would deliver in a normal funded delivery period for that item. Furthermore, for most situations, a Component should not request funding for obligations expected to occur beyond the current fiscal year.

9.4.1.4. Funding Requests for Research, Development, Test, and Evaluation (RDT&E) Funding. In limited circumstances, a Component may request funding for the development of technologies that can be fielded in support of an on-going operation if the delivery of such technology can be introduced into the area of operations in time to benefit the prosecution of the operation. In such a case, the Component may request RDT&E funding.

9.4.1.5. Funding Requests for Military Construction Funding. In limited circumstances, a Component may request funding for military construction projects which support an ongoing operation. This may be appropriate if the completion of such a structure can be introduced into the area of operations in time to benefit the prosecution of the operation. In such a case, the Component may request funding.

9.4.1.6. Funding Requests for Working Capital Funds or Other Revolving Funds. In limited circumstances, a Component may request funding for Working Capital Fund and other revolving funds which support ongoing operations if such funding is directly related to the operations.

9.4.1.7. Acquisition Obligation Reporting. Obligations for acquisition requirements will be codified under the cost categories (Contingency Cost Breakdown Structure (CBS)) listed in [Annex 4](#). Components will report to DFAS all obligations incurred in procurement, RDT&E, Working Capital, or Military Construction appropriations on a monthly basis as addressed in section 2.8.

9.4.2. Cost Reporting. Reporting is an integral part of the Department's stewardship. Components must make every effort possible to capture and accurately report the cost of the contingency operation. Components are required to report the obligation of all funds (regardless of source) to cover the incremental costs of the contingency, including funds received in a supplemental. Each Component will develop and publish a Standard Operating Procedure (SOP) or other supplemental guidance that will cover Component specific items for cost reporting, under this chapter and validating monthly reporting. At a minimum, the SOP should cover:

9.4.2.1. Data Source. This section should outline the acceptable procedures and methodology used for capturing costs by CBS category. All sources of data collected for reporting costs should be identified, to include source accounting systems, in-house tracking methods, and supporting documentation. If costs are not captured by CBS category, then the methodology of cross-walking data to the CBS category should be documented.

9.4.2.2. Validation. Components will review and validate their reported costs as accurate and a fair representation of ongoing activities on a monthly basis. As a part of this review, the variance analysis, discussed below, will be included. Significant changes from the prior month will be summarized and reported to the OUSD (C) Operations Directorate. [The SOP must include auditable methodology for determining the portion of war-related or other contingency costs attributable to each contingency operation when actual cost by operation is not available.](#)

9.4.2.3. Variance Analysis. Each Component is required to provide an analysis, in the footnotes of the report, of all significant variances to the OUSD(C) Operations Directorate. The analysis should address: Cause of variance (describe the action that caused the costs to increase or decrease), factors affecting the variance (what are the values of the related factors that impacted the changes), purpose and effect of the action; and organization or activities that are/were affected by these actions. Additionally, a point of contact should be identified to explain changes in the established variances.

For example, a fluctuation in Imminent Danger Pay might be:

“XX% variance due to Scheduled Operation [FREEDOM'S SENTINEL](#) brigade troop rotation.”

[An example for an increase in operating costs might be:](#)

“YY” number of troops deployed at a cost of “ZZ.”

Each Component should establish additional criteria for validation and analysis, based on their requirements. [Each component is required to retain documentation of their monthly variance analyses and data validations.](#)

\* 9.4.2.4. Reporting Guidance. The OUSD(C) and DFAS will notify the Components of new or special reporting requirements, as well as, provide instructions and guidance for data collection and changes to reporting requirements such as threshold percentages for variance analysis, suspense dates for monthly submissions, and required reviews and validation of reported costs. The Component will consult with the OUSD(C) before opting to include or exclude an incremental contingency related cost in its cost reporting when it deviates from this volume or current reporting guidance. Additional guidance and instructions for reporting costs (e.g., cost of war, disaster relief, humanitarian assistance, and other contingencies) are posted on the OUSD(C) guidance website at <https://guidanceweb.ousdc.osd.mil/OCO.aspx>.

\* 9.4.2.5. Documentation. Components will perform an annual review of the methodologies used by subordinate commands in reporting costs by contingency operations. No later than November 30<sup>th</sup> of the calendar year, the Components will provide an electronic copy of their current SOP to the OUSD(C) Operations Directorate.

### 9.4.3. Cost Capture

9.4.3.1. Each organization supporting a contingency operation is required to capture and report all related obligations and disbursements at the lowest possible level of the organization. Actual costs, as reflected in the accounting systems or subsidiary accounting records, should be reported. This activity provides tracking of obligations and disbursements for affected appropriations.

9.4.3.2. It is up to the DoD Component to develop adequate measures to allow for capturing actual costs from the official accounting records. Procedures could include establishing unique coding or establishing subsidiary accounting records for use during the contingency operations that will allow it to provide accurate reports to the Department's cost breakdown structure (CBS). When actual costs are not available, an auditable methodology should be established and documented for capturing costs.

## 9.5 Program Resource Collection Process (PRCP) (230905)

9.5.1. The PRCP is the primary management and assessment tool used by OUSD(C) and Office of Management and Budget (OMB) to manage and assess all OCO requirements.

9.5.2. The PRCP system is used to collect, validate, and report budget data. It generates the appropriation budget justification books commonly known as the M-I, Manpower Programs; O-1, Operations Programs; C-1, Construction Programs; P-1, Procurement Programs; and R-1, RDT&E Programs. It supports automated collection and reporting for other budgetary exhibit such as the OP-8, Civilian Personnel Costs; OP-32, Summary of Price and Program Growth; and PB-22 Major DoD Headquarters Activities.

9.5.3. "Ask OCO" can be found within the "Web-PRCP" and is designed to provide answers to the most critical budget questions regarding OCO.

9.5.4. By using “Ask OCO”, analysts are able to extract PRCP data in an intuitive format. The data is formatted into a series of reports designed to answer frequent questions that are not easily answered by other budgetary tools. These reports provide analysts with data based on the latest budget position.

## 9.6 Justification Materials for Budget (230906)

This section addresses the requirement to budget for OCO incremental operational costs. This information is used to justify resource requirement for directed OCO – specifically the justification of the incremental costs for supporting a designated operation. These incremental costs will become the basis for any funding requests forwarded to the Congress through normal appropriations process or through emergency supplemental appropriation requests during the year of execution, if warranted.

9.6.1. The OCO budget submission is reviewed in concert with the baseline budget submission.

9.6.2. All Components are required to submit justification materials to support OCO budget estimates. In order to ensure that the requested funding is defensible and that the submitted data and justification material complies with congressional requirements, each Component is required to submit the contingency operation budget exhibits using the formats outlined in the respective appropriations. Components should consult chapters as applicable. Refer to Volume 2A, Chapter 1, general guidance and the specific volumes listed below:

9.6.2.1. Military Personnel. Refer to Volume 2A, Chapter 2, Military Personnel, for appropriation details. For specific details, contact the designated appropriation analyst.

9.6.2.2. Operation and Maintenance. Refer to Volume 2A, Chapter 3, Operation and Maintenance, for appropriation details. For specific details, contact the designated appropriation analyst.

9.6.2.3. Procurement. Refer to Volume 2A, Chapter 4, Procurement, for appropriation details. For specific details, contact the designated appropriation analyst.

9.6.2.4. Research, Development, Test and Evaluation (RDT&E). Refer to Volume 2B, Chapter 5, Research, Development, Test and Evaluation, for appropriation details. For specific details, contact the designated appropriation analyst.

9.6.2.5. Defense Working Capital Fund. Refer to Volume 2B, Chapter 9, for appropriation details. For specific details, contact the designated appropriation analyst.

## 10.0 BILLING (2310)

### 10.1 General (231001)

DoD Components determine their billable incremental costs. Billable incremental costs will be less than the full incremental cost when the performing DoD Component has determined to supplement or enhance their support beyond the level agreed to by the requesting organization. The DoD Component headquarters are responsible for transmitting to DFAS, on a monthly basis, a Contingency Operations Cost Report, standardized SF 1080 for each UN Letters of Assist (UNLoA) or incurred cost for which payment is requested, and sufficient supporting documentation such as receipts, invoices, copies of requisitions approved by the organization supported (e.g., UN, State Department, or other), when required by the billed organization.

10.1.1. DFAS is designated to administer centralized billing and reimbursement distribution activities in support of contingency operations. For the billing function, DFAS shall consolidate the bills from the Components for monthly transmittal to the U.S. Mission to the UN (USUN) or other organizations, as required, along with copies of the Component Contingency Cost Reports. In addition, DFAS shall prepare a monthly status report on amounts billed and reimbursements received for each applicable peace operation. Only billable costs shall be submitted to applicable agencies or international organizations in accordance with the provisions of sections 607 and 630 of the Foreign Assistance Act (FAA), other applicable U.S. statutes, and requirements of the organization being billed.

10.1.2. The billing information transmitted by the DoD Components shall include sufficient supporting documentation to satisfy the payee of the validity of the charges. Detailed lists of transactions supporting the amount billed shall be included with each bill rendered.

10.1.3. With respect to services and commodities provided under section 607 of the FAA, the Department may spend only those reimbursements received within 180 days after the end of the fiscal year in which the costs were incurred. Payments received subsequent to the 180 days shall not be available to defray the costs already incurred by the Department in providing the requested assistance. Payments received for assistance provided under the UN Participation Act and unsolicited payments received from the UN for UN Determined Costs for Participating Troops to UN peacekeeping operations shall be credited to the account or accounts that incurred the costs being reimbursed or the accounts currently available for such purposes. Given the legal restrictions on the use of reimbursed expenses, and to ensure timely recoupment of reimbursable costs to the Department, it is incumbent that each DoD Component identifies and reports on a timely basis all reimbursable billable expenses to DFAS with sufficient supporting documentation as required by the billed organization.

### 10.2 DoD and Non-DoD Transportation Rates for Contingency Operations (231002)

DoD airlift provided in support of UN peacekeeping support, and foreign disaster relief efforts shall be billed at the DoD transportation rate (<http://www.dtic.mil/comptroller/rates/>). This rate is comparable to commercial rates for similar transportation services. Charges for DoD airlift



transportation support provided to other U.S. government agencies pursuant to the Economy Act, 31 U.S.C. 1535, shall normally be billed at the non-DoD rate.

### 10.3 United Nations Process (231003)

The UN reimburses contributing countries for the costs of their activities in accordance with its standard procedures as covered in the UN Guidelines to Contributing Governments, Aides-Memoire to the agreement, Notes Verbal, and specific and general LoAs. The UN should approve all elements of national contributions and the extent of reimbursement prior to an actual deployment, if possible. Therefore, activities undertaken, troops deployed, or costs incurred for items which are not agreed to in advance by the UN, as identified and detailed in the Guidelines, Aides-Memoire, Notes Verbal, or specific or general LoAs, normally will not be reimbursed by the UN. Only expenditures in support of an operation approved by the UN Security Council, and authorized by the General Assembly as a legitimate charge to the UN, are eligible for reimbursement. Costs related to deployment and sustainment of forces and equipment, and rotation of personnel (but not equipment) of contributing countries, based on prior agreement with the UN, are eligible for reimbursement by the UN through UN standing procedures. Financial responsibilities normally shall be included as part of the agreement between the contributing countries and the UN and shall include the details of the financial responsibilities of each party. The U.S. position normally is negotiated by the Department of Defense in coordination with the Department of State. Since costs billable to the UN may differ from the incremental costs incurred, both shall be reported. The following addresses billing procedures and allowable costs for each major type of financial arrangement.

#### 10.3.1. UN Letters of Assist (UNLoA)

10.3.1.1. A UNLoA is a document, issued by the UN to a contributing government, which authorizes that government to provide goods or services to the UN. A UNLoA typically details specifically what is to be provided by the contributing government and establishes a funding limit that cannot be exceeded for that specific UNLoA. General support UNLoAs can be negotiated with the UN, if such UNLoAs are advantageous to both parties, to cover more generic categories such as subsistence, POL, sustainment, and spare parts. The UNLoAs are considered by the UN to be contracting documents and shall be signed and issued by an authorized UN official. More than one item can be included in a UNLoA.

10.3.1.2. The approved UNLoA is issued by the UN to the U.S. Mission to the UN (USUN) where it is acted on by the Military Advisor to the Ambassador. The Office of the Military Advisor (USUN/OMA) determines the appropriate U.S. agency (DoD or State) to receive the request. For the Department of Defense, all requests should be forwarded to OUSD(P) for approval and action. The Office of the USD(P) shall determine the appropriate action organization, and will provide a copy of the UNLoA to that organization and DFAS. DFAS is responsible for maintaining a status report on all active LoAs.

10.3.1.3. The UNLoA is not considered a funded order, and the UN ordinarily does not provide an advance of funds for the value of the request. Therefore, an UNLoA shall not give a DoD Component any additional obligational authority to accomplish the order. The appropriate action office in the DoD Component shall accomplish the action using existing operation and

maintenance funds or other appropriated funds, and prepare an SF 1080 bill for the cost of the goods or services provided, referencing the appropriate UNLoA. No Working Capital Fund is authorized to be used to support these operations when funds are not provided to the Working Capital Fund activity. The SF 1080 is forwarded to DFAS along with sufficient detailed documentation and a Contingency Operations Cost Report to support the bill. All bills shall include adequate documentation for accountability and certification. DFAS shall verify the UNLoA number and item for which a bill is being submitted, summarize these in a separate attachment, and forward the bill to the USUN Mission for submission to the UN.

10.3.2. Non Letters of Assist - U.S. Invoiced Costs. These include recoverable costs of specific support or items requested by the UN, or approved by the UN, in support of a peace operation mission for which a specific itemized bill can be submitted to the UN based on the Aide-Memoire guidelines for participating countries, as described below.

10.3.2.1. Predeployment Actions. Preparation of personnel and equipment for deployment is the responsibility of the contributing country, and includes all preparation costs involved to get the personnel or equipment to the point of embarkation. Billing the UN for reimbursement of these expenses will be based on advance negotiations with the UN. Costs associated with preparing authorized equipment to additional standards defined by UN for deployment to a mission (such as painting, UN marking, winterizing) are the responsibility of the UN. Similarly, costs for returning authorized equipment to national stocks at the conclusion of a mission (such as repainting to national colors) also are the responsibility of the UN. Costs shall be assessed and reimbursed on presentation of a claim based on the authorized equipment list contained in the contribution agreement.

10.3.2.2. Deployment and Redeployment Actions. Transportation to and from the mission area normally shall be by airlift or sealift, as required. Normally, the UN will organize all deployments and redeployments. These activities may be organized by the troop contributing government, but the arrangements must be agreed upon by the UN in advance. All transportation to be provided by the troop contributing country should be coordinated and approved by the UN. If reimbursement is requested, it shall be made only up to the amount it would have cost the UN to accomplish the move.

10.3.2.3. Self-Sustainment. The UN normally is required to provide services to troop-contributing countries. Should the UN not be able, or not wish, to provide the services, it can request a troop-contributing country to provide those services. Services which the UN can request are set out in the UN Contingent-owned Equipment Manual and Procedures (these include services such as catering, communications, minor engineering, explosive ordnance disposal, laundry and dry cleaning, tentage, medical, NBC protection, and other services). Only those services specifically requested will be reimbursable monthly at the indicated rate, on a troop strength basis, to the limits indicated in the agreement with the troop-contributing country.

10.3.2.4. Major Equipment, Minor Equipment and Consumables Reimbursement. Reimbursement for major equipment is provided under established rates whereby the contributing country is reimbursed for both equipment and maintenance (wet lease), or for equipment only, with the UN assuming responsibility for maintenance (dry lease). Minor equipment and



consumables are reimbursed as self-sustainment based upon troop strength. Reimbursement is dependent upon verification that the major equipment, and associated minor equipment and consumables, provided meet the undertaking of the troop-contributing country in its agreement with the UN. The UN has established performance standards so that it can verify that a troop-contributing country has met its obligations and that equipment provided is in acceptable operational order.

10.3.2.5. Arrival Inspection. An arrival inspection will occur immediately upon arrival, and should be completed within one month. Major equipment will be inspected to ensure that categories, groups, and number delivered correspond with the bilateral agreement and are operational. A troop-contributing country representative should explain and demonstrate the agreed self-sustainment capability. Self-sustainment will be inspected with a view to an assessment of the operational equipment and services. The UN will give an account of the services to be provided in the agreement.

10.3.2.6. Operational Readiness Inspection. This inspection of the contingent in the mission area shall be conducted at least once during every 6-month period, or any time when the USUN Mission believes that the equipment or services do not meet standards. The condition of the major equipment shall be inspected, and self-sustainment capability ascertained with a view to assessing whether the sustainment capability is sufficient and satisfactory.

10.3.2.7. Repatriation Inspection. This inspection shall account for all major equipment of the troop-contributing country to be repatriated and verify the condition of the major equipment provided under the “Dry Lease” arrangement. The inspection also shall ensure that no UN owned equipment is part of the equipment repatriated.

10.3.2.8. Reporting Procedures. The USUN Mission shall report to the UN Headquarters the results of all inspections. The reports shall indicate shortcomings in equipment and self-sustainment, and efforts made at mission level to rectify the situation and to bring the contingent in line with the terms of the agreement. Each month the Mission shall submit a report to the Secretariat confirming the mission strength. The monthly report shall indicate the condition of major equipment and self-sustainment.

10.3.2.9. Deployment, Redeployment and Rotation. The UN is responsible for the deployment and redeployment (including regular rotation) of contingent personnel authorized in the Contribution Agreement. The UN normally will make the necessary arrangements with the troop-contributing country and appropriate carriers. When a troop-contributing country offers to provide transportation, the UN may request the troop-contributing country to provide the transportation to and from the mission area under the terms of an UNLoA. The cost for rotation of troops is normally reimbursed on a 6-month basis. Rotation of equipment will not be reimbursed since it is assumed equipment will stay in the area of operation for the length of the operation.

10.3.3. Leases. Leases to the UN shall be managed by the DSCA, which also is responsible for developing requested Price and Availability data to include preparation and transportation costs, with applicable input from the affected Military Component. Development of leases for DoD equipment (major end items) shall follow normal procedures in Security Assistance Management

Manual, Chapter 12, which are governed by the Arms Export Control Act (AECA). Payments from the UN related to the true lease of equipment, as governed by the AECA, revert to the miscellaneous receipts account of the U.S. Treasury. Ancillary costs related to the lease, such as preparation and shipment costs, are governed by section 607 of the FAA, as are the provision of support and services associated with a lease. Reimbursements or payments received under section 607 authority may be credited back to the Component providing the goods or services if reimbursement is received within 180 days after the end of the fiscal year in which the support was provided. Otherwise, these payments revert to the U.S. Treasury.

10.3.4. UN Determined Costs. The UN provides reimbursement at standard rates established by the General Assembly in respect to pay and allowances of military personnel detailed or assigned to the UN to participate in a UN operation. The UN reimburses participating countries without a specific request for payment. The UN determines the number of troop days for which payment will be made based upon USUN Mission reporting of troop strength. No billing is required.

10.3.4.1. Payments by the UN are made directly to DFAS. The State Department receives notification from the UN of a pending reimbursement. Prior to reimbursement by the UN, the State Department transmits this information to the Office of the USD(P), along with the operation(s), time covered, and number of troop months allowed by the UN. The UN estimate is validated by the Joint Staff and the Service Components and directions are provided to the UN through the State Department regarding disposition of the reimbursement.

10.3.4.2. Upon validation of the estimate, the UN processes two checks: one to the DoD (DFAS) at an approved rate per person/month, as determined by the OUSD(C), to cover the incremental military personnel and related costs incurred by the DoD; and a second to the State Department, representing the difference between the UN standard rate and the amount paid to the Department of Defense. For distribution of the DoD funds, Office of the USD(P) makes an assessment of DoD Component manpower deployed during the timeframe covered by the UN payment, and directs DFAS to make the appropriate distribution to the DoD Components, as applicable.

## 11.0 REIMBURSEMENT/DISTRIBUTION (2311)

UN Process. Within 90 days of receipt of an SF-1080 and supporting documentation from the USUN Mission, the UN will confirm with the appropriate UN organization that the goods or services were received, consolidate payment, and forward a check to DFAS. DFAS will distribute funds to appropriate recipients.

## 12.0 NONCOMBATANT EVACUATION OPERATIONS (NEO) (2312)

### \*12.1 Protection of U.S. Citizens and Nationals (231201)

12.1.1. NEOs are conducted to assist the DoS in evacuating U.S. citizens, DoD civilian personnel, and designated host nation (HN) and third country nationals (TCN) whose lives are in danger from locations in a foreign nation to an appropriate safe haven. The United States

Government (USG) will consider evacuating TCNs and host country nationals on a case-by-case, space available, and reimbursable basis. Although normally considered in connection with hostile action, evacuations may also be conducted in anticipation of, or in response, to any natural or man-made disaster.

12.1.2. Upon receipt of a request from the President, or the Department of State, the Department will protect U.S. citizens and nationals and designated other persons, and assist in evacuating these persons from threatened areas overseas. In accordance with Executive Order 12656, as amended on February 9, 1998, the Department is authorized to deploy and use military forces to protect U.S. citizens and nationals and designated other persons in support of their evacuation from threatened areas overseas. The Department of State has the lead responsibility for such evacuations.

## 12.2 Memorandum of Agreement (MOA) (231202)

The MOA between the Departments of State and Defense, “DOS/DoD Cost Responsibility Matrix and Definitions,” dated September 2, 1997, defines departmental cost responsibilities when an evacuation occurs. The content of the MOA is included at [Annex 3](#) and shall be used to determine all NEO cost responsibilities. In general, DoD will fund protection-related costs and DOS will fund evacuation-related costs. The DoD Component supporting the protection operation shall fund the costs of its deployment, unless otherwise specified.

## 12.3 Cost to Transport DoD Noncombatants (231203)

In accordance with 31 U.S.C. 1535 (the Economy Act), all costs incurred by the DoD to assist in evacuating personnel from threatened areas are billable and reimbursable, except for the costs to transport DoD noncombatants to safe havens. If, however, the Department of State incurs costs for transporting DoD noncombatants to safe havens, the applicable DoD Component shall reimburse the Department of State for those costs.

## 12.4 Contingency Operations Cost Report (231204)

After the evacuation is completed, the finance and accounting office of the supporting DoD Component shall collect the cost data and submit the following documents, through its Component Senior Financial Manager, to DFAS: an SF-1080 for all reimbursable evacuation costs, supporting cost documentation (e.g., flying hours, medical costs, or food for evacuees), and a Contingency Operations Cost Report. [The DoD Component shall work with the Department of State and DFAS to submit the bills for reimbursement from the Department of State, Attn: Bureau of Finance and Management Policy, Washington, DC 20520-7427.](#)

## 13.0 FOLLOW-UP (2313)

In the event that billed organizations require additional information relating to submitted bill(s), DFAS shall assist the billed organization to ensure that the necessary information is provided by the appropriate Component.

## 14.0 LARGE SCALE CONTINGENCIES (2314)

### 14.1 Preparing Budget Estimations Guidance (231401)

DoD may be involved in a range of operations from very large to small scale contingencies. The following guidance is to be used in addition to that found throughout this regulation for purposes of preparing budget estimations, cost reporting and billing associated with large-scale, campaign level, contingency operations.

### 14.2 Costs Related to a Contingency Operations (231402)

During large-scale contingencies costs related to a contingency operation may be incurred in both the area of responsibility (AOR) and in other locations to include home station. Additionally, because of the scale of operations, including intense combat or long-term stability or anti-insurgency operations, expenses beyond only direct incremental costs may be appropriate on a case by case basis in written coordination with OUSD(C). They can relate directly to operations in the AOR or be required as a result or consequence of the operations such as reconstitution activities (to replenish stocks, replace battle losses, or worn equipment or systems), depot maintenance and other supporting actions. In addition, during large-scale, campaign-level contingencies, these special funding authorities are often provided by the Congress in support of the operation. These may include special Train and Equip, Coalition Support, Foreign Disaster Relief or other programs. It is the responsibility of the organization that incurs costs in support of the operation, directly or indirectly, to ensure that information on all incremental costs are captured and transmitted to the appropriate DoD Component Senior Financial Manager for forwarding to DFAS, as appropriate.

### 14.3 Determining Costs (231403)

Components are required to report the obligation of all funds (regardless of source) to cover the incremental cost of the contingency, including funds received in a supplemental. Baseline costs should not be reported. The following guidelines are provided to assist the DoD Components in determining baseline and incremental costs for contingency operations.

**14.3.1. Incremental Costs.** In coordination with OUSD(C), DoD Component Senior Financial Managers shall determine incremental and billable costs. Incremental costs are additional costs to the DoD Component appropriations that would not have been incurred had the contingency operation not been supported. Incremental costs do not include the cost of property or services acquired by the Department that was paid for by a source outside the Department or out of funds contributed by such a source. The costs of investment items, construction costs, and costs incurred to fix existing shortcomings can be categorized as incremental cost if the expenditures were necessary to support a contingency operation and would not have been incurred in that fiscal year in the absence of the contingency requirement. Costs incurred beyond what is reasonably necessary to support a contingency operation cannot be deemed reimbursable incremental expenses, since such costs are not directly attributable to support of the operation. Incremental costs may be recorded against supplemental funding, baseline funding, or any source of funds. Base budget funding diverted to pay incremental costs in support of contingency operations are not the same as baseline costs.

14.3.2. Baseline Costs. Baseline costs are the continuing annual costs of DoD operations funded by the Components base appropriations. Baseline costs are those costs that would be incurred whether or not the Component is participating in a contingency operation.

14.3.3. Service-Specific Costs. Service-specific costs for increased OPTEMPO, such as steaming costs for the Navy or Service flying hours should be determined as accurately as possible based on “official” accounting data. Such costs, however, due to the complexity of the operation may require individual determinations on a case by case basis. Reported incremental costs shall reflect, as closely as possible, the actual incremental costs incurred by the unit involved in the specific operation, using cost factors for the specific command or geographic area, when available, as compared to composite cost factors for the overall DoD Component.

#### 14.4 Spending Constraints (231404)

Each DoD Component shall ensure that detailed guidance is disseminated to the appropriate subordinate organization levels to ensure the accuracy and reporting of costs. The DoD Components are responsible to employ a fiduciary approach to ensure that the funds are used in a prudent manner. As operations mature, steps should be taken to evaluate and establish spending constraints.

### 15.0 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND (OCOTF) AND BASE FUNDED OVERSEAS CONTINGENCY OPERATIONS (2315)

#### 15.1 Overseas Contingency Operations Transfer Fund (OCOTF) (231501)

The OCOTF was established to meet operational requirements in support of emerging overseas contingency operations without disrupting approved program execution or force readiness. The OCOTF is a “no-year” transfer account that provides the Department additional flexibility to meet operational requirements by transferring funds to the Military Services and Components based on actual execution experience as events unfold during the year of execution.

#### 15.2 Base Funded Overseas Contingency Operations (231502)

Military Services and Components supporting overseas contingency operations with base funding will submit estimated base budget estimates and obligations electronically through the Select and Native Programming (SNaP) input system during program and budget reviews. Operations include but are not limited to: Bosnia Operations; Kosovo Operations; Operation NOBLE EAGLE; Operation ENDURING FREEDOM (OEF) - TRANS SAHARA; Joint Task Force Bravo – Honduras; Operation OEF-Caribbean and Central America; or other based funded contingency operations.

## 16.0 FOREIGN DISASTER RELIEF (FDR) FUNDED BY OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID (OHDACA) (2316)

### 16.1 Purpose/Applicability (231601)

The purpose of this section is to provide responsibilities and instructions for the development of DoD FDR cost estimates and the request for funding or subsequent reimbursement from DSCA. In accordance with DoDD 5100.46, DoD FDR activities are conducted outside the U.S. and at the request of the U.S. Agency for International Development (USAID), when civilian capacity is overwhelmed and DoD possesses unique capabilities to support life-saving/sustaining humanitarian activities. USAID uses a Mission Tasking Matrix (MiTaM) process to request DoD support. DoD support activities align with validated expenses incurred as a direct result of providing FDR to a foreign country and which comply with the legal purposes of 10 U.S.C. 2561 or similar authority shall be paid or reimbursed with the OHDACA appropriation, as authorized by the Secretary of Defense.

### 16.2 Responsibilities (231602)

16.2.1. The Under Secretary of Defense for Policy (USD(P)) has overall policy, guidance and management responsibility, through subordinate activities, for conducting FDR. For these contingency operations, the USD(P) is responsible for accepting requests for assistance from USG Departments and Agencies, and organizations external to the Department and responding to those Departments, Agencies, or organizations.

16.2.2. The Chairman Joint Chiefs of Staff (CJCS) issues an execute order from the Secretary of Defense, to the Commander of a Combatant Command, which gives the Combatant Commander the authority to order the Military Component into action and the authority for DoD components to expend available funds to carry out the order.

16.2.3. The Office of the Under Secretary of Defense (Comptroller) (OUSDC) is responsible for the overall financial oversight and determining financial responsibility for all contingency operations.

16.2.4. The Defense Security Cooperation Agency (DSCA) is responsible for program management of the OHDACA appropriation, approving FDR cost estimates in coordination with OUSDP, and issuing funds to Combatant Commands to support validated cost reimbursements.

16.2.5. The Combatant Command (CCMD) is responsible for collecting and preparing estimated costs from the DoD Components responsible for executing FDR operations within their geographic area of responsibility (AOR). The CCMD is responsible for submitting costs reports to DSCA, the OUSDC, and others as required. In addition, the CCMD will validate and reimburse the DoD Components for incremental costs incurred in support of FDR operations.



### 16.3 Funds Management of OHDACA Funded Operations (231603)

This section identifies specific OHDACA financial responsibilities and procedures of the CCMD and Military Services to ensure the accountability and management of OHDACA funds distributed in support of FDR operations.

16.3.1. The DSCA will work closely with OSD Policy and Comptroller to coordinate efforts across OSD, the Joint Staff, and the interagency community to provide for a common understanding of resource funding requirements for the relief mission and to focus efforts necessary to obtain additional OHDACA resources, if required, in a timely manner. The DSCA will ensure the approved amount of OHDACA funds set aside by the Secretary of Defense for CCMD FDR operations will be available to the CCMD. DSCA will also provide an OHDACA Funding Authorization Document (FAD) to the CCMD to execute the mission.

16.3.2. The CCMD has the responsibility to establish effective financial management oversight of OHDACA funds provided for the FDR operation. The CCMD will collect daily estimated costs, commitments, and obligations from the supporting components and defense agencies and will ensure that OHDACA funded operations are necessary and applicable, within authorized OHDACA purposes and fund ceilings. The CCMD will report daily funds estimates and expenditures to DSCA and the OUSD(C) Operations Directorate using the Foreign Disaster Relief (FDR) Reporting format at Annex 2.

16.3.3. The Military Component will execute the FDR operations as directed by the CCMD using their available funds, capture actual operation obligations/costs, and code transactions, as necessary, to ensure that all operational costs recorded in the accounting systems are auditable. The Military Component will request OHDACA reimbursement from the CCMD.

16.3.3.1. The request for reimbursement shall be traceable to its costs as included in the cost reports required under paragraph 9.4 of this guidance.

16.3.3.2. Once the DoD Components submit their OHDACA reimbursement request to the CCMD, the CCMD will validate that the costs were incurred in direct support of the mission and comply with legal purposes for the use of OHDACA. Upon validation of these costs, the CCMD will issue an OHDACA FAD or Military Interdepartmental Purchase Request (MIPR) to the DoD Component for reimbursement.

16.3.4. In certain circumstances, a Military Component may need OHDACA funds prior to the humanitarian mission being completed. The CCMD will issue an OHDACA FAD or MIPR to the Military Component, as required.

16.3.4.1. The Military Component is still required to report their estimated daily costs to the CCMD and to execute funds as directed by the CCMD. The CCMD will validate that the costs were incurred to support the humanitarian mission.

16.3.4.2. The Military Component will report all costs as required under section 8.0 of this guidance.

16.3.4.3. The CCMD will make every effort to reimburse OHDACA funds to the Military Component in a timely manner, so the Military Component does not lose buying power from having to utilize its current funds available.

16.3.4.4. The CCMD is required to submit validated cost reports for reimbursement no later than 60 days following the expiration of the Department of Defense Executive Secretary response to the request for assistance. Reimbursement requests received after the 60-day period will be reimbursed by exception based on funds availability.



## Annex 1: Standard Data Reporting Format

Contingency	Component	Reporting Period (eg. October-08)	Treasury Index	Basic Symbol	Beginning FY (yyyy)	Ending FY (yyyy)	Funding Category Code [Disaster Relief only]	Operation	BAG
SAG/BLIN/PE	CBS Line Item	Monthly Commitments	Monthly Obligations	Monthly Disbursements	Data Source (ACCT SYS, ADJUSTMENT, COST MODEL, COST ALLOC)		Comments		

Component: Participating DoD Military Service, Defense Agency or Combatant Command; e.g. Army  
 Reporting Period: e.g. October-08  
 Treasury Index: Treasury's Department identifier; e.g. 57 - Air Force  
 Basic Symbol: Appropriation code; e.g. 2020 - Operation & Maintenance for Army  
 Beginning FY (yyyy): e.g. 2016  
 Ending FY (yyyy): e.g. 2016  
 Funding Category Code: For [Foreign Disaster](#) Relief Operations Only; e.g. OHDACA (Overseas Humanitarian, Disaster, and Civic Aid) and Baseline  
 Operation: Contingency/Disaster, Humanitarian Relief Event or Activity  
 BAG: Budget Account Group; e.g. 01  
 SAG/BLIN/PE: Sub Account Group / Budget Line Item Number / Program Element; e.g. 011C  
 CBS Line Item: Cost Breakdown Structure; Cost Category e.g. 1.2.1  
 Monthly Commitments: Blank (place holder for future use)  
 Monthly Obligations: e.g. 7,000.00 (Dollars)  
 Monthly Disbursements: e.g. 6,900.00 (dollars)  
 Data Source: Accounting System, Cost Model or Allocation  
 Comments: As needed

## Annex 1 (Continued)

## Additional Cost Reporting Considerations and Requirements

1. Be prepared to separately identify offsets to Reserve and Guard accounts due to Reserve/Guard call-up to active duty. Reserve personnel called to active duty shall be funded from the active duty appropriation.
2. Depending on the operation reporting requirements, Component may be required to separately identify other offsets (e.g., training not accomplished, base operating support not required, supplies returned/not utilized, non-monetary contributions, such as free fuel, as applicable).
3. To include dependents (per diem/transportation for NEO or safehaven support): The DoD Component military pay and permanent change of station accounts have been designated fund cites for military dependent evacuations. Related transportation costs addressed here are those from the repatriation center to the evacuees' final safehaven locations. (If CONUS is the designated safehaven, all dependents shall be brought to a repatriation center for processing, then provided additional transportation to a final safehaven location). These costs are separate from the airlift/sealift provided by the DoD or the Department of State for noncombatants during the evacuation; those costs would be reported under Operation and Maintenance, Transportation.
4. Be prepared to provide the most current manpower data for inclusion into the monthly reports to provide a basis for funds distribution for potential United Nations determined cost reimbursements.

## Annex 2: Foreign Disaster Relief (FDR) Reporting Format

Foreign Disaster Relief / OPERATION (Title/Country): Month/Year  
Summary Budget Data

* All figures are in thousands of dollars (\$000K)					Report Date:	
COSTS	Humanitarian Relief Supplies & Materials	Day 1	Day 2	Day 3	Day 4 (continued)	FINAL
	Medical Supplies	0.0	0.0	0.0	0.0	\$0,000
	Health & Comfort Packages	0.0	0.0	0.0	0.0	\$0,000
	Water & Water Storage	0.0	0.0	0.0	0.0	\$0,000
	Humanitarian Daily Rations	0.0	0.0	0.0	0.0	\$0,000
	All Other Humanitarian Relief Supplies	0.0	0.0	0.0	0.0	\$0,000
	Total Humanitarian Supplies & Materials	0.0	0.0	0.0	0.0	\$0,000
	Operational Support Costs	Day 1	Day 2	Day 3	Day 4 (continued)	FINAL
	Personnel Costs	0.0	0.0	0.0	0.0	\$0,000
	Temporary Duty Costs	0.0	0.0	0.0	0.0	\$0,000
	Health Services, Clothing, & Misc Personnel Support	0.0	0.0	0.0	0.0	\$0,000
	Base Support (Billeting, mess, C4I, & other support for US forces)	0.0	0.0	0.0	0.0	\$0,000
	Airlift & Aviation Costs	0.0	0.0	0.0	0.0	\$0,000
	Sealift & Steaming Costs	0.0	0.0	0.0	0.0	\$0,000
	Port Handling & Misc Transportation Costs	0.0	0.0	0.0	0.0	\$0,000
	Other Operational Support Costs	0.0	0.0	0.0	0.0	\$0,000
	Total Operational Support	0.0	0.0	0.0	0.0	\$0,000
	Total Operation Costs (Humanitarian Supplies & Materials plus Operational Costs)	0.0	0.0	0.0	0.0	\$0,000

## Annex 2 (Continued)

OPERATION / Humanitarian Mission (Title/Country): Month/Year  
Summary Budget Data

		AUDIT	AUDIT	AUDIT	AUDIT	AUDIT
		Day 1	Day 2	Day 3	Day 4 (continued)	FINAL
STATUS OF FUNDS	Resource Authority					
	OHDACA Provided to Combatant Command	0.0	0.0	0.0	0.0	\$0,000
	Less: Costs to Date	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>\$0,000</u>
	Resources remaining after costs	0.0	0.0	0.0	0.0	\$0,000
COSTS PER DAY & OHDACA AVAILABLE	Daily Rate of Expenditure (\$000K per day) is	0.0	0.0	as calculated from Dates of Operation (Day/Month/Year to Day/Month/Year)		
	Transaction Date	OHDACA Received (non- cumulative)	Total Operation OHDACA (cumulative)	OHDACA Distributed to Components (non- cumulative)	Total OHDACA Distributed (cumulative)	Amount held at Command/ DSCA (cumulative)
	0-Jan-00	0.0	0.0	0.0	0.0	\$0,000
	0-Jan-00	0.0	0.0	0.0	0.0	\$0,000
	0-Jan-00	0.0	0.0	0.0	\$0.0	\$0,000

## Additional information and guidance:

CCMDs will receive OHDACA funding through the Defense Agencies Initiative (DAI) or Program Budget Accounting System (PBAS) from DSCA within 48 hours of the signed Department of Defense Executive Secretary (EXECSEC) memorandum to Department of State.

CCMDs are responsible for reimbursement of all validated expenses related to an EXECSEC or Disaster Response.

## Annex 3:Evacuations

Department of State/Department of Defense  
Cost Responsibility Matrix and Definitions**Evacuation/Protection  
Cost Responsibility****Evacuation Related Costs: 1/**

A. Evacuee transportation/backhaul	State
B. Landing fees	State
C. Positioning of evacuee transportation assets solely for evacuation	State

**Protection Related Costs: 2/**

D. Positioning of transportation assets when assets are to be used for protection and evacuation	DoD
E. Special Pays (Imminent Danger, etc.)	DoD
F. Protection Forces (including all support)	DoD
G. Deploy/redeploy/reconstitute protection element	DoD
H. Protection of evacuees/DoD assets & personnel	DoD
I. Tactical Airlift Control Element	DoD
J. Per Diem	DoD
K. Communications	DoD
L. NEO command structure	DoD

1/ If other evacuation efforts are requested specifically by the Department of State, those efforts shall be billed under the Economy Act (31 U.S.C. 1535).

2/ If other protection efforts are performed during an evacuation, the associated costs shall be borne by DoD.

## Annex 4: Cost Breakdown Structure

1.1 Military Personnel		
1.1.1	Reserve Components Called To Active Duty	The fully-burdened cost for pay and allowances for Reserve and National Guard personnel called to active duty to support a contingency operation (excludes mobilized Reserve AGRs since there is no incremental cost for their mobilization, but includes mobilized National Guard AGRs). Excludes Imminent Danger Pay, Family Separation Allowance, and Hardship Duty Pay which are accounted for in CBS codes 1.1.2, 1.1.3 and 1.1.4 and Stop Loss and Deployment Extension pays which are recorded in 1.1.7.1. Does not include TRICARE accrual costs, which for reservists, are not an incremental cost. It includes, but is not limited to Basic Pay, Basic Allowance for Housing (BAH), Basic Allowance for Subsistence (BAS), Retired Pay Accrual, government's portion of Federal Insurance Contribution Act taxes, and all special and incentive pays not included in 1.1.2, 1.1.3, 1.1.4 and 1.1.7.1.
1.1.2	Imminent Danger or Hostile Fire Pay	When authorized by the directing authority, a monthly special pay provided to active and reserve component military personnel participating in or supporting the contingency operation.
1.1.3	Family Separation Allowance	A monthly special allowance paid to all active and reserve component personnel who are separated from their families for 30 days or more.
1.1.4	Hardship Duty Pay	Hardship Duty Pay (HDP) is a monthly special pay for both mission (HDP-M) and location (HDP-L) paid to all Active and Reserve Component personnel who are eligible based upon the appropriate designations for personnel who are at a location outside of the continental U.S. (OCONUS).
1.1.5	Subsistence-in-Kind	Includes the costs of water, food, and ice and other subsistence items (Army Class I) which are purchased expressly to support personnel engaged in or supporting the contingency operation. Does not include Basic Allowance for Subsistence (BAS) which will be reported in 1.1.1 or 1.1.8 as applicable.

1.1 Military Personnel (Continued)		
1.1.6	Reserve Components Pre-Mobilization/ Post- Mobilization Training	Includes all pay and allowance costs, as well as travel and per diem for training specially required prior to or post activation, and not included within normal Annual Training (AT) and Inactive Duty Training (IDT) periods. Additional AT or IDT required to meet general Military Occupation Specialty individual and collective training standards are excluded.
1.1.6.1	Yellow Ribbon	Includes costs to assist National Guard and Reserve service members and families for reintegration training through the pre and post deployment phases.
1.1.7.1	Other Milpers Special and Incentive Pays	Active Duty special pays and incentives not reportable in 1.1.2, 1.1.3, 1.1.4, or 1.1.8. Special and incentive pays for Reserve Components called to Active Duty should be reported in 1.1.1 if not reportable in 1.1.2, 1.1.3 or 1.1.4. However, Stop Loss pays and Deployment Extension pay will be reported in 1.1.7.1 for both the Active and Reserve Components.
1.1.7.2	Permanent Change of Station - Military	Military personnel PCS costs associated with moving a servicemember in preparation for deployment or mobilization and upon return.
1.1.7.3	Temporary Storage - Military	Includes costs incurred to provide temporary storage for household goods and privately owned vehicles for servicemembers during deployments and mobilization in support of contingency operations.
1.1.7.4	Casualty and Disability Benefits	Costs incurred to pay death gratuities; Servicemembers Group Life Insurance (SGLI); Traumatic Injury Protection under SGLI (T-SGLI); and SGLI and T-SGLI insurance premiums.
1.1.7.5	Recruiting and Retention	Incentives and bonuses to recruit and retain personnel in critical military positions.
1.1.7.6	Additional Mobilization/Deployment Costs	Miscellaneous programs (e.g., Reserve Income Replacement Program, Unemployment Compensation, and Interest on Uniformed Services).

1.1 Military Personnel (Continued)		
1.1.8	Active Component Overstrength	The situation where a Military Service administratively retains a military member in an active duty status beyond a previously scheduled separation from the Armed Forces or brings on additional members in a temporary status to meet wartime requirements. Includes the cost of the fully-burdened composite rate of pay, allowances, taxes, and accruals for approved active component end strength in excess of Congressional authorized manning levels while supporting a contingency operation or war. Includes personnel retained as a result of stop loss actions. Excludes Imminent Danger Pay, Family Separation Allowance, Hardship Duty Pay, Stop Loss and Deployment Extension pays which are accounted for in other categories. It includes, but is not limited to Basic Pay, BAH, BAS, special and incentive pays, Retired Pay Accrual, TRICARE accrual, and the governments portion of Federal Insurance Act Contribution taxes.
1.2 Civilian Personnel		
1.2.1	Civilian Premium Pay	Includes certain types of pay such as overtime pay, night/shift differential pay, Sunday pay, holiday pay, hazard duty pay, environmental differential pay, danger pay allowance, and allowances and differentials in foreign areas that are incurred solely as a result of the employee's participation in or support to the contingency operation. Covers premium pay for both permanent and temporary DoD civilian employees.
1.2.2	Civilian Temporary Hires	Includes the basic salary and benefit costs of DoD civilian employees hired, on a temporary/nonpermanent basis, to directly support contingency operations or to provide backfill support with duty station in CONUS or OCONUS. Includes reimbursement for Working Capital Fund employees utilized in direct support of a contingency.
1.2.3	MRAP Vehicles	Obligations for civilian premium pay for deployed civilians and workload peaks at mobilization/demobilization and deployment/redeployment sites in the Continental United States (CONUS).



2.0 Personnel Support		
2.1	Temporary Duty (TDY)/Additional Duty (TAD)	Includes the costs of travel, per diem, and lodging for military and civilian personnel that result from participation in or support to the contingency operation. Also includes the cost of invitational travel orders for non-DoD personnel who travel at the request of a DoD Component on an assignment directly related to the contingency operation. Excludes the TDY/TAD costs of Reserve Component personnel called to active duty. These costs are to be reported as Reserve Component activation costs.
2.1.1	Per Diem - Military Dependents Only	Per Diem - Military Dependents Only
2.1.2	Per Diem - Military Members	Per Diem - Military Members
2.1.3	PCS Transportation - Military	PCS Transportation - Military
2.1.4	Dislocation Allowance	Dislocation Allowance
2.1.5	Per Diem - DoD Civilians	Per Diem - DoD Civilians
2.1.6	Per Diem - DoD Civilian Dependents	Per Diem - DoD Civilian Dependents
2.1.7	PCS Transportation - DoD Civilians	PCS Transportation - DoD Civilians
2.1.8	Miscellaneous Expense Allowance - DoD Civilians	Miscellaneous Expense Allowance - DoD Civilians
2.1.9	TDY Per Diem and Travel	TDY Per Diem and Travel
2.2	Individual Equipment	Costs associated with government owned, issued, and controlled personal protective gear temporarily issued to military Service members for use at no cost to the military Service members. Examples of personal protective gear include Load Bearing Equipment, helmets, ballistic eyewear, steel toe boots, gloves, goggles, ear protection, and hard armor ballistic inserts. For Service specific definition, see Service respective uniform regulation(s). Input procurement and operation and maintenance funding for individual equipment.

2.0 Personnel Support (Continued)		
2.2.1	Organizational Clothing	Costs associated with government owned, issued, and controlled uniform garments temporarily issued to military Service members for use at no cost to the military Service member. Examples of uniform garments include the Extended Cold Weather Clothing System, Aviation Combat Uniform, Flight Suit, Fire Resistant Combat Uniform, and the Improved Combat Vehicle Crewmember Coverall. For Service specific definitions, see Service respective uniform regulation(s). Input procurement and operation and maintenance funding for organizational clothing.
2.3	Medical Support/Health Services	Additive costs associated with providing medical services to military (Active or Reserve) and civilians (DoD or contractor) in clinics, hospitals, hospital ships, or other medical treatment facilities. Includes predeployment medical examinations, immunizations, medical materials (Army Class VIII supplies; e.g., blood, fluids, and specialized medical repair parts), medical supplies, operation of Mobile Army Surgical Hospital units, patient evacuation, and other nonpay and allowance expenses associated with medical backfill. Includes required communications costs associated with provision of medical services via telemedicine.
2.4	Reserve Component Activation/Deactivation	Includes costs to activate (mobilize) and deactivate(demobilize) Reserve units or individual Reservists. Includes transportation from home station to active duty station in CONUS. Training to bring Reserve Components up to active force readiness standards are considered activation costs. Excludes costs of pay, allowances, active duty TDY/TAD, and transportation to and from the area of operation, training, and other costs which are reported elsewhere.
2.4.1	Yellow Ribbon	Includes costs to assist National Guard and Reserve servicemembers and families with local resources before, during, and after deployments.
2.5	Other Personnel Support	Personnel support costs not included in one of the above items. This category would include unusual costs such as permanent change of station, end of term of service, or special actions associated with household goods or privately-owned vehicle storage.

2.0 Personnel Support (Continued)		
2.5.1	Permanent Change of Station - Civilian	Includes costs associated with moving a civilian in preparation for deployment and upon return.
2.5.2	Temporary Storage - Civilian	Includes costs incurred to provide temporary storage for household goods and privately owned vehicles for civilians during deployments to contingency operations.
2.5.3	Subsistence - Civilian	Includes costs incurred to provide subsistence for civilians during deployments to contingency operations.
2.6	Rest & Recreation	<p>Funds obligated by a DoD Component to provide a U.S. Government civilian or a military member of the Armed Services with an occasion away from a contingency operation duty station for the purpose of rest and recreation.</p> <p>Includes the cost of transportation from and to the contingency operation duty station.</p>
2.7	Body Armor	<p>Costs associated with government owned, issued, and controlled ballistic projectile protection equipment temporarily issued to military Service members for use at no cost to the military Service members. Examples of body armor include helmets, armored vests, body armor plates, small arms protective inserts, side ballistic Insert, and tactical vests. Body armor is a subset of individual equipment. For Service specific definition, see Service respective uniform regulation(s). Input procurement and operation and maintenance funding for body armor.</p>
3.0 Operations		
3.1	Training	Includes the costs associated with predeployment training of units and personnel to participate in or support an operation as well as the costs associated with training troops and personnel during the contingency operation. Includes antiterrorism training if required. Includes ancillary costs associated with proficiency training.
3.1.0	Care-in-Store	The cost to receive, preserve, store, and issue equipment for repair/restoration.

3.0 Operations (Continued)		
3.1.2	MRAP Vehicles Training	Obligations incurred to provide a variety of training in support of MRAP operational capability.
3.2	Operations (OPTEMPO) (Fuel, Other POL, Parts)	<p>Includes the incremental cost to operate units that conduct or support the contingency operation such as materials and services used during an operation to include: petroleum, oils and lubricants (POL) (Army Class III items) and spare and consumable parts such as repair components, kits, assemblies, reparable and nonreparable items for equipment maintenance support (Army Class IX items). Only those additional OPTEMPO costs that the Department incurs as a direct result of the contingency operation should be included.</p> <p>Includes all equipment maintenance required to prepare equipment for deployment and to maintain equipment during the contingency operation. Excludes charges for the use of DoD assets and also excludes cost of ammunition of all types (chemical, radiological, and special weapons), bombs, explosives, mine, fuse detonators, propellants, missiles, pyrotechnics and other associated items (Army Class V items).</p>
3.2.1	MRAP Vehicles Operation	Obligations incurred to provide operation and maintenance of deployed MRAPs.
3.2.2.1	Air Reconnaissance(P3)	Air Reconnaissance(P3)
3.2.2.2	Other Flying Hours	Other Flying Hours
3.2.3	Steaming Days	Steaming Days
3.2.4.1	TAD Non-Medical Personnel (USNS Comfort)	TAD Non-Medical Personnel (USNS Comfort)
3.2.4.2	TAD Medical Personnel (USNS Comfort)	TAD Medical Personnel (USNS Comfort)
3.2.5	Medical Supplies	Medical Supplies
3.2.6	Other Steaming Days	Other Steaming Days
3.2.7	Other	Other
3.2.8	USNS Mercy	USNS Mercy
3.2.8.1	TAD Non-Medical Personnel (USNS Mercy)	TAD Non-Medical Personnel (USNS Mercy)
3.2.8.2	TAD Medical Personnel (USNS Mercy)	TAD Medical Personnel (USNS Mercy)

3.0 Operations (Continued)		
3.3.1	Mine and Ballistic Protection Kits	Includes cost for the purchase, repair and maintenance for equipment and kits designed to increase personnel and vehicle ballistic protection.
3.3.2	Supplies and Equipment	Includes costs for supplies and equipment that is directly attributable to a contingency operation, but is not associated with operating tempo.
3.4	Facilities/Base Support	Includes establishment, maintenance & ops of billeting, camps, airfields, staging areas, relief centers, etc., similar to base operating support and real property maintenance. While this applies to costs incurred away from home station, costs may be included if they are incurred solely to support the contingency op. This category includes leases, rents and utilities to operate bases, camps, relief centers, airfields, and other operating/support facilities established. This category includes fortifications and barriers (Army Class IV) and other physical security costs and costs associated to protect forces at the facility (i.e. lease of land for required stand-off distance, special sewage removal or water hauling) and other base/center operating expenses such as food prep/serving service, storage and distribution warehousing or local area shuttle services. Includes materials and services provided by DoD Components or contractors and all logistics civil augmentation program costs.
3.4.1	MRAP Vehicles Facilities and Base Support	Obligations incurred to provide CONUS base support services, intermediate maintenance, and supplies and equipment in support of operation and maintenance of MRAPs.
3.5.1	Organization Level Maintenance	The cost of equipment maintenance activities performed at the organizational/unit level. Includes the cost to clean, inspect, and maintain organic equipment to the required condition at the conclusion of the contingency operation or unit deployment. Covers equipment organic to the participating unit and war reserve stock prior to replacement into storage. Excludes the cost to transport equipment being repaired/restored.

3.0 Operations (Continued)		
3.5.1.1	Non-Reset Organizational Level Maintenance	Organizational level cost of equipment maintenance activities, other than reset.
3.5.1.2	Reset Organizational Level Maintenance	<p>Reset organizational level maintenance.</p> <p><b>Definition:</b> For Operation and Maintenance activities, reset includes a series of actions taken to restore units that have participated in contingency operations to a desired level of combat capability commensurate with the units' future mission. It encompasses both maintenance and supply activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by repairing, rebuilding, or procuring replacement equipment. These maintenance and supply activities involve both recapitalization and Depot and Field Level repairs/overhauls centrally managed to specified standards.</p> <p>Included are Procurement and Operation and Maintenance funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhance or restore existing equipment inventories through the insertion of new technology or restoration of selected equipment to a zero-miles/zero-hours condition. Reset includes replacement of equipment lost during operations in theater.</p>
3.5.2	Intermediate Level Maintenance	<p>The cost of equipment maintenance activities performed at the intermediate level facility, to include the cost to clean, inspect, and maintain organic equipment to the required condition at the conclusion of the contingency operation or unit deployment. Covers equipment organic to the participating unit and war reserve stock prior to replacement into storage. Excludes the cost to transport equipment being repaired/restored.</p>
3.5.2.1	Non-Reset Intermediate Level Maintenance	Intermediate level cost of equipment maintenance activities, other than reset.
3.5.2.2	Reset Intermediate Level Maintenance	Reset intermediate level maintenance. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>

3.0 Operations (Continued)		
3.5.3	Depot Level Maintenance	The cost of equipment maintenance activities performed at the depot level facility, to include the cost to overhaul, clean, inspect, and maintain organic equipment to the required condition at the conclusion of the contingency operation or unit deployment. Covers equipment organic to the participating unit and war reserve stock prior to replacement into storage. Excludes the cost to transport, receive, preserve, store, and issue equipment being repaired/restored.
3.5.3.1	Non-Reset Depot Level Maintenance	Depot level cost of equipment maintenance activities, other than reset.
3.5.3.2	Reset Depot Level Maintenance	Maintenance actions at the Depot level to accomplish Reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
3.5.4	Contractor Logistics Support	The cost included when required material and maintenance of an end item or system is performed by contract support.
3.5.4.1	Non-Reset Contractor Logistics Support	Contractor logistics support cost, excluding reset costs.
3.5.4.2	Reset Contractor Logistic Support	Maintenance actions through Contractor Logistics Support to accomplish Reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
3.5.5	Up-Armored HMMWV Repair	Obligations incurred to repair, modify, or upgrade Up- Armored High Mobility Multipurpose Wheeled Vehicle
3.5.6	MRAP Vehicles Equipment Maintenance	MRAP Vehicles Equipment Maintenance
3.6	C4I	Includes the cost of designing, engineering, installing, and maintaining C4I systems required to support the contingency operations such as: purchase and lease of communications equipment, lease of commercial satellites and long-haul lines; and collection, analysis, and dissemination of information or intelligence information (to include cartography, imagery, and other mapping activities and joint surveillance attack radar system and unmanned aerial vehicles.

3.0 Operations (Continued)		
3.7.1	Miscellaneous Supplies	Includes costs of procuring, leasing, or renting miscellaneous supplies or services used during the contingency operation. Includes general support and administrative equipment not identified in another category. Includes contract services such as linguists not identified in another category.
3.7.2	Contract Services	Includes costs associated with providing contract services (non C4I) used during the contingency operation not covered in any other CBS category.
3.7.3	General Support and Administrative Equipment	Includes costs incurred to maintain and operate equipment with multi-use administrative purposes.
3.7.4	LOGCAP	Obligations incurred to pay for contract costs related to the Logistics Civilian Augmentation Program.
3.8	IED Operation	Obligations incurred to operate or repair equipment to defeat or counter the use of improvised explosive devices.
3.9	Psychological Operations (Information Operations)	Planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals.
4.0 Transportation		
4.1	Airlift	Includes transportation of personnel, equipment, and material <b>by commercial or military air</b> ; retrograde costs should be reported in CBS 4.8.
4.2	Sealift	Includes transportation of personnel, equipment, and material by sea using commercial or active duty naval ships; retrograde costs should be reported in CBS 4.8.
4.3	Ready Reserve Force (RRF)/Fast Sealift Ships (FSS)	Includes transportation of personnel, equipment, and material by sea using RRF/FSS. Includes the cost to activate/deactivate and make vessels ready for use in contingency operations; retrograde costs should be reported in CBS 4.8.



4.0 Transportation (Continued)		
4.4	Port Handling/Inland Transportation	Includes port handling costs and transportation of personnel, equipment, and material by land. Also includes any contracted services to support port handling or inland transportation. Includes transportation between peacetime operating locations (home station) and ports and transportation between ports and the area of operation during deployment, sustainment, and redeployment; retrograde costs should be reported in CBS 4.8.
4.5	Other Transportation	Includes transportation not included as airlift, sealift, ready reserve forces, or port handling/inland transportation; retrograde costs should be reported in CBS 4.8.
4.6	Second Destination Transportation	Includes the cost of delivery of end item(s) to a location in support of a contingency operation. Also includes Defense Logistics Agency second destination costs; retrograde costs should be reported in CBS 4.8.
4.7	MRAP Vehicles Transportation	Obligations incurred for transportation for MRAP vehicles in support of <a href="#">contingency operations</a> ; retrograde costs should be reported in CBS 4.8.
4.8	Retrograde of Personnel & Equipment	Amounts obligated to retrograde personnel and equipment. <a href="#">Equipment retrograde refers to the movement of non-unit equipment and material from a forward location to a reset program or another directed area of operation.</a>
5.0 Revolving Funds		
5.1	Depot Level Repairables	Includes the cost of depot level repairables obligations incurred in support of a contingency operation within a Working Capital Fund.
5.10	Def Reutilization & Marketing Service OPS	Includes the cost of reutilization and marketing service operations obligations incurred in support of a contingency operation within a Working Capital Fund.
5.11	Other	Includes the cost of other obligations incurred in support of a contingency operation within a Working Capital Fund.
5.2	Depot Maintenance	Includes the cost of depot maintenance obligations incurred in support of a contingency operation within a Working Capital Fund.

5.0 Revolving Funds (Continued)		
5.3	Non-Flying Hours Spares (War Reserve Stock)	Includes the cost of nonflying hours spares obligations incurred in support of a contingency operation within a Working Capital Fund.
5.4	War Reserve Stock Secondary Items	Includes the cost of War Reserve Stock Secondary Items obligations incurred in support of a contingency operation within a Working Capital Fund.
5.5	Prepositioning Equipment Replacement - War Reserve	Prepositioning Equipment Replacement - War Reserve
5.6	Prepositioning Munitions Replacement - War Reserve	Prepositioning Munitions Replacement - War Reserve
5.8	Theater Distribution	Includes the cost of theater distribution obligations incurred in support of a contingency operation within a Working Capital Fund.
5.9	Fuel Transportation and Fuel Combat Losses	Includes the cost of fuel transportation and fuel combat losses obligations incurred in support of a contingency operation within a Working Capital Fund.
6.1 Procurement		
6.1.1	Aircraft Procurement	<p>The obligation of funds in the Components aircraft procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment.</p> <p>Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.</p>
6.1.1.1	Aircraft Procurement Reset	Includes the obligation of funds in the Components aircraft procurement accounts, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>

6.1 Procurement (Continued)		
6.1.1.2	Aircraft Procurement Non-Reset	Includes the obligation of funds in the Components aircraft procurement accounts, incurred in support of a contingency operation excluding reset. <a href="#">Included are purchases of specialized, theater-specific equipment or operationally required modifications to equipment used in theater or in direct support of combat operations.</a>
6.1.2	Munition Procurement	The obligation of funds in the Components munitions procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.1.2.1	Munition Procurement Reset	Includes the obligation of funds in the Components munitions procurement accounts, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.1.2.2	Munition Procurement Non-Reset	Includes the obligation of funds in the Components munitions procurement accounts, incurred in support of a contingency operation excluding reset. <a href="#">May include munitions procurement based on projected combat operations expenditures, in cases where existing munitions stocks are insufficient to sustain theater combat operations.</a>
6.1.3	Vehicle Procurement	The obligation of funds in the Components vehicle procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission.
6.1.3.1	Vehicle Procurement Reset	Includes the obligation of funds in the Components vehicle procurement accounts, incurred in support of a contingency operation within the procurement title for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>

6.1 Procurement (Continued)		
6.1.3.2	Vehicle Procurement Non-Reset	Includes the obligation of funds in the Components vehicle procurement accounts, incurred in support of a contingency operation excluding reset.
6.1.3.3	MRAP Vehicles Procurement	Includes the obligation of funds in the Components vehicle procurement accounts for MRAPs, incurred in support of a contingency operation.
6.1.4	Communication & Electronic Equip Procurement	The obligation of funds in the Components communication and electronic equipment procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.1.4.1	Communication & Electronic Equip Reset	Includes the obligation of funds in the Components communication & electronic procurement accounts, incurred in support of a contingency operation within the procurement title for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.1.4.2	Communication & Electronic Equip Non-Reset	Includes the obligation of funds in the Components communication & electronic procurement accounts, incurred in support of a contingency operation within the procurement title excluding reset.
6.1.5	Non-IED/Up-Armored Humvees Combat Support	The obligation of funds in the Components non-IED/up- armored humvees combat support procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.

6.1 Procurement (Continued)		
6.1.5.1	Non-IED/Up-Armored Humvees, Combat Reset	Includes the obligation of funds in the Components non- IED/up-armored humvees combat support procurement accounts, incurred in support of a contingency operation within the procurement title for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.1.5.2	Non-IED/Up-Armored Humvees, Combat Non-Reset	Includes the obligation of funds in the Components non- IED/up-armored humvees combat support procurement accounts, incurred in support of a contingency operation within the procurement title excluding reset.
6.1.6	Up-Armored Humvees Procure and Modify	The obligation of funds in the Components up-armored humvee procurement accounts procurement accounts that include actions taken to restore units to a desired level of combat capability commensurate with the unit's future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat.
6.1.6.1	Up-Armored Humvee Procurement Reset	Includes the obligation of funds in the Components up- armored humvee procurement accounts, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.1.6.2	Up-Armored Humvee Procurement Non-Reset	Includes the obligation of funds in the Components up- armored humvee procurement accounts, incurred in support of a contingency operation excluding reset.

6.1 Procurement (Continued)		
6.1.7	Reset	<p>Includes the obligation of funds in the Components procurement accounts, incurred in support of a contingency operation for reset.</p> <p>Definition: For Procurement activities, reset includes a series of actions taken to restore units that have participated in contingency operations to a desired level of combat capability commensurate with the units' future mission. It encompasses both maintenance and supply activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by repairing, rebuilding, or procuring replacement equipment. These maintenance and supply activities involve both recapitalization and Depot and Field Level repairs/overhauls centrally managed to specified standards.</p> <p>Included are Procurement and Operation and Maintenance funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhance or restore existing equipment inventories through the insertion of new technology or restoration of selected equipment to a zero-miles/zero-hours condition. Reset includes replacement of equipment lost during operations in theater.</p>
6.1.8	Joint Counter IED	<p>Obligations incurred to procure, modify, upgrade or replace equipment to defeat or counter the use of improvised explosive devices. Includes the Joint Improved – Threat Defeat Fund (JIDF).</p>

6.2 Research and Development		
6.2.1	Basic Research	The obligation of funds in the Components Basic Research program, RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero- miles/zero-hours condition.
6.2.1.1	Basic Research Reset	Includes the obligation of funds in the Components Basic Research program, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.2.1.2	Basic Research Non-Reset	Includes the obligation of funds in the Components Basic Research program, within the RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.2	Applied Research	The obligation of funds in the Components Applied Research program, RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.2.2.1	Applied Research Reset	Includes the obligation of funds in the Components Applied Research program, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>

6.2 Research and Development (Continued)		
6.2.2.2	Applied Research Non-Reset	Includes the obligation of funds in the Components Applied Research program, RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.2.3	Applied Research MRAP Vehicles	Includes the obligation of funds in the Components Applied Research program, RDT&E title, incurred in support of MRAPs for a contingency operation.
6.2.3	Advanced Technology Development	The obligation of funds in the Components Advanced Technology programs, within the RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.2.3.1	Advanced Technology Reset	Includes the obligation of funds in the Components Advanced Technology Development program, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.2.3.2	Advanced Technology Non-Reset	Includes the obligation of funds in the Components Advanced Technology programs, within the RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.4	Advanced Component Development & Prototype	The obligation of funds in the Components Advanced Component Development and Prototype programs, within the RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization.



6.2 Research and Development (Continued)		
6.2.4.1	Advanced Component Development & Prototype Reset	Includes the obligation of funds in the Components advanced Component Development and Prototype program, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.2.4.2	Advanced Component Development & Prototype Non- Reset	Includes the obligation of funds in the Components advanced Component Development and Prototype program, within the RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.5	System Development & Demonstration	The obligation of funds in the Components System Development and Demonstration programs, within the RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre- positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.2.5.1	System Development and Demonstration Reset	Includes the obligation of funds in the Components System Development and Demonstration program, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.2.5.2	System Development and Demo Non-Reset	Includes the obligation of funds in the Components System Development and Demonstration program, within the RDT&E title, incurred in support of a contingency operation excluding reset.

6.2 Research and Development (Continued)		
6.2.6	Management Support	The obligation of funds in the Components Management Support programs, within the RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.2.6.1	Management Support Reset	Includes the obligation of funds in the Components Management Support programs, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>
6.2.6.2	Management Support Non- Reset	Includes the obligation of funds in the Components Management Support programs, within the RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.7	Operational System Development	The obligation of funds in the Components Operational System Development programs, within the RDT&E title, that include actions taken to restore units to a desired level of combat capability commensurate with the units future mission. It encompasses procurement activities that restore and enhance combat capability to unit and pre-positioned equipment that was destroyed, damaged, stressed, or worn out beyond economic repair due to combat operations by procuring replacement equipment. Included are Procurement funded major repairs/overhauls and recapitalization (Rebuild or Upgrade) that enhances existing equipment through the insertion of new technology or restores selected equipment to a zero-miles/zero-hours condition.
6.2.7.1	Operational System Development Reset	Includes the obligation of funds in the Components Operational System Development programs, within the RDT&E title, incurred in support of a contingency operation for reset. <a href="#">See CBS Code 3.5.1.2 and 6.1.7 for reset definition.</a>

6.2 Research and Development (Continued)		
6.2.7.2	Operational System Development Non-Reset	Includes the obligation of funds in the Components Operational System Development programs, within the RDT&E title, incurred in support of a contingency operation excluding reset.
6.2.7.3	Operational System Development MRAP Vehicles	Includes the obligation of funds in the Components Operational System Development programs, within the RDT&E title, incurred in support of MRAPs for a contingency operation.
6.3 Military Construction		
6.3.1	Major Construction	Includes the obligation of funds in the Military Construction title incurred in support of a contingency operation.
6.3.2	Minor Construction	Includes the obligation of funds in the Components (Operation & Maintenance) program for minor construction incurred in support of a contingency operation.
6.3.3	Family Housing (Construction)	Includes the obligation of funds in the Components family housing (construction) program, within the Military Construction title, incurred in support of a contingency operation.
6.3.4	Family Housing (Operation & Maintenance)	Includes the obligation of funds in the Components family housing (Operation & Maintenance) program, within the Military Construction title, incurred in support of a contingency operation.
7.1 Coalition Support		
7.1.01	Pakistan	Coalition Support - Pakistan
7.1.02	Mongolia	Coalition Support - Mongolia
7.1.03	Poland	Coalition Support - Poland
7.1.04	Ukraine	Coalition Support - Ukraine
7.1.05	Uzbekistan	Coalition Support - Uzbekistan
7.1.06	Slovakia	Coalition Support - Slovakia
7.1.07	Azerbaijan	Coalition Support - Azerbaijan
7.1.08	Bosnia	Coalition Support - Bosnia
7.1.09	Macedonia	Coalition Support - Macedonia
7.1.10	Romania	Coalition Support - Romania
7.1.11	Thailand	Coalition Support - Thailand
7.1.12	Jordan (OEF)	Coalition Support - Jordan (OEF)
7.1.13	Jordan (OIF)	Coalition Support - Jordan (OIF)
7.1.14	Georgia (OIF)	Coalition Support - Georgia (OIF)
7.1.15	Estonia	Coalition Support - Estonia
7.1.16	El Salvador	Coalition Support - El Salvador

7.1 Coalition Support (Continued)		
7.1.17	Nicaragua	Coalition Support - Nicaragua
7.1.18	Hungary	Coalition Support - Hungary
7.1.19	Kyrgyz Republic	Coalition Support - Kyrgyz Republic
7.1.20	Tonga	Coalition Support - Tonga
7.1.21	Romania	Coalition Support - Romania
7.1.22	Czech Republic	Coalition Support - Czech Republic
7.1.23	Georgia (OEF)	Coalition Support - Georgia (OEF)
7.1.24	Moldova	Coalition Support - Moldova
7.1.26	Mongolia (OEF)	Coalition Support - Mongolia (OEF)
7.1.90	CRSP	Coalition Readiness Support Program
7.2 Lift and Sustain		
7.2.1	Transportation Support	Lift and Sustain - Transportation Support
7.2.2	Logistic Support	Lift and Sustain - Logistic Support
7.2.3	Other Support	Lift and Sustain - Other Support
7.2.4	Lift & Sustain	Global Lift & Sustain - Operation Unified Protection
7.3 Security Force Funds		
Applies to Afghanistan Security Forces Fund (2091) and Iraq Security Forces Fund (2092)		
7.3.01	Defense Forces	Train and Equip - Defense Forces
7.3.02	Defense Forces Sustainment	Train and Equip - Defense Forces Sustainment
7.3.03	Defense Forces Infrastructure	Train and Equip - Defense Forces Infrastructure
7.3.04	Defense Forces Equipment and Transportation	Train and Equip - Defense Forces Equipment and Transportation
7.3.05	Defense Forces Training and Operations	Train and Equip - Defense Forces Training and Operations
7.3.06	Interior Forces	Train and Equip - Interior Forces
7.3.07	Interior Forces Sustainment	Train and Equip - Interior Forces Sustainment
7.3.08	Interior Forces Infrastructure	Train and Equip - Interior Forces Infrastructure
7.3.09	Interior Forces Equipment	Train and Equip - Interior Forces Equipment
7.3.10	Interior Forces Training and Operations	Train and Equip - Interior Forces Training and Operations
7.3.11	Quick Response Fund	Train and Equip - Quick Response Fund
7.3.12	Quick Response Fund	Train and Equip - Quick Response Fund
7.3.13	Other Support	Train and Equip - Other Support
7.3.14	Detainee Operations Sustainment	Train and Equip - Detainee Operations Sustainment
7.3.15	Detainee Operations Infrastructure	Train and Equip - Detainee Operations Infrastructure

7.3 Security Force Funds (Continued)		
Applies to Afghanistan Security Forces Fund (2091) and Iraq Security Forces Fund (2092)		
7.3.16	Detainee Operations Equipment and Transportation	Train and Equip - Detainee Operations Equipment and Transportation
7.3.17	Detainee Operations Training and Operations	Train and Equip - Detainee Operations Training and Operations
7.3.18	Prosthetics Clinic	Train and Equip - Prosthetics Clinic
7.3.19	Prosthetics Clinic	Train and Equip - Prosthetics Clinic
7.3.20	Other	Train and Equip – OTHER (e.g., FMS Cases)
7.3.30	Pakistan Counterinsurgency Capability Fund (PCCF)	Defense Security Forces Funds provided by Department of State under §632.
7.3.31	PCCF Defense Security Forces infrastructure	Defense Security Forces Infrastructure
7.3.32	PCCF Defense Security Forces Equipment	Defense Security Forces Equipment
7.3.33	PCCF Defense Security Forces Training	Defense Security Forces Training
7.3.40	PCCF Frontier Corps	Frontier Corps
7.3.41	PCCF Frontier Corps Infrastructure	Frontier Corps Infrastructure
7.3.42	PCCF Frontier Corps Equipment	Frontier Corps Equipment
7.3.43	PCCF Frontier Corps Training	Frontier Corps Training
7.3.50	PCCF Humanitarian Assistance	Humanitarian Assistance
7.3.60	PCCF Other	Other
7.4 Commander's Emergency Response Program (CERP)		
7.4.1	Afghanistan (CERP)	Commander's Emergency Response Program - Afghanistan
7.4.2	Iraq (CERP)	Commander's Emergency Response Program - Iraq
7.4.3	Philippines	Commander's Emergency Response Program - Philippines
7.4.4	Afghanistan Reintegration	Afghanistan Reintegration
7.5 Afghanistan Infrastructure Fund (Expired)		
7.5.1	Power	Afghanistan Infrastructure Fund - Power
7.5.2	Transportation	Afghanistan Infrastructure Fund – Transportation

7.5 Afghanistan Infrastructure Fund (Expired) (Continued)		
7.5.3	Water	Afghanistan Infrastructure Fund – Water
7.5.4	Other Related Activities	Afghanistan Infrastructure Fund – Other Related Activities
7.6 Syria Train & Equip <i>Applies to C-ISIL Train and Equip Fund (2099)</i>		
7.6.1	Trainee Equip/Support	Train and Equip funds used for supporting the vetted Syrian opposition by providing for equipping; training; base operations support, expeditionary facilities and infrastructure; leasing cost; construction and operation of firing ranges; force protection; stipends; transportation, and life support.
7.6.2	U.S. Trainer/Enabler	U.S. Trainer and Enabler funds used for Service expenses directly relating to U.S. forces involved with training the Syrian opposition.
7.7 Iraq Train & Equip <i>Applies to Iraq Train and Equip Fund (2097) and C-ISIL Train and Equip Fund (2099)</i>		
7.7.1	Defense Forces	Train and Equip - Defense Forces
7.8 CISIL Iraq Train & Equip <i>C-ISIL Train and Equip Fund (2099)</i>		
7.8.1	Other Activities	Counter-ISIS train and equip activities outside of Iraq and Syria, and programs to enhance the border security of nations adjacent to conflict areas resulting from ISIS actions.
8.0 Not in Use		
9.0 Humanitarian Relief		
9.1	Security	Includes the costs to provide urgent, temporary, and emergency security of people, facilities, and things in direct support of the operation.
9.11.1	Health and Comfort Packages	Health and Comfort Packages
9.11.2	Blankets	Blankets
9.11.3	Human Remains Pouches	Human Remains Pouches
9.11.4	Human Transfer Cases	Human Transfer Cases
9.11.5	Plastic Sheeting	Plastic Sheeting

9.0 Humanitarian Relief (Continued)		
9.12	Sanitation	Includes the costs to provide urgent, temporary, and emergency sanitation to prevent disease and further damage to people and property in support of the operation.
9.13	Humanitarian Daily Rations	Includes the costs to provide urgent and emergency food direct support of the operation. Includes Meals ready-to-eat.
9.14	Child Care	Includes the costs to provide urgent, temporary, and emergency child care in direct support of the operation.
9.15	Mortuary Services/Support	Includes the costs to provide mortuary services in direct support of the operation.
9.16	Fuel	Includes the obligation of funds to obtain and provide fuel in direct support of the operation.
9.17	Vehicle Rental	Includes the costs for the urgent, temporary, and emergency rental of vehicles in direct support of the operation.
9.18	Vehicle Purchase	Includes the costs of the purchase of vehicles in direct support of the operation.
9.19	Other Procurement	Includes obligation of funds in the Other Procurement accounts for urgent, temporary, and emergency humanitarian relief in direct support of the operation.
9.2	Water	Humanitarian Relief - Water
9.2	Contractor Support	Includes the costs of procuring contractor services used in direct support of the operation.
9.21	All Other Supplies & Materials	Includes the costs of procuring, leasing, or renting miscellaneous supplies or materials used during operation. Includes general support and administrative equipment not identified in another category.
9.22.1	Migrant Costs (CONUS)	Migrant Costs (CONUS)
9.22.2	Migrant Costs (OCONUS)	Migrant Costs (OCONUS)
9.3	Health Care	Humanitarian Relief - Health Care
9.4	Medical Supplies (Excluding Comfort Supplies)	Humanitarian Relief - Medical Supplies (Excluding Comfort Supplies)
9.5	Infrastructure Support	Humanitarian Relief - Infrastructure Support
9.5.1	Temporary/Urgent repairs	Temporary/Urgent repairs

9.0 Humanitarian Relief (Continued)		
9.5.2	Utility/engineering inspections	Utility/engineering inspections
9.5.3	Facility rental	Facility rental
9.5.4	In-Country Support	In-Country Support
9.6	Power/Lighting	Humanitarian Relief - Power/Lighting
9.7	Communication/C3I	Humanitarian Relief - Communication/C3I
9.8	General Transportation	Humanitarian Relief - General Transportation
9.9	Clean-up Costs	Humanitarian Relief - Clean-up Costs



**VOLUME 12, CHAPTER 24: “BURDENSARING AND OVERSEAS RELOCATION CONTRIBUTIONS BY FOREIGN ALLIES”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by a \* preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue and underlined font](#).

The previous version dated October 2012 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
4.1.1. (240401.A.)	Pursuant to Treasury FAST Book, additional Treasury account established for United Kingdom burdensharing contributions.	Addition

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**CHAPTER 24****BURDENSARING AND OVERSEAS RELOCATION CONTRIBUTIONS  
BY FOREIGN ALLIES****1.0 INTRODUCTION (2401)****1.1 Purpose (240101)**

This chapter prescribes the overall policy and assigns responsibilities for the acceptance, receipt, use, and reporting of burdensharing and relocation monetary contributions to the Department of Defense (DoD) under Title 10, United States Code (U.S.C.), sections 2350j and 2350k ([10 U.S.C. §§ 2350j and 2350k](#)).

**2.0 RESPONSIBILITIES (2402)****2.1 Under Secretary of Defense for (Policy) (USD(P)) (240201)**

The USD(P) has policy and management responsibility for burdensharing agreements or arrangements. In addition, the USD(P) will work with the Defense Finance and Accounting Service – Trust Funds Accounting and Reporting Division (TFAR) (DFAS-IN/JJAEAB) on burdensharing program requirements that impact DFAS responsibilities, as appropriate.

**2.2 Under Secretary of Defense (Comptroller) (USD(C)) (240202)**

2.2.1. The USD(C) serves as the single departmental point of contact with the Departments of State and Treasury for all matters involving the acceptance, receipt, administration and distribution of contributions of funds from foreign countries and organizations for burdensharing and relocation contributions.

2.2.2. The USD(C) is responsible for coordination and approval of military construction projects that are subject to Title 10 U.S.C., section 2350j. In addition, the USD(C) is responsible for reviewing and submitting to the Congress those reports required by Title 10 U.S.C., section 2350j and Title 10 U.S.C., section 2350k.

**2.3 Director of Defense Finance and Accounting Service (DFAS) (240203)**

The DFAS Director is responsible for recording and reporting the collection of receipts for burdensharing and relocation contributions and for the distribution of receipts, as prescribed by the USD(C), in support of burdensharing and overseas relocation programs.

## 2.4 Commanders of the Combatant Commands (CINCs) (240204)

The cognizant CINC is responsible for, but may delegate to subordinate commanders, the following responsibilities.

2.4.1. For burdensharing contributions for other than military construction projects, the cognizant CINC shall:

2.4.1.1. Notify the responsible DoD Component of anticipated contributions from foreign governments.

2.4.1.2. Identify a proposed distribution of funds to the approving authority.

2.4.1.3. Deposit funds received with the DFAS Field Activity located within the immediate overseas operating area or the Financial Services Office (FSO) if no DFAS Field Activity is located within the immediate overseas operating areas.

2.4.1.4. Prepare the necessary disbursing documentation for forwarding to the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.1.5. Submit reporting and control of funds information to:

DFAS Indianapolis Site  
Trust Funds Accounting and Reporting Division (DFAS-IN/JJAEAB)  
Room 315AA-1  
8899 East 56th Street  
Indianapolis, IN 46249-2801

Submit this information via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.1.6. Submit information on the amount and purpose of each contribution to:

Office of the OUSD(C)  
Office of the Deputy Comptroller (Program/Budget) ODC(P/B)  
Operations Directorate, Room 3C710, 1100 Defense Pentagon  
Washington, DC 20301-1100

2.4.2. For military construction projects funded with burdensharing contributions, the cognizant CINC shall:

2.4.2.1. Initiate the military construction project proposals utilizing Defense Department (DD) Form 1391 (Justification of Military Construction Projects).

2.4.2.2. Submit for approval the justification material to:

OUSD(C), ODC (P/B)  
Military Personnel and Construction Directorate  
Room 3C654, 1100 Defense Pentagon  
Washington, DC 20301-1100

2.4.2.3. Deposit contributions with the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.2.4. Ensure that ODC(P/B) Military Personnel and Construction Directorate approval has been received prior to disbursement of funds (see subparagraph 2.4.2.2) via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.2.5. Prepare necessary disbursing documentation for forwarding to the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.2.6. Submit information to the DFAS-IN/JJAEAB (see subparagraph 2.4.1.5) for reporting and control of funds purposes, via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.3. For all overseas relocation contributions, the cognizant CINC shall:

2.4.3.1. Notify the DFAS Trust Fund Accounting and Reporting [Division](#) (DFAS-IN/JJAEAB) that a contribution is expected.

2.4.3.2. Submit information on the amount and purpose of the contribution to the OUSD(C), ODC (P/B), Operations Directorate (see subparagraph 2.5.1.6). Courtesy copies shall be provided to the Military Personnel and Construction Directorate when contributions are made for construction projects.

2.4.3.3. Deposit the funds with the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.3.4. Notify DFAS-IN/JJAEAB, via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area, at least 1 business day in advance of disbursements so securities can be sold to finance the payment.

2.4.3.5. Prepare the necessary disbursing documentation, for forwarding to the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

2.4.3.6. Submit information to the DFAS-IN/JJAEAB, for reporting and control of funds purposes, via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

## 2.5 Assistant Secretaries of the Military Departments (Financial Management and Comptroller) (FM&C) (240205)

2.5.1. The cognizant Assistant Secretary (FM&C) has responsibility to review and approve the distribution of funds received from foreign countries and regional organizations for the purposes outlined in this Regulation. These responsibilities may be delegated below the Assistant Secretary level.

2.5.2. The Assistant Secretary of the Army (FM&C) is responsible for Korea and Kuwait.

2.5.3. The Assistant Secretary of the Air Force (FM&C) is responsible for Japan, except for the Realignment of Forces from Okinawa to Guam, wherein the Assistant Secretary of the Navy (FM&C) is responsible.

2.5.4. Distribution of contributions received from other countries, not specified above, shall be the responsibility of the Assistant Secretary (FM&C) whose Service will use the greater portion of the contribution.

## 3.0 MONETARY CONTRIBUTIONS (2403)

### 3.1 Notifications (240301)

3.1.1. The DoD Components shall notify the DFAS-IN/JJAEAB of all potential monetary contributions prior to acceptance of such contributions. All notifications shall indicate the applicable statute (i.e., Title 10 U.S.C., section 2350j for burdensharing contributions or Title 10 U.S.C., section 2350k for overseas relocation). Copies of all notifications shall be sent to the DFAS-IN/JAFB (see subparagraph 2.4.1.5 for full address) via the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

3.1.2. Within 5 working days after notification of anticipated receipt of funds from a country without a designated account, the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate

overseas operating area, shall submit a request for a new Treasury account for that country to the address in subparagraph 2.4.1.5.

3.1.3. TFAR will submit the necessary documents to the Department of the Treasury to establish the new account and shall send a copy of the information to the DFAS-IN/JJAEAB and the DFAS Field Activity located within the immediate overseas operating area, or the FSO if no DFAS Field Activity is located within the immediate overseas operating area.

### 3.2 Contributions (240302)

#### 3.2.1. General

3.2.1.1. Monetary contributions shall be accepted for specific purposes as identified in section 5.0 of this chapter.

3.2.1.2. If none of the accounts identified in section 5.0 of this chapter apply, then contributions shall be credited to a DoD disbursing officer's suspense account using a DD Form 1131 (Cash Collection Voucher) for cash and check contributions. The DoD Component and/or DFAS Field Activity disbursing officer may request further guidance from the DFAS-IN/JAFB.

#### 3.2.2. Contributions in Cash

3.2.2.1. The receiving DoD Component and/or DFAS Field Activity located within the immediate overseas operating area shall credit all cash contributions to one or more of the applicable DoD accounts as identified in section 5.0 of this chapter.

3.2.2.2. Documentation associated with cash contributions, including copies of the DD Form 1131 and the original of any correspondence from contributors, shall be forwarded by the receiving DFAS Field Activity located within the immediate overseas operating area (or DoD Component activity if no DFAS Field Activity is located within the immediate overseas operating area) within 24 hours of deposit to the DFAS-IN/JJAEAB.

#### 3.2.3. Contributions by Check

3.2.3.1. Checks received by DoD officials shall be made payable as described in accordance with Volume 5, Chapter 10. The reference line on the check shall identify the applicable burdensharing agreement or arrangement, or a copy of the agreement shall be attached.

3.2.3.2. Checks received by DoD officials shall be forwarded to the nearest DFAS Field Activity located within the immediate overseas operating area, or other DoD disbursing office if no DFAS Field Activity is located within the immediate overseas operating area, for processing within 24 hours of receipt. Such checks shall be credited to one or more of the applicable DoD accounts identified in section 5.0 of this chapter.

3.2.3.3. Documentation associated with check contributions--including copies of checks, DD Forms 1131, deposit tickets and the original of any correspondence from contributors--

-shall be forwarded by the receiving DFAS Field Activity located within the immediate overseas operating area, or other DoD Component activity if no DFAS Field Activity is located within the immediate overseas operating area, within 24 hours of deposit to the DFAS-IN/JJAEAB.

#### 3.2.4. Contributions by Wire Transfer

3.2.4.1. Contributions by wire transfer are preferred since they eliminate delays in receiving deposits and should provide the most efficient preliminary accounting information for receipt distribution purposes. Wire transfers shall be credited to one or more of the applicable DoD accounts identified in section 5.0 of this chapter.

3.2.4.2. Contributors may make contributions to the Department via electronic funds transfer from commercial banks to the Federal Reserve Bank of New York (as Fiscal Agent of the United States). The Federal Reserve Bank of New York shall credit the Department. Any exceptions shall be documented within the international agreements and coordinated with the USD(C), or designee.

3.2.4.3. Documentation associated with wire transfer contributions, including the original of any correspondence from contributors, shall be forwarded within 24 hours of the deposit to the DFAS-IN/JAFB.

#### 3.2.5. Contributions in Foreign Currencies (Cash or Check)

When a DoD Component becomes aware of a planned, large contribution (\$1 million or more) to be made in a foreign currency, the cognizant DFAS Field Activity or DoD Component official shall:

3.2.5.1. Request that the contributor give as much advance notification as possible regarding the amount of the contribution and the estimated date that the contribution will be made.

3.2.5.2. Advise the DFAS-IN/JJAEAB of any planned contributions and continue to keep that office advised of the status until the contribution is received.

3.2.5.3. Except as described in subparagraph 4.2.5.6, the contributor should transfer the foreign currency credit to the Federal Reserve Bank of New York via the contributor's central bank. If the Federal Reserve Bank does not maintain a relationship with a particular central bank, the DoD Component or DFAS Field Activity located within the immediate overseas operating area shall seek guidance from the DFAS-IN/JJAEAB for appropriate alternative arrangements, including the use of limited depositary accounts.

3.2.5.4. Cash and checks received by DoD officials in countries not served by DoD disbursing officers shall be delivered to the nearest U.S. Embassy within 24 hours of receipt for credit in one or more of the applicable DoD accounts identified in section 5.0 of this chapter. If none of the accounts identified in section 5.0 of this chapter applies, then all cash and checks shall be credited to an Embassy disbursing officer's suspense account. The Embassy disbursing officer or representative shall request further guidance from the DFAS-IN/JJAEAB. Documentation



associated with the contribution, including copies of deposit tickets and appropriate collection voucher, shall be forwarded within 24 hours to the DFAS-IN/JJAEAB.

3.2.5.5. Except as described in subparagraph 3.2.5.6, all contributions received in foreign currencies shall be converted to U.S. dollars at the prevailing rate of exchange at the time that the deposit is made.

3.2.5.6. Where international arrangements require the retention of the currency in limited depository accounts for local disbursement in that currency, the deposits shall be calculated and recorded (not converted) in terms of equivalent dollar value based on the prevailing rate of exchange. (See Volume 5, Chapter 13, for additional information.)

#### 4.0 ACCOUNTING (2404)

##### 4.1 Burdensharing (240401)

Burdensharing contributions shall be credited to one or more of the special fund accounts listed below which have been established in the U.S. Treasury for monetary contributions accepted by the Secretary of Defense or designee under Title 10 U.S.C., section 2350j.

##### 4.1.1. Special Fund Receipt Accounts

97\_5441.001 Burdensharing Contribution, Defense, Kuwait  
97\_5441.003 Burdensharing Contribution, Defense, Japan  
97\_5441.004 Burdensharing Contribution, Defense, South Korea  
97\_5441.005 Burdensharing Contribution, Defense, Qatar  
97\_5441.006 Burdensharing Contribution, Defense, United Kingdom

##### 4.1.2. Special Fund Expenditure Account

97X5441 Expenditures (Only)

## 4.2 Overseas Relocation (240402)

Relocation contributions shall be credited to one or more of the following trust fund accounts which have been established in the U.S. Treasury for monetary contributions accepted by the Secretary of Defense or designee under Title 10 U.S.C., section 2350k.

### 4.2.1. Trust Fund Receipt Accounts

97\_8337.001 Contributions from Kuwait, Host Nation Support for U.S. Relocation Activities

97\_8337.003 Contributions from Japan, Host Nation Support for U.S. Relocation Activities

97\_8337.004 Contributions from South Korea, Host Nation Support for U.S. Relocation Activities

97\_8337.005 Contributions from Qatar, Host Nation Support for U.S. Relocation Activities

### 4.2.2. Trust Fund Expenditure Account

97X8337 Expenditures (Only)

4.2.3. The DFAS disbursing office or FSO shall transmit copies of deposit tickets for these investments to the DFAS-IN/JJAEAB. For tracking and computation of interest, contributions shall be tracked along with the earnings on each investment by country.

## 5.0 AVAILABILITY OF CONTRIBUTIONS (2405)

### 5.1 Burdensharing Contributions (240501)

5.1.1. Burdensharing contributions shall be available only for the payment of the following costs:

5.1.1.1. Compensation for the Department's local national employees,

5.1.1.2. Supplies and services required by the Department, and

5.1.1.3. DoD military construction projects.

5.1.1.3.1. USD(C) or designee written approval is required for the use of such contributions to carry out a military construction project that is consistent with the purposes for which the contributions were made and not otherwise authorized.

5.1.1.3.2. Such approval is also conditional upon a 21-day notice to the Congress as described in subparagraphs 6.1.4 and 6.1.5.

5.1.2. Burdensharing contributions normally shall be available only for the payment of costs in the country making the contribution. Local disbursement of burdensharing funds is authorized. In accordance with Title 10 U.S.C. 2350k, “out-of-country” expenditures shall be made only with the agreement of the contributing country and only for costs that are directly related to U.S. military activities in the contributing country.

5.1.3. If burdensharing contributions are to be used for personnel costs or supplies and services, prior approval of the cognizant Assistant Secretary (FM&C) or designee (such as the U.S. Forces Korea) is necessary before the expenditure of funds.

5.1.3.1. The organization receiving the funds shall submit the proposed distribution of the funds to the cognizant Assistant Secretary (FM&C) for approval.

5.1.3.2. The cognizant Assistant Secretary (FM&C) shall review the proposed distribution and, if approved, transmit the approved distribution to the DFAS-IN/JAFB, as well as to the submitting field component.

5.1.3.3. The field component shall prepare the necessary documentation to effect the disbursement of funds.

5.1.4. If the Department decides to use burdensharing contributions for a military construction project, the cognizant CINCPAC shall forward a coordinated project proposal for approval to OUSD(C), ODC(P/B), Military Personnel and Construction (See subparagraph 2.4.2.2). Once the necessary coordination and approval process has been completed, the Military Personnel and Construction Directorate shall submit a report to the congressional defense oversight committees. The following information shall be included in the proposal:

5.1.4.1. An explanation of the need for the project,

5.1.4.2. The estimated cost of the project, and

5.1.4.3. A justification for carrying out the project.

5.1.5. The Department may not commence a military construction project until the end of a 21-day period that begins on the date that the OUSD(C) submits the required report to the appropriate congressional defense oversight committees.

## 5.2 Relocation Contributions (240502)

5.2.1. Relocation contributions are available only for costs incurred in connection with the relocation for which the contribution was made. Costs include:

5.2.1.1. Design and construction services;

5.2.1.2. Transportation, packing, unpacking, handling and storage;

5.2.1.3. Communications services;

5.2.1.4. Supply and administration;

5.2.1.5. Personnel costs (including TDY expenses and excluding salaries of permanently assigned military personnel); and,

5.2.1.6. Other expenses that are related directly to the relocation.

5.2.2. The organization receiving the relocation contribution shall submit information on the amount and the purpose of the contribution to the OUSD(C), ODC (P/B), Operations Directorate (see subparagraph 2.4.1.6). Courtesy copies shall be provided to the Military Personnel and Construction Directorate (see subparagraph 2.4.2.2) when contributions are made for construction projects.

5.2.3. The organization receiving the contribution is responsible for preparing the necessary documentation for the disbursing transaction. The DFAS-IN/JJAEAB, however, shall be notified at least 1 business day in advance of disbursement so securities can be sold to finance the payments. The date of each payment and the specific country's funds being utilized must be identified.

## 6.0 REPORTING REQUIREMENTS (2406)

### 6.1 Amount and Purpose for Expended Contributions (240601)

No later than 10 days after the end of each fiscal year, the DoD Components shall report, to the DFAS-IN/JAFB, the amount of and the purpose for expended contributions.

## 6.2 Report for Defense Congressional Oversight Committees (240602)

No later than 20 days after the end of each fiscal year, the DFAS-IN/JJAEAB shall prepare and forward to the OUSD(C), ODC (P/B), Operations Directorate, a report for submission to the applicable defense congressional oversight committees. Those committees are: the Committees on Armed Services of the House of Representatives and the Senate, and the Committees on Appropriations of the House of Representatives and the Senate. The report shall include the following information for each country and regional organization from which contributions were accepted:

6.2.1. The amount of the contribution accepted during the preceding fiscal year under Title 10 U.S.C., sections 2350j and 2350k, and the purposes for which the contributions were made, and

6.2.2. The amount of the contributions expended during the preceding fiscal year under Title 10 U.S.C., sections 2350j and 2350k, and the purposes for which the contributions were expended.

**VOLUME 12, CHAPTER 25: “DISPOSITION OF NON-DOD PERSONAL PROPERTY”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [November 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Administrative updates in accordance with the Department of Defense (DoD) Financial Management Regulation Revision Standard Operating Procedures.	Revision

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## CHAPTER 25

### DISPOSITION OF NON-DoD PERSONAL PROPERTY

#### 1.0 GENERAL

##### 1.1 Purpose

This chapter prescribes the policy for the disposition of lost, abandoned, or unclaimed non-Department of Defense (DoD) personal property and the personal property of deceased members of the Armed Forces. This policy applies when disposing of non-DoD personal property under the jurisdiction of a Military Department, or the Department of Homeland Security as prescribed in Title 10, United States Code, section 2575 ([10 U.S.C. § 2575](#)).

##### 1.2 Authoritative Guidance

The financial management policy and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.2.1. 10 U.S.C. § 2575, “Disposition of unclaimed property”;

1.2.2. [10 U.S.C. § 7712](#), “Disposition of effects of deceased persons by summary court – martial”;

1.2.3. [10 U.S.C. § 8392](#), “Disposition of effects”; and

1.2.4. [10 U.S.C. § 9712](#), “Disposition of effects of deceased persons by summary court – martial.”

#### 2.0 DISPOSITION OF UNCLAIMED PROPERTY

##### 2.1 General Policy

**2.1.1.** The Secretary of any Military Department, and the Secretary of Homeland Security, under such regulations as they may respectively prescribe, may each by public or private sale or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into the custody or control of the Secretary’s department, other than property subject to 10 U.S.C. §§ 7712, 8392, or 9712. Property subject to paragraph 2.3 is exempted from the requirements. Requirements for the disposition of personal property of deceased members of the Army and Air Force are in section 3.0 Requirements for the disposition of personal property of deceased members of the Navy and Marine Corps are in section 4.0.

**2.1.2.** Property may not be disposed of until a diligent effort has been made to find the owner (or the heirs, next of kin, or legal representative of the owner). A diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) must begin, to the maximum extent practicable, not later than 7 days after the date on which the property comes into the custody



or control of the Secretary having immediate jurisdiction. The period for which that effort is continued must not exceed 45 days.

2.1.3. Notice of the time and place of the intended sale or other disposition must be sent by certified or registered mail to the applicable owner (or heirs, next of kin, or legal representative of the owner) at their last known address. If the owner (or the heirs, next of kin, or legal representative of the owner) is determined but not found, the property may not be disposed of until the expiration of 45 days after the date the notice is sent to the owner (or the heirs, next of kin, or legal representative of the owner).

2.1.4. When a diligent effort to determine the owner (or heirs, next of kin, or legal representative of the owner) is unsuccessful, the property may be disposed of without delay. If the property has a fair market value of more than \$300, it may not be disposed of until 45 days after the date it is received at the point of storage designated by the Secretary.

## 2.2 Distribution of Proceeds

The proceeds from the sale of lost, abandoned, or unclaimed personal property found on a military installation, must be credited to the operation and maintenance account that funds the operations of that installation and be used to reimburse the installation for any costs incurred during the collection, transportation, storage, protection, or selling of the property. Any proceeds which remain after the reimbursement of installation expenses must be utilized to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation. The net proceeds from the sale of other property under paragraph 2.1 must be deposited into the U.S. Department of the Treasury (Treasury) as miscellaneous receipts.

## 2.3 Restrictions

No property covered by this section may be delivered to the Armed Forces Retirement Home by the Secretary of a Military Department, except papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes.

## 2.4 Claims for Proceeds

The owner (or heirs, next of kin, or legal representative of the owner) of personal property whose proceeds were credited to a military installation may file a claim with the Secretary of Defense for an amount equal to the proceeds less costs referred to in paragraph 2.2. Amounts to pay the claim must be drawn from the morale, welfare, and recreation account for the installation that received the proceeds. The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Secretary of Defense for proceeds deposited at Treasury as well. Unless a claim is filed under this section within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by either the Secretary of Defense or a court. The responsibility of the Secretary of Defense to consider such claims has been delegated to the Under Secretary of Defense (Personnel and Readiness).

### 3.0 ARMY AND AIR FORCE DISPOSITION OF PERSONAL PROPERTY OF DECEASED MEMBERS

#### 3.1 General Policy

Upon the death of a person subject to military law and under the jurisdiction of the Army or Air Force, or upon the death of a resident of the Armed Forces Retirement Home; the commanding officer must permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then in camp, air base, or quarters. If there is no legal representative or surviving spouse present, the commanding officer must direct a summary court-martial to collect the effects of the deceased that are then in camp, air base, or quarters. The summary court-martial may collect debts due the decedent by local debtors and pay undisputed local creditors of the deceased (to the extent permitted by the monetary assets of the deceased in the court's possession). Receipts for payments made from the estate of the deceased must be filed with the court's final report to the Department of the Army or Air Force.

#### 3.2 Distribution of Personal Property

As soon as practicable after the collection of the personal effects and monetary assets of the deceased, the summary court-martial must, at the expense of the United States, send the personal effects and monetary assets to one of the living persons, in the order of precedence shown on the following list, who is found by the court:

- 3.2.1. The surviving spouse or legal representative.
- 3.2.2. A child of the deceased.
- 3.2.3. A parent of the deceased.
- 3.2.4. A brother or sister of the deceased.
- 3.2.5. The closest next of kin of the deceased.
- 3.2.6. The beneficiary named in the will of the deceased.

#### 3.3 Time Limits

If the summary court-martial cannot dispose of the effects as stated in paragraph 3.2 because there are no persons in any of the categories listed, or because the addresses of such persons are not known or are not available, the court may convert the effects of the deceased into cash by public or private sale. However, the sale may not occur until 30 days after the date of death of the deceased. Items listed in paragraph 2.3 may not be sold.

### 3.4 Final Disposition of Personal Effects

As soon as practicable after the effects have been converted into cash, the summary court-martial must relinquish custody of all cash and all receipts relating to cash transactions to the executive part of the Department of the Army or Air Force. Wills or other papers of value, an inventory of personal effects, and articles whose sale is not permissible also must be placed under the jurisdiction of the executive part of the Service of which the deceased was a member. All items received by the executive part of the Army or Air Force must be delivered to the Armed Forces Retirement Home.

## 4.0 NAVY AND MARINE CORPS DISPOSITION OF PERSONAL PROPERTY OF DECEASED MEMBERS

### 4.1 General Policy

The Secretary of the Navy must retain custody of money or other personal property of a deceased member of the Naval Service and make a diligent effort to determine and locate the heirs or next of kin of the deceased member. Property remaining unclaimed 2 years after the death of the member must be sold, and the proceeds, together with any other monetary assets of the member held in custody, must be deposited into the Treasury as miscellaneous receipts.

### 4.2 Recoupment

Within 5 years after the date the money and proceeds are deposited into the Treasury, any claim that is presented, and supported by competent proof, must be certified to Congress for consideration. [After](#) the 5-year period, claims may not be accepted, and the requestor must be notified that the time limit for submitting a claim has expired.



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 26: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 27: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**



**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**CHAPTER 28: "ARCHIVED"**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 12, CHAPTER 29: “ADMINISTERING, USING, AND ACCOUNTING FOR  
SEIZED AND/OR VESTED FUNDS AND PROPERTY DURING CONTINGENCY  
OPERATIONS”**

**SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by *blue font*.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by *[bold, italic, blue, and underlined font](#)*.

The previous version dated *June 2020* is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	This chapter has been certified as current.	Current

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## CHAPTER 29

### **ADMINISTERING, USING, AND ACCOUNTING FOR SEIZED AND/OR VESTED FUNDS AND PROPERTY DURING CONTINGENCY OPERATIONS**

#### **ANNEX 1 SHIPMENT AND DISTRIBUTION OF FUNDS DURING CONTINGENCY OPERATIONS**

##### **A. Purpose and Applicability**

This annex addresses the duties, responsibilities, and procedures to be followed by the host nations, Office of the Under Secretary of Defense (Comptroller) (OUSD(C)), and the designated Executive Agent when requesting and shipping vested funds to host nations.

##### **B. Responsibilities**

The administrator of the host nation, along with OUSD(C) and the Executive Agent will coordinate, request, document and arrange for the shipment of vested funds to the host nation.

##### **C. Definitions**

1. Contingency operations include, but are not limited to, support for peacekeeping operations, major humanitarian assistance efforts, noncombatant evacuation operations, and international disaster relief efforts.

2. Host nation is a nation that receives the forces and/or supplies of allied nations, and/or coalition partners to be located on, to operate in or to transit through its territory.

3. Coalition Forces are defined as a temporary alliance of factions, nations, or countries, for a specific purpose, in times of international conflict or war.

4. Executive Agent is the head of a Department of Defense (DoD) Component to whom the Secretary of Defense or the Deputy Secretary of Defense has assigned specific responsibilities, functions, and authorities to provide defined levels of support for operational missions, or administrative or other designated activities that involve two or more of the DoD Components.

5. Interim government is defined as a temporary government formed by the host nations or allies until a permanent government can be installed by the local people.

6. Vested assets are those frozen by Presidential Executive Order and vested with the U.S. Department of Treasury (Treasury) for return to the host nation.

7. Spending plan is a plan describing the purposes and the amounts of proposed expenditures of vested and seized property, developed by the host nation or the interim government, and submitted through appropriate channels for approval.

**D. Procedures**

1. The administrator of the host nation will make a determination that vested funds are needed for a specific purpose or objective.

2. After the determination is made, the host nation's comptroller will notify the OUSD(C) to create the necessary funding documents. The host nation's comptroller will also provide OUSD(C) with the host nation approved spending plans, supporting the distribution of the funds. The host nation's comptroller will identify the amount of money required along with the quantity of each denomination.

3. OUSD(C) will notify Treasury that cash is needed. When possible, the host nation's comptroller will give the OUSD(C) and Treasury at least a 10-day advance notice of when the money is needed in country. The Treasury will notify the Federal Reserve Board. The Federal Reserve Board will work with the designated Federal Reserve Bank to procure the amount of money needed and denominations as requested.

4. The host nation's comptroller, in coordination with the Executive Agent, is responsible for coordinating the delivery date and location where the money is to be delivered to allow for a maximum force protection posture keeping in mind customs, requirements and coordination with the host nation. The designated Executive Agent will coordinate with the Surface Deployment and Distribution Command to arrange transportation, security and loading of aircraft at the designated debarkation point to meet the host nation's desired delivery date.

5. The designated Executive Agent will provide the flight number and arrival time in country to the designated receiving disbursing officer and to the host nation to ensure security and logistical assets are available to off-load the currency.

6. The Executive Agent's financial operation's designee will ensure security and logistical assets are available to off-load the currency.

7. The Federal Reserve Board will notify the contracted armored carrier service to escort the money to the designated military installation. When the shipment arrives at the designated military installation, the accountable individual will be a military officer assigned to accompany the flight to the appointed airport.

8. Once at the designated military installation, the money is verified, arranged on pallets and shrink-wrapped to prevent loss and ensure accountability during shipment. The money is then loaded onto available military aircraft and escorted by two designated couriers. The accountable individual has accountability for the money from the designated shipping point to designated receiving point.

9. Accountability will transfer from the accountable individual to the designated custodian for host nation funds or disbursing officer's representative, at the designated receiving point upon verification of funds.

**ANNEX 2 DUTIES UPON ASSUMING POSSESSION OF FUNDS AND/OR PROPERTY****A. Purpose and Applicability**

1. This annex addresses the duties, responsibilities, and general procedures to be followed by the Coalition Forces upon discovery, possession, seizure, or receipt of funds and/or property. Specific procedures to ensure accountability and transparency of vested and seized property must be developed to accommodate each unique contingency operation. Policy memorandums specific to each on-going contingency operation will be maintained on the DoD Financial Management Regulation website at [DoD FMR Policy Memoranda](#), Volume 12, Special Accounts, Funds and Programs.

2. The designated Executive Agent shall coordinate with the OUSD(C) to develop specific procedures upon the notification of pending contingency operations. Such procedures will apply to all parties involved in the area(s) of operations for the specific contingency operations as specified in the policy memorandum.

**B. Responsibilities**

1. Command Responsibility. It is the obligation of the Combatant Commander and subordinate commanders at all levels to ensure all local regime or private property, cash, or other valuables seized, received, or otherwise taken into possession are properly secured, safeguarded, controlled and accounted for.

2. Individual Responsibility. It is the responsibility and obligation of all Coalition Forces personnel to: (1) notify superiors in a timely manner of any property seized or received; (2) keep records of and account for such property; and (3) properly secure, safeguard, and control the property in their physical possession. If required, assist other assigned or responsible personnel in the conduct of their duties to secure and safeguard such property or assets.

3. Custodial Responsibility. This responsibility can be either formally assigned or it may be an inherent responsibility derived from command authority. Custodians shall take all necessary and prudent actions to properly secure, control, account for, and safeguard property that comes into their physical possession.

4. Accountable Individual. An accountable individual will be appointed by the commander of the Coalition Forces (Detachment, Company, Battalion or equivalent activity) that originally finds, seizes, secures, or otherwise takes possession of public or private property, cash, or valuables. The accountable individual may be a Coalition Forces commissioned or warrant officer or a properly qualified Coalition Forces civilian manager detailed or attached to the activity. The accountable individual will: maintain formal property, inventory, and accounting

records that show, on a continuing basis, the identification or description of the items held, the physical count of cash and face value of currency and securities held by denomination, record of all gains or losses and on-hand balances, the conditions and locations of all property assigned or in possession, and evidence of the chain of custody maintained from time of first receipt or possession (by hand receipt or other record).

### **C.      Definitions**

Seized funds are cash and property confiscated by coalition forces during military operations and governed by the laws and usages of war. Normally captured foreign currency shall be delivered promptly into the custody of the State Department's United States Disbursing Officer (USDO) supporting the particular country involved. Any DoD DO acquiring captured foreign currency shall ensure the funds are safeguarded and delivered to the USDO as soon as possible. Captured foreign currency shall not be collected into the DOs accountability as prescribed in Volume 5, Definitions.

### **D.      Procedures**

1.      Secure the property. Use armed guards or other appropriate forms of control as necessary.
2.      The ranking military member present when the property is secured automatically becomes the accountable individual with custodial responsibility.
3.      Conduct and document a physical inventory of the property. Establish a custodial record, using and modifying DA Form 4137 (Evidence/Property Custody Document) (Figure 2-1) as appropriate.
4.      Remove the property, using appropriate care and security, to a controlled area and deliver to an accountable officer.
5.      The accountable individual will deliver the property in the form of cash, jewels, precious metals or other items of value to the nearest disbursing officer or disbursing officer's representative. Upon receipt, the disbursing officer or DO representative shall become the designated custodian official for the cash, jewels, and precious metals. All other property should be handled through established logistics channels. If the seized assets have been designated to be collected into a trust fund, the DO will take them into his accountability. The DO will safeguard and account for the assets as prescribed in Volume 5, Chapter 16.
6.      This accountable individual shall establish the appropriate accounting records.
7.      Officers with custodial responsibility shall take all prudent and necessary steps to accomplish their responsibilities in this area, including observing and controlling the actions of subordinates, as needed, to safeguard property in their custody.

E. Determination of Public or Private Property Status

1. The location where the property was discovered or obtained must be considered in determining whether property is public or private. It is important that the officers with custodial responsibility document the location and circumstances under which property was obtained. In general, property obtained or seized at palaces or government ministry offices or other government compounds will be assumed to be the local regime assets. Property discovered in private residences or commercial locations or in rural locations will be initially assumed to be private assets. If what appears to be stocks or concentrations of looted goods are discovered, this property will initially be considered public.

2. Any additional documentation found with or adjacent to property may be used in the process of making a final determination on the status of the property. This documentation could include such items as records, invoices, vouchers, inventory lists, letters, or other forms of property identification. The officer initially charged with custodial responsibility will be required to make the determination as to the relevance of any documentation found with or in the vicinity of property recovered or seized. Should the documentation be deemed relevant, the officer charged with custodial responsibility will secure and include that documentation along with the property seized.

3. When property is seized from banks or other financial institutions, the custodial officer will secure and include all available, relevant documentation that will assist in the final determination of the status of the property. Other sources of information can be used to assist in these cases, including but not limited to, intelligence information and records obtained at government ministries describing banking or financial institutions used by the regime as part of their government financial system. Final determinations of the status of any seized assets or property will be made in conjunction with U.S. and Coalition Forces legal authorities.

Figure 2-1. Evidence/Property Custody Document

<b>EVIDENCE/PROPERTY CUSTODY DOCUMENT</b>		MPR/CID SEQUENCE NUMBER	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER	
RECEIVING ACTIVITY		LOCATION	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER		ADDRESS (include Zip Code)	
LOCATION FROM WHERE OBTAINED		REASON OBTAINED	TIME/DATE OBTAINED
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include make, serial number, condition and unusual marks or scratches)</i>	
CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY	RECEIVED BY
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE

DA FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 28 Sep 75 Which are Obsolete

USAFPC V1.00

LOCATION \_\_\_\_\_

DOCUMENT NUMBER \_\_\_\_\_



Figure 2-1 (Continued)

		CHAIN OF CUSTODY (Continued)		
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

  

FINAL DISPOSAL ACTION	
RELEASE TO OWNER OR OTHER (Name/Unit) _____	
DESTROY _____	
OTHER (Specify) _____	

  

FINAL DISPOSAL AUTHORITY	
ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)	
_____, (IS) (ARE) NO LONGER _____ (Name) _____ (Organization)	
REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. <i>If article(s) must be retained, do not sign, but explain in separate correspondence.</i>	
_____ (Typed/Printed Name, Grade, Title)	_____ (Signature)
_____ (Date)	

  

WITNESS TO DESTRUCTION OF EVIDENCE	
THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.	
_____ (Typed/Printed Name, Organization)	_____ (Signature)

USAPFC V1.00

**ANNEX 3 FINANCIAL RECORDS RETENTION AND DISPOSITION DURING CONTINGENCY OPERATIONS****A. Purpose and Applicability**

This annex provides guidance on the submission of necessary documents and reports during contingency operations in order to provide pertinent information to the designated accounting site. It addresses the duties, responsibilities, and procedures to be followed by the disbursing officers and certifying officers when providing disbursement services during contingency operations.

**B. Responsibilities**

The disbursing officer or his designee shall ensure that all original disbursing officer records and associated papers are retained as government property as cited in Volume 5, Chapter 15. These records shall be readily accessible to the disbursing officer for 6-years period consistent with guidance in the National Archives and Records Administration, [\*General Records Schedules\*](#) or in accordance with the specific record schedules authorized for their DoD Components. Extension to this record retention period may be warranted on a case-by-case basis.

**C. Procedures**

1. All disbursing officers will keep a daily report of all transactions processed.
2. All disbursement documents shall be supported by either hard copy or readable machine source records to ensure that:
  - a. A legal obligation to pay exists (typically a contract);
  - b. The payee has fulfilled any prerequisites to payment (typically an invoice and receiving report);
  - c. The amount of the payment and identity of the payee are correct;
  - d. The payment is legal under the appropriation or fund involved (typically the correct fiscal year and appropriation); and
  - e. The documentation links together all records and supports an audit of certifying and disbursing officer transactions as required by law. In addition, a copy of the spending plan must be retained with the original disbursement vouchers.
3. If disbursements are made in cash, the voucher should be receipted by the vendors and/or receipts from the vendors should be attached to the vouchers.

4. The designated accounting site must issue specific accounting and document retention and disposition requirements for paid vouchers. These requirements must be satisfied within 30 days of the payment.

5. The original collection and disbursement vouchers shall be forwarded with the DD Form 2657 (Daily Statement of Accountability) to the designated accounting site as soon as possible after the close of the business day. Disbursing officers shall take extra precautions to ensure that all copies prepared for distribution are completely legible. Additional guidance on the assembly and transmittal of financial reports can be found in Volume 5, Chapter 15.

6. Original paid vouchers shall be safeguarded consistent with standard security regulations prescribed in Volume 5, Chapter 3.

7. Payments using vested and seized funds shall be made and documented consistent with Volume 5, Chapter 9.

8. All vested and seized funds shall be delivered, transported and safeguarded consistent with Volume 5, Chapter 3.

**ANNEX 4 DEVELOPMENT OF FUNDING REQUIREMENTS FOR VESTED AND SEIZED PROPERTY****A. Purpose and Applicability**

This annex addresses the duties, responsibilities, and procedures to be followed by the government or designated interim government when working to identify and develop requirements for spending plans in restoring and rebuilding the host country for its people. There may be multiple funding sources available for the purpose of stabilization, reconstruction and humanitarian assistance for the benefit of the local people.

**B. Responsibilities**

1. It is the responsibility of the appointed/designated officials and coalition commanders to explain the requirements for obtaining vested and seized property for projects that achieve the mission of the designated government.

2. Local designated governmental officials and coalition commanders are responsible for requesting funding from vested and seized assets to accomplish approved projects and requirements by submitting the appropriate funding request form to the designated review board.

3. The majority of funding requirements are expected to be included in the interim government budgets. However, unanticipated or emergency requests will be accepted by the designated review board for consideration. The local government offices shall prepare complete funding request forms to request funding for requirements not addressed in budget submissions.

**C. Procedures**

1. The funding request form will be reviewed in accordance with the interim government process for the allocation of funds. The designated committee, will conduct the initial review of all program funding requests and project submissions, categorize them, and make recommendations to the designated review board for the allocation of vested and seized funds. The designated review board is responsible for preparing and submitting allocation requests to the Administrator for approval. The designated review board requests will include proposed allocations of available resources. The specific roles, responsibilities, and membership of the interim government designate review board will be determined at the formation of the interim government. For approved projects using Seized and Vested Assets, the interim government is the final authority. After the interim government approval, the interim government comptroller will provide the appropriate funding form and related decision documents to the OUSD(C) and the designated Executive Agent budget office.

2. Once funding requests are approved by the Administrator, the requestor must submit a completed Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal), along with a spending plan to the interim government comptroller for the

disbursement of funds. A spending plan is a plan describing the purposes and amounts of proposed expenditures of vested and seized property, developed by the host nation or the interim government, and submitted through appropriate channels for approval.

**ANNEX 5 ALLOCATION, DISBURSEMENT, AND FINANCIAL REPORTING OF VESTED AND SEIZED PROPERTY****A. Purpose and Applicability**

This annex applies to all parties involved in the receiving, disbursing, accounting for, securing, and reporting of vested and seized property. Specific procedures to accommodate each contingency operation must be developed to ensure accountability and transparency of vested and seized property. Policy memorandums specific to each on-going contingency operation will be maintained on the Department of Defense Financial Management Regulation website at Volume 12, Special Accounts, Funds and Programs; Policy Memorandums.

**B. Responsibilities**

1. Coalition Government Responsibility. The coalition government (or interim government) is responsible for identifying program requirements, identifying appropriate funding sources for requirements, initiating reprogramming actions when needed, maintaining program accountability, fund certification, certifying receipt of goods, services, and payroll, and certifying disbursement of funds.

2. The Designated Executive Agent (Resource Management) Responsibility. The Executive Agent (Resource Management) is responsible for:

- a. Providing commitment accounting support documentation;
- b. Providing obligation transactions input to the designated accounting site for processing into the appropriate accounting system;
- c. Monitoring fund execution; and
- d. Certifying all required financial reports.

3. Disbursing Officer (DO) Responsibility. The DO is responsible for:

- a. Processing DD Form 1131 (Cash Collection Voucher) for seized assets and SF 5515 (Debit Voucher) for vested assets to increase cash balances;
- b. Disbursing cash to host nation authorized payees;
- c. Processing disbursements in the appropriate disbursing system; and
- d. Transferring SF 1034s (Public Voucher for Purchases and Services Other Than Personal) and SF 44s (Purchase Order-Invoice-Voucher) and support documents to the designated accounting site promptly.

4. The Designated Accounting Site. The designated accounting site shall maintain the accounting database and prepare, certify, and process SF 1081s (Voucher and Schedule of Withdrawal and Credits) based upon receipt of the Funding Authorization Documents (FADs); post disbursement and obligation transactions processed by the designated disbursing office to the appropriate accounting system; and maintain documentation for future review and audit. In addition, to record an increase in the DO's accountability under general ledger control, the designated accounting site will prepare an Optional Form 1017-G – Journal Voucher (OF 1017-G, Figure 5-1) upon receipt of the monthly SF 1219 (Statement of Accountability) from the DO.

C. Procedures

1. Program Control Procedures

a. Specific procedures shall be developed to accommodate the unique circumstance of each contingency operation.

b. Cash accountability will be maintained on the DO's DD 2657 (Daily Statement of Accountability) and monthly SF 1219.

c. The designated accounting site will determine the appropriate accounting system to be used as the book of original entry.

d. The Executive Agent shall monitor execution of funds.

e. All collections and disbursement transactions are reported on the disbursing officer's SF 1219 (Statement of Accountability).

2. Funds Management Procedures

a. Fiscal Coding and Management Structure. The Executive Agent, in coordination with the designated accounting site, will establish the fiscal coding and management structure, including monthly and annual reporting levels, budget activities, and project codes. The coding structure and budget activities are established per Treasury and the Office of Management and Budget guidance received and in coordination with the host nation.

b. Vested Assets. Vested assets are funds vested in Treasury by operations of domestic law. A special Treasury General Fund Account Symbol shall be used to record cash deposits and disbursements of vested funds. This unique account shall be used only for the purpose designated for the use of vested funds.

c. Seized Assets. Seized funds are cash and property confiscated by coalition forces during military operations and governed by the laws and usages of war. A special Treasury Deposit Fund Account Symbol shall be used to record seized assets after

validation by the designated Federal Reserve Bank. This unique account shall be used only for the purpose designated for the use of seized funds.

d. Detailed Accounting Codes. The host nation's comptroller shall request detailed accounting transaction codes through the Executive Agent's headquarters, from the designated accounting site, based on the fiscal coding and management structure established.

3. Disbursing Operations and Cash Accountability Procedures

a. The coalition government must provide certifying official appointment letters and signature cards, DD Form 577 (Appointment/Termination Record – Authorized Signature) to the DO for all host nation personnel that will certify SF 44s or SF 1034s for payments.

b. Prior to disbursing, the coalition government shall obtain validated, detailed documentation to support payment of payrolls, utilities, and other goods and services from the designated host nation officials. For accountability purposes, supporting documentation from automated local payment systems should be used if they are determined to be available and adequate. The coalition government shall obtain from host nation officials organizational listing(s) of individuals authorized to receive payment at the designated payment site(s), and the amount each individual is to be paid. The host nation will certify the payment vouchers and present to the DO for payment. The DO and the host nation shall follow customary local practices for validation of, and payment for, normal and/or recurring utilities and other goods and services. The host nation will ensure adequate controls are in place by utilizing supporting documentation from local officials to ensure goods and services were received.

c. The host nation shall prepare and submit a memorandum to the DO, including the date, time, location, number of payees, and amount of money to be disbursed at each site. The DO shall disburse funds based on the amount of the certified voucher. The designated disbursing or paying agent will provide supporting documentation for the additional funds. The DO will advance funding to the disbursing or paying agent via a DD Form 1081 (Statement of Agent's Accountability). After the paying agent has finished making payments, he/she will use the payroll plus any additional payments added to the payroll to balance with the DO.

d. The host nation's representative appointed as the certifying official will certify the payment(s), and will date and sign the payment voucher.

e. Payments made using seized and vested funds shall be certified in a manner consistent with Volume 5, Chapter 5.

f. Paying agents responsible for making disbursements of vested and seized funds shall be appointed consistent with Volume 5, Chapter 2.



#### 4. Delivery of Funds Procedures

a. A host nation's fund custodian or paying agent will deliver the funds to the designated pay site(s). Designated cashiers or designated local representatives will sign a receipt acknowledging receiving the funds and make payments at the designated pay site(s). The cashiers will acknowledge receipt from the disbursing agent on a DD Form 1081. Designated host nation representatives will verify the amount and date, and then sign as the payee on the SF 1034 or SF 44. The host nation appointed task force will ensure, insofar as practicable, that designated coalition representatives properly secure funds at the designated pay site(s) and/or while transporting funds to remote sites.

b. The cashiers and/or designated host nation representatives shall disburse funds to designated individuals or service providers. All disbursements shall be documented with a certified voucher with supporting documentation to validate who received the funds and the purpose that the funds will be used.

(1) For Payrolls. Individuals must present proper/valid identification, and acknowledge receipt of payment by signing the payroll list or other appropriate form.

(2) For Payment of Utilities and Other Goods and Services. The host nation shall appoint paying agents in accordance with Volume 5, Chapter 2. The DO shall brief all cashiers and paying agents on their responsibilities and pecuniary liability for funds. A properly certified voucher with supporting documentation (receipt and invoice) must be presented when disbursing for other than payroll.

c. Paying agents will be advanced funds on a DD Form 1081, "Statement of Agent Accountability". The paying agent will disburse funds based on a properly certified SF 44 or SF 1034. Any funds not disbursed that are remaining after the mission is completed and all disbursements have made will be returned to the DO using a DD Form 1081 and DD Form 2665. The paying agent will use the certified disbursed vouchers to balance with the remaining funds and the advancing DD Form 1081. The host nation comptroller will conduct weekly reviews of any balances on hand at the designated local payment sites. The host nation comptroller shall also review supporting documentation to validate beginning balances, all disbursements and ending cash balances. The host nation comptroller shall verify cash on-hand matches the ending cash balance and that the funds are properly secured. Any funds returned from the designated local payment sites to the host nation comptroller will be collected into the DO's accountability using a DD Form 1131.

#### 5. Paying Operations Procedures

a. Purchasing Officer Appointments. The host nation contracting activity must appoint purchasing officers. Purchasing officers are appointed to purchase goods and services, and are authorized to make such purchases via the SF 44.

b. Paying Agent Appointments. Paying agents must be appointed to pay for commercial services or supplies in support of purchasing officers.

- (1) Requests for paying agents must be made in writing to the DO.
- (2) Host nation commanders authorized to appoint paying agents shall do so in writing in accordance with Volume 5, Chapter 2. The DO must appoint cashiers from the local finance command. The DO shall brief them on the responsibilities and potential pecuniary liability for funds.
- (3) Paying agent appointments may be for either a specific transaction or a specified period of time.
- (4) Appointed paying agents may not serve concurrently as purchasing officers and may not be charged with the handling or custody of any other funds.

6. Disbursing Procedures

- a. The host nation comptroller shall prepare a memorandum to the DO providing date, time, location, number of paying agents, names of the paying agents, and amount of money to be disbursed to each paying agent.
- b. The DO or disbursing agent will advance the funds to the appointed paying agent(s) using DD Form 1081. The paying agent shall sign the DD Form 1081 as a receipt for the funds.
- c. The paying agent will disburse funds in accordance with the purchasing officer's authorization. The purchasing officer and the paying agent will use the SF 44 to make purchases and payments. The purchasing officer will sign and certify the SF 44.
- d. The SF 44 must be signed by the paying agent and the individual receiving the funds.
- e. The paying agent must keep the original SF 44 with all signatures. Upon mission completion, the paying agent must return all supporting documentation (e.g., original receipts and SF 44s) and remaining cash to the DO in country or designated government financial activity in order to clear the DD Form 1081.
- f. The host nation comptroller will authorize any replenishment of funds. The host nation comptroller certifying official must prepare another memorandum to the DO requesting additional funds. A new DD Form 1081 will be prepared by the DO.
- g. Imprest fund cashiers will not be utilized. Purchasing agents appointed by the host nation comptroller-designated government procurement activity will be used to make small purchases, as needed. Disbursing agents will disburse payments based on certified vouchers provided by an appointed certifying officer.

7.      Reconciliation Procedures

a.      The host nation comptroller and designated accounting site shall conduct a joint reconciliation of commitments and obligations in accordance with Volume 3, Chapter 8. Additionally, the DO and designated accounting site will need to follow existing requirements associated with reporting and reconciliation of DO deposit fund accounts.

b.      The DO and cashiers shall follow standard daily balancing procedures as identified in the Volume 5, Chapter 15. Additionally, quarterly cash verifications will be conducted in accordance with Volume 5, Chapter 3.

c.      The host nation reports required in Annex 7 will require reconciliation of Program Review Board approved projects versus disbursements.

8.      Audits and Program Reviews

The administration, use, and accounting of seized and vested assets will be subject to periodic audits by the Department of Defense's internal audit organizations, including the Office of Inspector General, as well as external organizations such as the Government Accountability Office and congressional oversight committees. All officials responsible for administering vested and seized assets shall cooperate fully with any review, audit, or investigation conducted by such organization.

Figure 5-1. Journal Voucher

<b>Optional Form 1017-G (9-79)</b> Title 7, GAO Manual 501017-810			
<div style="display: flex; justify-content: space-between;"> <div> <b>JOURNAL VOUCHER</b> </div> <div> <b>J.V. No.</b>    25  <b>Date</b>   5 May 20XX         </div> </div>			
<b>REFERENCE</b> DEBIT VOUCHER # 475129	<b>EXPLANATION</b> Transfer Vested Funds From FRB ON SF 5515.  OF1017G will be used to increase the DO accountability under General Ledger control. The account to be cited is : XX X XXXX XXXXX (Treasury Account Symbol will be established)  DSSN: 8551 DATE OF SF 5515: 5 May 2003	<b>DEBIT</b>	<b>CREDIT</b> 20,000.000.00
	Total		20,000.000.00
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Prepared By</b>    <u>Darrell Johnson</u>  <b>(Signature)</b> </div> <div style="width: 45%;"> <b>Approved By</b>    <u>Hank Snow</u>  <b>(Signature)</b> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <u>Deputy Disbursing Officer</u>  <b>(Title)</b> </div> <div style="width: 45%;"> <u>Deputy Disbursing Officer</u>  <b>(Title)</b> </div> </div>			

## **ANNEX 6 MONTHLY INVENTORY REPORT OF SEIZED PROPERTY**

### **A.      Purpose and Applicability**

This annex addresses the duties, responsibilities and procedures to be followed by the designated DO or designated government financial activity supporting the host nation's interim government in preparing monthly reporting of vested and seized property.

### **B.      Responsibilities**

The designated Executive Agent having custody of the seized assets shall prepare monthly reports describing all vested and seized property in the possession of host nation officials. These reports shall distinguish between vested and seized property.

The designated Executive Agent having custody of the seized assets shall submit the monthly reports under cover memorandum to the host nation and the OUSD(C), with copies furnished to the Principal Deputy Under Secretary of Defense (Comptroller), and the Director, the appointed Executive Agent's Resource Management Directorate no later than close of the fifth business day of the month following the month being reported.

### **C.      Reporting Procedures**

1.      Follow the attached sample report format (Figure 6-1).

2.      Instructions

a.      Report Title - enter the name of the month and the year in the title of the report.

b.      Line 1.A.1 – enter the beginning balance of the vested cash in possession of U.S. government officials. After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the beginning balance for June will be the ending balance from May).

c.      Line 1.A.2 – enter the amount of vested cash disbursed during the month being reported.

d.      Line 1.A.3 – enter the amount of vested cash deposited to financial institutions and no longer in the possession of host nation officials.

e.      Line 1.A.4 - enter the amount of collections.

f.      Line 1.A.4.1 - this line will include the amount of cash collected back into the disbursing office.

g. Line 1.A.4.2 - enter the amount of vested cash collected during the month.

h. Line 1.A.5 - enter the total of Line 1.A.1 minus Line 1.A.2 minus Line 1.A.3 plus Line 1.A.4.1 plus Line 1.A.4.2 (Line 1.A.1 – Line 1.A.2 – Line 1.A.3 + Line 1.A.4.1 + Line 1.A.4.2). This is the amount of newly vested cash in the possession of host nation officials.

i. Table 1.B – Non-Cash Assets Vested and Divested – provide, in table format, a listing of vested non-cash property by category (e.g., jewelry, arms, equipment, artwork, etc.), a brief description and item count for such property in the possession of host nation officials. This table shall include a cumulative listing of all vested non-cash property in the possession of host nation officials.

(1) Column 1 – enter the category of the non-cash property.

(2) Column 2 – enter a brief description of the items within the category in Column 1.

(3) Column 3 – enter the beginning count of items in the possession of host nation officials. After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the June beginning balance will be the May ending balance).

(4) Column 4 – enter the entity to which the host nation official divested the non-cash property.

(5) Column 5 – enter the count of items divested.

(6) Column 6 – enter the sum of Column 3 minus Column 5 (Column 3 – Column 5).

j. Line 2.A.1 – enter the beginning amount of seized cash (US dollars) in the possession of host nation officials. After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the beginning balance for June will be the ending balance from May).

k. Line 2.A.2 – enter the amount of seized cash (U.S. dollars) verified as authentic currency during the reporting period and available for disbursement.

l. Line 2.A.3 – enter the amount of seized cash verified as counterfeit.

m. Line 2.A.4 – enter the sum of Line 2.A.1 minus Line 2.A.2 minus Line 2.A.3 (i.e., Line 2.A.1 – Line 2.A.2 – Line 2.A.3). This amount represents the amount of seized cash (U.S. dollars) in the possession of host nation officials that has not been verified as authentic currency and available for disbursement.

n. Line 2.A.5 – for the first monthly report enter 0.00 (zero). After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the beginning balance for June will be the ending balance from May).

o. Line 2.A.6 – enter the amount of seized cash (U.S. dollars) verified as authentic currency during the month and available for disbursement.

p. Line 2.A.7 - enter the amount of seized cash (U.S. dollars) disbursed during the month being reported.

q. Line 2.A.8 – enter the amount of seized cash (U.S. dollars) deposited to financial institutions and no longer in the possession of host nation officials.

r. Line 2.A.9 – enter the amount of seized cash (U.S. dollars) collected during the month. This amount will include the amount of cash collected back into the disbursing office.

s. Line 2.A.10 – enter the sum of Line 2.A.5 minus Line 2.A.6 minus Line 2.A.7 plus Line 2.A.8 plus Line 2.A.9 (i.e., Line 2.A.5 – Line 2.A.6 – Line 2.A.7 + Line 2.A.8 + Line 2.A.9).

t. Table 2.B – Coin/Currency (Non-U.S. dollars) – enter, in table format, a listing of seized coin/currency (Non-U.S. dollars), by country, monetary unit (franc, pound, Canadian dollar, etc.) and amount, in the possession of host nation officials.

(1) Column 1 – enter the name of the country and monetary unit of seized coin/currency (Non-U.S. dollars) in the possession of host nation officials.

(2) Column 2 – enter the beginning count of items in the possession of host nation officials. After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the June beginning balance will be the May ending balance).

(3) Column 3 – enter the entity to which the host nation official released the coin/currency (Non-U.S. dollars).

(4) Column 4 – enter the amount of the coin/currency (Non-U.S. dollars) released.

(5) Column 5 – enter the sum of Column 2 minus Column 4 (Column 2 – Column 4).

u. Table 2.C – Non-Cash Assets – enter, in table format, a listing of seized non-cash property by category (e.g., jewelry, arms, equipment, artwork, etc.), a brief description and item count in the possession of host nation officials.

(1) Column 1 – enter the category of the non-cash assets.

(2) Column 2 – enter a brief description of the items within the category in Column 1.

(3) Column 3 – enter the beginning count of items in the possession of host nation officials. After the first monthly report, the beginning balance will be the ending balance of the previous month (e.g., the June beginning balance will be the May ending balance).

(4) Column 4 – enter the entity to which the host nation official released the non-cash assets.

(5) Column 5 – enter the count of items released.

(6) Column 6 – enter the sum of Column 3 minus Column 5 (Column 3 – Column 5).

v. The disbursing officer certifies the accuracy of the data on the report by signing and dating the report.

w. Footnote the amount of non-U.S. currency in possession of the host nation, but not verified as of the end of the reporting period, and the verified amount of counterfeit U.S. currency for the reporting period.



Figure 6-1. Sample Monthly Inventory Report of Vested and Seized Assets for the Month Ending December 2007

1. VESTED ASSETS

A. CASH

1.	Beginning Balance	\$1,700,000,000.00
2.	Less: Disbursements	500,000,000.00
3.	Less: Deposits to Financial Institutions	100,000,000.00
4.	Plus: Collections	100,000,000.00
	4.1 Cash collected back into DO	\$70,000,000.00
	4.2 Newly Vested Cash in possession of Host nation Officials	\$30,000,000.00
5.	Ending Balance	\$1,200,000,000.00

B. NON-CASH PROPERTY VESTED AND DIVESTED (Table 1.B)

1. CATEGORY	2. DESCRIPTION	3. BEGINNING COUNT	4. DIVESTED TO	5. COUNT DIVESTED	6. ENDING COUNT
Jewelry	Gold rings	50			50
Arms	Pistols	5			5
Artwork	Oil Painting	2	Museum	2	0

2. SEIZED ASSETS

A. CASH (U.S. DOLLARS)

1.	Beginning Amount Seized (Unverified)	\$650,000,000.00
2.	Amount Verified (Available for Disbursement)	50,000,000.00
3.	Amount Verified (Counterfeit)	10,000,000.00

Figure 6-1. Sample Monthly Inventory Report of Vested And Seized Assets for the Month Ending December 2007 (Continued)

4.	Ending Amount Seized (Unverified)	590,000,000.00
5.	Beginning Amount Verified (Available for Disbursement)	0.00
6.	Plus: Amount Verified This Period	50,000,000.00
7.	Less: Disbursements	25,000,000.00
8.	Less: Deposits to Financial Institutions	0.00
9.	Plus: Collections	0.00
10.	Ending Amount Verified (Available for Disbursement)	\$25,000,000.00

B. COIN/CURRENCY (NON-U.S. DOLLARS) SEIZED AND RELEASED  
(Table 2.B)

1. COUNTRY AND UNIT	2. BEGINNING AMOUNT	3. RELEASED TO	4. AMOUNT RELEASED	5. ENDING AMOUNT
Italian lira	60			60
Canadian dollar	200			200
Any foreign currency	1,000	Any Central Bank	1,000	0

C. NON-CASH ASSETS SEIZED AND RELEASED (Table 2.C)

1. CATEGORY	2. DESCRIPTION	3. BEGINNING COUNT	4. RELEASED TO	5. RELEASED COUNT	6. ENDING COUNT
Jewelry	Gold bracelets	10			10
Equipment	Tanks	1	Coalition Forces	1	0
Equipment	100mm howitzer	4			4

**Footnote: Include amount of non-U.S. currency in possession of the host nation, but not verified as of the end of the reporting period.**

**Footnote: Include verified amount of counterfeit U.S. currency.**

**Disbursing Officer Signature**\_\_\_\_\_ **Date**\_\_\_\_\_

## ANNEX 7 MONTHLY DISBURSEMENT REPORT

### A. Purpose and Applicability

This annex addresses the duties, responsibilities, and procedures to be followed by the host nation's interim government in preparing monthly disbursement reports for vested and seized assets.

### B. Responsibilities

The host nation interim government shall prepare monthly reports describing the purposes, amounts and recipients of all cash disbursements of vested and seized assets. This report will include cash disbursements only; non-cash assets, including coin/currency (non-U.S. dollars), either divested or released, are reported in the Monthly Inventory Report of Vested and Seized Assets (Annex 6, Figure 6-1). These reports shall distinguish between disbursements of vested and seized assets. The report must be reconciled with official accounting records.

The host nation interim government shall submit the monthly reports under cover memorandum to the OUSD(C), with copies furnished to the Director, Resource Management, of the designated Executive Agent, no later than close of the tenth business day of the month following the month being reported.

### C. Reporting Procedures

1. Follow the report format at Figure 7-1.

2. Instructions

a. Table 1 – Vested Assets

(1) Column 1 – enter a brief description of the purpose for the cash disbursements. The descriptions should be the same as the descriptions shown on the spending plans (Annex 4).

(2) Column 2 – enter a brief description of the recipients of the cash disbursements. The detail information regarding the entity receiving the cash disbursements is required as part of the supporting documentation to the disbursement vouchers as provided for in the Procedures section for host nation interim government (Annex 5).

(3) Column 3 – enter the dollar amount of the cash disbursements.  
NOTE: the total of Column 3 will be reported on the Monthly Inventory Report of Vested and Seized Assets, Line 1.A.2 (Annex 6, Figure 6-1).

b.      Table 2 – Seized Assets

(1)      Column 1 – enter a brief description of the purpose for the cash disbursements. The descriptions should be the same as the descriptions as shown on the spending plans (Annex 4).

(2)      Column 2 – enter a brief description of the recipients of the cash disbursements. The detail information regarding the individual recipients of the cash disbursements is required as part of the supporting documentation to the disbursement vouchers as provided for in the Procedures section for the host nation interim government (Annex 5).

(3)      Column 3 – enter the dollar amount of the cash disbursements.  
NOTE: The total of Column 3 will be reported on the Monthly Inventory Report of Vested and Seized Assets, Line 2.A.7 (Annex 6, Figure 6-1).

c.      The disbursing officer certifies the accuracy of the data on the report by signing and dating the report.

Figure 7-1. Sample Monthly Disbursement Report for the Month Ending December 2007

1. VESTED ASSETS (Table 1)

1. PURPOSE	2. RECIPIENTS	3. AMOUNT
Monthly Payroll	Oil Workers	\$25,000,000.00
Security Alarms	Museum	\$50,000,000.00
TOTAL		\$75,000,000.00

2. SEIZED ASSETS (Table 2)

1. PURPOSE	2. RECIPIENTS	3. AMOUNT
Monthly Payroll	Oil Workers	\$25,000,000.00
Security Alarms	Museum	\$50,000,000.00
TOTAL		\$75,000,000.00

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**Disbursing Officer, Host Nation Interim Government**

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**DATE**

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**ANNEX 8 REPORTING OF VESTED AND SEIZED ASSETS ON THE DOD FINANCIAL STATEMENTS**

**A.      Purpose and Applicability**

This annex addresses the duties, responsibilities, and procedures to be followed by the designated Executive Agent and the Defense Finance and Accounting Service (DFAS) in preparing consolidated financial statements in support of the host nation interim government's vested and seized assets.

**B.      Responsibilities**

The Executive Agent and DFAS are responsible for reporting activity of vested and seized assets on the DoD consolidated financial statements.

**C.      Procedures**

1.      Seized asset activity shall be reported on the Executive Agent's financial statements and the DoD consolidated financial statements. These activities relate to the receipt, management, and disposition of cash and negotiable instruments held by the DoD. Nonentity seized cash will be included as Fund Balance with Treasury on the face of the DoD consolidated Balance Sheet and the Executive Agent's Balance Sheets. The Nonentity Assets Note to the financial statements shall contain sufficient disclosure to provide the reader with an understanding of the source of the seized assets, applicable laws and regulations, and how the assets were used.

2.      Vested asset activity shall be reported in the General Fund financial statements of the Executive Agent and on the DoD consolidated financial statements. Vested assets will be distinguishable from other entity assets only in the footnotes to the financial statements. The note to the financial statements shall contain sufficient disclosure to provide the reader with an understanding of the source of the vested assets, applicable laws and regulations, and how the assets were used.

3.      Additional information regarding financial statement reporting can be found in Volume 6B and the DFAS Financial Reporting Guidance, "Annual and Quarterly Financial Statement Guidance," on the OUSD(C) website.

## VOLUME 12, CHAPTER 30: “OPERATION AND USE OF GENERAL GIFT FUNDS”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an \* symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue and underlined font\*\*\*](#).

The previous version dated [March 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.1	Added an Overview section	Addition
1.3	Updated authoritative guidance section to include only hyperlinks and title of reference	Revision
2.0.3, 5.5, & 5.8.1	Changed the term “ethics counselor” to “ethics official”	Revision
5.1	Added an Acceptance of Gifts section for Military Musical Units, Accounting for Missing Persons, Museum Programs, U.S. Service Academies, and Uniformed Services University of Health Sciences	Addition
5.1.5	Incorporated the Under Secretary of Defense for Personnel and Readiness policy memorandum, “Delegation of Gift Acceptance Authority for the Uniformed Services University of the Health Sciences,” dated December 13, 2024.	Addition
7.2.3	Changed Community and Public Outreach Division to Community Relations Division	Revision

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## CHAPTER 30

**OPERATION AND USE OF GENERAL GIFT FUNDS**

## 1.0 GENERAL

## \*1.1 Overview

The Secretary of Defense (SecDef) and Secretaries of the Military Departments have the authority to accept, hold, administer, and spend gifts made for the benefit or in connection with various institutions and individuals under their jurisdiction. These gifts include money, real property, personal property, or services for the establishment, operation, or maintenance of schools, hospitals, libraries, museums, cemeteries, and other institutions, as well as for the benefit of wounded or injured members of the armed forces (including members performing full-time National Guard duty), civilian employees, dependents, and survivors of members or employees who are killed.

## 1.2 Purpose

The purpose is to prescribe the overall policy and assign responsibilities for the acceptance, holding, administration, receipt, recording, reporting, use, investment, distribution, disbursement, and accountability of money, real property, personal property, or services to the DoD.

## \*1.3 Authoritative Guidance

1.3.1. Title 10, United States Code, section 974 ([10 U.S.C. § 974](#)), “Military Musical Units and Musicians: Performance Policies; Restriction on Performance in Competition with Local Civilian Musicians.

1.3.2. [10 U.S.C. § 1501](#), “System for Accounting for Missing Persons.”

1.3.3. [10 U.S.C. § 2601](#), “General Gift Funds.”

1.3.4. [10 U.S.C. § 2113](#), “Administration of University.”

1.3.5. Code of Federal Regulations ([CFR](#)) [§ 2635.203](#), “Definitions.”

1.3.6. DoD Instruction ([DoDI](#)) [4165.14](#), “Real Property Inventory and Reporting.”

1.3.7. [DoDI 4165.70](#), “Real Property Management.”

1.3.8. [DoDI 4165.71](#), “Real Property Acquisition.”

1.3.9. [DoDI 4165.72](#), “Real Property Disposal.”

1.3.10. [DoDI 5000.64](#), “Accountability and Management of DoD Equipment and Other Accountable Property.”

1.3.11. DoD Directive [\(DoDD\) 5500.07](#), “Ethics and Standards of Conduct.”

## 2.0 DEFINITIONS

2.0.1. Account. For purposes of this chapter, an account is a special account established by the [U.S. Department of the Treasury](#) for receipt of monetary gifts and proceeds from the sale of real or personal property gifts to the SecDef or the Military Departments.

2.0.2. Acceptance Authorities. Acceptance Authorities are the appropriate concerned Secretary and all designees who may accept gifts. The concerned Secretaries may approve additional delegations.

\* 2.0.3. Ethics Officials. Ethics Officials represent the [U.S. Government and U.S. Government personnel who are acting in their official capacities](#) as set forth in DoDD 5500.07 - R.

2.0.4. Gifts. Gifts include devises or bequests of money, real property, personal property, or services.

2.0.5. Prohibited Sources. Prohibited Sources are defined as set forth in CFR § 2635.203.

2.0.6. Services. Services include activities that benefit the morale, welfare, or recreation of members of the armed forces and their dependents or are related or incidental to the conveyance of a gift of real or personal property. Performance of services includes non-monetary gifts of services through volunteer gratuitous agreements.

## 3.0 DESIGNATIONS

The SecDef and the Secretaries of the Military Departments may approve additional Acceptance Authority designations under their jurisdiction. The Office of the Secretary of Defense (OSD) designations are as follows:

### 3.1 USD(C)

All authority and responsibility granted to the SecDef associated with the acceptance and use of gifts has been delegated to the USD(C).

### 3.2 USD(C) Designations

The USD(C) prescribes additional designations of gift Acceptance Authority to OSD Components. On behalf of the SecDef, the USD for Acquisition and Sustainment (A&S), USD Personnel and Readiness (P&R), Administration and Organization Policy, DoD Defense Agencies, Joint Staff, Commanders of Combatant Commands, and Washington Headquarters Services (WHS) have the authority and responsibilities associated with acceptance and use of such gifts of real

property or personal property and may authorize the development of additional procedures for implementing policy in this chapter. The Director of the WHS also has the authority to accept such gifts of services for the benefit of individuals at facilities under his or her authority. All gifts over \$500,000 must be accepted by the USD(C).

#### 4.0 RESPONSIBILITIES

##### 4.1 OSD Components

OSD Components and Acceptance Authority designees must ensure compliance with the policy in this chapter and must establish procedures to ensure personnel are familiar with the restrictions on accepting gifts and requirements for receiving, recording, reporting, and accounting for gifts.

##### 4.2 Military Departments

The Secretaries of the Military Departments and Acceptance Authority designees must ensure compliance with policy in this chapter and establish procedures to ensure personnel are familiar with the restrictions on accepting gifts and requirements for receiving, recording, reporting, and accounting for gifts.

##### 4.3 DFAS

DFAS is responsible for the accounting, investing, and reporting of all monetary gifts and proceeds from the sale of real property or personal property gifts accepted by the Acceptance Authorities and forwarded to DFAS as prescribed in section 6.0.

##### 4.4 USD(P&R)

USD(P&R) must establish procedures for verifying the eligibility of individuals to receive benefits and may authorize the development of additional procedures for receiving gifts.

#### 5.0 ACCEPTANCE

##### \*5.1 Acceptance of Gifts

5.1.1. Military Musical Units. Monetary contributions, personal property, or services for the benefit of a military musical unit may be accepted by the SecDef and Secretaries of the Military Departments. Any monetary contributions must be credited to the corresponding appropriation or account, subject to the same purposes, conditions, and limitations as the funds in that account.

5.1.2. Accounting for Missing Persons. Gifts including personal property, money, or services for the purpose of facilitating accounting for missing persons may be accepted, held, administered, spent, and used. All monetary gifts and bequests accepted must be deposited in the DoD General Gift Fund.

5.1.3. Museum Programs. Gifts such as books, manuscripts, works of art, historical artifacts, drawings, plans, models, or condemned or obsolete combat materiel may be solicited from a bona fide collector for military museum programs. The military museum program may accept a gift of services from a nonprofit entity established to support the program. Nonprofit entity personnel who provide a gift of services may not be employed within the U.S.

5.1.4. U.S. Service Academies. Gifts of real property can be accepted for the U.S. Military Academy, the Naval Academy, the Air Force Academy, and the Coast Guard Academy. These gifts can be accepted even if the gift is subject to the condition that the property bears a specified name. The Secretary of the Military Department responsible for the respective Service Academy has the authority to accept such gifts.

5.1.5. Uniformed Services University of the Health Sciences (USUHS). Any gift, devise, or bequest of personal property made to the University, including those in the support of an academic chair, teaching, research, or demonstration project may be accepted, held, administered, invested, and spent. This authority is delegated to the USD(P&R) and may be further delegated by the USD(P&R) in writing to the Assistant Secretary of Defense for Health Affairs and/or to the President, USUHS, but may not be delegated below the President, USUHS.

## 5.2 Circumstances to Decline Acceptance

Acceptance Authorities must decline gifts under the following circumstances:

5.2.1. The use of the gift is **connected** with any program, project, or activity that would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

5.2.2. The gift or conditions attached to the gift are inconsistent with applicable law or regulations;

5.2.3. The use of the gift would reflect unfavorably on the **DoD's ability**, or any personnel of the Department, to carry out any responsibility or duty in a fair and objective manner;

5.2.4. The use of the gift would compromise the integrity or appearance of integrity of any program of the DoD or any individual involved in such a program; and

5.2.5. Acceptance of the gift would not be in the best interests of the DoD, including but not limited to the following, where it creates or requires:

5.2.5.1. The appearance or expectation of favorable consideration because of the gift;

5.2.5.2. The appearance of an improper endorsement of the donor, its events, products, services, or enterprises;

5.2.5.3. A serious question of impropriety considering the donor's present or prospective business relationships with the DoD;

5.2.5.4. The expenditure or use of funds more than amounts appropriated by Congress;

5.2.5.5. Substantial expenditures or administrative efforts and maintenance that are disproportionate to any benefit;

5.2.5.6. Gift acceptance or the imposition of naming rights that would not reflect favorably upon the DoD; or

5.2.5.7. The real property subject to the gift naming condition has not been named by an act of Congress.

### 5.3 DoD Personnel

DoD personnel must not solicit, fundraise for, or otherwise request or encourage the offer of a gift. Acceptance Authorities must not accept gifts offered contrary to this policy. Notwithstanding this general prohibition, the SecDef may solicit from a bona fide collector, a gift for the use and benefit of a military museum program.

### 5.4 Related Expenses

Acceptance Authorities may pay all necessary expenses in connection with the conveyance or transfer of a gift.

### \*5.5 Offers from Prohibited Sources

Acceptance Authorities must use increased sensitivity and scrutiny when gifts are offered from prohibited sources. Acceptance of gifts from prohibited sources may cause embarrassment to the DoD or the appearance of influencing official decisions or actions of the Department. Acceptance Authorities must consult with their appropriate Ethics Official before accepting such a gift valued in excess of \$10,000 to determine whether the donor is involved in any claims, procurement actions, litigation, or other particular matters involving the Department that must be considered prior to gift acceptance.

### 5.6 Acknowledgement of Future Gifts

Acceptance Authorities may acknowledge offers of future gifts and advise the donors that acceptance will occur after the actual presentation of the gifts only when they determine that such acceptance will likely occur.

## 5.7 Acceptance through Intermediaries

Acceptance Authorities must not accept gifts offered indirectly through an intermediary if they **cannot** accept such gifts if offered directly from the source.

## 5.8 Accepting Gifts to Benefit Certain Members, Dependents, and Civilian Employees

\* 5.8.1. Acceptance Authorities must consult with their appropriate Ethics **Official** before accepting gifts valued more than \$10,000 to ensure that:

5.8.1.1. The gift is not offered in a manner that specifically discriminates among DoD personnel based on type of official responsibility or of favoring those of higher rank or rate of pay; and

5.8.1.2. The donor does not have interests that may be affected substantially by the performance or nonperformance of the DoD employee's official duties.

5.8.2. Acceptance Authorities may not accept a gift of services from a foreign government or international organization. They may accept a gift of money, real property, or personal property from a foreign government or international organization only if the gift is not designated for a specific individual.

## 5.9 Acceptance of Property Gifts with Naming Rights

5.9.1. The authority to accept gifts **with the condition of naming rights** may be delegated by the Secretary concerned only to a civilian Presidential appointee in a position requiring Senate confirmation. This authority may not be further re-delegated.

5.9.2. The Secretary concerned must issue uniform regulations governing the circumstances under which gifts conditioned on naming rights may be accepted, appropriate naming conventions, and suitable display standards. The naming conventions and suitable display standards must be in accordance with Unified Facilities Criteria **(UFC) 3-120-01** and other implementing guidance issued under the purview of the USD(A&S).

5.9.3. The Secretary concerned or designee must decline conditional gifts offered unless the donor agrees in writing that the Military Department retains the right to remove or alter the name if a determination is made that:

5.9.3.1. The donor has committed an immoral act or engaged in unethical conduct;

5.9.3.2. The donor has engaged in activities that reflect unfavorably on the U.S.;

or

5.9.3.3. A subsequent donor offers to significantly alter a facility, and such gift is worthy of receiving naming rights.

## 6.0 RECEIPT

### 6.1 Monetary Gifts

All monetary gifts must be forwarded to the DFAS office servicing the Acceptance Authority via mail or an electronic funds transfer (EFT). DoD officials must contact DFAS for EFT deposit information.

### 6.2 Gift Fund Accounts

Gifts of money and the proceeds of the sale of property gifts must be deposited in the following Treasury accounts:

6.2.1. The DoD General Gift Fund in the case of deposits made by the SecDef or SecDef Acceptance Authority designees.

6.2.2. The Department of the Army General Gift Fund, in the case of deposits made by the Secretary of the Army or Secretary of the Army Acceptance Authority designees.

6.2.3. The Department of the Navy General Gift Fund, in the case of deposits made by the Secretary of the Navy or Secretary of the Navy Acceptance Authority designees.

6.2.4. The Department of the Air Force General Gift Fund, in the case of deposits made by the Secretary of the Air Force or Secretary of the Air Force Acceptance Authority designees.

### 6.3 Accounting Transactions

Accounting entries for monetary, non-monetary, and service-type gifts are specified within the [U.S. Standard General Library](#).

## 7.0 RECORDS AND REPORTS

### 7.1 Records

7.1.1. Acceptance Authorities must keep accurate, auditable, and timely records of all gifts and provide this information for periodic audits. The receiving organization must obtain and retain the required documentation and information for all gifts received including the date non-monetary gifts were transferred to property records and the unique identifier or data element, if applicable (see property accountability requirements in section 9.0). For audit purposes, the supporting documentation for monetary and non-monetary gifts must be retained [in accordance with the policy in Volume 1, Chapter 9, "Financial Records Retention."](#)

7.1.2. Acceptance Authorities must ensure that the following information for items sold is documented and retained:

7.1.2.1. A description of each item sold;



7.1.2.2. The name of the donor for each item sold;

7.1.2.3. The date each item was sold;

7.1.2.4. The name of the purchaser for each item sold;

7.1.2.5. The proceeds of the item sold;

7.1.2.6. Details of any relevant specific information regarding each item sold; and

7.1.2.7. If applicable, the unique identifier or data element used to track the same or similar non-monetary item such as a Real Property Unique Identifier from the DoD Real Property Unique Identifier Registry or accountable property data elements (see property accountability policy cited in section 9.0).

## 7.2 Reports

7.2.1. DFAS Standards and Compliance (Corporate Reporting) must develop and require a standardized report for Acceptance Authorities or designees to report the following information to DFAS [on a quarterly basis](#):

7.2.1.1. A description of the gift;

7.2.1.2. The value of the gift (estimated value if non-monetary) [and](#) the valuation method used;

7.2.1.3. The name and address of the donor(s);

7.2.1.4. The date each gift was received;

7.2.1.5. The expected useful life of the gift (the length of time in which a depreciable asset is expected to be used);

7.2.1.6. Details of any conditions, restrictions, or other relevant specific information regarding each gift;

7.2.1.7. If applicable, a unique identifier or data element used to track the same or similar non-monetary items received or shipped from different sources;

7.2.1.8. Statement explaining the benefits of accepting the gift; and

7.2.1.9. The authority under which the gift was accepted.

7.2.2. Acceptance Authorities must report the information in the reports for all monetary gifts and real property gifts along with personal property gifts and services with a unit value of \$5,000 or more to the DFAS office servicing each Secretary (Defense, Army, Navy, and Air Force)

not later than 10 days after the end of each quarter. Monetary, real property, and personal property gifts must be reported separately.

\* 7.2.3. Acceptance Authorities must prepare a separate report entitled "Donations to Military Musical Units under 10 U.S.C. § 974(d)". The report must be submitted to Congress annually for all gifts accepted during the fiscal year by Military Musical Units. A copy of the report must be provided to the OUSD(C), Deputy Chief Financial Officer; and the Office of the Assistant Secretary of Defense for Public Affairs, [Community Relations](#) division.

7.2.4. The DFAS Standards and Compliance (Corporate Reporting) must prepare a report containing the following information and forward the information to the [OUSD\(C\)](#), Deputy Chief Financial Officer no later than 30 days after the end of each quarter:

7.2.4.1. Separate summary values for monetary and non-monetary gifts accepted during the quarter and the authority under which the gift was accepted; and

7.2.4.2. A description of all property valued at more than \$1 million. In determining whether the \$1 million threshold has been met, the following criteria must be used:

7.2.4.2.1. The [cumulative](#) value of similar items accepted during the quarter; and

7.2.4.2.2. The [cumulative](#) value of components which, if assembled, would comprise all or a substantial portion of an item or facility.

## 8.0 INVESTMENTS

DFAS must:

8.0.1. Invest general gift funds in Government securities until distribution is authorized [and](#) consistent with good cash management practices;

8.0.2. Follow standard operating procedures related to the respective Gift Fund Accounts for purchasing Government securities;

8.0.3. Follow standard operating procedures to initiate and complete the sale of Government securities;

8.0.4. Maintain a tracking system that identifies impending maturities and collections of securities for the specified account and ensure appropriate reinvestment action is taken upon maturity of a security; and

8.0.5. Conduct an annual review of the account operations and transactions, including the purchase and the sale of Government securities. The objective of the review will include compliance with the DoD and the Treasury policies and procedures, and adequacy of internal controls.

## 9.0 PROPERTY ACCOUNTABILITY

Acceptance Authorities must establish procedures for receiving, accounting, and disposing of real and personal property gifts. Property accountability procedures must be addressed or referenced in general gift acceptance procedures. Property accountability procedures must be consistent with policy prescribed in DoDI 4165.14, DoDI 4165.70, DoDI 4165.71, DoDI 4165.72, and DoDI 5000.64.

**VOLUME 12, CHAPTER 31: “DOD BRANDING AND TRADEMARK LICENSING PROGRAM”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [November 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
1.2	Added Title 15, U.S. Code Section 1051-1072 “The Principal Register” to the authoritative guidance source list.	Addition
2.0	Added full definitions from authoritative guidance for terms with summarized definitions. Clarified language for several terms and updated guidance references.	Addition
3.1	Updated authoritative guidance reference and added clarifying language.	Revision
4.1	Added clarifying language for the Treasury Account Symbol.	Addition

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## CHAPTER 31

**DOD BRANDING AND TRADEMARK LICENSING PROGRAM**

## 1.0 GENERAL

## 1.1 Purpose

This chapter promulgates policy used to account for fees received by the Department of Defense (DoD) from the licensing of trademarks, service marks, certification marks and collective marks. It establishes guidance that is applicable to the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Geographic Combatant Commands, the Office of the Inspector General of DoD, the Defense Agencies, the DoD Working Capital Fund Activities, the DoD Field Activities, and all other organizational entities in DoD (hereinafter referred to as DoD Components).

## \*1.2 Authoritative Guidance

The financial management policy and related requirements prescribed by this chapter are in accordance with the applicable provisions of:

1.2.1. Title 10, United States Code, section 2260 ([10 U.S.C. § 2260](#)), “Licensing of intellectual property: retention of fees”;

1.2.2. [15 U.S.C. § 1127](#), “Construction and definitions; intent of chapter”;

1.2.3. [15 U.S.C. § 1051-1072](#), “The Principal Register”;

1.2.4. DoD Directive ([DoDD](#)) [5122.05](#), “Assistant to the Secretary of Defense for Public Affairs (ATSD(PA))”;

1.2.5. [DoDD 5535.09](#), “DoD Branding and Trademark Licensing Program”; and

1.2.6. DoD Instruction ([DoDI](#)) [5535.12](#), “DoD Branding and Trademark Licensing Program Implementation.”

## \*2.0 DEFINITIONS

## 2.1 Branding

The term “branding” includes a program or process of creating awareness, public goodwill, and a positive image for the DoD and its Components through the marketing and promotion of its marks.

## 2.2 Certification Mark

The term “certification mark” means any word, name, symbol, or device, or any combination thereof –

2.2.1. Used by a person other than its owner, or

2.2.2. Which its owner has a bona fide intention to permit a person other than the owner to use in commerce (use of a mark in the ordinary course of trade) and files an application to register on the principal register established in 15 U.S.C. § 1051-1072, to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

## 2.3 Collective Mark

The term “collective mark” means a trademark or service mark –

2.3.1. Used by the members of a cooperative, an association, or other collective group or organization, or

2.3.2. Which such cooperative, association, or other collective group or organization has a bona fide need to use in commerce and applies to register on the principal register established in 15 U.S.C. § 1051-1072, and includes marks indicating membership in a union, an association, or other organization.

## 2.4 Licensee

As used in DoDD 5535.09, the term “licensee” must include any person, company, or organization whose use of a mark is controlled by a DoD Component with respect to the nature and quality of goods or services on or in connection with which the mark is used.

## 2.5 Licensing Agent

As used in DoD 5535.09, the term “licensing agent” must include any person, company, or organization that serves as an agent of a DoD Component for the purpose of assisting that DoD Component in securing licensees, collecting royalty fees, and/or other operational functions that deal with the DoD Component’s trademark licensing program.

## 2.6 Service Mark

The term “service mark” means any word, name, symbol, or device, or any combination thereof –

### 2.6.1. Used by a person, or

2.6.2. Which a person has a bona fide intention to use in commerce and applies to register on the principal register established in [15 U.S.C. § 1051-1072](#), to identify and distinguish the services of one person, including a unique service, from the services of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

## 2.7 Trademark

The term “trademark” includes any word, name, symbol, or device, or any combination thereof –

### 2.7.1. Used by a person, or

2.7.2. Which a person has a bona fide intention to use in commerce and applies to register on the principal register established in [15 U.S.C. § 1051-1072](#), to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.

## 3.0 RESPONSIBILITIES

### \*3.1 Assistant Secretary of Defense for Public Affairs

The ASD(PA), in accordance with DoDD [5535.09](#), is the proponent agency for the DoD Branding and Trademark Licensing Program (BTLTP) and has overall responsibility for the operation of the program, [providing training](#), defining program costs, and establishing procedures to ensure the proper use of program funds.

### 3.2 DoD Components

The DoD Components operating a trademark licensing program under the provisions of 10 U.S.C. § 2260 and DoDD 5535.09 are responsible for ensuring that:

3.2.1. A single individual or office is designated within the DoD Component to review and approve all requests for the use of funds deposited into the Component’s designated U.S. Department of the Treasury (Treasury) Account. The designated individual or office must be responsible for ensuring that all funds are used only for authorized purposes. To ensure an independent review of the request, no individual or office may both request and approve the use of such funds. The appointment of this person or office must be done in writing in the form of an



appointment order or similar document. A copy of the appointment must be provided to the DoD Component's supporting representative at the Defense Finance and Accounting Service and to the Manager, DoD BTLP. A record of all requests for the use of funds and the action taken must be retained in accordance with Volume 1, Chapter 9.

3.2.2. There is a complete and accurate accounting for all trademark licensing fees received.

3.2.3. All trademark licensing fees received by DoD Components are promptly deposited and recorded in the United States Standard General Ledger account 426600, which provides direct budget authority on line 1800 of the Standard Form (SF) 132, Apportionment and Reapportionment Schedule, and SF 133, Report on Budget Execution and Budgetary Resources. DoD Components must obligate and disburse from the designated Treasury Account Symbol only for the purposes specifically authorized in 10 U.S.C § 2260. The use of suspense accounts is prohibited and any remaining balances must be transferred to the designated Treasury account. Guidance on processing collections can be found in Volume 5, Chapter 8.

3.2.4. Fees collected are only used for payment of costs incurred in securing trademark registrations and operating the licensing program; and for support of Morale, Welfare, and Recreation (MWR) activities when fees available for a fiscal year exceed the amount needed for payment of such costs.

#### 4.0 ACCOUNTING AND REPORTING

##### \*4.1 Accounting

4.1.1. Fees received in a fiscal year must remain available for obligation in such fiscal year and the following two fiscal years.

4.1.2. The excess of licensing fees collected over annual costs may be expended to support MWR activities. The law does not require that the excess be obligated in the fiscal year collected. The excess may be used in the two following fiscal years to offset those fiscal year costs of the licensing program or may be expended in support of the DoD Component's MWR activities.

4.1.3. Funds not obligated or made available to MWR activities before September 30 of the second fiscal year following the year collected must be reallocated (transferred) to [Treasury Account Symbol](#) R3210, "General Fund Proprietary Receipts, Defense Military, Not Otherwise Classified."

4.1.4. Additional [Treasury Account Symbols](#) may be used to separately track unobligated funds carried forward from the fiscal year of collection through the following two fiscal years.

4.1.5. Each DoD Component must ensure that all royalty reports received from licensees and/or licensing agents are promptly reviewed, and any questions resolved. Copies of royalty reports must be retained in accordance with Volume 1, Chapter 9.

## 4.2 Reporting

Each DoD Component operating a trademark licensing program must provide the Manager, DoD BTLP, with the following financial reports. The Manager, BTLP, may issue guidance prescribing the required format of the reports and the specific information to be provided.

4.2.1. Quarterly Reports. The following quarterly reports must be forwarded to the Manager, DoD BTLP, within 30 days following the end of each calendar quarter.

4.2.1.1. Income and Expense Report. The Income and Expense Report must show the total fees received from trademark licensing during the preceding calendar quarter. It should also show the total costs paid for securing trademark registrations and the total costs paid for operating the trademark licensing program.

4.2.1.2. Other Quarterly Reports. The Manager, DoD BTLP may require other quarterly reports as the Manager deems necessary to assure compliance with DoDD 5535.09.

4.2.2. Annual Reports. The following annual reports must be forward to the Manager, DoD BTLP, within 45 days following the end of the fiscal year.

4.2.2.1. Trademark Account Fund Aging Report. The Trademark Account Fund Aging Report must show, in detail, the age of all funds currently in the DoD Component's Treasury Account for Trademark Licensing and the date on which those funds will expire.

4.2.2.2. MWR Funding Report. The MWR Funding Report must show all funds transferred during the preceding fiscal year to an MWR activity under the control of the Secretary concerned. If more than one MWR activity received funding, the report must identify each activity and the amount it received. If more than one trademark licensing program is operated by a DoD Component, separate reports must be issued for each program.

4.2.2.3. Other Annual Reports. The Manager, DoD BTLP may require other annual reports as the Manager deems necessary to ensure compliance with DoDD 5535.09.

**VOLUME 12, CHAPTER 32: “COLLECTION AND RETENTION OF CONFERENCE FEES FROM NON-FEDERAL SOURCES”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

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Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

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PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and removed duplicates.	Revision

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## CHAPTER 32

**COLLECTION AND RETENTION OF CONFERENCE FEES  
FROM NON-FEDERAL SOURCES**

## 1.0 GENERAL

## 1.1 Purpose

This chapter establishes the policies to be followed by Department of Defense (DoD) Components to account for conference fees that are collected by the Department of Defense to cover DoD costs. The conference fees are used in accordance with statutory authority in Title 10, United States Code, § 2262 ([10 U.S.C. § 2262](#)) which provides authority for the Secretary of Defense to collect fees in advance, either directly or by using a contract, from individuals and commercial participants attending DoD sponsored conferences. This guidance applies to DoD Components, which for the purpose of this chapter, includes the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff or the Joint Staff, the Unified and Specified Combatant Commands, the Office of the Inspector General of DoD, the Defense Agencies, the DoD Working Capital Fund Activities, the DoD Field Activities, and all other organizational entities in DoD.

## 1.2 Authoritative Guidance

A “conference” is defined in the [DoD Joint Travel Regulations](#) as a meeting, retreat, seminar, symposium, or event that involves attendee travel. The term conference also applies to training activities that are considered to be conferences in accordance with Title 5, Code of Federal Regulations, section 410.404 ([5 CFR § 410.404](#)). Conferences subject to this authority are also often referred to as conventions, expositions, workshops or exhibitions that typically involve topical matters of interest to, and the participation of, multiple agencies and/or non-governmental participants. The [DoD Conference Guidance 4.0](#) identifies exemptions to the defined list of conferences.

## 2.0 POLICY

## 2.1 Other Federal laws and Regulations

Although 10 U.S.C. § 2262 authorizes the retention of conference fees, all other applicable Federal laws and regulations must be followed regarding conferences and conference planning. These Federal authorities include the DoD Travel Regulations, the Federal Acquisition Regulation ([FAR](#)), the [DoD FAR Supplement](#), and the [Joint Ethics Regulation](#). This authority does not increase or affect any other currently existing conference authority. Guidelines related to determining conference fees are available on the [DoD Cost Guidance Portal](#) that resides on the DoD Costs Assessment and Program Evaluation web page. Access requires a DoD Common Access Card.

## 2.2 Use of Contracts for Conference Planning, Organizing, or Management

DoD Components collecting fees by contract, to include contractors under no-cost contracts, are authorized to structure such contracts to permit contractors to offset from fees collected, the actual costs incurred by the contractor (to include its fee), in providing conference related services. Fee collections in excess of such amounts must be credited to the appropriation from which other conference costs are payable. DoD Components must be responsible for all other provisions contained in this chapter including the oversight regarding the setting of appropriate fee amounts and the reporting of fees collected and costs paid by the contractor.

## 2.3 Reimbursement

Collection of conference fees into appropriations is subject to the general rules of appropriation reimbursement as well as specific rules stated in 10 U.S.C. § 2262. Fiscal limitations on expenditure of appropriated funds for conference expenses apply to use of fees collected under 10 U.S.C. § 2262. In accordance with DoD Conference Guidance 4.0, revenue is all direct or indirect conference costs collected or reimbursed to DoD by non-DoD entities. For the purpose of this guidance, revenue includes, but is not limited to registration fees collected, exhibitor fees collected, sponsor fees collected, and total conference costs. Total conference costs should be the net value of the conference expenses, less any fees or revenue received by the Department through the conference.

## 2.4 Ethics and Fiscal Guidance

Ethics restrictions found in the [Standards of Ethical Conduct](#) for Employees of the Executive Branch are applicable to the execution of conferences. Also follow guidance prescribed by the DoD Office of the General Counsel ([See DoD's Standards of Conduct Office \(SOCO\)](#)) paper on Conference Sponsorship and Conference Planning. In addition, DoD conference managers should consult with their own component General Counsel to ensure compliance with applicable laws and regulations.

## 3.0 RESPONSIBILITIES

### 3.1 Office of the Under Secretary of Defense (Comptroller), [Office of the Director of Administration and Management \(ODA&M\)](#)

3.1.1. [Secretary and Deputy Secretary of Defense](#) - The Secretary and Deputy Secretary of Defense are accountable for all of the Department's conference related activities. Specifically, with overseeing the DoD's conference policies and controls, and maintaining visibility and accountability for the conduct of conferences hosted by the Department and attended by Department personnel through Component reporting as required by legislation. Agencies are obligated to ensure reporting requirements to Congress on conference costs and fees collected are met, in accordance with the Office of Management and Budget (OMB) [Memorandum M-17-08 and section 739 of Public Law 113-235](#), "Consolidated and Further Continuing Appropriations Act of 2015," and reported through the DoD Conference Tool in adherence with the standards of the DoD Conference Guidance 4.0.

3.1.2. DoD Deputy Chief Management Officer – In accordance with the DoD Conference Guidance 4.0, and consistent with the guidance codified in the OMB Memorandum M-17-08, the DoD Deputy Chief Management Officer is responsible for DoD's conference oversight on behalf of the Secretary and Deputy Secretary of Defense, to include maintaining the DoD Conference Guidance 4.0 policy and controls, and executing the reporting requirements contained in section 320402. The Deputy Chief Management Officer is authorized to act on behalf of the Secretary and Deputy Secretary on all conference related matters.

### 3.2 Defense Finance and Accounting Service (DFAS)

The DFAS must:

3.2.1. Establish a process for collecting data needed to meet conference fees statutory reporting requirements.

3.2.2. Ensure conference fee collections and disbursements are processed and recorded accurately and timely, consistent with DoD policy.

3.2.3. Take corrective action when issues accounting for these funds arise.

### 3.3 DoD Components

The DoD Components sponsoring conferences under the provisions of 10 U.S.C. § 2262 must:

3.3.1. Adhere to established chapter OUSD(C), P/B reporting requests.

3.3.2. Develop and implement internal operating procedures and guidance to ensure complete, accurate, timely, and proper accounting and reporting for all conference fees collected, and relevant financial data.

3.3.3. Ensure that conference fees collected are only used to offset associated allowable conference expenses. Use of registration fees to pay unallowable costs is prohibited, illegal, and improper; and reduces the amount of fees that would otherwise be available to pay allowable costs.

3.3.4. Collaborate with DFAS to establish a process for collecting data needed to meet statutory reporting requirements.

3.3.5. As needed, provide training to employees on using this authority.

3.3.6. Monitor conference fee collections and disbursements to assess operational or financial problems.

3.3.7. Ensure all conference fees collected directly by the Government are promptly deposited and recorded in the appropriate account. When fees are collected by contract as described in paragraph 2.2, promptly deposit and record amounts that are in excess of actual conference costs offset by the contractor. To avoid having to credit excess fee collections to Miscellaneous Receipts, fees (attendance, vendor, and other) should be structured so as not to exceed the anticipated costs of the conference. Guidance on processing collections can be found in Volume 5, Chapter 8.

3.3.8. Assist the OUSD(C) in any investigations into funding violations.

3.3.9. Determine the conference fee amounts that are excess and promptly transfer to Receipt Account 3210, "General Fund Proprietary Receipts, Defense Military, Not Otherwise Classified." Excess fees collected must not be used to finance expenditures of a succeeding conference or for any other purpose. Because the statute does not allow the retention of funds in excess of costs incurred, doing so would improperly augment agency funds otherwise available for funding conference expenses.

3.3.10. Ensure that conference fees collected for one conference are not used to fund for other conferences. If more than one conference is funded by a DoD Component, the Component must maintain records sufficient to separately account for fee collections for each conference.

3.3.11. Maintain all records supporting conference fees collected under this authority in accordance with Volume 1, Chapter 9.

## 4.0 ACCOUNTING AND REPORTING

### 4.1 Accounting

4.1.1. Accounting for collections into appropriations is covered in the [DoD United States Standard General Ledger](#) [Standard Financial Information Structure](#) Transaction Library.

4.1.2. Except when conference planning services at no cost to the government are used and the government entity does not directly collect fees, amounts collected in accordance with 10 U.S.C. § 2262 with respect to a conference must be credited to the appropriation or account from which the costs of the conference are paid and must be used to pay or reimburse those costs of the Department with respect to the conference. Record conference fees collected as an appropriation reimbursement.

4.1.3. The registration fees collected must remain with the year that funds for the conference are obligated. In the event registration fees are collected in one fiscal year but the conference is conducted in the next, the fees collected must remain in the year the conference expenses were obligated and must be available for the same purpose and time period of that appropriation.



4.1.4. Components, agencies and activities which collect conference fees into appropriations may not augment those appropriations. Accordingly, any fees collected which exceed actual conference costs must be deposited to [Receipt Account 3210](#).

## 4.2 Reporting

4.2.1. In accordance with DoD's Conference Policies and Controls, all DoD sponsored conferences are required to be reported through a central [DoD Conference Tool](#). This data is used to generate the annual reports that are posted publically and support the Department's ongoing oversight of conference activities. Conference fees are not reported as a separate entity; they are reported within conference expenses as a net of any fees or revenue received through the conference, not to include costs. Detailed guidance on conference expense reporting requirements and thresholds can be found in the DoD Conference Policies and Controls, and in the DoD Conference Tool.

4.2.2. In accordance with OMB Memorandum M-17-08, "Promoting Efficient Spending to Support Agency Operations," agencies must report conference expenses on a dedicated space on their official website. Conference expenses are defined as all direct and indirect conference costs paid by the Government, whether paid directly by agencies or reimbursed by agencies to travelers or others associated with the conference but do not include funds paid under Federal grants to grantees. Conference expenses include any associated authorized travel and per diem expenses, hire of rooms for official business, audiovisual use, light refreshments, registration fees, ground transportation, and other expenses as defined by the Federal Travel Regulations.

4.2.2.1. By January 31 of each year, the agency must provide a description of all agency-sponsored conferences from the previous fiscal year where the net expenses for the agency associated with the conference were in excess of \$100,000. This description must include:

4.2.2.1.1. Total conference expenses incurred by the agency for the conference.

4.2.2.1.2. The location of the conference.

4.2.2.1.3. The date of the conference.

4.2.2.1.4. A brief explanation how the conference advanced the mission of the agency.

4.2.2.1.5. The total number of individuals whose travel expenses or other conference expenses were paid by the agency.

4.2.2.2. In addition, for any instances where the net expenses for an agency-sponsored conference exceeded \$500,000, the website must include the agency designated official's rationale and approval.

The website must also include information in the appropriate format (e.g., narrative) about the total net conference expenses for the fiscal year incurred by that agency as well as a general report about conference activities throughout the year.

4.2.2.3. In reporting this data, agencies must exclude any information that is considered to be sensitive, that is prohibited from public disclosure by statute or regulation, or that may jeopardize national security or the health, safety or security of conference attendees, organizers, or other individuals.

## VOLUME 12, CHAPTER 33: “FINANCIAL INSTITUTIONS AND MILITARY BANKING FACILITIES ON DOD INSTALLATIONS”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by **blue** font.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated **August 2015** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All, Figure 33-1	Replaced references to the Department of Defense (DoD) Instructions 1000.11 with Title 32 Code of Federal Regulations Part 230.	Revision
1.2	Added authoritative guidance.	Addition
2.0	Added responsibilities.	Revision
2.2	Replaced Under Secretary of Defense (USD) Acquisition, Technology and Logistics, with the USD Research and Engineering.	Revision
3.1	Substantially updated the general policy provisions for the financial institutions on DoD installations section.	Revision
3.2	Updated the general policy provisions for security, including the guarding and escorting of cash.	Revision
3.3	Updated Component locator information.	Revision
3.10.1	Added clarification that cash-back transactions at point-of-sale terminals and check cashing are not considered prohibited retail banking operations activities.	Addition
3.11	Added general policy provisions for banking liaison officers.	Addition
3.12	Update the general policy provisions for in-store banking.	Revision
3.13	Added general policy provisions for the domestic military banking facilities.	Addition

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
4.7.4	Updated dollar threshold for construction projects requiring notification to Congress from \$750,000 to \$1,000,000	Revision
5.4	Added operations requirements.	Addition
6.1, 6.3	Revised credit union general and termination policies.	Revision
7.1.1	Revised overseas credit union policy to incorporate status of forces agreements, other intergovernmental agreements, and host-country law.	Revision

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**CHAPTER 33****FINANCIAL INSTITUTIONS AND MILITARY BANKING FACILITIES ON DOD INSTALLATIONS****1.0 GENERAL****1.1 Purpose**

This chapter prescribes policies for the establishment, operation, and termination of financial institutions (FI) and Military Banking Facilities (MBF) on Department of Defense (DoD) installations worldwide to enable the DoD mission and provide availability of financial services to DoD personnel. In addition to the DoD Components cited in Chapter 1, this chapter applies to the Uniformed Services University of the Health Sciences, all DoD nonappropriated fund instrumentalities (NAFIs) including the Military Exchange Services and morale, welfare, and recreation (MWR) activities, and all other organizations within DoD.

**\*1.2 Authoritative Guidance**

Title 12 United States Code, section 265 (12 U.S.C. § 265) and section 1789a authorize banks and credit unions to be depositaries of public money and to be employed as fiscal agents of the United States. 10 U.S.C. § 2667 authorizes military departments and Defense agencies to lease non-excess property. 12 U.S.C. § 1770 authorizes agencies' discretion regarding space for the operation of credit unions in Federal buildings or Federal land. Title 32 Code of Federal Regulations Part 230, "Financial Institutions on DoD Installations" codifies policies and responsibilities for financial institutions that serve DoD personnel on DoD installations worldwide. DoD Directive (DoDD) 5118.03, "Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO" authorizes the USD(C) responsibility to establish policy pertaining to FIs and MBFs operating on DoD installations.

**\*2.0 RESPONSIBILITIES****2.1 The Under Secretary of Defense (Comptroller) (USD(C)) or designee must:**

2.1.1. Develop policies governing the establishment, operation, and termination of FI and MBFs on DoD installations.

2.1.2. Coordinate with the USD Personnel and Readiness (P&R) on matters concerning FI and MBFs on DoD installations impacting the financial readiness, including consumer protection, of DoD personnel and families.

2.1.3. Take final action on requests to this chapter excluding requests for exception to subparagraph 3.1.1. Final action on requests for exceptions to subparagraph 3.1.1 is the responsibility of Assistant Secretaries of the Military Departments and may not be re-delegated, except as it pertains to temporary automatic teller machines (ATMs) not exceeding 30 days

identified in subparagraph 3.5.5, which may be re-delegated.

2.1.4. Approve duly processed issuance of Geographic Franchise designations for credit unions operating outside the continental United States (OCONUS) DoD installations.

\*2.2 The Under Secretary of Defense (Acquisition and Sustainment) (A&S) or designee must:

2.2.1. Monitor policies and procedures governing logistical support furnished to FIs and MBFs on DoD installations, including the use of DoD real property and equipment.

2.2.2. Advise the USD(C) regarding FI and MBF matters involving logistical support, DoD real property, and equipment.

2.3 USD(P&R)

The USD(P&R) (or designee) must advise the USD(C) on matters concerning FIs and MBFs operating on DoD installations impacting the financial readiness and affecting the morale and welfare of DoD personnel and families, including consumer protection.

2.4 The Director, Defense Finance and Accounting Service (DFAS) (or designee) must:

2.4.1. Develop procedures governing FIs and MBFs on DoD installations for promulgation in this Regulation.

2.4.2. For domestic DoD installations, coordinate with the Secretaries of the Military Departments (or designees) on subordinate installation commanders' requests to establish or terminate on-base FI and MBFs. For overseas DoD installations, coordinate with the Secretary of the Military Department concerned (or designee) on subordinate installation commanders' requests to establish or discontinue the provision of financial services from the on-base FI under contract with DoD to operate MBFs or to establish or terminate other banks or credit unions located on DoD installations.

2.4.3. In coordination with affected DoD Components, authorize the banking services provided by overseas MBFs and specify the charges or fees, or the basis for these, to be levied on users.

2.4.4. Coordinate with the Fiscal Assistant Secretary of the U.S. Department of the Treasury (or designee) on the domestic and overseas MBFs designation as depositaries and financial agents of the U.S. Government.

2.4.5. Designate a technical representative to provide policy direction for the procuring and administrative contracting officer(s) responsible under the Federal Acquisition Regulation (FAR) for acquiring banking services required at overseas DoD installations through the operation of MBFs.

2.4.6. Serve as principal liaison with the FIs under contract operating MBFs on overseas



DoD installations. Monitor MBF managerial and operational policies, procedures, and operating results and **take action** as appropriate.

2.4.7. As necessary, assist in the formation of government-to-government agreements for the provision of **financial** services on overseas DoD installations, in accordance with **DoDD 5530.3**, “International Agreements.”

2.4.8. Provide procedural guidance to DoD Components, as required.

2.4.9. **Liaise** with **FI** trade associations, leagues, and councils to interpret DoD policies toward respective memberships and aid in resolving **items of** mutual concern **regarding** the provision of financial services **on DoD installations**.

2.4.10. Coordinate with the USD(P&R) **(or designee)**, through the USD(C) **(or designee)**, on all aspects of morale and welfare and with the USD(A&S) **(or designee)**, through the USD(C) **(or designee)**, on all aspects of logistic support, **equipment, and real property** for on-base **FIs and MBFs**.

2.4.11. Monitor industry trends, conduct studies, and **engage** as necessary.

2.4.12. **Liaise**, as appropriate, with **FI** regulatory agencies at federal and state levels.

2.4.13. **Consider** Combatant Command **recommendations** before processing requests for **MBF** operations, credit union **geographic franchises**, or related actions.

2.4.14. **Provide USD(C) recommendation for adjudication of geographic franchise actions**. Maintain a geographic franchise **listing of all** credit unions **operating on** DoD overseas installations.

2.5 Secretaries of the Military Departments (or designees) **must**:

2.5.1. **Act on subordinate installation commanders’** requests to establish or terminate **FI** operations **on domestic DoD installations** in accordance with this guidance. **Act on subordinate installation commanders’ requests** to establish or discontinue providing financial services **via MBF operations**, or to establish or terminate other **FI** located on **overseas** DoD installations. **The Secretary of the Military Department must coordinate all termination requests with the USD(C) (or designee), through the Director, DFAS (or designee), before approving or denying the request. The appropriate regulatory agency will be notified by the Secretary of the Military Department (or designee) if the termination request is approved.**

2.5.2. Oversee **FI** use on respective DoD installations within the guidance contained herein.

2.5.3. **No less than annually, review or cause review of operating days and hours, services provided, related charges, and fees of FIs operating on DoD installations to ensure that they align with operating agreements established.**

2.5.4. Monitor practices and procedures of **FIs** operating on DoD installations to ensure **DoD personnel** welfare and interests are protected.

2.5.5. **Engage, if necessary, in discussion with domestic on-base FIs** to develop and expand **financial** services for DoD personnel.

2.5.6. Encourage the conversion of existing domestic MBFs on respective installations to independent or branch bank status where feasible.

2.5.7. Provide logistical support to overseas MBFs under terms and conditions identified in this Regulation **and** with the applicable terms of DoD contracts with the **FIs operating** overseas MBFs.

2.5.8. Refer policy decisions or proposed changes to this Regulation to the USD(C) (or designee) through the Director, DFAS (**or designee**).

2.5.9. **Ensure use of on-base FIs and MBFs** on DoD installations **by DoD personnel for personal banking activity** is on a voluntary basis and **is** not to be urged in preference to, or to the exclusion of, other **FIs**.

2.5.10. Encourage **FIs** on domestic DoD installations **to provide an offering of competitive banking services comparable to local off-base FIs, including** basic financial information **offered without charge**. **Basic financial information is defined as information on** budgeting, **account** balancing, and reconciliation, benefits of savings, prudent use of credit, how to start a savings program, how to shop and apply for credit, and the consequences of excessive credit.

2.5.11. **Liaise** with federal and state regulatory agencies and **FI** trade associations, leagues, and councils.

2.5.12. Make military locator services available to on-base **FIs and MBFs** in accordance with the Privacy Act guidelines in Figure 33-1.

2.5.13. **Take final action on requests for exceptions to subparagraph 3.1.1, an authority that may not be re-delegated, except as it pertains to temporary ATMs not exceeding 30 days identified in subparagraph 3.5.5, which may be re-delegated.**

2.6 Commanders of the Combatant Commands must:

2.6.1. Ensure the appropriate **coordination on** the following types of requests:

2.6.1.1. **Establishment of FI or MBF operations** in countries not presently served. Such requests **must** include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission or U.S. Embassy and that the host-country **permits** the operation.

2.6.1.2. **Elimination of** any or all **FI or MBF operations** on DoD installations within a foreign country. Such requests **must** include a statement that the U.S. Chief of Diplomatic

Mission has been informed and that appropriate arrangements to coordinate local termination announcements and procedures have been made with the U.S. Embassy.

2.7 Commanders of Major Commands and Subordinate Installation Commanders [must](#):

2.7.1. Monitor [to ensure FI operations](#) within their commands [are aligned with Operating Agreements and that Operating Agreements and leases or other lease-like instruments are valid](#).

2.7.2. Coordinate requests to establish or construct [FI](#) or terminate logistical support to banks and credit unions within their commands. Personnel assigned to overseas security assistance positions [do](#) not monitor, coordinate, or assist [with this role](#) without the prior approval of the [Defense Security Cooperation Agency](#).

2.7.3. Assign responsibility for subparagraphs 2.7.1 and 2.7.2, to comptroller or resource management personnel.

2.7.4. Allow DoD personnel to attend conferences and meetings [with](#) representatives of on-base [FIs](#), when neither a conflict of duty nor of interest [arises](#), in accordance with [DoDI 1327.06](#) and [DoDI 1400.25, Volume 630](#).

2.7.5. Seek financial services only from existing on-base [FIs and MBFs](#), proposing alternatives where on-base [FIs and MBFs](#) fail to [satisfy](#) a valid requirement.

2.7.6. Ensure, to the maximum extent feasible, that [on-base FIs and MBFs may choose to](#) participate in pilot programs [demonstrating](#) new financial-related technologies or [establishing](#) new business lines (e.g., in-store banking) where the respective DoD Component has determined such services [are needed](#).

2.7.7. [Submit requests for the establishment of FIs and MBFs, substantiated by sufficient evidence and artifacts contained within this guidance, to the Secretary of the Military Department \(or designee\) concerned](#).

2.7.8. [Submit requests for the termination of FIs and MBFs, substantiated by sufficient evidence and artifacts contained within this guidance, to the Secretary of the Military Department \(or designee\) concerned](#).

2.7.9. [Issue the appropriate installation and/or facility access credential\(s\), visitor passes, and/or no-cost invitational travel orders to FI and MBF personnel consistent with local security requirements and in accordance with applicable DoD policy guidance for physical access control](#).

2.7.10. [Unless otherwise noted, draft and conclude written agreements between FIs, MBFs, and other parties as identified within this guidance](#).

### 3.0 GENERAL POLICY PROVISIONS

#### \*3.1 Financial Institutions on DoD Installations

3.1.1. No more than one bank and one credit union are permitted to operate on a DoD installation except where they already existed as of May 1, 2000, or the installation was affected by base realignment and closure (BRAC). The following subparagraphs pertain to installations affected by BRAC:

3.1.1.1. When host organizations at two or more installations are consolidated on a single installation, each FI that operated a facility located on real property within the new combined installation is authorized to continue serving its customer base on the installation.

3.1.1.2. The commander of the combined installation may extend the opportunity to compete the request for new banking services to all FIs located on such installation. This includes in-store banking within the premises of a commissary operated by the Defense Commissary Agency (DeCA), a Military Exchange, or any other on-base retail facility.

3.1.1.3. If installation real property is non-contiguous and different FIs operate on geographically separated cantonment areas, the commander may first extend the opportunity to compete for new banking services to the FIs operating on the geographically separated cantonment area. If the FIs operating on the geographically separated portion of the installation decline to provide the services, the commander may permit the FIs operating elsewhere on the installation the opportunity to compete to provide the requested service.

3.1.1.4. If an FI ceases operations on a portion of a contiguous, combined installation on which more than one FI operates, and the commander wants continued levels of FI support in that area of the installation, the commander must extend the opportunity to compete for continued levels of support to the existing FIs operating on other areas of that installation.

3.1.1.5. If a FI voluntarily terminates operations on a non-contiguous geographically separated portion of installation, it is the installation commander's prerogative to decide whether sufficient need for financial services support exists and, if so, to provide FIs operating on other installation cantonment areas the opportunity to compete to provide such support.

3.1.1.6. FIs directly supporting an agency or organization relocating to an installation where an existing FI is providing banking services generally are not able to commence or continue operations on the installation to which an agency or organization relocates. Service Secretaries have authority to grant exceptions to subparagraph 3.1.1 of this guidance, specifically for cases where the FI or FIs operating on the gaining installation cannot accommodate the banking services requirements of the relocated organization's customers because of geographic separation between the sites of the relocated organization and the existing installation financial services provider, or for other compelling reasons.

3.1.2. Upon the request of an installation commander and with the approval of the

Secretary of the Military Department concerned (or designee), duly chartered FI may be authorized to provide financial services on DoD installations to enhance the morale and welfare of DoD personnel and facilitate the administration of public and quasi-public funds. Arrangements for the provision of such services must be in accordance with this chapter.

3.1.3. FIs may be established on DoD installations only after approval by the Secretary of the Military Department concerned (or designee), the appropriate regulatory agency as required, and in accordance with 32 CFR § 230.

3.1.4. Except in limited situations overseas, only **banks** insured by the Federal Deposit Insurance Corporation and credit unions insured by the National Credit Union Share Insurance Fund, or by another insurance organization specifically qualified by the Secretary of the Treasury, **may** operate on DoD installations. These **FIs** may either be State or federally chartered; however, U.S. credit unions operated overseas **must** be federally insured.

3.1.5. MBFs **may** be established on DoD installations when a demonstrated and justified need cannot be met through other means, **pending the availability of FIs willing to perform these functions**. Normally, MBFs **are only** authorized at overseas locations. MBFs may be considered for use at domestic DoD installations only when the cognizant DoD Component **cannot** obtain financial services from a **state** or federally chartered **FI** authorized to operate in the **installation state**. **MBFs may be designated** during mobilization as an emergency measure. The Director, DFAS, may recommend the designation of MBFs to the Treasury.

3.1.6. **The installation commander must approve the** expansion of financial services (to include in-store banking) requiring the outgrant of additional space or logistical support. Any DoD activity **considering expanding the availability of** financial services **must** coordinate requests with the installation banking liaison officer prior to the commander's consideration.

3.1.7. Retail banking operations **must** not be performed by any DoD Component. Solicitations for such services **must** be issued, **and** proposals accepted, **according to** the policies identified in this chapter.

3.1.8. **If an FI or MBF operates on a DoD installation,** installation commanders **must** not seek financial services from any entity other than the on-base **FI or MBF**.

3.1.9. Military disbursing offices, **NAFIs** (including MWR activities and the Military Exchange Services), and other DoD Component activities requiring financial services **must** use on-base **FIs and MBFs** to the maximum extent feasible.

3.1.10. **NAFIs** (including MWR activities and the Military Exchange Services) that desire and are authorized to provide **currency** accommodation exchange services **to individuals must** acquire **all** foreign currency **for this purpose** from the servicing MBF at the MBF accommodation rate and sell it at a rate of exchange no more favorable than the customer rate available at the MBF.

**\*3.2 Security**

3.2.1. The installation commander (or designee), officials of the on-base FIs, and installation security authorities **must** establish an understanding of each entity's responsibilities on all matters of asset protection.

3.2.2. **Establish a** written agreement outlining the security procedures that the FI follows and the role that installation security authorities play regarding alarms, movement of cash, and **criminal activity response** procedures to be followed (e.g., **vandalism or robbery**).

3.2.3. Cash and other assets in on-base FIs are the property of those FIs. **Except for MBFs operated under contract, maintenance of alarms and the guarding and/or escorting of cash** is the sole responsibility of the on-base FI. **The installation commander may make a determination that providing for the guarding or escorting of cash is desirable or necessary.**

3.2.4. **The use of armored vehicles for transportation of cash is the sole responsibility of the on-base FI and MBF and use must be coordinated with the installation commander to permit access to DoD installations and facilities.**

**\*3.3 Central Locator Services**

Military locator services will be provided per the Privacy Act guidelines in Figure 33-1 and associated fees, if any, are to be paid by the FI in accordance with Volume 11A, Chapter 4. **See the [Locate Military Members](#) website to obtain information on how to locate a military member, retiree, or facility.**

**3.4 Advertising and Personal Solicitation**

3.4.1. An on-base FI or MBF may use the unofficial section of that installation's daily bulletin, provided space is available, to inform DoD personnel of financial services and announce **voluntary information sessions on financial information topics within the scope of this guidance**, and other matters of broad general interest. **Media may not be used for competitive or comparative advertising of, for example, specific interest rates on savings or loans.**

3.4.2. An on-base FI or MBF may use installation bulletin boards, newsletters, or web pages to post general information that complements the installation's financial **education** programs and promotes financial responsibility and thrift. **Such information must be unbranded and not promote the services of a specific FI or type of institution.** Message center services may distribute a reasonable number of announcements to use on bulletin boards so long as this does not impose an unreasonable workload.

3.4.3. An on-base FI or MBF may **participate in the newcomer's briefings, as invited, and/or be permitted to** include an insert in the installation's newcomers' package (or equivalent). **Briefings and inserts must** benefit newcomers by identifying the financial services that are available on the installation.

3.4.4. [DoD Instruction 5120.20](#), “American Forces Network Program” prevents using the Armed Forces Radio and Television Service to promote a specific FI.

3.4.5. Installation activities, including Military Exchange Services, MWR, and concessionaire outlets, must not permit literature distribution from off-base FIs if there is an on-base FI. This does not prevent the Military Exchange Services from distributing literature on affinity credit card services that those Military Exchange Services may acquire centrally through competitive solicitation. Off-base FIs may use commercial advertising, mailings, or telecommunications to reach their customers.

3.4.6. Advertising in government-funded (official) installation papers is not permitted except for insert advertising in the Stars and Stripes overseas. Installation newspapers funded by advertisers are not official publications and, thus, may include advertising paid for by any FI or MBF.

3.4.7. An on-base FI and MBF must comply with the solicitation prohibitions contained in paragraph 6.4 and in [DoDI 1344.07](#), “Personal Commercial Solicitation on DoD Installations.”

### 3.5 ATM Service

3.5.1. ATMs are electronic banking services and, as such, must only be provided by FIs and MBFs in accordance with the provisions of paragraph 3.1.

3.5.2. FIs installing ATMs on DoD installations must bear the cost of ATM installation, maintenance, and operation. The installation commander may enter into an agreement with the on-base FI wherein the installation may acquire and provide ATMs to on-base FI under certain circumstances, such as when it is advantageous to the government to have ATMs available for use, but the acquisition cost is prohibitive. No ATMs may be purchased by an installation unless approved by the Secretary of the Military Department concerned (or designee). In all such cases, installation costs and all logistic support must be borne by the FI. Logistical support and cost to complete site preparation, install, and remove MBF ATMs are borne by the local installation.

3.5.3. ATM approval authority is as follows:

3.5.3.1. The installation commander has approval authority when an on-base FI wishes to place an ATM on the installation. If approved, the ATM location must be reflected as an amendment to the operating agreement and lease or lease-like instruments.

3.5.3.2. Where there is no on-base FI, follow the solicitation procedures to obtain financial services set forth in paragraphs 4.2 and 6.2.

3.5.4. The availability of ATM service does not preclude the later establishment of an FI office should conditions change on an installation.

3.5.5. Installation commander, Military Exchange Services, MWR activities and other NAFIs, and all other organization proposals to install ATMs, including temporary ATM support



not exceeding 30 days, on domestic installations from other than on-base FIs must be considered only when (1) ATM service is unavailable or existing service is inadequate, and (2) the on-base FIs either decline to provide the service, fail to improve existing service, or does not formally respond to the request for such service within 30 days. ATM service from other than on-base FIs is an exception to the policy. The procedures to establish an on-base FIs set forth in paragraphs 4.2 and 6.2 must be followed when soliciting for such ATM services. Proposals received not assessing ATM fees to users are preferred.

3.5.6. ATM service from foreign banking institutions may be authorized on overseas installations with or without MBFs operated under contract where the installation or community commander determines that a bona fide need exists to support local national hires. On installations with MBFs operated under contract, the MBFs must be the primary source of the ATM service except when the DFAS Director, (or designee) determines that providing the service is either not cost effective or precluded by the pertinent status of forces agreements, other intergovernmental agreements, or host-country law. Where ATM service from foreign banking institutions is authorized, ATM connectivity must be limited to host-country networks and the ATMs must dispense only local currency (no U.S. dollars). The operating agreement covering ATM service must be negotiated by the installation or community commander and submitted for approval by the appropriate Combatant Commander (or designee) prior to its execution. A copy of the operating agreement is forwarded through DoD Component channels to the DFAS Director (or designee).

### 3.6 Domestic and International Treasury General Accounts

In cases where authorization is required for the on-base FI or MBF to act as a Treasury General Account (TGA) domestic depository (or, on overseas installations, an International Treasury General Account (ITGA) depository), the FI must satisfy the risk management standards established by the Secretary of the Treasury. On-base FIs and MBFs must accept deposits for credit to the TGA (or ITGA) when so authorized.

### 3.7 Staffing

3.7.1. On-base FI must be staffed adequately (i.e., commensurate with industry standards for similar numbers of accountholders and financial services rendered). Staffing at overseas MBFs operated under DoD contract must be maintained within negotiated ceilings.

3.7.2. All staffing must comply fully with applicable equal employment opportunity laws and with the spirit of DoD equal employment opportunity policies as set forth in DoDD 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program.”

3.7.3. DoD personnel, excluding military retirees and their dependents, may not serve as directors of domestic or foreign FI operating offices on those DoD installations where they currently are assigned. This does not preclude a member of a Reserve Component, who has been serving as a director of a domestic or foreign FI operating a banking office on a DoD installation, from retaining his or her directorship if called to active duty.



3.7.4. DoD personnel may not be detailed to duty with an on-base FI located on a DoD installation. Off-duty personnel, however, may be employed by an on-base FI subject to approval by the installation commander (or designee). Such employment must not interfere with the performance of the individual's official duties and responsibilities.

### 3.8 Departure Clearance

The installation commander establishes the clearance policy for all DoD personnel leaving the installation. The on-base FIs and MBFs must be included as places requiring clearance. The purpose of a clearance is to report the change of address, reaffirm outstanding debts, and receive financial counseling, if desired or appropriate. Clearance may not be denied in order to collect debts or resolve disputes with FI or MBF management.

### 3.9 Operating Agreements

3.9.1. Except for MBFs operated under contract, before on-base FI operations begin, a written operating agreement (See Figure 33-2) and the appropriate real estate outgrant (i.e., a lease, permit or license issued as identified in paragraphs 4.5, 4.6, 4.7, 6.4, 6.5, and 6.6) must be negotiated directly between the installation commander and officials of the FI. Thereafter, the installation commander and the FI must jointly review the operating agreement at least once every 5 years. The operating agreement must identify the responsibilities and requirements of the FI and the installation commander relating to the FI's operations on-base. The command must send one copy of the agreement through appropriate channels to the Secretary of the Military Department concerned (or designee). The installation commander and the FI must maintain a copy of it. At a minimum, the agreement must include the following provisions:

3.9.1.1. Identification of services rendered and the conditions for service. Agreements, however, may not restrict either entity's right to renegotiate services and fees.

3.9.1.2. Agreement complying with this Regulation and 32 CFR § 230.

3.9.1.3. The FI will furnish copies of its financial reports and other local publications on an "as needed" basis in response to the installation commander's (or designee's) formal request.

3.9.1.4. The FI will indemnify and hold harmless the U.S. Government from (and against) any loss, expense, claim, or demand to which the U.S. Government may be subjected because of death, loss, destruction, or damage in conjunction with the use and occupancy of the premises caused in whole or in part by agents or employees of the on-base FI.

3.9.1.5. Neither DoD nor its representatives are responsible or liable for or for any loss (including criminal losses), expense, or claim for damages arising from operations.

3.9.1.6. The FI will provide no less than 180 days advance written notice to the installation commander before ceasing operations.

3.9.1.7. **Specification of** the security services to be provided for guarding cash shipments at times of unusual risk **to the FI** and to avoid excessive insurance costs charged to that **FI**.

3.9.1.8. Statement that the physical security for cash and negotiable items **will be** consistent with the requirements of the **FI's insurer and agreement** the on-base **FI will provide a copy of these requirements** to the installation commander on request.

3.9.1.9. The **FI** reimburses the installation for logistical support (such as **government-provided** custodial, janitorial, and other services) at rates set forth in the lease or agreement between the installation and the **FI**.

3.9.1.10. Statement that **FI** operations **must** be terminated, when required, under provisions specified in this Regulation.

3.9.2. **Mutually agreed** expansion of services **must be** documented as an amendment to the existing operating agreement between the installation commander and the on-base **FI**. The amendment to the operating agreement and any required lease (to include a change to an existing lease) **must** be in place prior to the initiation of new financial services, offices, **or ATMs**.

### 3.10 Installation Financial Services

\* 3.10.1. DoD Components, NAFIs, including Military Exchange Services and MWR activities, or any other organizational entities within the DoD, are prohibited from conducting retail banking operations. However, cash-back transactions at point-of-sale terminals and check cashing, provided by authorized DoD activities are not considered financial services or retail banking operations within the context of this section.

3.10.2. Financial services **provided on DoD installations must** be as uniform as possible for all personnel. As separately negotiated, or based on a fee schedule, custodians of nonappropriated funds **must** compensate the on-base **FIs and MBFs** for services received. **Compensating balances or fees may be used to pay for** the services provided. Fees **must** not exceed the charge customary for the **FI** less an offsetting credit on balances maintained. **FIs and MBFs must** classify nonappropriated fund accounts as commercial accounts.

3.10.3. At a minimum, **FIs must** provide the same services to individuals and **NAFIs** as are available in the surrounding geographic area. **MBFs must provide services in accordance with contracts informing operations**.

3.10.4. On-base **FIs and MBFs** may conduct operations during normal duty hours provided they do not disrupt the performance of official duties. Operating hours **must** be set, in consultation with the bank or credit union liaison officer, to meet the needs of all concerned. ATMs may be used to expand financial services and operating hours.

3.10.5. DoD personnel may use their allotment of pay privileges to establish sound savings practices through on-base **FIs and MBFs**. The on-base **FI or MBF must** credit customer accounts

no later than the deposit date of the allotment check or electronic funds transfer.

3.10.6. On-base **FIs and MBFs must** conform to the **Standards of Fairness** principles before executing loan or credit agreements.

3.10.7. On-base **FIs and MBFs must** make basic financial education available without charge to individuals seeking these services. Financial education **must be limited to** basic personal and family finances **comparable to education commonly provided by FIs** such as budgeting, checkbook balancing and account reconciliation, benefits of savings, prudent use of credit, how to start a savings program, how to shop and apply for credit, and the consequences of excessive credit. Financial education services must not be advertised outside of the FI's or MBF's physical space unless otherwise authorized within this guidance. On-base FIs and MBFs are encouraged to help ensure DoD personnel are aware of the availability of financial education and counseling services provided by DoD through military and family support centers.

3.10.8. On-base **FIs and MBFs** must strive to provide the best service to all customers. On-base **FIs and MBFs** that discriminate in their services violate **this chapter**. In resolving complaints of discrimination, use the procedures specified in subparagraph 4.8.8.

3.10.9. All correspondence regarding on-base **FIs**, and questions concerning their operation that cannot be resolved locally, **must** be referred through command channels to the Secretary of the Military Department concerned (or designee) for consideration. **All correspondence regarding MBFs, and questions concerning their operations that cannot be resolved locally, must be referred through command channels to the Director, DFAS (or designee).**

### **\*3.11 Banking Liaison Officer**

Each installation commander having an on-base FI or MBF must appoint a Banking Liaison Officer (BLO). The BLO's name and duty telephone number must be displayed prominently at each FI and MBF location on the installation. The responsibilities of BLOs must be assigned to comptroller or resource management personnel. Employees, officials, or directors of a FI or MBF may not serve as BLOs. The BLO must:

3.11.1. Ensure all on-base FIs and MBFs have the latest version of this chapter.

3.11.2. Ensure that no DoD entities are providing financial services on the installation.

3.11.3. Maintain contact with FI and MBF managers to ensure local information regarding installation operations that may impact the provision of financial services is communicated to

resolve local installation items of mutual concern. In executing this authority, the BLO must not become involved in the internal operations of the FI or MBF.

3.11.4. For FI only, review the schedule of service charges and fees annually and ensure that the operating agreement is updated at least every 5 years. Renegotiate the financial services offered and related service charges and fees as necessary.

3.11.5. Assist in resolving general customer complaints about services provided by FIs and MBFs. Complaints specific to transactions between an FI or MBF and individuals are to be resolved through agreements concluded between the FI or MBF and the individual.

3.11.6. Assist in resolving complaints of discrimination with financial services provided by the FI or MBF. If a complaint cannot be resolved, a written request for investigation must be forwarded to the appropriate regulatory agency for FIs and to the Director, DFAS (or designee) for MBFs. Any such request must document the problem and command efforts taken toward its resolution. Informational copies of all related correspondence must be sent through channels to the Secretary of the Military Department concerned (or designee) for transmittal to the Director, DFAS (or designee).

3.11.7. Assist the installation commander in reporting to the appropriate regulatory agency any evidence suggesting malpractice by FI personnel and in reporting to the Director, DFAS (or designee) for MBF personnel.

#### \*3.12 In-Store Banking

3.12.1. Under the direction and approval of the installation commander and the DeCA, Military Exchange Services, MWR activities, or any other on-base retail facility, an on-base FI or MBF may provide in-store banking or ATMs within premises operated by the DeCA, Military Exchange Services, MWR activities, or any other on-base retail facility.

3.12.2. The installation commander must determine whether a solicitation is required. A solicitation is required whenever there are two or more FIs operating on a DoD installation. If only one FI operates on the installation, no solicitation is required, and the installation BLO must work directly with the on-base FI to obtain the requested financial services. In situations where both an FI and MBF operate on the installation, the requirement must be coordinated through the Director, DFAS (or designee) prior to seeking financial services for a determination of whether MBF-provided services are preferred.

3.12.3. The DoD Component seeking in-store banking (e.g., in buildings operated by the DeCA, Military Exchange Services, MWR activities, or any other on-base retail activity) must conduct the solicitation aligned with applicable solicitation procedures contained within subparagraph 4.3.4.

3.12.4. The installation commander (or designee) must formally notify the selected FI, ensure the granting of appropriate lease or lease-like instruments, and ensure additional financial services are documented as an amendment to the existing operating agreement prior to beginning

activities to facilitate the provision of financial services. The amendment **must** be signed by the installation commander, the on-base FI, and the DoD Component that hosts the in-store FI operation.

### **\*3.13 Domestic MBF**

#### **3.13.1. Domestic MBF Establishment**

**3.13.1.1.** Requests to establish **domestic** MBFs **must** be made only when a need for required financial services cannot be met by other means **and are predicated on FIs interested in competing to fill requirements**. During mobilization, however, MBFs may be **requested** as an emergency measure.

**\*** **3.13.1.2.** Installation commanders **must** send requests for a **domestic** MBF with justification for its establishment through the Secretary of the Military Department concerned (or designee) to the Director, DFAS (or designee), for coordination with the Treasury. The Treasury may approve the designation of an MBF under provisions of 12 U.S.C. § 265 **and** 12 U.S.C § 1789a.

**3.13.1.3.** **Domestic** MBF operations may begin only after approval for **domestic** MBF status is granted by the Treasury.

#### **3.13.2. Domestic MBF Conversion**

**3.13.2.1.** Where **domestic** MBFs exist, installation commanders **must, on a yearly basis and in accordance with paragraph 4.3, continue to seek FI interest in operating on-base**.

**3.13.2.2.** **Send** proposals from the **domestic** MBF to convert **to an independent or branch FI** through command channels to the Secretary of the Military Department concerned (or designee) for approval. The Secretary of the Military Department (or designee) **must** forward the request to the Director, DFAS, for coordination with the Treasury.

**3.13.2.3.** **Forward** unsolicited proposals from **FIs** to establish independent or branch **FIs** where a **domestic** MBF exists through command channels to the Secretary of the Military Department concerned (or designee). Each proposal **must** be evaluated on its own merits.

**3.13.2.4.** The installation commander **must** inform the **FI** operating the **domestic** MBF that an unsolicited proposal for **an independent or branch FI** has been received and **must** offer the **FI operating the domestic MBF** the opportunity to submit its own proposal.

#### **3.13.3. Domestic MBF Termination**

The Director, DFAS (or designee), **must** coordinate the termination of a FI's authority to operate a domestic MBF with the Treasury.

#### 4.0 BANKS OPERATING ON DOMESTIC DOD INSTALLATIONS

##### 4.1 General Policy

U.S. banks may operate on DoD installations, in accordance with this chapter, when required by installation commanders to promote the morale and welfare of installation personnel and to help facilitate installation operations.

##### 4.2 Establishment

4.2.1. **Include** the following information in the installation commander's request to the Secretary of the Military Department concerned (or designee) for **the** establishment of **banks on DoD installations**:

4.2.1.1. The approximate number of DoD personnel at the installation, and other persons who may be authorized to use the bank.

4.2.1.2. The **name(s), address(es), and distance(s)** between the installation and the **FIs** in the vicinity.

4.2.1.3. Available transportation between the installation and the FIs listed in subparagraph 4.2.1.2.

4.2.1.4. The number of DoD personnel in duty assignments that confine them to the installation or who cannot obtain transportation.

4.2.1.5. The name and location of **all FIs** used to make official deposits for credit to the TGA.

4.2.1.6. A list of organizational and nonappropriated fund accounts, the name and location of the **FI used to make deposits**, and the average daily activity and balance of each account.

4.2.1.7. A written description and photographs of the space proposed for bank use.

4.2.1.8. A statement listing requirements for safes and a vault, alarm systems, and surveillance equipment, when necessary.

4.2.1.9. Reasons for use of space controlled by the General Services Administration (GSA). All the GSA-assigned space, whether leased space or federal office building space, is reimbursable to the GSA at the standard level user charge. As such, space occupied by a bank to serve military needs **is** assigned and charged by the GSA.

4.2.1.10. Any other information pertinent to the establishment of **an on-base** bank.

4.2.2. The Secretary of the Military Departments (or designee) **must**:

4.2.2.1. Review each request for the establishment of an on-base bank, ensure solicitations are conducted in accordance with this chapter, and take action to bring solicitations into compliance with this chapter.

4.2.2.2. Conduct a solicitation for the establishment of an on-base bank when warranted.

4.2.2.3. Review the final results of solicitations to ensure compliance with this chapter and approve the selection of the bank.

4.2.2.4. Notify the selected bank either directly or through the installation commander. The selected bank must, in turn, obtain operating authority from their regulating agencies, if required.

4.2.2.5. Forward proposals to establish TGAs to DFAS at [dfas.dscc.jff.mbx.dod-financial-institutions-tga@mail.mil](mailto:dfas.dscc.jff.mbx.dod-financial-institutions-tga@mail.mil) for review, processing, and subsequent forwarding to the Fiscal Assistant Secretary of the Treasury in accordance with Volume 11, Chapter 5.

### 4.3 Solicitations

The Secretary of the Military Department concerned (or designee), or the installation commander with advice from the cognizant Secretary of the Military Department (or designee), must conduct solicitations, to include pre-proposal conferences, for on-base banking. Subject to the criteria for selection outlined in subparagraph 4.3.4, the preferred sources of on-base financial services at domestic installations are federally insured, state-chartered or federally insured, federally chartered banks operating in the local area. Subparagraph 4.3.1 addresses distribution of the solicitation only and does not preclude any federally insured, state-chartered or federally insured, federally chartered bank from responding at any stage (from local distribution in subparagraph 4.3.1.1 to publication in [SAM.gov](http://SAM.gov) and financial institution trade journals as outlined in subparagraph 4.3.1.3) of the solicitation process. Do not commit to any bank regarding its proposal until the appropriate regulatory agency makes a designation if a designation is required.

4.3.1. Solicitations to establish an on-base bank must be accomplished in the following order:

4.3.1.1. Send solicitation letters to local banks, publish a solicitation announcement in the local newspaper(s), and forward the same to FI associations.

4.3.1.2. If the Secretary of the Military Department concerned (or designee) or, where delegated, the installation commander, determines that the geographic scope of the solicitation needs to be expanded, forward a prospectus to FIs in a larger geographic area, as well as FI associations and regulatory authorities in the state where the installation is located.



4.3.1.3. If the Secretary of the Military Department concerned (or designee) or, where delegated, the installation commander, determines that the geographic scope of the solicitation needs to be expanded further, the [solicitation](#) will be published in Sam.gov.

4.3.2. For [installation-level](#) solicitations, the installation commander [must](#) review proposals to establish [on-base banks](#), select the bank making the best offer, and forward a recommendation to the Secretary of the Military Department concerned (or designee) for final approval.

4.3.3. Banks [must](#) not be coerced when banking arrangements are under consideration or after [on-base](#) offices are established. If otherwise proper, this prohibition does not preclude:

4.3.3.1. Discussions with bank [personnel](#) prior to submitting a proposal for a new banking office.

4.3.3.2. [Requesting](#) banks extend their operations in support of an installation requirement.

4.3.3.3. Discussions with bank [personnel](#) to improve services or to create savings for the bank, DoD personnel, [or the local installation](#).

4.3.3.4. Seeking proposals for [additional](#) banking service as directed by the Secretary of the Military Department concerned (or designee).

4.3.3.5. Negotiations preparatory to signing an [operating](#) agreement [or lease or lease-like instrument](#).

4.3.4. When soliciting [financial](#) services, [evaluate](#) proposals on specific factors identified in the solicitation. These factors, at a minimum, [must](#) be predicated on the services required outlined in Figure 33-2, paragraph 3, the [bank's](#) schedule of service fees and charges, [space requirements and terms](#), and the extent of logistical support required. Prior to issuance of the solicitation, the preparing office [must](#) identify (for internal use during the subsequent evaluation period) the [factor](#) weights to be applied in the solicitation. Proposals [must](#) be evaluated, and [the](#) ultimate selection made based on the factors and weights developed for the solicitation.

4.3.5. The Secretary of the Military Department concerned (or designee), or the installation commander with advice from the cognizant Secretary of the Military Department (or designee), [must](#) make the selection of the bank based on the provisions outlined in this section.

#### 4.4 Terminations

4.4.1. [The installation commander must approve](#) requests for termination of [an on-base bank](#), substantiated by sufficient evidence, and forward to the Secretary of the Military Department concerned (or designee). [The installation commander must initiate](#) the termination of [on-base bank](#) operations [only](#) under one of the following conditions:



4.4.1.1. The **installation** mission has changed or is scheduled to be changed, thereby eliminating, or substantially reducing the requirement for financial services.

4.4.1.2. Active military operations prevent **the** continuation of on-base financial services.

4.4.1.3. **The bank's** performance in providing services is not satisfactory according to standards ordinarily associated with the financial services industry or is inconsistent with the operating agreements or **this chapter**. **The installation commander's written communication with local bank leadership must be undertaken to attempt to resolve matters prior to making this determination.**

4.4.1.4. When merger, acquisition, change of control, or other action results in violation of the terms and conditions of the existing operating agreement, the Secretary of the Military Department (or designee) **must** terminate the operating agreement with the existing banking institution. When the merger, acquisition, change of control, or other action does not result in violation of the terms and conditions of the existing operating agreement, the Secretary of the Military Department (or designee) **must** novate the operating agreement identifying the change in control.

4.4.2. The installation commander **must** forward **approved** requests for termination **of an on-base bank, substantiated by sufficient evidence**, to the Secretary of the Military Department concerned (or designee). The Secretary of the Military Department (or designee) **must review all termination actions to ensure compliance with this chapter and** coordinate all termination actions with the USD(C), through the Director, DFAS, before **the Secretary of the Military Department (or designee) provides** notification to the appropriate regulatory agency **if required**. **After** this coordination process:

4.4.2.1. **The Secretary of the Military Department (or designee) will notify the installation commander if the termination is in accordance with this chapter and if so, the installation commander must notify the on-base bank of the termination. The installation commander must establish a departure date and revoke the authority of the bank to operate on the installation via termination of the lease or lease-like instrument and operating agreement.**

4.4.2.2. **If the termination is not in accordance with this chapter, the request will be returned by the Secretary of the Military Department (or designee) to the installation commander for remediation or dismissal.**

4.4.3. A bank that intends to **voluntarily** terminate its **on-base** operations **must** notify the installation commander **in writing on official letterhead** at least 180 days before the **proposed** closing date. **Within the notification, the bank must identify reasons for termination. This notification and an acknowledgment from the installation commander must** precede any public announcement of the planned closure. When appropriate, the **installation** commander **may** attempt to negotiate an agreement permitting the bank to continue operations until the installation has made other arrangements. Immediately upon notification of a **termination**, the **installation** commander **must** advise the DoD Component headquarters concerned. **If the continuation of financial services**

is justified, action to establish another on-base FI must be taken in accordance with paragraph 4.3, paragraph 6.2, or both, depending on if another FI is currently operating on-base. A copy of the voluntary termination notification must be forwarded through command channels to the Director, DFAS (or designee).

#### 4.5 Use of Space, Logistical Support, and Military Real Property for Banks **Operating on Domestic DoD Installations**

##### 4.5.1. Lease Terms

4.5.1.1. The consideration for a lease **must** be determined by **an** appraisal of fair market rental value in accordance with 10 U.S.C. § 2667. Periodic reappraisals **must** be based upon the fair market rental value exclusive of the **bank** improvements made. **Coordinate with USD(A&S) or designee.**

4.5.1.2. The **lease** term **must** not exceed 5 years except where the banking institution uses its own funds to improve existing government space as outlined in subparagraph 4.5.5. If space occupied is assigned by the GSA, charges to **FIs** for space and services **must** be at the GSA standard level user rate.

4.5.1.3. Leases **must** include the following provisions:

4.5.1.3.1. The government has the right to terminate the lease due to national emergencies; installation inactivation, **change in installation operations eliminating or substantially reducing the need for financial services**, closing, or other disposal action; or default by the lessee.

4.5.1.3.2. The lessee **must** provide written notice 180 days prior to voluntarily terminating the lease.

4.5.1.3.3. Upon a lease termination, the government has the option to cause the title of all structures and other improvements to be conveyed to the United States without reimbursement or require the lessee to remove the improvements and restore the land to its original condition.

##### 4.5.2. Logistical Support

4.5.2.1. The bank **must** be housed in a building accessible to DoD personnel on the installation and in a location permitting reasonable security.

4.5.2.2. Banks **must** perform all maintenance, repair, improvements, alterations, and construction on the banking premises.

4.5.2.3. Banks **must** pay for all utilities (i.e., electricity, natural gas or fuel oil, water, and sewage), heating and air conditioning, intra-station telephone service, and custodial and janitorial services including **garbage disposal** and outdoor maintenance (such as grass cutting and

snow removal) at rates set forth in the lease, operating agreement or other written agreement between the installation and the bank.

4.5.3. Leases executed before the issuance of [this chapter](#) may not be altered solely [because of](#) the provisions of [this chapter](#) unless a lessee specifically requests a renegotiation under these provisions. No lease may be negotiated or renegotiated, nor may any rights be waived or surrendered without compensation to the government and coordination with USD(A&S) or designee.

4.5.4. When a bank participates in the construction of a shopping mall complex the lease [must](#) cover only land where the bank [is](#) physically located.

4.5.5. When a bank uses its own funds to improve existing government space, leases for a period not to exceed 25 years subject to periodic review every 5 years to assess changes in fair market value, may be negotiated for a period commensurate with the appraised value of the leasehold improvements divided by the annual lease fee.

#### 4.6 Land Leases

4.6.1. A lease for [the](#) construction of a bank [must](#) be at the appraised fair market rental value. Charges [must](#) apply for the term of the lease not to exceed 25 years, subject to periodic review every 5 years to assess changes in fair market value.

4.6.2. If determined to be in the government's interest, an existing [land](#) lease may be extended prior to [the](#) expiration of its term. Passage of title to facilities [must](#) be deferred until all extensions have expired. Such extensions [must](#) be for periods not to exceed 5 years with lease payments set at the appraised [land](#) fair market rental as determined on the date of each such extension. Bank lessees [must](#) continue to maintain the premises and pay for utilities and services furnished.

4.6.3. When, under the terms of a lease, title to improvements [passes](#) to the government, arrangements normally [are](#) made as follows:

4.6.3.1. When the square footage exceeds that authorized in [Unified Facilities Criteria and Unified Facilities Guide Specifications \(MIL-STD-3007F\)](#), the bank [must](#) be given first choice to continue occupying the excess space under a lease [providing](#) for fair market rental for the land underlying that excess space.

4.6.3.2. The charge for continued occupancy of improved space by a bank [must](#) be at fair market rental value only for the associated land. The lessee [must](#) continue to maintain the premises and pay the cost of utilities and services furnished.

#### 4.7 Construction

Banks may construct buildings subject to the following provisions:

4.7.1. The building **must** be solely for the use of the bank and may not provide for other commercial enterprises or government instrumentalities.

4.7.2. Construction projects must meet the criteria in MIL-STD-3007F.

4.7.3. Construction Projects Approval Authority:

4.7.3.1. Projects costing \$25,000 or more **must** be approved by the Major Command with an information copy sent to the Secretary of the Military Department concerned (or designee). The Secretary of the Military Department (or designee) **must** have 30 days to provide comments to the Major Command before final approval can be granted.

4.7.3.2. Projects costing less than \$25,000, including interior alterations and room or office additions to existing bank **facilities**, **must** be approved by installation commanders. Copies of approvals, including the identification of project cost, **must** be furnished to the Secretary of the Military Department concerned (or designee).

\* 4.7.4. **Notify** the Congress of all construction projects, using other than appropriated funds and costing over \$1,000,000, in accordance with [DoDI 7700.18](#), “Commissary Surcharge, Nonappropriated Fund (NAF), and Privately Financed Construction Reporting Procedures.”

4.7.5. Proposals for **the** construction of structures on installations at a bank’s expense **must** be reviewed and reported in accordance with **Military Department** regulations. The following information **must** be listed to support each proposal:

4.7.5.1. Number of DoD personnel at the installation plus others who may use the bank;

4.7.5.2. Square footage of the proposed building;

4.7.5.3. Land area to be leased to the bank;

4.7.5.4. Term of the lease;

4.7.5.5. Estimated cost of construction;

4.7.5.6. Estimated fair market value of the land to be leased;

4.7.5.7. A statement that the bank **is** responsible for utility connections and other utility and maintenance costs;

4.7.5.8. A statement that the building **is** used only for financial services;

4.7.5.9. A statement that **bank** officials understand the potential **building** loss in the event of installation closure or other delimiting condition; and

4.7.5.10. Justification for a waiver of space criteria if the building exceeds that specified in MIL-STD-3007F.

4.7.6. Banks [must](#) pay for interior alterations, maintenance, utilities, custodial, and other furnished services.

4.7.7. Banks [must](#) pay all construction costs.

## 5.0 [FINANCIAL INSTITUTIONS AND MILITARY BANKING FACILITIES OPERATING ON OVERSEAS DOD INSTALLATIONS](#)

### 5.1 General Provisions of [Financial](#) Services Overseas

The Department acquires [financial](#) services overseas for use by authorized persons and organizations from the following sources.

5.1.1. MBFs operated under contract and authorized by the pertinent status of forces agreement, other intergovernmental agreements, or host-country law.

5.1.2. Domestic and foreign banks located on overseas DoD installations. Each such institution [must](#) be:

5.1.2.1. Chartered to provide financial services in that country.

5.1.2.2. A party to a formal operating agreement with the installation commander to provide such services.

5.1.2.3. Identified, where applicable, in the status of forces agreements, other intergovernmental agreements, or host-country law.

### 5.2 Establishment

5.2.1. Overseas MBFs Operated Under Contract. Installation or community commanders requiring [financial](#) services [must](#) send a request through command channels to the Secretary of the Military Department concerned (or designee) for concurrence and subsequent transmittal to the Director, DFAS ([or designee](#)), for approval.

5.2.1.1. Requests to establish MBFs [must](#) include, but are not limited to, the following information:

5.2.1.1.1. The approximate number of DoD personnel at the installation and in the community and any other persons who may be authorized to use the MBF.

5.2.1.1.2. The distance between the installation and the nearest MBF and credit union office, the names; [email and mailing](#) addresses, and telephone numbers of the operators of those institutions; and the installations and communities where they are located.

5.2.1.1.3. The availability of official and public transportation between the installation or community and the nearest MBF and credit union office.

5.2.1.1.4. The name and location of the depository used to make official deposits for credit to the TGA.

5.2.1.1.5. A list of organizational and nonappropriated fund accounts, the name and location of the **FIs** where deposited, and the average daily activity and balance of each account.

5.2.1.1.6. A written description and photographs or drawings of the space proposed for MBF use. The extent and approximate cost of required alterations, including the construction of counters and teller cages.

5.2.1.1.7. A statement that recognizes the logistical support, including equipment, to be provided by the local command as detailed in paragraph 5.3. The statement includes the costs of such equipment and the **way it is** acquired.

5.2.1.1.8. In countries where no MBFs currently are operated under contract, a statement from the cognizant Combatant Command that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission or U.S. Embassy and that the host-country permits the operation in accordance with subparagraph 2.6.1.1.

5.2.1.1.9. Any other pertinent information to justify the establishment of an MBF.

5.2.1.2. As a rule, MBFs may be established only when the installation or community population meets the following criteria:

5.2.1.2.1. **Full-time MBF.** Except in unusual circumstances, a total of at least 1,000 permanent military personnel and DoD civilian employees is necessary to qualify for a full-time MBF.

5.2.1.2.2. **Part-time MBF.** Except in unusual circumstances, a total of at least 250 permanent military personnel and DoD civilian employees is necessary to qualify for a part-time MBF.

5.2.1.3. If the population **in** a certain remote area is not sufficient to qualify under the criteria for full-time or part-time MBFs, the installation or community commander explores all other alternatives for acquiring limited **financial** services before requesting **the** establishment of an MBF as an exception to these provisions. Alternatives to limited **financial** services include **the** installation of ATMs and check cashing and accommodation exchange services **by** disbursing officers and their agents.

5.2.1.4. Establishment of an overseas MBF is predicated on and requires:

5.2.1.4.1. Designation of the MBF contractor as a depository and financial agent of the U.S. Government by the Treasury.

5.2.1.4.2. The availability of **FIs** interested in bidding for the operation of the facility and the viability of such proposals.

5.2.1.4.3. The availability of appropriated funds to underwrite **required financial** services.

5.2.1.4.4. Establishment of a U.S. dollar currency custody account to support banking operations.

5.2.1.4.5. **Agreement from host-nations that permit MBF operations.**

5.2.2. Other Overseas Banking Offices. Where a need for financial services has been identified and either (1) the banking and currency control laws of certain host countries do not permit MBFs to operate on DoD installations or (2) MBFs, where permitted, have not been established **or are not permitted to be established**, then the following applies:

5.2.2.1. Installation or community commanders **must** send requests for **financial** services or unsolicited proposals from foreign banking institutions to their Major Commands with supporting data as required in paragraph 4.2.1.

5.2.2.2. Major Commands **must** forward installation or community commander requests to the Secretary of the Military Department concerned (or designee) for approval. The Secretary of the Military Department concerned (or designee) coordinates with the DFAS, **Director (or designee)** to seek the designation of the parent foreign banking institution as a depository and financial agent of the U.S. Government by the Treasury.

5.2.2.3. Banks in this category cannot become operational until the foreign parent banking institution has been designated a depository and financial agent of the U.S. Government. The institution also **must** indicate a willingness and ability to provide collateral backing for any official and nonappropriated fund U.S. dollar deposits. Any collateral pledged **must** be in a form acceptable to the **Director, DFAS (or designee)**, and the Treasury.

### 5.3 Logistical Support

#### 5.3.1. Overseas MBFs Operated Under Contract

\* 5.3.1.1. **For MBFs and ATMs** that are operated under contract, installation or community commanders **must** provide logistical support **and services** to the maximum possible extent **at no charge unless otherwise identified in this regulation**. Such support normally includes:

5.3.1.1.1. Adequate office space, including steel bars; grillwork; security doors; a vault, safes, or both; security alarm systems and camera surveillance equipment (where deemed necessary) that meet documented requirements of the MBF contractor's insurance carrier;



construction of counters, teller cages, and customer and work areas; necessary modifications and alterations to existing buildings; and construction of new MBF premises, if necessary.

5.3.1.1.1.1. The size and arrangement of space [must](#) permit efficient operations. [The](#) space assigned may not exceed that prescribed in the MIL-STD-3007F.

5.3.1.1.1.2. All maintenance, repair, rehabilitation, alterations, or construction for [MBFs must](#) comply with guidelines established by the installation commander.

5.3.1.1.2. Office space in a building that is accessible to most users and permits maximum security. In addition, office space for MBF area and district administrations and storage space for retention of records, files, and supplies.

5.3.1.1.3. DoD housing on a rental basis to assigned MBF staff [who](#) are designated as key and essential MBF managerial personnel who are unable to find suitable, reasonably priced housing in the vicinity of the DoD installation, subject to the assignment procedures and other requirements of [DoD 4165.63-M](#), “DoD Housing Management.”

5.3.1.1.4. Education, on a space-available, tuition-paying basis, provided by the DoD Education Activity to minor dependents of assigned staff.

5.3.1.1.5. Air conditioning, which is considered a normal utility for [MBFs](#) located at installations that qualify for air conditioning under applicable regulations. [MBF](#) space is classified as administrative space at military installations.

5.3.1.1.6. Utilities (i.e., electricity, natural gas or fuel oil, water, and sewage), heating, intra-station telephone service, and custodial and janitorial services to include garbage disposal and outdoor maintenance (such as grass cutting and snow removal) [at the same frequencies as provide to other installation activities](#).

5.3.1.1.7. Defense Switched Network (DSN) voice and data communication to include, where [available](#), internet access.

5.3.1.1.8. Military guards, civilian guards (for use within the installation only), military police, or other protective services to accompany shipments of money [at the frequencies required by MBFs to maintain required operations](#). This level of protective service [must also](#) be provided at other times as required to include replenishment of ATM currency and receipts, alarm system failures, and to avoid undue risks or insurance costs on the part of the MBF.

5.3.1.1.9. U.S. Military Postal Service access in accordance with [DODD 5101.11E](#), “DoD Executive Agent for the Military Postal Service (MPS) and Official Mail Program (OMP).” Use of free intra-theater delivery system (IDS) is authorized for all routine mail sent and received between Army Post Offices (APOs) and Fleet Post Offices (FPOs) within a theater.



5.3.1.1.10. Office equipment and furniture on memorandum receipt if available from local stock. If office equipment or furniture is unavailable, statements of nonavailability **must** be issued.

5.3.1.1.11. Vehicle registration and fuel sales from government-owned facilities for bank-operated vehicles if not in conflict with host government agreements. Vehicle registration **must** be subject to normal fees.

5.3.1.1.12. Issuance by local commanders of invitational travel orders, at no expense to the U.S. Government when required for official onsite visits by U.S. based **MBF** officials.

5.3.1.2. Suggestions for changes to the logistical support provisions of the MBF contract may be forwarded for consideration through command channels to the Director, DFAS (or designee).

### 5.3.2. Other Overseas Banking Offices

5.3.2.1. Logistical support provided to such offices **is** negotiated with the parent foreign banking institution and incorporated into the written operating agreement.

5.3.2.2. Logistical support **must** not exceed that provided to contract MBFs, as specified in 5.3.1.

## \*5.4 Operations

### 5.4.1. General Conditions of MBF and MBF ATM Operations

5.4.1.1. Before initiating MBF and MBF ATM operations, a written agreement **must** be negotiated directly and signed by the installation or community commander and a senior official of the **MBF** contractor. **Forward** one copy of the agreement with U.S. **MBF** contractors through command channels to the Secretary of the Military Department concerned (or designee). The Secretary of the Military Department (or designee) **must** forward one copy of the agreement through command channels to the Director, DFAS. **The installation or community commander and the MBF manager must always maintain a copy of the agreement.**

5.4.1.2. **MBF** agreements **must only** state operating details not set forth in the contract. Though the contract limits the number of operating hours per week, local commanders and MBF managers **must** set days and hours of operation to best meet local needs. Operating times may include Saturdays and evening hours when necessary to complement other retail services for DoD personnel, provided the contractor can implement that service at no additional cost to the government. When added cost is involved, the commander **must** send a request including reasons for expanded or modified times of operation, through command channels, to the Secretary of the Military Department concerned (or designee) for action. If approved, the request, with recommendations, **must** be forwarded to the Director, DFAS (or designee) **for coordination to effect requested changes.**

#### 5.4.2. Overseas MBFs and MBF ATMs Operated Under Contract

5.4.2.1. General. Overseas MBFs **must** operate under terms and conditions established at the time of contract negotiations and confirmed in respective contracts or contracting officer determinations.

5.4.2.2. Authorized Customers. DoD banking contracts specify the personnel authorized to receive service. Additionally, overseas major commanders may approve banking services for other individuals that qualify for individual logistic support under the regulations of the DoD Component concerned, **if the** use of **financial** services is not precluded by status of forces agreements, other intergovernmental agreements, or host-country law.

5.4.2.3. Services Rendered. DoD banking contracts specify the services to be rendered and related charges. Suggestions for expansion or modification of authorized services or **changes to** fees or charges may be forwarded through DoD Component channels to the Director, DFAS (or designee). **Requests** for any new service must **include** coordination with the appropriate Combatant Command and U.S. Chief of Diplomatic Mission or U.S. Embassy to make certain that the **requests** do not conflict with the status of forces agreements, other intergovernmental agreements, or host-country law.

5.4.2.4. Regulation to be Provided. The Director, DFAS (or designee) **must** advise each U.S. banking contractor operating an overseas MBF of **this chapter** and furnish a copy to the contractor.

#### 5.4.2.5. Conditions of Operation.

5.4.2.5.1. Part-time and payday service MBFs **must** provide limited services that mirror, to the extent feasible, those provided by full-time MBFs. Since part-time MBFs operate out of nearby MBFs, installation or community commanders **must** provide and fund transportation and guards for their operations, **including servicing of ATMs**.

5.4.2.5.2. Any deficiency of **financial** services under DoD banking contracts **must** be reported to the manager of the MBF within **seven** calendar days of noting the deficiency. If the problem has not been corrected within 30 calendar days after being noted, the commander **must** report the problem through DoD Component channels to the Director, DFAS (or designee).

5.4.2.5.3. The MBF contractor and military disbursing officers **must** establish cash management practices that minimize the cash required to conduct business.

5.4.2.5.4. **Installation** commanders **must** assist MBF contractors **in** developing and updating contingency plans for banking services in the event of hostilities or other emergencies. **Plans must be reviewed and updated yearly by installation commanders and MBF personnel.**

5.4.2.5.5. MBF provision of foreign currency **must** be in accordance with Volume 5, Chapter 13.

#### 5.4.3. Other Overseas **Banks and ATMs**

5.4.3.1. Authorized Customers. The list of authorized customers **must** be negotiated between the installation commander and the foreign bank and **must** be reflected in the operating agreement. The list of authorized customers included in the operating agreement **must** be consistent with the applicable status of forces agreement, other intergovernmental agreements, or host-country law.

5.4.3.2. Services Rendered. Services and charges **must** parallel, whenever practical, the services and charges of MBFs **and ATMs** operated under contract. **Negotiate and include** specific services in the agreement with the foreign bank. A copy of the agreement **must** be sent through **the Secretary of the Military Department concerned (or designee)** to the Director, DFAS (or designee).

5.4.3.3. Operating Agreements. Before agreements are executed, they will be coordinated with and approved by the cognizant Combatant Command (or designee). **Copies of agreements must be forwarded through DoD Component channels to the Secretary of the Military Department concerned (or designee) to the Director, DFAS (or designee).**

5.4.3.4. Conditions of Operation. A foreign bank **must** provide equipment (except that furnished by the installation or community), supplies, and trained personnel.

#### 5.4.4. Relocations of **and Modifications to MBFs or Other MBF Facilities**

When an MBF is **proposed to be** moved from one location to another at the same installation or community, **or for any relocation or modification to MBFs or other MBF facilities** the commander **must provide detailed information about and supporting the relocation to the Secretary of the Military Department concerned (or designee), through command channels.** The **Secretary of the Military Department concerned (or designee) must forward the information to the Director, DFAS (or designee) for approval and assistance prior to relocation or modification.**

5.4.5. Information Requirements. Installation or community commanders **must** send the **following information** through DoD Component channels to the Director, DFAS (or designee) for any of the following **when known, or no less than annually by 30 January each year:**

5.4.5.1. Major changes in installation population affecting **the** use of the MBF **or MBF ATMs.**

5.4.5.2. Opinion that the space assigned is not adequate for the efficient operation of the MBF including a statement concerning corrective action.

5.4.5.3. Suggestions that might improve the MBF operation, increase efficiency, or decrease costs.

5.4.5.4. Pending developments, **including training exercises**, that may have a material impact on the MBF operation.

## 5.5 Termination

Requests to eliminate any or all MBFs in a foreign country **must** include documentation that the U.S. Chief of Diplomatic Mission has been informed and that arrangements for local termination announcements and procedures have been made with the U.S. Embassy.

5.5.1. Overseas MBFs Operated Under Contract. In cases where an installation or community no longer can justify overseas MBF operations, the commander **must** notify the Secretary of the Military Department concerned (or designee) through command channels.

5.5.1.1. The report **must** state whether a part-time MBF **must** be established and specify the days each week that the MBF would be needed.

5.5.1.2. The Secretary of the Military Department (or designee) **must** send this report with recommendations to the Director, DFAS (or designee).

5.5.2. Other Overseas Banking Offices. Termination actions, when required, **must** be taken in accordance with the applicable clauses in the operating agreement. Notice of intent to terminate, including the closing date, **must** be sent through DoD Component channels to **the** Director, DFAS (or designee), who **notifies** the Treasury so that the foreign banking institution's authority as a Depository and Financial Agent of the U.S. Government at that location may be revoked.

## 6.0 CREDIT UNIONS OPERATING ON DOMESTIC DOD INSTALLATIONS

### \*6.1 General Policy

**U.S. credit unions may operate on DoD installations, in accordance with this chapter, when required by installation commanders to promote the morale and welfare of installation personnel and to help facilitate installation operations.**

### 6.2 Establishment

6.2.1. A demonstrated need for credit union services may be addressed by establishing a new full-service credit union or by opening a branch office or facility of an existing credit union under the common bond principle.

6.2.2. DoD personnel seeking to establish a new full-service credit union **must** submit a proposal to the installation commander for review. In addition to the information identified in subparagraph 4.2.1, the proposal **must** include a request for the establishment of a field of membership that includes all personnel at the installation. Upon installation commander

concurrence, **forward** the proposal through DoD Component channels to the Secretary of the Military Department (or designee).

6.2.3. The Secretary of the Military Department concerned (or designee) **must**:

6.2.3.1. Obtain a list of credit unions that could establish eligibility to serve the installation's military members and civilian employees from the National Credit Union Administration (NCUA) Regional Office that has geographic jurisdiction and the applicable state regulatory agency.

6.2.3.2. Prepare and send formal solicitation letters to eligible credit unions informing them of an opportunity to establish a branch office at the installation.

6.2.3.3. In coordination with the installation commander, establish the criteria for selection of a specific credit union in accordance with subparagraph 4.3.4. Proposals **must** be evaluated, and a selection made, based upon the factors and weights developed for the solicitation.

6.2.4. Upon approval by the Secretary of the Military Department (or designee), the NCUA or applicable state regulatory agency **must** be notified and asked to establish or amend the selected credit union's charter to include the new location.

6.2.5. No commitment may be made to a credit union regarding its proposal until the appropriate regulatory agency has approved the requested charter change.

### **\*6.3 Terminations**

6.3.1. The installation commander **must** approve requests for termination of an on-base credit union, substantiated by sufficient evidence, and forward to the Secretary of the Military Department concerned (or designee). The installation commander **must** initiate the termination of on-base credit union operations only under one of the following conditions:

6.3.1.1. The installation mission has changed or is scheduled to be changed, thereby eliminating, or substantially reducing the requirement for financial services.

6.3.1.2. Active military operations prevent the continuation of on-base financial services.

6.3.1.3. The credit union's performance in providing services is not satisfactory according to standards ordinarily associated with the financial services industry or is inconsistent with the operating agreements or this chapter. Installation commander written communication with local credit union leadership **must** be undertaken to attempt to resolve matters prior to making this determination.

6.3.1.4. When merger, acquisition, change of control, or other action results in violation of the terms and conditions of the existing operating agreement, the Secretary of the Military Department (or designee) **must** terminate the operating agreement with the existing credit

union. When the merger, acquisition, change of control, or other action does not result in violation of the terms and conditions of the existing operating agreement, the Secretary of the Military Department (or designee) must novate the operating agreement identifying the change in control.

6.3.2. The installation commander must forward approved requests for termination of an on-base credit union, substantiated by sufficient evidence, to the Secretary of the Military Department concerned (or designee). The Secretary of the Military Department (or designee) must review all termination actions to ensure compliance with this chapter and coordinate all termination actions with the USD(C), through the Director, DFAS, before the Secretary of the Military Department (or designee) provides notification to the appropriate regulatory agency if required. After this coordination process:

6.3.2.1. The Secretary of the Military Department (or designee) will notify the installation commander if the termination is in accordance with this chapter and if so, the installation commander must notify the on-base credit union of the termination. The installation commander must establish a departure date and revoke the authority of the credit union to operate on the installation via termination of the lease or lease-like instrument and operating agreement.

6.3.2.2. If the termination is not in accordance with this chapter, the request will be returned by the Secretary of the Military Department (or designee) to the installation commander for remediation or dismissal.

6.3.3. A credit union that intends to voluntarily terminate its on-base operations must notify the installation commander in writing on official letterhead at least 180 days before the proposed closing date. Within the notification, the credit union must identify reasons for termination. This notification and an acknowledgment from the installation commander must precede any public announcement of the planned closure. When appropriate, the installation commander may attempt to negotiate an agreement permitting the credit union to continue operations until the installation has made other arrangements. Immediately upon notification of a termination, the installation commander must advise the DoD Component headquarters concerned. If the continuation of financial services is justified, action to establish another on-base FI must be taken in accordance with paragraph 4.3, paragraph 6.2, or both, depending on if another FI is currently operating on-base. A copy of the voluntary termination notification must be forwarded through command channels to the Director, DFAS (or designee).

6.3.4. Termination of Lease. The lessee must provide written notice 180 days prior to a voluntary termination of the lease. Upon lease termination, the government has the option to cause the title of all structures and other improvements to be conveyed to the United States without reimbursement or require the lessee to remove the improvements and restore the land to its original condition.

## 6.4 Use of Space, Logistical Support, and Military Real Property for Domestic Credit Unions

### 6.4.1. Criteria for Use of Space in Government-owned Real Property or Federal Land

6.4.1.1. Criteria governing the assignment of space and construction of new space for credit unions are in the MIL-STD-3007F.

6.4.1.2. A credit union may be furnished space on a DoD installation at one or more locations for periods not to exceed [five](#) years except where the credit union uses its own funds to improve existing government space as outlined in subparagraphs 6.4.1.2.3 and 6.4.1.2.4. The cumulative total of space furnished [must](#) be subject to the limitations of the MIL-STD-3007F.

6.4.1.2.1. The furnishing of office space and/or land (including ATM placement) to on-base credit unions is governed by the Federal Credit Union Act (12 U.S.C § 1770). Notwithstanding any other provision of law, upon application by any credit union, the provision of no-cost federal office space or no-cost land lease is for a period not to exceed 5 years. This is limited to credit unions if at least 95 percent of the membership to be served by the allotment of space or the facility built on the leased land is composed of individuals who are, or who were at the time of admission into the credit union, military personnel or federal employees, or members of their families.

[6.4.1.2.1.1.](#) A written statement to the effect that the credit union meets the 95 percent criterion [is](#) required to justify and document the allotment of free government space and/or land. This statement [must](#) be prepared on the credit union's letterhead and signed by either the chairman of the board of directors or the president.

[6.4.1.2.1.2.](#) A certification [must](#) also be required whenever there is a merger, takeover, or significant change in a field of membership. This certification serves [as](#) justification and documentation for the continued allocation of free government space including space renovated with credit union funds and/or the free lease of land.

[6.4.1.2.1.3.](#) [Update](#) the statement every 5 years and on renewal of each no-cost permit or license. (See Figure 33-3 for a sample format of the statement.)

6.4.1.2.2. Credit unions that fail to meet the 95 percent criterion [must](#) be charged fair market rental for space provided. Except where more than one credit union exists on an installation prior to June 9, 2000, credit unions giving less than full service or not serving all assigned DoD personnel are not authorized no-cost office space.

6.4.1.2.3. When a credit union that meets the 95 percent criterion uses its own funds to expand, modify, or renovate government-owned space, it may be provided a no-cost permit or license for a period commensurate with the extent of the improvements not to exceed 25 years as determined by the DoD Component concerned. The permit or license [must](#) be effective until the agreed date of expiration or until the credit union ceases to satisfy the 95 percent criterion. In this latter case, the no-cost permit [must](#) be canceled in favor of a lease immediately negotiated at fair market value under the provisions of subparagraph [6.4.1.2.4.](#) If the credit union desires,



this permit or license may extend through the period identified in the original permit or license not to exceed 25 years.

6.4.1.2.4. Similarly, a credit union not meeting the 95 percent criterion that uses its own funds to expand, modify, or renovate government-owned space, may be provided a lease at fair market value for a period not to exceed 25 years subject to periodic review every 5 years to assess changes in fair market value. The duration of this lease must be commensurate with the extent of the improvements as determined by the DoD Component concerned.

6.4.1.3. All space assigned by the GSA, whether leased or in a federal office building, is reimbursable to the GSA at the standard level user charge. Consequently, the GSA must charge the benefiting DoD Component for any space assigned for credit union operations. Such space is subject to the provisions of subparagraphs 6.4.1.1 and 6.4.1.2.

6.4.2. Logistical Support. When available, custodial and janitorial services including garbage disposal and outdoor maintenance (such as grass cutting and snow removal), heating and air conditioning, utilities (i.e., electricity, natural gas or fuel oil, water, and sewage), fixtures, and maintenance must be furnished without cost to credit unions occupying no-cost office space in government buildings. Apart from intra-station telephone service, credit unions must pay for all communication services to include telephone lines, long-distance data services and internet connections. Credit unions also must pay for space alterations. Should a credit union fail to meet the 95 percent membership criterion, any logistical support furnished must be on a reimbursable basis.

6.4.3. Leases executed before the issuance of this chapter, see subparagraph 4.5.3.

6.4.4. When a credit union participates in the construction of a shopping mall complex the lease must cover only land where the branch or facility physically is located.

6.4.5. Administrative Fees. The installation bears all administrative fees associated with the initiation, modification, or renewal of an outgrant, provided that the credit union satisfies the 95 percent membership criterion requirement for no-cost office space as outlined in subparagraph 6.4.1.2.1 and that the fees are associated with the no-cost space.

## 6.5 Land Leases

Credit unions entering a land lease to construct a building on a DoD installation must be provided a no-cost land lease, if they meet the 95 percent criterion established in subparagraph 6.4.1.2.1. Credit unions not meeting the 95 percent criterion must enter into a land lease in accordance with subparagraph and subparagraph 6.4.1.2.2 and paragraph 4.6.

## 6.6 Construction

Credit unions constructing a building on a DoD installation must do so in accordance with paragraph 4.7.



## 6.7 ATM Service

Credit unions offering ATM service [must](#) do so in accordance with paragraph 3.5.

## 7.0 OVERSEAS CREDIT UNIONS

### 7.1 General Policy

\* 7.1.1. Credit union services to authorized persons and organizations, [as permitted by Status of Forces agreements, other intergovernmental agreements, or host-country law](#), may be provided by domestic on-base credit unions operating under a geographic franchise.

7.1.2. The extension of credit union service overseas must be in accordance with this chapter as it relates to domestic credit unions and [aligned with](#) applicable status of forces agreements or other intergovernmental agreements, or host-country law.

7.1.3. Where permitted by the status of forces agreements or other intergovernmental agreements, or host-country law, only federal credit unions or federally insured state-chartered credit unions may operate on overseas DoD installations. The ultimate decision to provide services overseas rests with the credit union itself.

### 7.2 Establishment

7.2.1. Commanders [must](#) notify the Secretary of the Military Department concerned (or designee), through command channels, when overseas credit union services are needed. Such requests [must](#) include:

7.2.1.1. Full information about available space and logistical support.

7.2.1.2. The name and location of the nearest credit union facility or branch.

7.2.1.3. The distance between the installation and the nearest credit union facility or branch.

7.2.1.4. The availability of any official or public transportation.

7.2.1.5. The number of DoD personnel in duty assignments that confine them to the installation or who cannot obtain transportation (such as hospital patients).

7.2.1.6. In countries not presently served, a statement concurred by the cognizant Combatant Command that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission or U.S. Embassy. The statement [must](#) include the host country permits credit union operations and indicate any conditions imposed by the host country with respect to those operations.

7.2.2. [After](#) approval of the request from the installation or community commander to

establish an overseas credit union facility, the Secretary of the Military Department concerned (or designee) **must** solicit proposals for the provision of full credit union services under the following provisions.

7.2.2.1. Where there is a DoD-designated geographic franchise with a specific field of membership, the Secretary of the Military Department (or designee) **must** direct the installation or community commander to contact the supporting credit union and request that a branch or facility be established. The basic decision concerning such extensions of service rests with the servicing credit union. The Director, DFAS (or designee) **must** maintain a listing of all geographic franchises assigned to credit unions serving DoD overseas installations.

7.2.2.2. Where there is no DoD designated geographic franchise, the Secretary of the Military Department (or designee) **must**:

7.2.2.2.1. Coordinate requests, through the Director, DFAS (or designee), to obtain a geographic franchise. A geographic franchise is the authorization granted to a credit union by the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)) to provide financial services in a specific geographic region located outside the United States, its territories, and possessions.

7.2.2.2.2. Solicit proposals from credit unions currently operating on DoD installations.

7.2.2.2.3. Review proposals of interested credit unions.

7.2.2.2.4. Coordinate with field commands, as needed.

7.2.2.2.5. Recommend selection to the NCUA or applicable state regulatory agency with a copy to the DFAS and the OUSD(C), requesting that the appropriate field of membership adjustment be made. Such a recommendation **must** identify the primary installations on which the credit union would operate and, if applicable, the contiguous geographic boundaries for future facilities and branches.

7.2.3. Where there is an existing field of membership, the Secretary of the Military Department concerned (or designee) **must** take the following actions:

7.2.3.1. If a credit union on an installation terminates operation, afford any other credit union having a geographic franchise within that country an opportunity to assume the franchise being vacated. If all such institutions decline, **offer** the geographic franchise to the federally insured credit union community. If, as a result of a credit union's decision to decline service to an installation or a termination action, another credit union (a) offers to provide service, (b) meets host-country requirements (if any), and (c) is assigned the former geographic franchise or portion thereof, **notify the** NCUA or the applicable state regulatory agency and request appropriate field of membership adjustments.

7.2.3.2. When other credit union(s) having a geographic franchise within a country

decline the opportunity, or there is no other credit union having a franchise within that country, the provisions of paragraph 7.2, apply.

7.2.4. No commitment may be made to a credit union regarding its proposal until the appropriate regulatory agency has announced a selection.

### 7.3 Logistical Support Services

Installation or community commanders **must** provide **credit unions** logistical support **services on a non-reimbursable basis unless otherwise identified**. Such support normally **must** include:

7.3.1. Adequate office space, including steel bars; grillwork; security doors; vaults; safes; security alarm systems and camera surveillance equipment (where deemed necessary) that meet documented requirements of the credit union's insurance carrier; construction of counters, teller cages, and customer and work areas; necessary modifications and alterations to existing buildings. The size and arrangement of space should permit efficient operations. The credit union **must** pay for all improvements to the space given. **The** space assigned may not exceed that prescribed in the MIL-STD-3007F.

7.3.2. DoD housing on a rental-**paying** basis to key credit union personnel unable to find suitable, reasonably priced housing in the vicinity of the DoD installation, if available.

7.3.3. Education, on a space-available, tuition-paying basis, provided by the DoD Education Activity to minor dependents of assigned staff.

7.3.4. Utilities (i.e., electricity, natural gas or fuel oil, water, and sewage), heating, intra-station telephone service, and custodial and janitorial services.

7.3.5. DSN voice and data communication to include, where **available**, internet access.

7.3.6. U.S. Military Postal Service support under **DoDD 5101.11E**. The use of free IDS is authorized for all routine mail sent and received between APOs and FPOs within a theater.

7.3.7. Military guards, civilian guards (for use within the installation), military police, or other protective services to accompany shipments of money from the MBF to the credit union and **from the credit union to the MBF** where it is impractical or not authorized to have a local armored car service or civilian police authorities entering a military installation to provide cash escort service or when the cost of obtaining such service is prohibitive. **Provide** this level of protective service at other times as required including replenishment of ATM currency and receipts, alarm system failures, and **avoiding** undue risks or insurance costs.

### 7.4 Travel

Travel by credit union officials must be at no expense to the U.S. Government. Overseas commanders may issue invitational travel orders for official on-base visits by credit union officials

at no cost to the U.S. Government.

## 7.5 Operations

7.5.1. An overseas credit union **must** confine its field of membership to individuals or organizations eligible by law or regulation to receive services and benefits from the installation. Services **must** not be provided to **individuals or organizations** precluded such services by the applicable status of forces agreement, other intergovernmental agreements, or host-country law.

7.5.2. The Department assigns overseas credit unions a prescribed geographic franchise. Any credit union, however, may continue to serve its members stationed overseas by mail or telecommunications, including **via** the **Internet**.

7.5.3. A credit union proposing a new service to be offered by a branch office that is not authorized by the operating agreement **must** coordinate the establishment of the new service through the cognizant Component command to the Combatant Command. The new service **must** be offered only after the appropriate command's approval and coordination with the U.S. Chief of Diplomatic Mission or U.S. Embassy to ensure that the service does not conflict with the applicable status of forces agreement, other intergovernmental agreements, or host-country law. **The new service must be reflected as an amendment to the operating agreement.**

7.5.4. Credit unions that operate full-service branches **must** have U.S. currency and coin available for member transactions. In areas served by currency custody accounts, transactional U.S. currency and coins **must** be made available from the servicing MBF with no direct or analysis charge to the credit union, provided settlement is made via the local MBF account or equivalent arrangements are made with the MBF.

7.5.5. In countries served by MBFs operated under contract, credit unions **must** purchase foreign currency only from the servicing MBF.

7.5.5.1. The bulk rate purchase price **must** apply to currency used by the credit union to make payments to vendors or to make payroll payments.

7.5.5.2. Credit unions that desire and are authorized to provide accommodation exchange services to members **must only** acquire foreign currency from the servicing MBF at the MBF **accommodation** rate and **resell such foreign currency** at a rate of exchange no more favorable than the customer rate available at the MBF.

7.5.6. Credit unions operating under a geographic franchise on an overseas DoD installation **must** not publicize, display, or sell vehicles on the installation.

7.5.7. The NCUA or applicable state regulatory agency may review operations of overseas credit union offices either when it examines the main credit union or at other times of its choosing. For federally insured, state-chartered credit unions, the applicable state regulatory agency also may examine credit unions operations.

\*Figure 33-1: Guidelines for Application of the Privacy Act to Financial Institution Operations

1. The following guidelines govern the application of 32 CFR § 230, “Financial Institutions on DoD Installations” to those **FIs** that operate under this Regulation:

A. **FIs** and their branches and facilities operating on DoD military installations do not fall within the purview of [5 U.S.C. § 552](#) et seq.

1. These **FIs** do not fit the definition of “agency” to which the Privacy Act applies: “...any executive department, Military Department, government corporation, government-controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or an independent regulatory agency” (5 U.S.C. §§552(e) and 552a(a)(1)).

2. These **FIs** are not “government contractors” within the meaning of 5 U.S.C. § 552a(o), as they do not operate a system of records on behalf of an agency “...to accomplish an agency function.” According to the Office of Management and Budget ([OMB Privacy Act Guidance](#)), the provision relating to government contractors applies only to systems of records “...actually taking the place of a federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act.” Clearly, the subject institutions do not meet these criteria.

3. Since the Act does not apply to them, these **FIs** are not required to comply with 5 U.S.C. § 552a(e)(3) in obtaining and making use of personal information in their relationships with personnel authorized to use such institutions. Thus, these institutions are not required to inform individuals from whom information is requested of the authority for its solicitation, the principal purpose for which it is intended to be used, the routine uses that may be made of it, or the effects of not providing the information. There also is no requirement to post information of this nature within on-base banking and credit union offices.

B. The **FIs** concerned hold the same position and relationship to their account holders, members, and to the government as they did before the enactment of [OMB Circular A-130](#). Within their usual business relationships, they still are responsible for safeguarding the information provided by their account holders or members and for obtaining only such information as is reasonable and necessary to conduct business. This includes credit information and proper identification, which may include social security number, as a precondition for the cashing of checks.

C. **FIs** may incorporate the following conditions of disclosure of personal identification in all contracts, including loan agreements, account signature cards, certificates of deposit agreements, and any other agreements signed by their account holders or members:

Figure 33-1: Guidelines for Application of the Privacy Act to Financial Institution Operations (Continued)

I hereby authorize the Department of Defense and its various Components to verify my social security number or other identifier and disclose my home address to authorized (name of FI) officials so that they may contact me in connection with my business with (name of FI). All information furnished will be used solely in connection with my financial relationship with (name of FI).

When the FI presents such signed authorizations, the receiving military command or installation **must** provide the appropriate information.

D. Even though an agreement described in subparagraph A.3., has not been obtained, DoD may provide these FIs with salary information and, when pertinent, the length or type of civilian or military appointment, consistent with 32 CFR § 230 and DoDD 5400.07. Some examples of personal information pertaining to DoD personnel that normally can be released without creating an unwarranted invasion of personal privacy are name, rank, date of rank, salary, present and past duty assignments, future assignments that have been finalized, office phone number, source of commission, and promotion sequence number.

E. When DoD personnel with financial obligations are reassigned and fail to inform the FI of their whereabouts, they should be located by contacting the individual's last known commander or supervisor at the official position or duty station within that particular DoD Component. That commander or supervisor either **must** furnish the individual's new official duty location address to the FI or **must** forward, through official channels, any correspondence received pertaining thereto to the individual's new commander or supervisor for appropriate assistance and response. **Forward** correspondence to the individual concerned at his or her last official place of business or duty station as provided by postal regulations to the new location. Once an individual's affiliation with DoD is terminated through separation or retirement, however, the Department's ability to render locator assistance (i.e., disclose a home address) is severely curtailed unless the public interest dictates disclosure of the last known home address. The Department may, at its discretion, forward correspondence to the individual's last known home address. The Department may not act as an intermediary for private matters concerning former DoD personnel who are no longer affiliated with the Department.

2. Questions concerning this guidance should be forwarded through channels to the Deputy Chief Financial Officer, Office of the Under Secretary of Defense (Comptroller), The Pentagon, Washington, DC 20301-1100.

Figure 33-2: Sample Operating Agreement (OA) Between Installation Commanders and Financial Institutions (FI)

*NOTE: The following operating agreement **may be used as a template**. Content of the actual operating agreement **constructed for use between an installation commander and an FI** may vary according to the circumstances of each installation **but must align with this issuance**.*

Operating Agreement Between (*Name of Installation*), (*State or Country Installation Located*) and (*Name of Financial Institution*)

This **agreement** is made and entered into this day by and between the installation commander of (*name of installation*) **in their** official capacity as installation commander, hereinafter referred to as the “commander” and the (*name of FI*), having its principal office at (*location of home office*) hereinafter referred to as the “FI,” together hereinafter referred to as “the parties.” Whereas the commander and the **FI** enter into this **OA** upon the mutual consideration of the promises, covenants, and agreements hereinafter contained.

1. The parties understand and agree that this **OA** in no way modifies, changes, or alters the terms and conditions of Lease Number (*number of lease*) covering the use of real property described therein.

2. The **FI** agrees to operate a (*federally or state*) chartered office on-base in accordance with the policies and procedures set forth **in DoD Financial Management Regulation Volume 12, Chapter 33**. The hours of operations **are** between (*hour office opens*) and (*hour office closes*), and on the following days (*weekdays office open*), except on government holidays when the **FI** may be closed.

3. The **parties have agreed the FI will** provide the following services:

a. Services for Individuals

- (1) Demand (checking) account services
- (2) Cashing personal checks and government checks for accountholders
- (3) Maintaining savings accounts and (any other interest-bearing accounts)
- (4) Selling official checks, money orders, and traveler’s checks
- (5) Selling and redeeming United States savings bonds
- (6) Providing direct deposit service
- (7) Loan Services



Figure 33-2. Sample Operating Agreement Between Installation Commanders and FIs (Continued)

- (8) Electronic banking (i.e., ATMs, internet banking).
- b. Services for Disbursing Officers and their agents
  - (1) Furnishing cash (if the FI's terms for doing so are consistent with sound management practices)
  - (2) Accepting deposits for credit to the Treasury General Account (where the FI has entered into an agreement with the Treasury).
- c. Services for NAFIs and Private Organizations
  - (1) Demand (checking) account services, including wire transfers
  - (2) Savings accounts and nonnegotiable certificates of deposit or other interest-bearing accounts offered by the banking institution
  - (3) Currency and coin for change.
- 4. Service charges proposed by the FI and accepted by the installation commander are as follows:
  - a. Service for Individuals
    - (1) No fees may be charged to individuals for the services listed in subparagraphs 3.a.(2), and 3.a.(5), except for subparagraph 3.a.(2), wherein checks drawn on other FIs may be treated in accordance with the FI's established policy. Any charge to cash a government check must not exceed that typically charged by FIs in the vicinity of the installation. Fees assessed to accountholders and non-acountholders for use of ATMs must be the customary service charges of the FI or those negotiated for base personnel per the attached schedule.
    - (2) Checking and savings accounts. Fees for individual checking and savings accounts must be the customary service charges of the FI or those negotiated for base personnel per the attached schedule.
    - (3) Sale of official checks, money orders, traveler's checks, and other types of financial paper. Charges for these services must be the customary charges of the FI operating the on-base office.



Figure 33-2. Sample Operating Agreement Between Installation Commanders and FIs (Continued)

b. Service for Disbursing Officers and their agents. No charge is made for the services listed in subparagraph 3.b.(2). Compensation to the FI must be per its separate agreement with the Treasury. Charges, if any, for the services stated in subparagraph 3.b.(1) must be as locally negotiated with the FI.

c. NAFIs and Private Organizations. State the charges or refer to a schedule of charges for funds and organizations that do not participate in a central banking program. For those activities participating in a central banking program, determine the compensation to the FI by account analysis.

5. It is agreed that the FI must:

a. Negotiate with the commander (or designee) for any proposed changes to the attached schedule of fees and services at least 30 days prior to proposed implementation.

b. Comply with Volume 12, Chapter 33, and any changes thereto.

c. Comply with Treasury requirements for the establishment and operation of a Treasury General Account where the FI agrees to act as a depository for government funds.

d. Absolve the (*Military Department*) and its representatives of responsibility or liability for the financial operation of the FI; and for any loss (including losses due to criminal activity), expenses, or claims for damages arising from FI operations.

e. Indemnify and hold harmless the United States from (and against) any loss, expense, claim, or demand, including attorney fees, court costs, and costs of litigation, to which the government may be subjected as a result of death, loss, destruction, or damage in connection with the use and occupancy of (*Military Department*) premises occasioned in whole or in part by officers, agents or employees of the FI operating an office of the FI.

f. Favorably respond, whenever feasible, to reasonable local command requests for lectures and printed materials to support consumer credit education programs, financial management program, and newcomer's briefings.

g. Prominently post in the lobby of the FI the name, duty telephone number of the (Bank or Credit Union) Liaison Officer.

h. Accept the government travel card in all on-base ATMs operated by the FI.

Figure 33-2. Sample Operating Agreement Between Installation **Commanders** and FIs (Continued)

- i. Abide by the installation fire protection program, including immediate correction of fire hazards noted by the installation fire inspector during periodic fire prevention inspections.
  - j. **Furnish copies of its financial reports and other local publications on an “as needed” basis in response to the installation commander’s (or designee’s) formal request.**
6. The commander **must** provide the following space and support:
  - a. Space requirements for **FI** operations **must** be administered in accordance with the existing outgrant (i.e., lease, permit, or license). (*Show Number of Outgrant*).
  - b. Utilities (i.e., electricity, natural gas or fuel oil, water, and sewage), heating and air conditioning, intra-station telephone service, and custodial and janitorial services to include garbage disposal and outdoor maintenance (such as grass cutting and snow removal) **in accordance with Volume 12, Chapter 33.**
  - c. DoD housing and minor dependent education in overseas locations for **FI** personnel in accordance with **Volume 12, Chapter 33.**
  - d. **Determination of** the recurring/frequency requirement for installation access and issue the appropriate installation and/or facility access credential consistent with local security requirements using Government authoritative databases for vetting purposes, as prescribed in **DoDM 5200.08, Vol. 3**: “Physical Security Program: Access to DoD Installations.”
7. Termination of this **OA must** be consistent with the termination provision of the real property lease and **the provisions within Volume 12, Chapter 33.**
8. Any provision of this Agreement that is contrary to or violates any laws, rules, or regulations of the United States, its agencies, or the state of (*state in which the **FI** is located*) that apply on federal installations **is** void and have no force or effect; however, both parties to this Agreement agree to notify the other party promptly of any known or suspected continuing violation of such laws, rules, or regulations.
9. So long as this Agreement remains in effect, it **must** be reviewed jointly by the commander and the **FI** at least once every 5 years to ensure compatibility with current DoD issuances and to determine if any changes are required to the Agreement.

Figure 33-2. Sample Operating Agreement Between Installation **Commanders** and FIs  
(Continued)

IN WITNESS WHEREOF, the commander and the **FI**, by their duly authorized offices, have hereunto set their hands this day of *(month, day, year)*.

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FINANCIAL INSTITUTION OFFICIAL

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INSTALLATION COMMANDER

Figure 33-3: Sample Certificate of Compliance for Credit Unions

I, *(name)*, Chairman of the Board of Directors or President of the *(credit union)*, located at *(place)*, certify that this credit union complies with the requirements of the Federal Credit Union Act (12 U.S.C. § 1770), for the allotment of space in federal buildings without charge for rent or services. The provision of no-cost office space is limited to credit unions if at least 95 percent of the membership to be served by the allotment of space is composed of individuals who are, or who were at the time of admission into the credit union, military personnel or federal employees, or members of their families.

*(Date)*

*(Name*

(Chairman of the Board of Directors or the President)

(Note: The Certificate of Compliance [must](#) be written on credit union letterhead)

**VOLUME 12, CHAPTER 34: “DIRECT ACCEPTANCE OF GIFTS BY MEMBERS  
OF THE ARMED FORCES, DEPARTMENT OF DEFENSE EMPLOYEES AND  
THEIR FAMILIES AND SURVIVORS”**

**SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [March 2022](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
2.2	Added the new provision of the amended Title 10, United States Code, section 2601a statute.	Revision

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## CHAPTER 34

**DIRECT ACCEPTANCE OF GIFTS BY MEMBERS OF THE ARMED FORCES,  
DEPARTMENT OF DEFENSE EMPLOYEES AND THEIR FAMILIES AND  
SURVIVORS**

## 1.0 GENERAL

## 1.1 Overview

Congress enacted Title 10, United States Code, section 2601a ([10 U.S.C. § 2601a](#)) which authorized the direct acceptance of gifts from outside sources by members of the armed forces and civilian employees of the Department of Defense (DoD), their family members and survivors, for injuries or illnesses incurred as a result of combat and other covered circumstances. Prior to enactment, employees and Service members were authorized to receive gifts from within the Department.

## 1.2 Purpose

This chapter establishes policy and assigns responsibilities to implement 10 U.S.C. § 2601a. The authority in 10 U.S.C. § 2601a is in addition to, and in no way limits, any other statutory or regulatory authority of covered members or employees, their family members, and their survivors to accept gifts from non-federal entities.

## 1.3 Authoritative Guidance

10 U.S.C. § 2601a provides authority to the Secretary of Defense to prescribe regulations allowing covered members of the armed forces, covered employees of the DoD, their family members, and their survivors to accept gifts from nonprofit organizations, private parties, and other sources outside the DoD under specified circumstances.

## 2.0 POLICY

## 2.1 Definitions

2.1.1. Covered Employee. A civilian DoD employee who, while an employee on or after September 11, 2001, incurred an illness or an injury under the criteria in this chapter.

2.1.2. Covered Member. A Service member who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness under the criteria in this chapter.

2.1.3. Designated Agency Ethics Official. A DoD employee appointed in writing by the head of the DoD agency to coordinate and manage the agency's ethics program.

2.1.4. Ethics Counselor. A DoD employee appointed in writing by the designated agency ethics official or designee to assist in implementing and administering the DoD component command's or organization's ethics program.

2.1.5. Family Members. Parents, siblings, spouse, biological and adopted children, and dependent relatives of covered members or employees.

2.1.6. Gift. Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services, as well as gifts of transportation, local travel, lodgings, and meals. It does not include those items excluded from the definition of "gift" in [Title 5, Code of Federal Regulations \(CFR\), section 2635.203\(b\)\(1\)-\(9\)](#).

2.1.7. Secretary Concerned. The Secretary of a Military Department who has jurisdiction over the military reservation, installation, ship, aircraft, or facility where an event occurs that meets the criterion of this chapter. The Secretary of Defense or designee, if the event meeting the criterion of this chapter occurs at a location that is not a military reservation, installation, or facility, or where more than one Secretary has jurisdiction.

2.1.8. Survivors. Living family members of a covered member or employee who is killed.

## \* 2.2 Gift to Covered Employees

Pursuant to the authority in 10 U.S.C. § 2601(a), covered members of the armed forces in the DoD and covered employees of DoD, their family members, and their survivors may accept gifts directly from nonprofit organizations, private parties, and other sources outside the DoD when, while performing military duties or performing duties as a civilian employee on or after September 11, 2001, they incur an injury or illness: (1) as a direct result of armed conflict; while engaged in hazardous service; in the performance of duty under conditions simulating war; or through an instrumentality of war; (2) in an operation or area designated as a combat operation or combat zone by the Secretary of Defense; (3) [that results in enrollment in a Warriors in Transition program, as defined in section 738\(e\) of the National Defense Authorization Act for Fiscal Year 2013 \(Public Law 112-239; 10 U.S.C. 1071 note\)](#); or (4) under other circumstances determined by the Secretary concerned to warrant treatment similar to members covered by the first criterion of this section.

## 2.3 Impermissible Gifts

The authority in 10 U.S.C. § 2601a does not apply to gifts from foreign governments or international organizations or their representatives, nor does it apply to gifts that: (1) are accepted in return for being influenced in the performance of an official act; (2) are solicited or coerced; (3) are accepted in violation of any other statute or regulation, including [18 U.S.C. § 201](#) and [18 U.S.C. § 209](#), and [5 CFR § 2635](#) and [5 CFR § 3601](#); or (4) will reflect adversely on the DoD.



## 2.4 Criteria for Gift Acceptance

2.4.1. Nonprofit organizations, private parties, and other sources outside DoD. The following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside DoD:

2.4.1.1. A member of the armed forces described in subparagraph 2.4.2.

2.4.1.2. A civilian employee of the DoD described in subparagraph 2.4.3.

2.4.1.3. The family members of such a member or employee.

2.4.1.4. Survivors of such a member or employee who is killed.

2.4.2. Covered members. Applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness:

2.4.2.1. As described in section 10 U.S.C. 1413a(e)(2);

2.4.2.2. In an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subparagraph 2.4.1; or

2.4.2.3. That results in enrollment in a Warriors in Transition program, as defined in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 1071 note);

2.4.2.4. Under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by subparagraph 2.4.1.1.

2.4.3. Covered Employees. Applies to a civilian employee of the DoD who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in subparagraph 2.4.2.

2.4.4. Gifts From Certain Sources Prohibited. Members and employees may not accept a gift from a foreign government or international organization or their agents under this authority.

2.4.5. Application of Certain Regulations. These regulations apply to the acceptance of gifts received after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001. The military services must apply uniformly to all elements of the DoD and require review and approval by an ethics counselor before acceptance of a gift to ensure that acceptance of the gift complies with the Joint Ethics Regulation.

### 3.0 RESPONSIBILITIES

#### 3.1 Under Secretary of Defense for Personnel and Readiness

The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) has the overall oversight responsibility on the implementation of this guidance. USD(P&R) monitors compliance with the provisions of this chapter pursuant to [DoD Directive 5124.02](#).

#### 3.2 Secretary Concerned

The Secretary concerned determines whether an event occurring within his or her jurisdiction meets the criterion of “other circumstances” as described in paragraph 2.2.

#### 3.3 Designated Agency Ethics Official

The relevant designated agency ethics official ensures that an ethics counselor reviews and, when appropriate, approves the acceptance of a gift in accordance with 10 U.S.C. § 2601a (a)(2)(B). That review and approval includes a determination that: (1) the gift is not offered in a manner that specifically discriminates among covered members or employees on the basis of type of official responsibility or favors those of higher rank or pay; (2) the donor does not have interests that may be affected substantially by the performance or nonperformance of the covered member’s or employee’s official duties; and (3) acceptance would not cause a reasonable person with knowledge of the relevant facts to question the integrity of DoD programs or operations.