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Description of document:	U.S. Army Documents Concerning Holdings of WW2-era Nazi/German Artworks, 1993-2002
Requested date:	10-May-2013
Released date:	04-June-2013
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Source of document:	FOIA Request U.S. Army Center of Military History 102 4th Avenue, Building 35 Fort McNair, DC 20319-5060 <a href="#">Army online FOIA Request form</a>
Note:	Some documents are undated

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**DEPARTMENT OF THE ARMY**  
**THE U.S. ARMY CENTER OF MILITARY HISTORY**  
**102 FOURTH AVENUE**  
**FORT LESLEY J. MCNAIR, DC 20319-5058**

June 4, 2013

Historical Resources Branch  
FOIA 13-005

This is in response to your FOIA request 13-005, dated May 10, 2013, in which you requested the following documents:

- 1) A copy or print out of a recent inventory of "nazi" artworks in the Center's collection.
- 2) A copy or print out of a recent inventory of "Hitler" artworks in the Center's collection.
- 3) A copy or any reports or memos (dated between 2002 and the present) concerning the "nazi" or Hitler artworks.
- 4) A copy of the policy concerning exhibition/handling/restrictions/loan of the "nazi" or Hitler artworks.

Please find, in .pdf format, on the enclosed computer disk, the following items in response to your request:

- 1) Attachment titled: 'German War Art in the Army Art Collection.'
- 2) Attachment titled: 'Hitler Artworks in the Army Art Collection.'
- 3) Attachment titled: 'Memo 3 Jan 2002.'
- 4) Attachment titled: 'Executive Summary 25 Feb 2002.'
- 5) Attachment titled: Information Paper dated 2001, that is mentioned in the 3 Jan 2002 memo.

- 6) A copy of AR 870-20 titled 'Army Museums, Historical Artifacts, and Art.'
- 7) A copy of AR 700-131 titled 'Loan, Lease, and Donation of Army Materiel.'
- 8) A copy of AR 27-60 titled 'Intellectual Property,' in which copyright restrictions are covered.

If you have questions regarding this request, please contact Mr. Frank R. Shirer at the above address or at telephone number (202) 685-3098 or via e-mail [Frank.Shirer@US.ARMY.MIL](mailto:Frank.Shirer@US.ARMY.MIL)

Sincerely,

A handwritten signature in cursive script that reads "Frank R. Shirer".

Frank R. Shirer  
Chief, Historical Resources Branch

## German War Art in the Army Art Collection:

- 28665 Drawing, Pastel, on Paper, "Interrogation Of Prisoners", by Agricola, Herbert, World War II
- 28666 Painting, Watercolor, on Paper, "Mass Hanging In The Public Park", by Agricola, Herbert, World War II
- 28667 Painting, Watercolor, on Paper, "Mass Hanging In A Public Park", by Agricola, Herbert, World War II
- 28668 Painting, Watercolor, On Paper, "View Of Cassino Abbey From Railroad Station", by Agricola, Herbert, 1944, World War II
- 28669 Drawing, Pastel, On Paper, "Cassino Abbey Under Fire", by Agricola, Herbert, 1944, World War II
- 28670 Drawing, Pastel, On Paper, "View Of Cassino Abbey From Above", by Agricola, Herbert, 1944, World War II
- 28671 Drawing, Pastel, On Paper, "Machine Gunners In Cloister Of Cassino", by Agricola, Herbert, 1944, World War II
- 28672 Painting, Watercolor, On Paper, "Railroad Gun Used Against Anzio Beachhead", by Agricola, Herbert, 1944, World War II
- 28673 Drawing, Pastel, On Paper, "Sharpshooter Aiming Rifle", by Ahrens, Arthur, 1943, World War II
- 28674 Painting, Oil, on Canvas, "Northern Coast Of Jutland", by Ahrens, Arthur, World War II
- 28675 Painting, Oil, on Canvas, "Advance In Russia", by Ahrens, Arthur, World War II
- 28676 Painting, Oil, On Canvas, "War Prisoners From Africa And The Middle East", by Ahrens, Max, World War II
- 28677 Painting, Oil, on Canvas, "South American And Sudanese Pows", by Ahrens, Max, World War II
- 28678 Painting, Oil, on Canvas, "Condor Legion Returning From Spain", by Albitz, Richard, 1939, World War II
- 28679 Painting, Watercolor, On Paper, "View Of Flak Position", by Ameln, Will, 1941, World War II
- 28680 Drawing, Ink, on Paper, "T/sgt In Flak Unit", by Ameln, Will, 1941, World War II
- 28681 Painting, Oil, on Canvas, "Reval, A Baltic Harbor", by Amersdorffer, Heinrich, 1943, World War II
- 28682 Painting, Watercolor, on Paper, "Small Hospital Ship In Norwegian Harbor", by Amersdorffer, Heinrich, 1944, World War II
- 28683 Painting, Oil, on Canvas, "Crossing By Ss Troops", by Anton, O, World War II
- 28684 Painting, Oil, on Canvas, "Ss Engineers During Crossing Of A River", by Anton, O, World War II
- 28685 Print, Lithograph, on Paper, "Combat Post, West Front", by Arens, Josef, 1940, World War II
- 28686 Print, Lithograph, on Paper, "Combat Post - West Front", by Arens, Josef, 1940, World War II
- 28687 Poster, Ink, on Paper, "German Coast Guard Boat", by Arens, Josef, 1940, World War II
- 28688 Drawing, Charcoal, on Paper, "Drunken Russians In Infantry Attack", by Arlart, 1942, World War II
- 28689 Painting, Oil, on Paper, "General Von Epp", by Barrenscheen, Hermann, 1937, World War II
- 28690 Painting, Oil, On Wood, "Bombing Raid On Berlin", by Becker, Wilhelm, 1943, World War II
- 28691 Drawing, Ink/Pastel, on Paper, "Storm Trooper", by Beckmann, Manny C., 1944, World War II
- 28692 Sculpture, Bronze, "Boy In Hitler Youth Organization", by Best-cronberg, Fritz, World War II, SN: M-007
- 28693 Drawing, Pencil, on Paper, "Hitler", by Betz, Ernest, 1938, World War II
- 28694 Painting, Watercolor, on Paper, "Three German Battleships", by Biese, Gerth, 1942, World War II
- 28695 Painting, Oil, On Canvas, "Troops On The Alert", by Bloss, Otto, World War II
- 28696 Painting, Oil, on Canvas, "Seige Gun on Banks of Weichsel River", by Bloss, Otto, World War II
- 28697 Painting, Watercolor, on Paper, "German Cruiser In Action", by Blossfeld, Karl, 1943, World War II
- 28698 Painting, Oil, on Paper, "German Naval Flotilla", by Boch, Auguste, 1940, World War II

28699 Painting, Watercolor, on Paper, "Soldiers' Graves Near A Windmill", by Bohme, JUL 1942, World War II

28700 Drawing, Pastel, on Paper, "Interior Of French Night Club", by Bohnsteen, 1943, World War II

28701 Painting, Watercolor, On Paper, ""Herman Goering" Defense Construction", by Brogle, 1939, World War II

28702 Painting, Watercolor, On Paper, ""Herman Goering" Defense Construction", by Brogle, 1939, World War II

28703 Painting, Oil, on Canvas, "Small German Village Celebrating Hitler's Birthday", by Brusenbauch, Arthur, 1939, World War II

28704 Drawing, Pastel, on Paper, "Admiral Karl E. Donitz & Staff", by Buchheim, Johannes, World War II

28705 Painting, Oil, on Paper, "Admiral Scheer", by Busch, Arnold, 1939, World War II

28706 Painting, Oil, on Paper, "Waterhole", by Busch, Karl, 1941, World War II

28707 Painting, Oil, on Canvas, "Ready To Fight", by Commichau-lippisch, B., 1944, World War II

28708 Painting, Oil, on Canvas, "Blast Furnace - Julien Foundry", by Daneke, Wilhelm, 1944, World War II

28709 Drawing, Pastel, on Paper, "Field Marshal Kesselring", by Datan, Ernest, 1944, World War II

28710 Drawing, Crayon, on Paper, "Celebration Of Nazis At Cologne", by Dettmann, Ludwig, SEP 1936, World War II

28711 Drawing, Pastel, on Paper, "Hitler Reviewing Ss Parade From Balcony", by Dettmann, Ludwig, World War II

28712 Painting, Oil, On Canvas, "Carl Vincent Krogmann, Mayor of Hamburg", by Dwinger, R. K., Germany, 1941, World War II

28713 Painting, Oil, On Canvas, "Brown Shirts Take Over, 23 February 1933", by Eber, Elk, German Nazi Party, Germany, 1937, Early-20th Century

28714 Drawing, Charcoal, on Paper, "German Soldier", by Ebner, Hans, 1943, World War II

28715 Painting, Watercolor, On Paper, "Russian Pow's Evacuating German Casualty", by Eichhorst, Franz, 1943, World War II

28716 Painting, Watercolor, On Paper, "Heavy Artillery Shelling Warsaw", by Eichhorst, Franz, 1939, World War II

28717 Painting, Watercolor, On Board, "Polenkampfer (Polish Fighter)", by Eichhorst, Franz, Germany, 1939, World War II

28718 Painting, Oil, on Canvas, "Reichminister Schwarz", by Einbeck, Walter, 1939, World War II

28719 Painting, Oil, on Canvas, "Reichminister Schwarz", by Einbeck, Walter, 1939, World War II

28720 Painting, Oil, on Canvas, "Reichminister Schwarz", by Einbeck, Walter, 1943, World War II

28721 Painting, Oil, on Canvas, "Reichminister Schwarz", by Einbeck, Walter, 1939, World War II

28722 Painting, Oil, on Canvas, "Reichminister Schwarz", by Einbeck, Walter, 1939, World War II

28723 Painting, Oil, on Canvas, "Ludwig Siebert, Government Official", by Einbeck, Walter, 1940, World War II

28724 Painting, Oil, On Canvas, "Rudolf Hess", by Einbeck, Walter, 1939, World War II

28725 Painting, Oil, on Canvas, "Oberburgermeister Reichsleiter Fiehler", by Einbeck, Walter, 1940, World War II

28726 Painting, Oil, On Canvas, "Adolf Hitler", by Einbeck, Walter, World War II

28727 Painting, Oil, on Canvas, "Rudolf Hess", by Einbeck, Walter, 1939, World War II

28728 Painting, Oil, On Canvas, "Assault At Armentiers (1918)", by Engelhardt-kyffhause, Otto Von, 1939, World War I

28729 Drawing, Pastel, On Paper, "French Volunteer In Waffen Ss", by Engelhardt-k, Otto Von, 1944, World War II

28730 Drawing, Pastel, On Paper, "French Volunteer In Waffen Ss", by Engelhardt-Kyffhauser, Otto Von, 1944, World War II

28731 Drawing, Pastel, On Paper, "French Volunteer In Waffen Ss", by Engelhardt-Kyffhauser, Otto Von, 1944, World War II

28732 Painting, Oil, on Canvas, "Walter Funk", by Erler, Fritz, 1940, World War II

28733 Painting, Oil, on Canvas, "State Minister Adolf Wagner", by Erler, Fritz, 1939, World War II

28734 Painting, Oil, on Canvas, "Reichminister Frick", by Erler, Fritz, 1939, World War II

28735 Painting, Oil, on Canvas, "Gauleiter Giester", by Erler, Fritz, 1940, World War II

- 28736 Sculpture, Bronze, "Adolf Hitler", by Esser, Max, Germany, World War II
- 28737 Sculpture, Bronze, Stone base, "Portrait Bust of Goering", by Esser, Max, German Nazi Party, Germany, 1943, World War II
- 28738 Painting, Oil, on Canvasboard, "View of Fromelles", by Feldmeyer, Roman, German Army, Germany, 1939, World War I
- 28739 Painting, Oil, on Canvas, "Anti-tank Gun In Action", by Feldmeyer, Roman, 1944, World War II
- 28740 Drawing, Pencil, on Paper, "Stretcher Bearers With Casualty", by Feldmeyer, Roman, NOV 1940, World War II
- 28741 Painting, Oil, on Canvas, "Gen Dietl", by Figge, Hugo, 1941, World War II
- 28742 Painting, Oil, on Canvas, "Major General H. J. Hoffman", by Fluggen, Hans, 1940, World War II
- 28743 Drawing, Pastel, On Paper, "Portrait Of French Volunteer", by Freitag, Fritz, 1941, World War II
- 28744 Painting, Tempera, On Paper, "German Infantry In Battle", by Freitag, Fritz, 1942, World War II
- 28745 Drawing, Charcoal, on Paper, "German Sailor On Watch", by Friedel, Fritz, 1941, World War II
- 28746 Drawing, Charcoal, on Paper, "Coastal Ships In Heavy Seas", by Friedel, Fritz, 1941, World War II
- 28747 Drawing, Pencil, on Paper, "German Naval Vessels At Lorient", by Friedel, Fritz, 1940, World War II
- 28748 Drawing, Pencil, On Paper, "Cherbourg Coast Artillery During Invasion", by Friedel, Fritz, 1944, World War II
- 28749 Painting, Oil, on Canvas, "German Freighter in an Atlantic Storm", by Friedel, Fritz, 1941, World War II
- 28750 Drawing, Pastel, On Paper, "View Of Charkov", by Friedrich, W., 1942, World War II
- 28751 Painting, Oil, on Canvas, "Julius Streicher", by Friese, M., 1939, World War II
- 28752 Painting, Oil, on Canvas, "Tanks Rolling For Attack", by Froemer, Friedhelm, 1943, World War II
- 28753 Drawing, Pastel, on Paper, "German Machine Gun Crew Near Oil Fire", by Froemer, Friedhelm, 1942, World War II
- 28754 Drawing, Pastel, On Paper, "German Tanks Advancing", by Froemer, Friedhelm, 1942, World War II
- 28755 Painting, Watercolor, On Paper, "View Of A German City From Flak Tower", by Funders, 1942, World War II
- 28756 Painting, Oil, on Plywood, "Nazi Evening Ceremony, Konig Platz", by Gartner, Fritz, 1933, World War II
- 28757 Painting, Oil, on Plywood, "Nazi Evening Ceremony, Konig Platz", by Gartner, Fritz, 1933, World War II
- 28758 Painting, Oil, on Canvas, "Sa Men Waving Banner Of The New Order", by Gasch, W., German Nazi Party, Germany, Circa 1934, World War II
- 28759 Painting, Oil, on Canvas, "Ss Soldiers In Winter Uniform", by Gebhardt, W.F., 1941, World War II
- 28760 Painting, Oil, on Canvas, "Alarm", by Georg, Helmut, 1942, World War II
- 28761 Painting, Oil, On Canvas, "Surprising Fire From Allies On German Tanks", by Georg, Helmut, 1942, World War II
- 28762 Painting, Oil, on Canvas, "Reichschatz-meister Schwarz, German Treasury", by Gerhardinger, 1942, World War II
- 28763 Drawing, Pencil, on Paper, "Portrait Of German Officer", by Gerster, O.h., 1944, World War II
- 28764 Painting, Oil, On Canvas, "Ingulez Bridge", by Gerster, O.h., 1944, World War II
- 28765 Painting, Oil, On Canvas, "Ss Troop Rescuing A Casualty", by Gerwin, Franz, German Nazi Party, Germany, Circa 1942, World War II
- 28766 Painting, Watercolor, On Paper, "After An Air Raid", by Gerwin, Klaus, 1943, World War II
- 28767 Painting, Oil, On Board, ""Hochofen" Blast Furnace", by Gessner, Richard, 1944, World War II
- 28768 Painting, Oil, on Canvas, "Smelting Works", by Gessner, Richard, 1944, World War II
- 28769 Painting, Watercolor, On Paper, "Winter Landscape", by Grabner, Egon, 1944, World War II
- 28770 Painting, Watercolor, on Paper, "Ruins & Desolation", by Grabner, Egon, 1944, World War II
- 28771 Painting, Watercolor, on Paper, "Ruins And Desolation", by Grabner, Egon, 1944, World War II
- 28772 Painting, Oil, On Paper, "Storm Trooper", by Grabner, P., German Air Force, JUL 1944, World War II

28773 Painting, Tempera, on Paper, "Grenade Thrower", by Grabner, P., 1944, World War II

28774 Painting, Watercolor, On Paper, "Coast Of Crete", by Grabner, P., 1943, World War II

28775 Painting, Watercolor, On Paper, "German Tank & Plane Attack", by Gross, E., 1942, World War II

28776 Painting, Oil, on Canvas, "SS Leibstandarte", by Hackenbroich, Anton, 1943, World War II

28777 Painting, Oil, On Board, "Advance - The Break In The Maginot Line", by Handel-mazzetti, 15 JUN 1940, World War II

28778 Painting, Watercolor, On Paper, "After The Tank Battle", by Handel-mazzetti, World War II

28779 Painting, Watercolor, on Paper, "Flying Field At Mount Elbrus", by Handel-mazzetti, 1942, World War II

28780 Painting, Watercolor, On Paper, "Kursk - August 1942", by Handel-mazzetti, AUG 1942, World War II

28781 Painting, Watercolor, On Paper, "Wrecked Tank Near Stalingrad", by Handel-mazzetti, 1942, World War II

28782 Painting, Watercolor, On Paper, "The Don River Near Woronesch", by Handel-mazzetti, 1942, World War II

28783 Painting, Watercolor, on Paper, "View Of The Don River", by Handel-mazzetti, 1942, World War II

28784 Painting, Watercolor, On Paper, "Village In Ukraine", by Handel-mazzetti, 1942, World War II

28785 Painting, Watercolor, on Paper, "Burning Of Woronesch", by Handel-mazzetti, 1942, World War II

28786 Painting, Watercolor, On Paper, "Wrecked German Tank Near Stalingrad", by Handel-mazzetti, 1942, World War II

28787 Painting, Watercolor, on Paper, "Distant View Of Battle From A Russian Town", by Handel-mazzetti, World War II

28788 Painting, Oil, On Canvas, "Constructing Bridge", by Handel-mazzetti, 1936, World War II

28789 Painting, Oil, on Canvas, "Central Square", by Hansel, World War II

28790 Painting, Watercolor, On Paper, "Artillery Battery In Winter", by Hanzl, R., 1941, World War II

28791 Drawing, Pastel, On Paper, "Spanish Division Commander", by Hanzl, R., 1942, World War II

28792 Painting, Watercolor, on Paper, "Advance Engineer Base Near Novgorod", by Hanzl, R., 1941, World War II

28793 Painting, Watercolor, On Paper, "Spanish Mortar Crew In Action In Russia", by Hanzl, R., 1942, World War II

28794 Drawing, Crayon, on Paper, "Tree Observation Post In Winter", by Hanzl, R., 1942, World War II

28795 Painting, Oil, on Canvas, "Armentieres, France", by Hayek, Hans Von, 1939, World War II

28796 Painting, Oil, on Canvas, "General Dietl", by Hengge, Josef, 1941, World War II

28797 Poster, Lithograph, On Paper, "May Day Celebration", by Hengstenberg, Rudolph, United States, 1937, World War II

28798 Poster, Lithograph, On Paper, "May Day Celebration", by Hengstenberg, Rudolph, United States, 1939, World War II

28799 Drawing, Pencil, on Paper, "Portrait Of German Officer", by Hensel, G. Fritz, 1943, World War II

28800 Drawing, Charcoal, on Paper, "Portrait Of German Officer", by Hensel, G. Fritz, 1943, World War II

28801 Drawing, Charcoal, on Paper, "Portrait Of German Officer Druffner", by Hensel, G. Fritz, 1943, World War II

28802 Drawing, Charcoal, on Paper, "Portrait Of German Officer Lartmann", by Hensel, G. Fritz, 1943, World War II

28803 Drawing, Pencil, on Paper, "Portrait Of German Officer Schlieben", by Hensel, G. Fritz, World War II

28804 Drawing, Pencil, on Paper, "Portrait Of German Officer Reiker", by Hensel, G. Fritz, 1943, World War II

28805 Painting, Watercolor, On Paper, "Ruined Bridge In Ukraine", by Hensel, G. Fritz, World War II

28806 Painting, Watercolor, On Paper, "Mired Traffic On Muddy Russian Road", by Hensel, G. Fritz, 1944, World War II

28807 Painting, Oil, on Canvas, "Regierungs President Gareis", by Henseler, M., 1940, World War II

28808 Painting, Watercolor, on Paper, "Hitler Laying Wreath On Shrine Of Nazi Martyrs", by Hermann, Paul, 1942, World War II

28809 Drawing, Charcoal, on Paper, "Portrait Of German Flying Officer", by Hermann, Willy, 1944, World War II

28810 Painting, Oil, on Canvas, "Oblique Blocking of Trenches", by Herrmann, Willy, German Army, Germany, 17 JAN 1945, World War II

28811 Painting, Oil, on Canvas, "Hitler In Brown Shirt Uniform", by Hess, F., World War II

28812 Painting, Oil, on Canvas, "Ss Man", by Hieger, R., World War II

28813 Painting, Watercolor, On Paper, "Motorized German Troops At Sunrise Ready To Move", by Hierl, A., 1944, World War II

28814 Painting, Watercolor, On Paper, "Trench Positions", by Hierl, A., 1944, World War II

28815 Painting, Watercolor, on Paper, "Infantry Patrol", by Hierl, A., 1945, World War II

28816 Drawing, Pencil, on Paper, "Portrait Of German Officer", by Hindorf, Hans, 1942, World War II

28817 Drawing, Pastel, on Paper, "Portrait Of General Arthur Hauffe", by Hindorf, Hans, 1943, World War II

28818 Drawing, Charcoal, On Paper, "Hitler (head In Profile)", by Hommel, Conrad, 1941, World War II

28819 Painting, Oil, on Canvas, "Portrait - Adolf Hitler", by Hommel, C., 1941, World War II

28820 Painting, Oil, on Canvas, "Heinrich Himmler", by Hommel, Conrad, 1943, World War II

28821 Painting, Oil, on Canvas, "A Brown Shirt in Street Fighting", by Hoyer, Hermann Otto, Germany, 1931, Early-20th Century

28822 Painting, Oil, on Canvas, "SA Man Rescuing Wounded Member In Street Fight aka Comrade", by Hoyer, Hermann Otto, German Nazi Party, Germany, 1933, World War II

28823 Painting, Oil, On Canvas, "In the Beginning was the Word", by Hoyer, Hermann Otto, Germany, 1937, Mid-20th Century

28824 Drawing, Charcoal, on Paper, "Signal Corps Linesman", by Illberger, 1942, World War II

28825 Painting, Watercolor, on Paper, "Soldiers In Railroad Station", by Janesch, Albert, 1942, World War II

28826 Painting, Watercolor, on Paper, "German Soldiers In Railroad Station", by Janesch, Albert, 1942, World War II

28827 Drawing, Pastel, on Paper, "Portrait Of Officer - I.g. Schmidt-richberg", by Janesch, Albert, 1944, World War II

28828 Painting, Gouache, on Paper, "Volunteer In Germany's Cossack Division", by Jordan, Olaf, World War II

28829 Painting, Gouache, on Paper, "Portrait Of A German General", by Jordan, Olaf, World War II

28830 Painting, Watercolor, On Paper, "Landscape Near Torun", by Kalina, 1942, World War II

28831 Painting, Watercolor, On Paper, "U-boat Bunker Construction", by Karb, 1943, World War II

28832 Painting, Oil, On Canvas, "Mounted Messenger", by Karner, Theodore, 1940, World War II

28833 Painting, Oil, on Canvas, "Organization Todt", by Kettler, Albrecht, 1942, World War II

28834 Painting, Oil, on Canvas, "Organization Todt", by Kettler, Albrecht, 1942, World War II

28835 Painting, Oil, on Canvas, "Organization Todt", by Kettler, Albrecht, 1942, World War II

28836 Painting, Oil, on Canvas, "German Officer - Franken", by Kinder, Hans, 1943, World War II

28837 Painting, Oil, on Canvas, "Portrait - German - Brandi", by Kinder, Hans, 1943, World War II

28838 Painting, Oil, on Canvas, "German Officer - Zurn", by Kinder, Hans, 1943, World War II

28839 Painting, Oil, on Canvas, "Ss Gruppenfuhrer Schaum", by Klein, R, 1940, World War II

28840 Painting, Oil, On Canvas, "Ortsgruppoe Leiter, Brandhofer", by Knirr, Heinrich, 1943, World War II

28841 Painting, Oil, on Canvas, "Hitler with Red Roses and a Chair", by Knirr, Heindrich, 1936, World War II

28842 Painting, Oil, On Canvas, "Portrait Of Hitler", by Knirr, Heindrich, 1939, World War II

28843 Painting, Watercolor, on Paper, "An Anti-aircraft Gunner", by Kohlmann, Hermann, 1941, World War II

28844 Painting, Oil, on Board, "A Motorcycle Messenger - Pfc Gerhardt Donath", by Kohlmann, Hermann, 1942, World War II

28845 Painting, Watercolor, on Paper, "Portrait Of A Sharpshooter", by Kranz, Kurt, 1944, World War II

28846 Painting, Watercolor, on Paper, "Evening Light On An Arctic Sea Coast", by Kranz, Kurt, 1944, World War II



28847 Painting, Watercolor, On Paper, "Summer Landscape In Finland", by Kranz, Kurt, 1942, World War II

28848 Painting, Watercolor, On Paper, "Fishing Village Of Vadzo", by Kranz, Kurt, 1943, World War II

28849 Painting, Watercolor, on Paper, "Harbor At Kirkens", by Kranz, Kurt, World War II

28850 Painting, Oil, on Canvas, "Guard In The East", by Krell, Ilse, 1943, World War II

28851 Drawing, Pastel, On Paper, "Benito Mussolini", by Krell, Ilse, 1944, World War II

28852 Painting, Oil, On Plywood, "The Flag Bearer - Hitler In Armor", by Lanzinger, Hubert, Germany, 1934, Early-20th Century

28853 Painting, Oil, on Canvas, "Feldherrnhalle", by Leola, Emmy, World War II

28854 Painting, Watercolor, on Paper, "Stormy Weather Over Germany - An Allegory", by Lindemann, 1931, World War II

28855 Painting, Oil, On Canvas, "Courier On Horseback", by Lipus, Rudolf, 1944, World War II

28856 Painting, Oil, On Canvas, "Panzer Attack, Eastern Front", by Lipus, Rudolf, Germany, 1944, World War II

28857 Painting, Oil, On Canvasboard, "Infantry In Trench Warfare", by Lipus, Rudolf, Germany, 1944, World War II

28858 Painting, Oil, On Canvas, "Supply Wagons In Winter", by Lipus, Rudolf, 1942, World War II

28859 Painting, Oil, On Plywood, "Sentry Post On The Beach Near Ostende", by Luenstroth, Franz Martin, 1940, World War II

28860 Painting, Oil, on Wood, "The Nation Calls", by Mann, H., 1941, World War II

28861 Painting, Watercolor, on Paper, "Flak Battery In Winter", by Marguardt, A., 1942, World War II

28862 Drawing, Ink, on Paper, "General Haccius", by Meister, Otto, 1942, World War II

28863 Drawing, Ink, on Paper, "The Good Comrade Portrait Of German Soldier", by Meister, Otto, 1942, World War II

28864 Drawing, Ink, on Paper, "German Officer Reading", by Meister, Otto, 1942, World War II

28865 Painting, Watercolor, On Paper, "Removing Wounded On Mountain Trail", by Meister, Otto, 1943, World War II

28866 Painting, Watercolor, On Paper, "Amphibious Landing", by Meister, Otto, World War II

28867 Painting, Oil, On Canvas, "Voss Street", by Mercker, E, Germany, World War II

28868 Painting, Oil, on Wood Panel, "Mount Cassino From Mount Cairo", by Mayer, Gottfried, World War II

28869 Painting, Oil, on Canvas, "Juhnlein, Corps Leader", by Mieke, Walter, 1939, World War II

28870 Sculpture, Bronze, Stone, "Heinrich Himmler", by Miller, Richard, World War II, SN: M-007

28871 Sculpture, Bronze, Stone, "Ss Officer Beckerle", by Miller, Richard, World War II

28872 Drawing, Ink/pencil, On Paper, "Infantry Post On The Channel Coast", by Muller-gera, World War II

28873 Painting, Watercolor, on Paper, "Interior Of Hospital Train", by Muller-linow, Bruno, World War II

28874 Drawing, Pastel, On Paper, "Detail Of Large Coastal Gun", by Muler-linow, Bruno, World War II

28875 Print, Photographic, on Paper, "Adolf Hitler", by Muthher, B., Germany, 1933, Early-20th Century

28876 Painting, Oil, On Canvas, "The Red Terror (allegory)", by Nagel, Willfried, 1942, World War II

28877 Painting, Oil, On Canvas, "88mm Gun Position", by Nagel, Willfried, 1943, World War II

28878 Painting, Oil, on Canvas, "Panzer Grenadiers At Don Steppes", by Nagel, Willfried, 1942, World War II

28879 Painting, Oil, on Canvas, "Vision Of An East Front Fighter", by Nagel, Willfried, 1943, World War II

28880 Painting, Watercolor, On Paper, "He (heinkel) Iii's Take-off For Stalingrad", by Nagel, Willfried, 1942, World War II

28881 Painting, Watercolor, On Paper, "The Red Follower", by Nagel, Willfried, 1942, World War II

28882 Painting, Oil, on Canvas, "The Great Horror", by Nagel, Willfried, 1942, World War II

28883 Sculpture, Bronze, "1st Lt. Nutzberg", by Niedner, Wolfgang, World War II

28884 Painting, Watercolor, on Paper, "After A Battle, Eastern Front", by Nordmann, J., 1944, World War II

28885 Painting, Watercolor, On Paper, "German Soldiers Listening To Radio Reports", by Nordmann, J., 1944, World War II

28886 Painting, Watercolor, On Paper, "Tanks Advancing On Misty Morning", by Nordmann, J., 1944, World War II

28887 Painting, Oil, On Canvas, "Weichsel River In Winter", by Nyssen, Leo, 1940, World War II

28888 Painting, Watercolor, on Paper, "German Wagon Train Moves Across Hogai Steppe", by Ohmayer, Max, 1941, World War II

28889 Drawing, Charcoal, on Paper, "Funeral Of Gen. Von Schobert", by Ohmayer, Max, 1941, World War II

28890 Painting, Watercolor, On Paper, "German Camp", by Ohmayer, Max, 1943, World War II

28891 Drawing, Charcoal, on Paper, "German Grenade Thrower", by Ohmayer, Max, 1942, World War II

28892 Painting, Oil, On Canvas, "Sentry On Duty", by Ohmayer, Max, World War II

28893 Painting, Oil, on Canvas, "General Hanicke", by Oppermann, W., 1944, World War II

28894 Drawing, Pastel, on Paper, "Ss Man", by Orth, Ludwig, 1943, World War II

28895 Painting, Oil, on Masonite, "Professor Heinrich Hoffmann", by Pauser, Sergius, 1941, World War II

28896 Painting, Oil, on Canvas, "Von Hindenburg - 1915", by Peterson, Walter, 1939, World War II

28897 Painting, Oil, On Canvas, "Gauleiter Murr", by Pitthan, Wilhelm Otto, 1943, World War II

28898 Painting, Oil, On Canvas, "Sd Fuhrer Heydrich", by Pitthan, Wilhelm Otto, 1942, World War II

28899 Painting, Oil, On Masonite, "Mutschmann", by Pitthan, Wilhelm Otto, 1941, World War II

28900 Painting, Oil, On Masonite, "Dr. Dey", by Pitthan, Wilhelm Otto, 1939, World War II

28901 Painting, Oil, on Masonite, "Martin Bormann", by Pitthan, Wilhelm Otto, 1941, World War II

28902 Painting, Oil, On Masonite, "Nazi Official", by Pitthan, Wilhelm Otto, 1941, World War II

28903 Painting, Oil, On Masonite, "Dr. Gerhard Wagner", by Pitthan, Wilhelm Otto, 1942, World War II

28904 Painting, Oil, On Masonite, "Dr. Gerhard Wagner", by Pitthan, Wilhelm Otto, 1942, World War II

28905 Painting, Oil, On Masonite, "Party Fuhrer", by Pitthan, Wilhelm Otto, 1942, World War II

28906 Painting, Oil, on Masonite, "Portrait of Alfred Rosenberg", by Pitthan, Wilhelm Otto, German Nazi Party, Germany, 1942, World War II

28907 Painting, Oil, On Masonite, "Party Fuhrer Sprenger", by Pitthan, Wilhelm Otto, 1941, World War II

28908 Painting, Oil, On Masonite, "Gauleiter Giessler", by Pitthan, Wilhelm Otto, 1943, World War II

28909 Painting, Oil, On Canvas, "Hierl Konst", by Pitthan, Wilhelm Otto, World War II

28910 Painting, Oil, On Canvas, "Reich Minister Frick", by Pitthan, Wilhelm Otto, 1942, World War II

28911 Painting, Oil, On Canvas, "Nskk Fuhrer", by Pitthan, Wilhelm Otto, 1942, World War II

28912 Painting, Oil, On Canvas, "Gauleiter Robert Wagner", by Pitthan, Wilhelm Otto, 1944, World War II

28913 Painting, Oil, On Masonite, "Hilgenfeldt", by Pitthan, Wilhelm Otto, 1943, World War II

28914 Painting, Oil, on Masonite, "Ritter Von Epp", by Pitthan, Wilhelm Otto, 1942, World War II

28915 Painting, Watercolor, on Paper, "Opera Square At Bordeaux", by Preiss, Walter, 1942, World War II

28916 Painting, Watercolor, On Paper, "Bombers Take-off From Airfield", by Preiss, Walter, 1943, World War II

28917 Painting, Watercolor, On Paper, "Italian Town Under Bombardment", by Preiss, Walter, 1944, World War II

28918 Drawing, Pencil, On Paper, "View Of Anzio Beachhead From Artillery Op", by Preiss, Walter, 1944, World War II

28919 Drawing, Charcoal, on Paper, "German Air Force Commander", by Preiss, Walter, 1943, World War II

28920 Painting, Watercolor, On Paper, "Knocked-out Tanks In Russian Town", by Preiss, Walter, 1941, World War II

28921 Painting, Watercolor, on Paper, "Assault Boats Crossing Po River", by Preiss. Walter, World War II

28922 Painting, Watercolor, On Paper, "Bombing Of Po River Bridge Near Ferrara", by Preiss, Walter, 1944, World War II

28923 Painting, Watercolor, On Paper, "After Raid On Po River Bridge", by Preiss, Walter, 1944, World War II

28924 Painting, Watercolor, on Paper, "View Of Bombing Raid From Monte Secco", by Preiss, Walter, 1944, World War II

28925 Painting, Watercolor, on Paper, "Entrance To Brenner Pass", by Preiss, Walter, 1944, World War II

28926 Painting, Watercolor, on Paper, "Cattle Cross Po At Ferry Point", by Preiss, Walter, 1944, World War II

28927 Painting, Watercolor, on Paper, "Bomber Attack On Po River Bridge", by Preiss, Walter, 1944, World War II

28928 Painting, Watercolor, On Paper, "After Bomber Raid, Market Place", by Preiss, Walter, 1945, World War II

28929 Painting, Oil, on Canvas, "88's Used Against Russian Tanks", by Preiss, Walter, 1942, World War II

28931 Painting, Watercolor, On Paper, "Ss Military School At Bad Tolz", by Protzen, C.t., 1943, World War II

28932 Painting, Watercolor, On Paper, "Inner Harbor", by Raible, Karl, 1943, World War II

28933 Painting, Watercolor, On Paper, "Hamburg Waterfront During Night Air Raid", by Raible, Karl, 1943, World War II

28934 Painting, Watercolor, on Paper, "Air Raid On Hamburg", by Raible, Karl, 1943, World War II

28935 Painting, Watercolor, on Paper, "Searchlights And Tracers", by Raible, Karl, 1943, World War II

28936 Painting, Watercolor, on Paper, "Air Raid On Hamburg", by Raible, Karl, 1943, World War II

28937 Painting, Watercolor, on Paper, "Air Raid On Hamburg", by Raible, Karl, 1943, World War II

28938 Painting, Watercolor, on Paper, "Air Raid On Hamburg", by Raible, Karl, 1943, World War II

28939 Painting, Watercolor, On Paper, "Night Air Raid Over Hamburg", by Raible, Karl, World War II

28940 Painting, Watercolor, On Paper, "Harbor At Hamburg During Air Raid", by Raible, Karl, World War II

28941 Painting, Watercolor, On Paper, "Air Raid On Berlin", by Raible, Karl, World War II

28942 Painting, Watercolor, on Paper, "Air Raid On Berlin Viewed From Potsdam", by Raible, Karl, 1943, World War II

28943 Painting, Oil, On Canvas, "French Fleet Under Fire - 1914", by Ramberg, A. Von, 1914, World War I

28944 Painting, Oil, On Canvas, "Austrian Gun Boats Dueling With Shore Batteries -", by Ramberg, A. Von, 1914, World War I

28945 Painting, Oil, on Canvas, "Horse-drawn Caissons Artillery - Wwi", by Reich, Albert, World War I

28946 Painting, Oil, on Canvas, "Government Collecting Station For Clothing", by Reich, Albert, 1942, World War II

28947 Painting, Oil, On Canvas, "Infantry Assault", by Reumann, Armin, 1943, World War II

28948 Painting, Oil, on Canvas, "General Kluck 1915", by Rhein, Fritz, Early-20th Century

28949 Painting, Oil, on Canvas, "A. Hitler", by Rickelt, Karl, 1936, World War II

28950 Print, Woodcut, on Paper, "Nazi Thanksgiving Celebration At Bueckenburg", by Riege, Rudolf, 1939, World War II

28951 Print, Woodcut, on Paper, "Wounded Soldiers At Railway Station", by Riege, Rudolf, World War II

28952 Painting, Oil, on Canvas, "General Dietl", by Rizek, Emil, 1943, World War II

28953 Painting, Watercolor, on Paper, "Transporting Wounded By Dog Sled", by Rizek, Emil, 1944, World War II

28954 Painting, Oil, On Canvas, "Soldier And War Dog In The Snow", by Rizek, Emil, 1944, World War II

28955 Painting, Watercolor, on Paper, "Cartoon - The New Comet", by Roeseler, A., World War II

28956 Sculpture, Bronze, "A. Hitler", by Rohring, Adolf, World War II

28957 Painting, Oil, On Canvas, "Professor Paul Ludwig Troost, Baumeister", by Roloff, Paul, 1936, World War II

28958 Painting, Oil, on Canvas, "Mounter Trooper", by Roloff, Paul, World War II

28959 Painting, Oil, on Canvas, "Panzer Attack", by Rose, W., 1940, World War II

28960 Painting, Oil, On Canvas, "Military Still Life", by Rossmanit, Hans, 1941, World War II

28961 Painting, Oil, On Paper, "Food And Ammunition Carriers", by Rossmanit, Hans, 1942, World War II, SN: M-007

28962 Painting, Oil, On Canvas, "German Infantry Advancing Over Supply Road", by Rossmanit, Hans, 1942, World War II

- 28963 Print, Lithograph, on Paper, "Mass Celebration - Mother's Day", by Rothmaier, M., 1933, World War II
- 28964 Painting, Oil, on Masonite, "Soldiers on the West Front", by Sauter, Wilhelm, Frame 74-7/8" x 102-1/8"x1-1/2", Germany, 1941, World War II
- 28965 Painting, Oil, on Canvas, "East Front Fighters", by Sauter, Wilhelm, 1944, World War II
- 28966 Painting, Oil, on Canvas, "A. Hitler", by Schachinger, Hans, 1942, World War II
- 28967 Painting, Watercolor, on Paper, "Assault Crossing Of The Dniepr River", by Scharf, Theo, 1941, World War II
- 28968 Painting, Watercolor, on Paper, "Russian Night Fighter Attack On Totvazsonny", by Scharf, Theo, 1945, World War II
- 28969 Painting, Oil, on Linen, "Hitler at the Front", by Scheibe, Emil, Germany, 1942, World War II
- 28970 Painting, Oil, on Canvas, "Artillery Position Near Thermopylae", by Schlesing, Heiner, German Army, Germany, 1943, World War II
- 28971 Painting, Oil, on Canvas, "Thermopylen Pass", by Schlesing, Heiner, 1943, World War II
- 28972 Painting, Oil, on Paper, "A Port In Southern France", by Schlesing, Heiner, 1943, World War II
- 28973 Painting, Oil, on Canvas, "Shore Defenses", by Schlesing, Heiner, 1943, World War II
- 28974 Painting, Oil, On Canvas, "Schnell Boats Laying Smoke Screen", by Schloemann, Eduard, 1941, World War II
- 28975 Painting, Oil, On Canvas, "Headed For Narvik", by Schloemann, Eduard, 1941, World War II
- 28976 Painting, Oil, on Canvas, "Victor Returning (u-boat Entering Harbor)", by Schloemann, Eduard, 1940, World War II
- 28977 Painting, Watercolor, On Paper, "German Freighter Loading At Naples", by Schloemann, Eduard, 1942, World War II
- 28978 Drawing, Pastel, On Paper, "Young Girl Of Youth Organization", by Schmitt, E., 1931, World War II
- 28979 Painting, Oil, on Canvas, "Hitler Putsch, 9 Nov 1923 - Munich", by Schmitt, H., 1940, World War II
- 28980 Drawing, Charcoal, on Paper, "Small German Boat Under Air Attack", by Schmitz-westerholt, 1941, World War II
- 28981 Drawing, Pastel, on Paper, "Machine Gun Crew In Street Fighting", by Schmitz-westerholt, World War II
- 28982 Drawing, Charcoal, on Paper, "3/10", by Schmitz-westerholt, 1940, World War II
- 28983 Painting, Watercolor, on Paper, "Two Ships In Moonlight", by Schmitz-westerholt, 1944, World War II
- 28984 Drawing, Charcoal, On Paper, "Ski Troops In Norway Invasion", by Schmitz-westerholt, 1940, World War II
- 28985 Painting, Oil, on Board, ""bismark" Sinking British Battleship "hood""", by Schmitz-westerholt, 1942, World War II
- 28986 Painting, Oil, on Canvas, "German Military Services", by Schmitz-Wiedenbruck, Hans, Frame size 83-1/8" x 98" x 2", Germany, 1941, World War II
- 28987 Painting, Watercolor, on Paper, "A Watering Place In A Russian Town", by Schmock, Walter, World War II
- 28988 Painting, Watercolor, on Paper, "Winter Street Scene In Kursk", by Schmock, Walter, World War II
- 28989 Painting, Watercolor, on Paper, "German Infantry March Through A Russian Village", by Schmock, Walter, 1943, World War II
- 28990 Painting, Watercolor, On Paper, "The Main Road Through Kursk", by Schmock, Walter, World War II
- 28991 Drawing, Pencil, on Paper, "German Infantry In Greek Mountains", by Schmock, Walter, 1944, World War II
- 28992 Painting, Oil, on Canvasboard, "Machine Gun Position at Verdun, 1916", by Schnurpel, Herbert, German Army, Germany, 1941, World War I
- 28993 Painting, Oil, on Canvas, "Again on Assault, World War I", by Schnurpel, Herbert, 1941, World War I
- 28994 Painting, Oil, on Board, "View of Smolensk", by Schroder, Heinrich, German Army, Germany, 1941, World War II
- 28995 Drawing, Charcoal, on Paper, "Lt. Gen Deszloch", by Schroder, Heinrich, 1941, World War II
- 28996 Drawing, Pastel, on Paper, "Soldier In Helmet", by Schroder, Heinrich, 1942, World War II
- 28997 Drawing, Pastel, on Paper, "Tank Man", by Schroder, Heinrich, 1941, World War II
- 28998 Drawing, Ink, on Paper, "Hanged Partisan", by Schroder, Heinrich, 1941, World War II

28999 Painting, Watercolor, On Paper, "Salvage Operations In A Norwegian Harbor", by Schroeder-brandstadt,, 1941, World War II

29000 Drawing, Pencil, on Paper, "Shore Defenses Near Orne River", by Schroeder-brandstadt,, 1944, World War II

29001 Drawing, Crayon, on Paper, "The Greatest Sacrifice", by Schwarte-welweg, Hans, 1944, World War II

29002 Drawing, Pencil, on Paper, "Setting Out Of A Nation", by Schwarte-helweg, Hans, 1942, World War II

29003 Drawing, Pencil, on Paper, "A Soldier On Shore Patrol", by Schwerdtfeger, Harold, World War II

29004 Drawing, Pencil, on Paper, "A Sentry On Shore Patrol", by Schwerdtfeger, Harold, World War II

29005 Drawing, Pencil, on Paper, "A German Officer On The East Front", by Schwerdtfeger, Harold, 1944, World War II

29006 Drawing, Pencil, on Paper, "A German Soldier - East Front", by Schwerdtfeger, Harold, 1944, World War II

29007 Painting, Watercolor, on Paper, "Construction Foreman For German Defenses", by Seyppel, Hans, 1942, World War II

29008 Painting, Watercolor, On Paper, "Large Coastal Gun Under Nets", by Seyppel, Hans, 1943, World War II

29009 Print, Woodcut, On Paper, "The Family", by Sluyterman, Georg, World War II

29010 Print, Woodcut, on Paper, "In Memory Of Those Who Serve Their Country", by Sluyterman, Georg, World War II

29011 Print, Woodcut, on Paper, "Sa Man (brown Shirt Organization)", by Sluyterman, Georg, World War II

29012 Print, Woodcut, on Paper, "The Worker", by Sluyterman, Gerog, World War II

29013 Print, Woodcut, On Paper, "The Farmer", by Sluyterman, Georg, World War II

29014 Print, Woodcut, on Paper, "Grenade Thrower", by Sluyterman, Georg, World War II

29015 Drawing, Pastel, On Paper, "Paratrooper - Tank Destroyer Unit", by Spiegel, Ferdinand, 1941, World War II

29016 Painting, Oil, on Canvas, "Nazi Vision of Greatness at Mass Celebration", by Spitz, Richard, World War II

29017 Drawing, Ink, on Paper, "Ghetto In Lublin", by Stehr, H., 1941, World War II

29018 Drawing, Ink/wash/gouache/pencil, On Paper, "Jewish Prisoners From Ukraine", by Stehr, H., Ukraine, 15 JUL 1941, World War II

29019 Drawing, Pencil, on Paper, "Ss Trooper Near Kiev", by Stehr, H., 1941, World War II

29020 Drawing, Charcoal, On Paper, "Portrait Of A Russian Jew Wearing Glasses-charkov", by Stehr, H., Ukraine, 28 JAN 1941, World War II

29021 Painting, Watercolor, on Paper, "Cruisers On The Move", by Storch, Karl, World War II

29022 Painting, Oil, on Board, "Ship Building At Stettin", by Storch, Karl, 1943, World War II

29023 Painting, Oil, on Canvas, "Coastal Sentries on Alert", by Strauss, Wilhelm, German Army, Germany, 1942, World War II

29024 Painting, Oil, On Canvas, "The End Of Dieppe", by Strauss, Wilhelm, World War II, SN: M-007

29025 Painting, Watercolor, On Paper, "Barrage Balloons On Atlantic Coast", by Strauss, Wilhelm, World War II

29026 Print, Woodcut, on Paper, "Battle Helmet - Poster", by Strauss, Wilhelm, World War II

29027 Painting, Oil, on Canvas, "Dr. Hugo Jury - Governor Of Niederdonau", by Streit, Robert, 1941, World War II

29028 Drawing, Pencil, on Paper, "Portrait Of Finnish Girl Volunteer", by Stucke, W., NOV 1941, World War II

29030 Painting, Watercolor, On Paper, "View Of Le Havre", by Thiel, 1941, World War II

29031 Painting, Oil, on Board, "Group Of Russian Prisoners - Arctic Frontier", by Thiel, 1945, World War II

29032 Painting, Oil, on Canvas, "Mountain Fighters", by Thiele, F., 1940, World War II

29033 Painting, Oil, on Canvas, "Mountain Troops", by Thiele, F., 1940, World War II

29034 Painting, Oil, on Canvas, "New Soldiers Arriving In Trenches", by Thony, Eduard, World War II

29035 Painting, Watercolor, on Paper, "Nazi Bonfire Rally", by Thony, Eduard, 1932, World War II

29036 Painting, Watercolor, On Paper, "Marching Ss Troop", by Thony, Eduard, World War II

29037 Painting, Oil, on Canvas, "Tank Officer Reporting to General Rommel in Field", by Thony, Eduard, 1943, World War II

29038 Painting, Oil, on Canvas, "Portrait of Hitler", by Triebsch, Franz, 1939, World War II

29039 Painting, Oil, On Canvas, "Portrait Of Count Schlieffen", by Triebsch, Franz, 1940, World War II

29040 Painting, Watercolor, on Paper, "Military Rest Home At Balaclava", by Troendle, 1943, World War II

29041 Painting, Oil, on Canvas, "Ss Mountain Troops", by Tschech, W., 1944, World War II

29042 Painting, Oil, On Masonite, "High Nazi Morale Amid The Rubble", by Tschech, W., 1944, World War II

29043 Drawing, Charcoal, on Paper, "Portrait Of Panzer Leader", by Unterberger, K.s., 1940, World War II

29044 Painting, Watercolor, On Paper, "Road To Chudovo", by Vahle, Fritz, 1942, World War II

29045 Painting, Oil, On Board, "Hitler and His Personal Staff at The Feldhernhalle in Munich", by Van Hamme, Peter, Germany, 1934, Early-20th Century

29046 Painting, Oil, on Canvas, "State Secretary K.h. Frank", by Vietze, Josef, 1940, World War II

29047 Painting, Oil, on Canvas, "Ss Leader Heydrich", by Vietze, Josef, 1941, World War II

29048 Painting, Oil, On Canvas, "Ludendorff", by Vogel, H., 1915, World War I

29049 Painting, Oil, on Plywood, "1st Reich Chancellor Bismark 1886", by Weidig, F., 1933, World War II

29050 Painting, Oil, On Canvas, "Infantry Before An Attack", by Werner, Rudolf S., 1944, World War II, SN: M-007

29051 Painting, Oil, on Canvas, "Professor Dr. Matting", by Wessel, Adolf, 1943, World War II

29052 Painting, Watercolor, On Paper, "German Defense Line", by Wessel, Wilhelm, 1942, World War II

29053 Drawing, Pastel, on Paper, "Desert Oasis", by Wessel, Wilhelm, 1942, World War II

29054 Painting, Watercolor, On Paper, "Tank Advance In Libya", by Wessel, Wilhelm, 1942, World War II

29055 Drawing, Pastel, On Paper, "Breakthrough At Libya", by Wessel, Wilhelm, 1942, World War II

29056 Drawing, Pastel, On Paper, "Beach Near Tobruk", by Wessel, Wilhelm, 1942, World War II

29057 Drawing, Pastel, On Paper, "View Of Anzio Beachhead", by Wessel, Wilhelm, 1944, World War II

29058 Drawing, Pastel, On Paper, "Scene At Nettuno", by Wessel, Wilhelm, 1944, World War II

29059 Drawing, Pastel, On Paper, "Italian Landscape", by Wessel, Wilhelm, 1944, World War II

29060 Drawing, Pastel, On Paper, "Shell Fire On Road 12 Miles South Of Bologna", by Wessel, Wilhelm, World War II

29061 Painting, Oil, on Canvas, "Assembly Point for Wounded", by Wessel, Wilhelm, 1945, World War II

29062 Drawing, Pastel, on Paper, "Two Finnish Girls In Nazi Organization", by Willrich, Wolfgang, 1942, World War II

29063 Drawing, Pastel, on Paper, "Finnish Girl In Nazi Organization", by Willrich, Wolfgang, 1942, World War II

29064 Drawing, Pastel, On Paper, "German General Schorner", by Willrich, Wolfgang, 1942, World War II

29065 Drawing, Pastel, on Paper, "Nazi General", by Willrich, Wolfgang, World War II

29066 Print, Woodcut, on Paper, "Grenade Thrower", by Wittrish, I. G., 1941, World War II

29067 Painting, Watercolor, On Paper, "Shore Defenses On Channel Coast", by Wolf, Alban, World War II

29068 Painting, Watercolor, On Paper, "Ruins Left By World War I", by Wolf, Alban, 1942, World War II

29069 Painting, Watercolor, On Paper, "Along The Moat", by Wolf, Alban, 1942, World War II

29070 Painting, Oil, on Canvas, "The German Forge", by Wolf, Oschatz, 1924, Early-20th Century

29071 Painting, Watercolor, on Paper, "German Torpedo Boats On Night Operation", by Zeeden, Walter, 1944, World War II

29072 Painting, Oil, On Canvas, "Hitler", by Zill, R.g., 1942, World War II

29073 Painting, Oil, on Canvas, "Gov. Mutschmann", by Zill, R.g., World War II

30436 Painting, Watercolor, On Paper, "Ruins At Riga, Latvia", by Raible, Karl, World War II

30437 Painting, Oil, on Canvasboard, "British German Infantry Clash", by Reich, Anton, German Army, Germany, World War

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- 30438 Painting, Watercolor, on Paper, "Flak Barges In Bordeaux Harbor", by Preiss, Walter, World War II
- 30439 Painting, Oil, On Canvas, "View Of Marseille", by Prochaska, Heinrich, German Army, 1943, World War II
- 478882 Painting, Watercolor, On Paper, "Flak Tower on the Ruhr", by Nagel, Willfried, France, 1942, World War II
- 588837 Painting, Ink Wash, On Paper, "Supply Column Advancing During Rainstorm", by Hensellek, W., Germany, 1942, World War II
- 588838 Painting, Watercolor, On Paper, "Antitank Weapons in Action", by Preiss, Walter, Germany, 1942, World War II
- 601814 Painting, Oil, On Paper, "8.8 Flak on a "Flak Hill"", by Koenig, Arno, Russia, MAR 1943, World War II
- 821807 Drawing, Pastel, on Paper, "Bearded Russian Prisoner", by Raible, Karl, German Army, Russia, World War II
- 29075 Sculpture, Bronze, "Adolf Hitler", by Hub, Emil, Germany, World War II
- 29076 Sculpture, Granite, "Adolf Hitler", by Unidentified, World War II
- 29077 Sculpture, Marble, "Mussolini", by Thorak, Joseph, World War II
- 29078 Sculpture, Bronze, "General Ritter Von Epp", by Unidentified, World War II
- 29079 Sculpture, Bronze, "Emanuel Kitler", by Schmidt-ehmen,, 1933, World War II
- 29080 Painting, Watercolor, On Paper, "Railway Embankment", by Hitler, Adolf, Austro-Hungarian Army, MAY 1917, World War I
- 29081 Painting, Watercolor, On Paper, "Street In Vienna", by Hitler, Adolf, Germany, 1914, World War I
- 29082 Painting, Watercolor, On Paper, "Old Court In Munich", by Hitler, Adolf, 1914, Early-20th Century
- 29083 Painting, Watercolor, On Paper, "Ruins Of A Shelled Village", by Hitler, Adolf, Austro-Hungarian Army, Belgium, 1917, World War I
- 29084 Painting, Oil, On Canvas, "Neutorgraben", by Geissl,, World War II
- 29085 Painting, Oil, on Canvas, "Ritter Von Epp", by Kaiser, B., 1920, World War II
- 29086 Painting, Oil, On Masonite, "Cannon In Coastal Defense", by Jobst, J., Germany, 1943, World War II
- 29087 Painting, Oil, on Canvas, "Ritter Von Epp", by Kaiser, B., 1920, World War II
- 29088 Painting, Oil, on Canvas, "War In Flanders", by Hayek, Hans Von, ~
- 29089 Painting, Oil, on Canvas, "Lorettohohe 1940", by Bloss-eisfeld,, 1940, World War II
- 29090 Painting, Oil, on Canvas, "SS Man as Soldier", by Roloff, Paul, World War II
- 29091 Tapestry, "Nazi Marching Through Munich", by Unidentified, World War II
- 29092 Tapestry, "Tapferkeit", by Weineberger, M., World War II
- 29093 Painting, Oil, on Canvas, "Ritter Von Epp", by Eissfeldt, H., World War II
- 29094 Painting, Oil, On Canvas, "Hitler Youth", by Unidentified, World War II
- 29095 Painting, Oil, on Canvas, "Council Of Generals", by Palmie, Gishert, World War II
- 29096 Print, Photographic, on Paper, "Nazi Building", by Unidentified, Mid-20th Century
- 29097 Print, Photographic, on Paper, "Nazi Building", by Unidentified, Mid-20th Century
- 29098 Painting, Oil, on Canvas, "Nazi People Giving Nazi Heil!", by Erler, Fritz, 1935, Early-20th Century
- 29099 Painting, Oil, on Canvas, "Soldiers", by Eichhorst, Franz, World War II
- 29100 Painting, Oil, On Canvas, "Artillery In Battle", by Boehme, Hans, World War II, SN: M-011
- 29101 Painting, Oil, on Canvas, "Feldherrnhalle at Munich", by Erler, Fritz, Early-20th Century
- 29102 Painting, Oil, on Canvas, "Two Ss Soldiers", by Anton, O, World War II
- 29103 Painting, Oil, on Canvas, "State Funeral", by Dombrowsky, World War II

- 29104 Painting, Oil, On Canvas, "Representatives Of Various Professions", by Toppner, H., World War II
- 29105 Painting, Oil, on Canvas, "Nazi People on 9th November", by Erler, Fritz, 1935, Early-20th Century
- 29106 Painting, Oil, on Canvas, "U-boat Near A Castle", by Bergen, Claus, World War II
- 29107 Painting, Oil, On Canvas, "Fallschirmjager - (invasion Of Crete)", by Baitz, Theodore, 1941, World War II
- 29108 Painting, Oil, on Canvas, "Return Of A U-boat", by Bergen, Claus, World War II
- 29109 Painting, Watercolor, on Paper, "Landscape Of The Port Of Lorient", by Bock, Adolf, 1941, World War II
- 29110 Painting, Watercolor, on Paper, "U-boat In The Port Of St. Nazaire", by Bock, Adolf, World War II
- 29111 Painting, Watercolor, on Board, "Men Of War In The Port Of Brest", by Bock, Adolf, 1941, World War II
- 29112 Painting, Watercolor, On Board, "U-boat Lying In The Dock", by Bock, Adolf, France, 1941, World War II
- 29113 Painting, Watercolor, On Paper, "Three U-boats In The Port Of Nazaire", by Bock, Adolf, 1942, World War II
- 29114 Print, Print, on Paper, "Uniform Of Private Of The 5th Mounted Co.", by Scharf, L, World War II





## Hitler Artworks in Army Art Collection:

- 29080 Painting, Watercolor, On Paper, "Railway Embankment", by Hitler, Adolf, Austro-Hungarian Army, MAY 1917, World War I
- 29081 Painting, Watercolor, On Paper, "Street In Vienna", by Hitler, Adolf, Germany, 1914, World War I
- 29082 Painting, Watercolor, On Paper, "Old Court In Munich", by Hitler, Adolf, 1914, Early-20th Century
- 29083 Painting, Watercolor, On Paper, "Ruins Of A Shelled Village", by Hitler, Adolf, Austro-Hungarian Army, Belgium, 1917, World War I





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CENTER OF MILITARY HISTORY  
103 THIRD AVENUE  
FORT LESLEY J. McNAIR DC 20319-5058



DAMH-MD

03 JAN 2002


MEMORANDUM THRU DIRECTOR OF THE ARMY STAFF

FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE  
AFFAIRS)

SUBJECT: Background Information on German Art in the Army's Historical Collection

1. As you know, the Department of the Army Historical Advisory Committee (DAHAC) took interest in the Nazi Art held by the Center of Military History and recommended that it be returned to Germany. You committed to review the issue in due course.
2. The enclosed information paper describes the origins of the issue and the basic concerns involved. The enclosed photos are representative of the collection.
3. We recommend that you review these materials for your information. We will undertake to get on your calendar, provide a further briefing for your information, and solicit further guidance.
4. The DAHAC next meets in October 2002. Hopefully we will have reached a decision with respect to the issue by that time.

2 Encls  
as

  
JOHN S. BROWN  
Brigadier General, USA  
Chief of Military History



## EXECUTIVE SUMMARY

25 February 2002

(U) **Supreme Court Ruling – Hitler Watercolors** (U). (DAMH-MDM) This EXSUM is self-initiated. The U.S. Supreme Court on Monday 3 June declined to review a decision against the heirs by a U.S. Court of Appeals over ownership of four of Adolph Hitler's watercolors in possession of the U.S. Army Chief of Military History. Adolph Hitler painted the four watercolors before and during World War I. Heinrich Hoffman, Hitler's personal photographer, hid the watercolors in a castle outside Munich in 1945. They were recovered and have been in the U.S. Army's possession since the end of World War II. The War Crimes Tribunal convicted Hoffman of "profiteering" at Nuremberg. Hoffman died in 1957. The watercolors have been the source of litigation for over 20 years.

PREPARE MEMO \_\_\_\_\_

Mr. Dougherty/DAMH-MDM/terry.dougherty@hqda.army.mil/685-2464



## INFORMATION PAPER

DAMH-MDC  
21 November 2001

SUBJECT: Background Information on German War Art

1. Purpose. To provide information concerning history and status of German War Art held in Central Collection, U.S. Army Center of Military History

2. Facts.

a. In 1941, Adolph Hitler ordered the Oberkommando der Wehrmacht to set up a staff of selected artists to follow German military exploits. The resulting works were to hang in German army museums and to decorate the club rooms and barracks of permanent quarters of the victorious Wehrmacht units after their successful conclusion of the war. During the war, these pictures were exhibited in Germany, Belgium, France, Norway, Italy, Austria and elsewhere for "educational and cultural purposes".

b. In 1945, War Department Memorandum 345-45 established the Historical Properties Section, in the office of the Army Headquarters Commandant, Washington, DC. It also provided for the collection, processing, preservation and control of war paintings, photographs, maps, trophies, relics and objects of actual or potential historical interest or value produced during the present war which are or may become the property of the War Department.

c. U.S. Air Force CAPT Gordon W. Gilkey was assigned to gather paintings of German Wartime Art Program. Under the provisions of the Potsdam Agreement of 2 August 1945, subparagraph 3, Part III, Section A, it stated that one purpose of the occupation of Germany was "To destroy the National Socialistic Party and its affiliated and supervised organizations, to dissolve all Nazi and militaristic activity or propaganda."

d. Military Government Regulation 18.-401.5 established the right of seizure of all art relating or dedicated to the perpetuation of German Militarism or Nazism. The Monuments, Fine Arts, and Archives section of the Office Military Government, U.S. Zone of Germany searched for nearly two years. On 20 March 1946, 8722 items of the German War Art program were shipped to the U.S. War art continued to be uncovered or was turned in to collecting points in Germany. In 1950, 241 lots of militaristic and Nazis paintings were shipped to Washington. The question of legal seizure was under discussion and an initial request for legal clarification of the status of German War Art was forwarded to JAG. Later that year, 1,659 nonmilitary and nonpolitical pictures were returned to Germany.

e. In 1977, the Federal Republic of Germany delivered an Aide Memoire to the State Department requesting the return of the WWII German Art Collection. The Department of State asked DoD to release the German War Art to appropriate officials of West German government.

f. On 12 May 1981, Congressman G. William Whitehurst introduced legislation to return "certain works of art to the Federal Republic of Germany". Press coverage began. On 23 September, panel submitted testimony before the House Armed Service Sub Committee on Investigations. On 4 November, the Bill passes the House by voice vote and was sent to the Senate.



g. On 18 March 1982, President Ronald Reagan signed PL97-155 to return "certain works of art to the Federal Republic of Germany". A selection committee met to determine which paintings were to be retained and this report was submitted to Secretary Marsh on 27 January 1983.

h. IN 1986, approximately 5850 paintings were returned to Germany. Approximately 450 paintings were retained, of which 200 were deemed to comply with the Potsdam Declaration, Allied Control Council laws and Military Government regulations which provided that the documents and objects which might tend to revitalize the Nazi spirit or German militarism would be confiscated or destroyed. These paintings are portraits of the leaders, contain the swastika or are considered overt propaganda, and include four watercolors by Adolph Hitler. The remaining 250 paintings were retained as a study collection to document both sides of actions in World War II for which the U.S. Army already had artwork, for example the Battles of Anzio and Cassino and also to show areas in which Allied Forces, not the U.S. Army, fought, such as in Scandinavia and the Russian Frontier.

i. A court case regarding the legality of possession of the Hitler watercolors was settled in 1999 with the Federal District Court finding that the watercolors are federal property and properly belong in the U.S. Army. An Appeal was heard 7 May 2001 in the Federal Appellate Court in the District of Columbia. No decision has yet been reached.

### 3. Current Status.

a. The artwork is maintained by the Army Art Curator at the U.S. Army Center of Military History in a secure, climate-controlled area. Also maintained are photographs and negatives of the returned art to Germany.

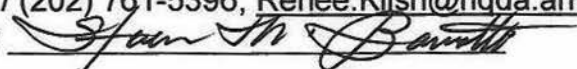
b. Many of the paintings had been exhibited in Pentagon offices or were sent all over the country for exhibitions at Army installations, public galleries, colleges and universities. In all, hundreds of paintings were exhibited and seen by many thousands of people for nearly 30 years.

c. Since 1986, exhibition of the artwork has been limited to museum exhibitions that examine the art of the 1930s and 1940s in the United States and Europe. Most recently, the Hubert Lanzinger painting of Hitler in Armor appeared in a show in Berlin, Germany commemorating 100 years of German art. Two Hitler watercolors had been scheduled to be exhibited at the Gerald Ford Library in 1998, but due to the controversy surrounding the artist, were pulled back from exhibition. Scholars and historians have been interested in the art and have written about it in dissertations or books.

d. Images of artwork retained by the Army Art Collection have also appeared in publications and documentaries. The four watercolors have received the most press notably because of the court case and the fact that they were painted by Hitler. All the art, as with the rest of the collections, falls within the public domain and is available for reproduction purposes.

Renée Klish / (202) 761-5396, [Renee.Klish@hqda.army.mil](mailto:Renee.Klish@hqda.army.mil)

Approved by





**Historical Activities**

# **Army Museums, Historical Artifacts, and Art**

**Headquarters  
Department of the Army  
Washington, DC  
11 January 1999**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 870-20

Army Museums, Historical Artifacts, and Art

This revision--

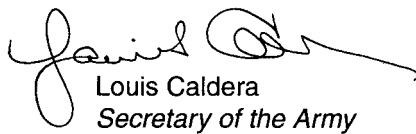
- o Completely revises AR 870-20.
- o Incorporates AR 870-15, Army Art Collection.
- o Realigns accountability policy with chapter 2, AR 710-2, Inventory Management Supply Policy below the Wholesale Level.
- o Adds policy for demilitarization requirements for items on static display to Federal and non-Federal entities.
- o Defines the process for section 2572, title 10, United States Code transactions; loans and gifts to non-Federal entities; and exchanges (2572 (b)), known as the Army Exchange Program.
- o Defines the duties and responsibilities of the Army Chief Curator.
- o Identifies statutory responsibility and authority.
- o Establishes new terms including certified museum, museum activity, and historical collection.
- o Establishes new controls on historical artifacts loaned to Army museums.
- o Establishes the Army Museum Information System as the central historical artifact accounting program for the Army.
- o Establishes a Central Control Number for each artifact in the Army Historical Collection.
- o Updates preservation and conservation standards for historical artifacts.
- o Changes the requirements for photographing historical artifacts.
- o Establishes procedures for handling hazardous and radioactive materials found in historical artifacts and equipment.
- o Changes the requirements for fire suppression systems in museum buildings.
- o Defines the mission and management of the U.S. Army Historical Clearinghouse.
- o Establishes responsibility for the storage of Army flags, colors, guidons, and associated material.

- o Establishes requirements for systematic collection of historically significant materiel during combat and contingency operations.
- o Includes the Center of Military History policy: Code of Ethics for Employees at Army Museums.
- o Includes turn-in procedures for organizational historical property from inactivating units.
- o Includes the Minimum Requirements Listing when developing a Command Supply Discipline Program evaluation.
- o Changes the Center of Military History, Museum Division, address from Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 1099 14th Street NW, Washington, DC 20005-3402 to Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, Building 35, 103 3d Avenue, Fort McNair, Washington, DC 20319-5058 effective 1 August 1998.

Effective 11 February 1999

Historical Activities

## Army Museums, Historical Artifacts, and Art



Louis Caldera  
Secretary of the Army

**History.** This regulation on Army museums, historical artifacts, and art has been completely revised. It includes several significant changes to the procedures involved in maintaining accountability of historically significant property, as well as its care and preservation. These changes will improve artifact accountability and the quality of individual museums throughout the Army Museum System.

**Summary.** This regulation prescribes Department of the Army policy governing the

collection, preservation, storage, accountability, demilitarization, and valuation of historical artifacts and Army art. It also covers the administration of Army museums within the Army Museum System.

**Applicability.** This regulation applies to all elements of the Active Army, the U.S. Army Reserve (USAR), and the Army National Guard of the United States (ARNGUS), including civil works functions in the Corps of Engineers, and the U.S. Army Reserve Officer Training Corps, and the National Defense Cadet Corps.

**Proponent and exception authority.** The proponent of this regulation is the Director of the Army Staff (DAS). The DAS has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The DAS may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

**Army management control process.** This regulation contains management control provisions and identifies key management controls that must be evaluated.

**Supplementation.** Supplementation of this regulation and establishment of forms other

than DA forms are prohibited without prior approval from the Director of the Army Staff. Establishment of local forms is prohibited without prior approval from the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058, unless otherwise specified in this regulation.

**Suggested Improvements.** Users are invited to send comments and suggested improvements regarding this regulation on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through the chain of command to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

**Distribution.** Distribution of this publication is made in accordance with the initial distribution number (IDN) 092542, intended for command level C for the Active Army, the Army National Guard of the United States, and the U.S. Army Reserve.

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## **Glossary**

## Chapter 1 General Information

### 1-1. Purpose

This regulation prescribes policies, procedures, and assigns responsibilities for governing the collection, preservation, storage, accountability, demilitarization, and valuation of historical artifacts and art used for training, research and development, and interpretation of the Army's military and cultural heritage. Also, it prescribes policies and procedures for the establishment and effective administration of museums and historical collections within the Army Museum System.

*a.* Commanders, civilian supervisors, and managers at all levels will ensure compliance with applicable policies prescribed by this regulation.

*b.* All government and contractor employees will properly use, care for, and safeguard government property. They will seek the most efficient and economical means of accomplishing assigned tasks and will limit requests for and use of materiel.

### 1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

### 1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the consolidated glossary.

### 1-4. Responsibilities

*a.* The Chief of Military History (CMH), is the Commander, U.S. Army CMH, which is a field operating agency (FOA) with general staff supervision provided by the DAS. The CMH will—

(1) Be the principal adviser for material culture and organizational historical artifact matters to the Secretary of the Army (SA), the Administrative Assistant to the Secretary of the Army (AASA), the Chief of Staff, Army (CSA), DAS, and Army component commanders in combat and military operations other than war.

(2) Control and ensure accountability of all Army historical artifacts and art per statutory requirements as follows:

*(a)* Designates representative examples of historical artifacts, including obsolete and contemporary military equipment and objects that document daily soldier life.

*(b)* Provides for the designation and recovery of historical artifacts required to document combat and military operations other than war, including joint and multinational operations in which the Army is an active participant, through the appointment and deployment of a historical property recovery coordinator and recovery teams from the CMH.

*(c)* Provides, through the Army Artists Program, for the creation of works of art for the Army Art Central Collection, including examples of locally produced soldier art, that document Army life, training, combat, and operations other than war, including joint and multinational operations in which the Army is an active participant.

*(d)* Provides staff supervision of the Army Museum System, establishing and enforcing standards, issuing guidelines, and coordinating the execution of matters relating to Army museums and historical collections.

*(e)* Supervises the Army Museum Certification Program.

*(f)* Controls and ensures accountability of historically significant unit property, Army flags, colors, and guidons that have been retired or from units during periods of inactivation or while at zero strength. This includes their storage, identification, valuation, preservation and conservation, registration, loan, transfer, disposition, or disposal per AR 840-10 and this regulation.

*(g)* Provides guidance and support to the SA, the AASA, the CSA, the DAS, Headquarters, Department of the Army (HQDA) principal officials and their staffs, HQDA FOAs, Major Army Commands (MACOMs), installation commanders, and other Army organizations and agencies on issues relating to the use of Army historical artifacts, art, and museum management.

*(h)* Promotes the use of Army material culture and art in training, research, and the teaching of military history.

*b.* The Chief Curator will—

(1) Be the principal adviser to the CMH for all matters relating to Army material culture, and is the Chief, Museum Division, U.S. Army Center of Military History. The Chief Curator is responsible for all matters pertaining to the daily management of the Army Historical Collection, the Army Art Central Collection, and the Army Museum System.

(2) Manage the automated and manual programs designed to provide daily tracking and visibility of all historical artifacts, unit historical artifacts, and art within the U.S. Army. This includes all processes for the collection, identification, valuation, designation, preservation and conservation, registration, cataloging, receipt/issue, loan, transfer, disposition, storage, or disposal of all historical artifacts, unit historical artifacts, and art works.

(3) Serve as the Artifact Accountable Officer (AAO) for the Army Historical Collection, and will subsequently appoint in writing all the individuals that will serve as the Artifact Responsible Officer (ARO) at the Army museums, museum activities, provisional museums, historical collections, and at the Clearinghouse.

(4) Manage the Army Museum Certification Program.

(5) Manage the Army Artists program.

(6) Manage the control and accountability of Army flags, colors, and guidons that have been retired or are from inactivated or zero strength units, which includes their storage, identification, preservation and conservation, registration, loan, transfer, disposition, or disposal per AR 840-10.

(7) Promote the use of Army material culture and art in training, research, and the teaching of military history.

(8) Provide for the designation and recovery of historically significant artifacts that document combat and military operations other than war, including joint and multinational operations in which the Army is an active participant, by coordinating the appointment and deployment of a historical property recovery coordinator and recovery teams from the CMH.

*c.* The MACOMs and Operational Commanders, including those with overseas commands will—

(1) Provide supervision and support to Army museums and historical collections within their commands and coordinate Army art activities.

(2) Ensure accountability of all Army historical artifacts and art in the custody of museums or organizations within their commands by:

*(a)* Establishing and publishing policy defining the duties and responsibilities of their individual museums and historical artifact programs.

*(b)* Ensuring that Major Subordinate Commands (MSCs) and Major Subordinate Units (MSUs) with historical artifacts appoint AROs so that all regulatory guidance is followed.

*(c)* Ensuring that Command Staff Inspections or Command Logistics Review Programs (CLRPs) of MSCs or MSUs require compliance with regulatory requirements in regard to the care and accountability of historical artifacts and art.

(3) Provide for the designation and recovery of historically significant artifacts that document combat and military operations other than war, including joint and multinational operations in which the Army is an active participant, through the appointment and deployment of a historical property recovery coordinator and recovery teams from the CMH.

(4) Ensure procedural matters such as those concerning the establishment, closure, funding, and personnel resources of museums, historical collections, art activities, and the Clearinghouse are transmitted through command channels to the CMH.

(5) Promote the use of Army historical artifacts and art in technical study, training, research, and the teaching of military history within their commands.

(6) Publish guidance to ensure that all regulatory requirements are followed so that inactivating units properly transfer their historical property to the Army Historical Clearinghouse. Appendix G



provides guidance for the transfer of organizational historical property.

*d.* The Commander, Army Materiel Command (AMC), will—

(1) Support the CMH upon request in identifying available excess, obsolete or condemned Army equipment by serial number and value. Also, the AMC will ensure that demilitarization is accomplished as required only on obsolete or condemned equipment to be exchanged outside of Army control in accordance with section 2572, title 10, United States Code, (10 USC 2572) and forward the applicable demilitarization certificate to the CMH. Specifically, the U.S. Army Tank-automotive and Armaments Command (TACOM) will qualify recipients of Army equipment for static display; authorize appropriate MSCs to execute donation and/or loan transactions; and identify obsolete or condemned equipment by serial number and dollar value necessary for static display or in support of the CMH exchange program. The TACOM will also account and track all materiel transferred outside Federal control and will subsequently conduct site inspections at non-Army agencies and civilian museums. The TACOM will also process all CMH requests for Defense Reutilization and Marketing Service (DRMS) issues.

(2) Control and manage the U.S. Army Historical Clearinghouse buildings located at the Anniston Army Depot (ANAD), Anniston, AL. Management will consist of providing a Clearinghouse manager to lead in the logistics efforts in operating the warehouse to ensure that all artifacts are properly received, screened, inventoried, accounted for, cared for, and made available for issue as stated in the Memorandum of Agreement (MOA) between the AMC and the CMH.

*e.* Installation Commanders will—

(1) Report to the CMH, through installation museum directors, those objects or works of art that have been designated as being significant. If no museum exists on the installation, the commander will appoint an ARO to accept responsibility and care for historical artifacts. A copy of the appointment will be sent to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(2) Provide support for museums and historical collections under their control, and coordinate Army art activities on their installations.

(3) Ensure that the museums under their control are used for training, education, and public enlightenment.

(4) Accept responsibility for and care for all items issued by the CMH for training, education, display, and public enlightenment.

*f.* Unit Commanders will—

(1) Notify the CMH of any historically significant and lineage-related objects or works of art, identified as being of particular significance to their organization, which they wish to exhibit or display, that has been acquired through service, including captured enemy equipment. (Note: captured enemy equipment is U.S. Government property.)

(2) Identify, secure, maintain, preserve, and accept responsibility for historical artifacts and art in their custody as an organizational collection that is part of the Army Historical Collection.

(3) Appoint an ARO and provide a copy of the appointment to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058. Upon change of Unit Commanders, if the same ARO is to continue, then that individual will be reappointed by the Unit Commander.

*g.* Museum Directors will—

(1) Be the principal adviser to their commander, for all matters relating to Army material culture and museum operations. Authority is delegated to the Museum Directors for all matters pertaining to the daily management of their Army museum. Museum Directors are authorized direct communication with the CMH and the Chief Curator on all matters pertaining to their museum.

(2) Control and ensure accountability of all Army historical artifacts and art placed within the custody and care of the museum,

including their identification, designation, preservation and conservation, registration, cataloging, loan, or transfer. This includes serving as the ARO.

(3) Perform historical research to identify objects, develop the museum story line, and support special projects.

(4) Develop and maintain mission-related technical research collections of artifacts used by branch, unit, or installation as appropriate. As the technical repositories for their branch, branch-related museums would acquire examples of branch-specific materials.

(5) Exhibit and interpret U.S. Army history and accomplishments, effectively utilizing the museum's collections, art, archives, and other sources in support of the museum's mission statement.

(6) Develop appropriate educational/training programs.

(7) Be guided by this regulation and by the standards of the museum profession.

(8) Inspect and account for all historical property to include historical static displays on the installation.

*h.* The AMC Clearinghouse Manager will—

(1) Control and manage the Clearinghouse facilities and maintain the accountability records for items issued from the AAO as stated in this regulation.

(2) Take the lead in the efforts to accomplish the logistics requirements; for example, safety, security, receiving, storage, inventory, move, issue, turn-in, package, and shipment of the artifacts stored at the Clearinghouse facilities as stated in the MOA.

(3) Assist curatorial staff in the accomplishment of their mission.

*i.* The Clearinghouse Supervisory Curator will—

(1) Ensure that all curatorial functions are completed, to include accurate identification, assessment, triage, registration, cataloging, and preservation of the historical artifacts at the Clearinghouse.

(2) Assist logistical staff in the accomplishment of their mission.

## **1-5. Statutory authority**

*a.* The Army Historical Collection is part of the National Collection of the United States of America. The preservation for public use of historical objects of national significance for the inspiration and benefit of the people of the United States is governed by sections 431 through 433, and 470, title 16, United States Code (16 USC, 431-433, and 470), as amended.

*b.* The use of civilian volunteers in Army museums is governed by section 1588, title 10, United States Code (10 USC 1588).

*c.* The control and disposition of colors, standards, and guidons of inactivated organizations of the United States Army and those taken by the Army from enemies of the United States is governed by sections 4565 and 4714, title 10, United States Code (10 USC 4565 and 10 USC 4714).

*d.* The loan, donation, or exchange of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel is governed by 10 USC 2572, as amended.

## **1-6. Request for clarification or deviation**

*a.* The CMH is tasked by the DAS to develop, implement, and maintain this regulation. The CMH will also respond to field inquiries concerning this regulation.

*b.* Send requests for clarification through command channels to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

*c.* Deviation from accounting policy in this regulation will be made only with prior approval from the DAS. Send deviation requests through command channels to Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

## **1-7. Waivers**

Waiver to accounting requirements will be handled per AR 735-5, paragraph 8-3.

## **1-8. Command Supply Discipline Program**

*a. Mission.* The Command Supply Discipline Program (CSDP) is

a review of supply responsibilities by the command immediately superior to the unit or activity being inspected to determine compliance with Department of the Army regulatory guidance.

*b. Policy.* The U.S. Army Center of Military History, as prescribed by AR 710-2, paragraph 1-13, will monitor all supply operations performed per this regulation.

*c. History.* The CMH is responsible for providing staff assistance visits and ensuring that all CSDP evaluations of historical material management are conducted by all museums and museum activities, including those belonging to the USAR and ARNGUS, historical collections, and the Army Historical Clearinghouse. These CSDP evaluations will be conducted using the standards outlined in AR 710-2, appendix B. Appendix H of this regulation provides minimal requirements for developing local CSDP checklists.

### 1-9. Inspections

Commanders and supervisors of Army museums, museum activities, or historical collections will conduct physical security inspections using the standards in AR 190-11, AR 190-13, and AR 190-51.

### 1-10. Inventories

Commanders and supervisors must:

*a.* Conduct inventories of historical items in accordance with this regulation. Validate serial numbers and the central control number assigned by the Central Site Artifact Management System (CSAMS) during the inventory process.

*b.* Report all historical items and property that are lost, damaged, or destroyed in accordance with AR 735-5, chapter 13.

*c.* Conduct research per AR 735-5, paragraph 14-27, to determine the reason for the inventory discrepancy.

### 1-11. Accountability for historical artifacts

*a. Obligation.* Accountability deals with the obligation to keep records of items, documents, or funds such as identification data, gains, losses, dues-in, dues-out, and balances on hand or in use.

*b. Policy.* All historical artifacts acquired by the Army, regardless of source, whether a donation, issue, transfer, or loan, will be accounted for as prescribed by this regulation, AR 870-5, AR 710-2, paragraph 111, and other applicable regulations.

(1) All historical artifacts, whether on permanent display on Army installations, held by Army units, or in Army museums are part of the Army Historical Collection property account and will be reported, hand receipted, and maintained as U.S. Army property on the CMH property book. Employees of the Army, both military and civilian, will report all found historical property to the CMH through the Universal Site Artifact Management System (USAMS) or through manual procedures as described in paragraph 2-8.

(2) Supervisory responsibility for the care, use, and safekeeping of historical artifacts is inherent in supervisory positions.

### 1-12. Filing

Documents created because of this regulation will be filed and disposed of in accordance with AR 25-400-2, Modern Army Record Keeping System (MARKS), and DA Pam 25-400-2, MARKS for TOE and Certain Other Units of the Army. Source of acquisition and historical property jacket files referred to in this regulation will be maintained indefinitely.

### 1-13. Implementation

*a.* These policies apply to and will be implemented in both automated and manual systems. Manual systems used to account for historical artifacts will be automated upon availability of USAMS. USAMS and CSAMS are the approved automated systems of the Army Museum Information System (AMIS). The AMIS is the automated system used for accounting of all Army historical artifacts/equipment. The LookAT is the approved automated system used for accounting of all Army organizational historical artifacts stored at the U.S. Army Historical Clearinghouse. Museums with the USAMS will not continue to update the manual records that duplicate information available from the automated system (such as the DA Form 2609, Historical Property Catalog).

*b.* DA Pam 710-2-1 provides manual procedures that implement the accountability policies in this regulation. Museums, activities, collections, or USAR and ARNGUS units, and so on, performing manual accounting/supply operations will use the procedures in this regulation augmented by those in above pamphlet.

*c.* Museums, museum activities, the Clearinghouse, or units operating under or supported by an approved automated accounting system will use the appropriate automated procedural publication for the system.

### 1-14. Performance standards

Performance standards are management tools used to assess the effectiveness of the historical artifacts accountability system.

*a.* Commanders having control of museums, museum activities, historical collections, and the Army Clearinghouse will make sure the performance measures set in this section are understood, consistently applied, and accurately calculated. Commanders will be alert for any emphasis given to a performance standard that decreases or has the potential to degrade the museum's accounting posture or program support.

*b.* The performance standards in this section are applicable to Army museums, museum activities, historical collections, including those belonging to the USAR and ARNGUS, and the U.S. Army Clearinghouse. They are designed for internal control of the historical artifact accountability system. Commanders/supervisors will monitor the performance of their accountability system and take appropriate action to maintain effective historical artifact accountability.

*c.* Adequate property controls at Army museums, museum activities, historical collections, and the Army Clearinghouse requires timely and accurate processing of requests, receipts, and updating of accounting records. The commanders should periodically assess the museum's accountability posture against these objectives.

(1) *Inventory accuracy.* All performance standards (objectives and management levels) will remain consistent with AR 710-2, table 11.

*(a) Change of AAO or ARO inventories.* Conduct inventories per AR 710-2, paragraphs 2-5 and 2-12.

*(b) Biennial/cyclic artifact inventory.* The AAO will direct a scheduled cyclic inventory of all artifacts identified on the USAMS as prescribed by this regulation.

*(c) Inventory of weapons.* This inventory is conducted per AR 710-2, paragraph 2-12. Small arms and other applicable sensitive items will be reported and tracked as prescribed by AR 710-3.

*(d) Sensitive items inventory (other than weapons).* This inventory is conducted per AR 710-2, paragraph 2-12.

(2) *Processing time (calendar days).*

*(a) CMH response time.* The number of days it takes the CMH to process a request from the day of receipt to the day the completed action is sent out. The CMH management level is 5 working days.

*(b) Receipt time.* The number of days it takes the ARO to process an artifact from day of receipt (acceptance of possession) until the item is registered into the USAMS (LookAT) system. The CMH management level is 5 working days. Extensions may be requested in writing from the CMH in cases of large collections received at one time (see para 23e).

*(c) Disposition time.* The number of days it takes the ARO to process an artifact identified for disposition, from the day that the transaction approval and document number is received to the day that the signed receipt document for the completed action is obtained. The CMH management level is 15 working days.

(3) *Location accuracy.* This measurement indicates how well the inventory location records compare with the actual physical location of the artifacts. It is expressed as the percentage of all inventory locations surveyed that were correct. The formula for location accuracy is: total number of correct locations divided by the total locations surveyed, times 100, equals the location accuracy. The CMH management level is 95 percent.

(4) *Transferring manual data (DA Forms 2609) to the USAMS.* This indicates how well the organizations are transitioning to, and maintaining the accuracy of, the automated USAMS. Report the

total number of historical artifacts maintained in the facility. Report total number of artifacts posted in USAMS and the total number of DA Forms 2609. The CMH management level is 100 percent. Individuals posting artifact information from manual DA Forms 2609 need to strive for accurate and complete transposition of data.

### 1-15. Safety Program

*a. Policy.* Activities conducted within the purview of this regulation will comply with applicable Federal, Army, and installation/support activity safety regulations and directives. Refer to AR 385-10, The Army Safety Program, for specific program guidance.

*b. Scope of duties.*

(1) The CMH is responsible for:

(a) Ensuring that a viable safety program exists at museums and Clearinghouses to provide for the protection of personnel and equipment under his or her command in accordance with AR 385-10, Army Safety Program.

(b) Designating an individual at the command level to monitor safety program at CMH activities and advise the CMH of any issues requiring resolution.

(c) Providing resources to establish, or obtain through support agreements, the appropriate level of safety support for CMH museums, activities, historical collections, and the Clearinghouse.

(2) Museum/Activity Directors are responsible for:

(a) Supervising the safety program within the museum/activity to ensure compliance with pertinent regulations and directives.

(b) Formulating and seeking approval of support agreements with the host installation to obtain safety program management expertise when such expertise is not available on the museum/activity staff.

(c) Maintaining a safe and healthful workplace and be responsible for accident prevention within their organization to the same extent they are responsible for production or services.

(3) Installation/Support Activity Commanders are responsible for providing safety oversight for the CMH Museum/Activity when the CMH is a tenant on that installation as outlined in a support agreement.

*c. Hazard Communication Program.* The CMH activities will establish a Hazard Communication Program per 29 CFR 1910.1200. The program will include, but not be limited to:

(1) Training in hazardous materials as outlined in 29 CFR 1910.1200 and AR 385-10. This training should be obtained through the servicing safety consultant or organization.

(2) Use of Material Safety Data Sheets in the course of handling hazardous materials.

*d. Ergonomics Program.* An ergonomics program will be established to ensure that employees minimize undue stresses on the body while performing their duties.

*e. Industrial and Production Operations, as applicable to CMH activities, will be monitored and evaluated.* Museum Directors and Activity Chiefs will ensure Protective Clothing and/or Equipment (PCE) is utilized where appropriate (hearing protection, eye protection, lifting/back injury prevention, hardhat use, and other safety protection programs as applicable are in place).

*f. Employee education and training.* CMH employees will receive such safety/risk management training as is required by 29 CFR 1910 and AR 385-10.

*g. Safety evaluations.* All CMH Museums and activities will be evaluated for safety deficiencies not less than once a year. The evaluation may be conducted by the CMH staff safety representative or by the organization providing safety support to the activity.

*h. Employee Reports.* Procedures for employee reports of unsafe or unhealthful working conditions will be established IN ACCORDANCE WITH 29 CFR 1960.28 and 29 CFR 1960.46. Reports under these procedures will be completed on DA Form 4755 (Employee Report of Alleged Unsafe or Unhealthful Working Conditions). Such hazards, once documented, will be tracked until resolution and supplemented by abatement plans, as appropriate.

### 1-16. Hazardous Materials Management Program

*a. Army managers are responsible for controlling hazardous*

materials to minimize hazards to public health and damage to the environment. Army policy regarding the Hazardous Materials Management Program (HMMP) is to establish and maintain a proactive program and to implement procedures to preclude or reduce the use of, and the level of toxicity in, hazardous materials used. The least hazardous material that is still effective for its intended purpose will be used to accomplish the mission.

*b. The current Army policy is to comply with Federal, state, and local laws governing the use of and reporting requirements for hazardous materials. All Army managers will fully comply with DOD and DA Policy concerning receipt, storage, issue, and disposition of hazardous materials.*

*c. Hazardous Materials (HM) are those materials defined in 29 CFR 1910.1200, and/or those substances designated as hazardous in 49 CFR 172.101.*

(1) *Procurement.* Museums, museum activities, historical collections and the Clearinghouse will minimize the procurement of HM. This is because of the potential toxicity to employees or members of the public, as well as the difficulty in storing and disposing of HM when no longer needed.

(2) *Storage.* The HM will be stored as outlined in governing regulations or directives. When necessary, special storage areas (for example, flammable cabinets or diked facilities) will be utilized. The use of host installation HM storage areas should be pursued because of the cost of constructing and maintaining such facilities.

(3) *Use.* Use of HM will be minimized. Inventories will be maintained and verified no less frequently than annually. The PCE will be worn as prescribed by applicable regulations and directives. The CMH employees should consult with the servicing Installation Safety Office, Environmental Office, or Industrial Hygienist for assistance with PCE.

(4) *Disposal.* The HM will be disposed of only through authorized channels. Museums, museum activities, historical collections, and the Clearinghouse will work through the supporting installation/activity and the servicing Defense Reutilization and Marketing Office to properly dispose of HM. Records will be kept of all HM disposal transactions for examination by regulatory agencies, as appropriate.

(5) *Incidents.* Incidents will be handled and reported as required. Activities should have spill plans or be familiar with the supporting installation's HM spill response plan and act accordingly. Contact the supporting installation/activity environmental office for assistance. Coordination and follow-up with Federal, state, or local officials may be required after an incident occurs.

(6) *Employee training.* Employees handling HM will be trained IN ACCORDANCE WITH 29 CFR 1200.

*d. Radioactive Materials (RM) that will be found in a museum, museum activity, historical collection, and at the Clearinghouse may require a license from the U.S. Nuclear Regulatory Commission (NRC).*

(1) The vast majority of Army artifacts requiring licensing are:

(a) Licensed to the AMC by the NRC as commodities, in which case the CMH activity requires a copy of the license to have on file at the activity. Activities should contact their servicing safety office for copies of these licenses.

(b) Require no NRC licensing, but, because of the nature of the RM, are controlled by an internal Army permit system through an Army Radiation Authorization (ARA). In this case, museums, museum activities, historical collections or the Clearinghouse should contact their servicing installation for assistance in obtaining a Department of the Army Radiation Authorization.

(2) Licensed Radioactive Items require a Radiation Protection Officer (RPO) and a radiation protection program. This individual may be a government employee (if an organic safety program) or may be contracted. The museum, museum activity, or historical collection may also utilize the services of the supporting installation/activity RPO if it desires. An RPO must be properly trained in accordance with AR 385-11 and current DA policy.

(3) RM, other than those already in selected artifacts, will not be procured for use by museum, museum activities, historical collections or the Clearinghouse. The museum director will routinely

decide whether RM will be brought into the museum. In the case of a highly visible or significant artifact or item, then the matter will be referred to the Chief Curator or designated representative for decision.

(4) RM in storage in museums, museum activities, historical collections or at the Clearinghouse will be monitored as required by the applicable license or permit. Inventories of RM will be verified at least annually or in accordance with CMH guidelines. Routine radiological surveys of the artifacts or areas in which they are stored may be required. If required, surveys will be conducted by the RPO per the conditions of the license or permit. Reports should be maintained by the CMH staff and the supporting installation/activity RPO.

(5) As with HM, RM may only be disposed of by special means. No disposal in ordinary trash is permitted. The museum, museum activity, historical collection or the Clearinghouse director/manager should contact the supporting installation RPO for assistance in disposing of unwanted items containing RM. Alternately, the museum, museum activity, historical collection, or the Clearinghouse director/manager may contact the HQ, AMC Safety Office for guidance.

(6) All RM incidents or spills will be reported immediately to the servicing installation RPO. If an organic safety program, contact the HQ, AMC Safety Office for assistance. The museum, museum activity, historical collection and the Clearinghouse will have a radiation incident response plan or be familiar with the servicing installation's plan. Decontamination of personnel or areas may be required. Follow-up may be required after the incident is closed.

(7) Employees will receive such training as required by AR 385-11 and NRC licenses or ARAB, as appropriate.

*e.* The CMH Museum Division is responsible for:

(1) Ensuring that all directors and curators of museums, museum activities, collections, and the Army Historical Clearinghouse strictly adhere to Army HMMP policy as defined in AR 200-1.

(2) Providing guidance to subordinate elements on the identification, receipt, handling, storage, use, disposition, and required reporting of hazardous materials.

(3) Assisting subordinate elements in coordinating efforts with the supply, information management, and environmental activities at the local level to facilitate both the management of hazardous materials and compliance with Federal, state, and local hazardous materials reporting requirements.

(4) Providing necessary information to meet HQDA, Federal, state, and local hazardous materials reporting requirements, such as inventory reporting under the authority of the Superfund Amendments and Reauthorization Act (SARA) (Community Right-To-Know), Title III, and the Toxic Substances Control Act (TSCA) (40 Code of Federal Regulation, 700-series.) (See AR 200-1.)

*f.* Museums, museum activities, collections, and the Army Historical Clearinghouse is responsible for:

(1) Identifying hazardous material received to ensure proper handling, storage, use, and disposal.

*(a)* Minimize procurement of HM.

*(b)* During the use of HM, material safety data sheets will be on-hand.

*(c)* Use special storage areas (for example, flammable storage cabinets) where necessary.

*(d)* Use protective clothing and equipment when handling HM.

*(e)* Dispose of HM through the Defense Reutilization and Marketing Service.

(2) Establishing procedures to provide personnel with accurate and timely information and requisite training on the handling, storage, and use of hazardous materials in accordance with 29 CFR 1910.1200 and other regulations and directives.

(3) Identifying and handle hazardous material residue/waste in compliance with procedures established by the supporting environmental office.

(4) Providing necessary information to respond to hazardous

materials reporting requirements, as well as to any other CMH requirement.

## **Chapter 2**

### **Accountability of Historical Artifacts**

#### **Section I**

#### **Basic Principles**

##### **2-1. Scope**

Commanders are urged to preserve the material culture of the United States Army and enhance the military educational and operational value of museums, not only for himself or herself, but for his or her successor as well. A commander who acquires and/or assembles a historical collection acquires an obligation under the law (16 USC 470) to preserve and interpret the collection in the interest of history, the U.S. Army, and the American people. This chapter provides policy on property accountability for Army historical artifacts, art, and the storage of flags, guidons, and associated items. It also assigns responsibility for logistic operations within the Army Museum System.

##### **2-2. Accounting requirements**

*a.* Accountability for historical artifacts and works of art will be maintained per this regulation, AR 710-2, chapter 2, AR 735-5, AR 710-3, and AR 870-5, chapter 7.

*b.* Accountability for appropriated-fund museum property other than historical artifacts and works of art will be maintained as prescribed by AR 710-2 and AR 735-5.

*c.* All historical artifacts and works of art procured by nonappropriated funds for an Army museum or museum activity will be donated utilizing a DA Form 5572-R (Gift Agreement). A copy of this form is located at the back of this regulation for local reproduction. Accountability for museum property, other than historical artifacts, procured by nonappropriated funds will be as prescribed by AR 215-1.

*d.* The CMH is accountable for all Army historical property. The Chief will delegate property book responsibility to the Chief Curator to maintain the formal artifact accountability records. The appointment of the Chief Curator as AAO will be in the form of a written memorandum. This appointment memorandum must include the Unit Identification Code (UIC) assigned to the CMH as prescribed by AR 710-2, paragraph 2-5, and AR 735-5, paragraph 2-10.

*e.* The AAO will appoint, in writing, hand receipt holders known as AROs. The AROs will assume responsibility for all artifacts and works of art identified as part of the Army Historical Collection and subsequently issued to Army museums, museum activities, provisional army museums, and historical collections (including those belonging to the USAR and ARNGUS), and the Army Clearinghouse. The AAO remains accountable for the historical artifacts and items, but the ARO assumes direct responsibility for the care and safekeeping of all the historical artifacts and items assigned to his or her custody. The historical artifacts and items that have not been issued remain the direct responsibility of the AAO. The supervising director/curator of the Army museum, museum activity, provisional army museum, or historical collection will be appointed as the local ARO. The AMC facility manager at the Clearinghouse will be appointed as the local ARO. The AAO must formally approve any exceptions to this policy.

##### **2-3. Accountability of organizational historical artifacts**

*a.* Historical artifacts held in custody by any Army agency, organization, or unit, including those held overseas, are part of the Army Historical Collection and will be accounted for, cataloged, preserved, transferred, and disposed of in accordance with this regulation and AR 710-2, chapter 2. Organizational Historical Artifacts are defined as objects relating to and in the custody of a particular Army organization and subject to the requirements of this regulation (Athletic trophies, plaques, awards, and other items of transitory

significance are not generally considered to be historical artifacts within the meaning of this regulation). The Unit Commander will appoint a responsible individual (officer or senior noncommissioned officer) as ARO and provide a copy of the appointment to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058. It is recommended that commanders use their property book officer or supply personnel instead of assigning a separate ARO. If the same ARO is to continue after the Unit Commander changes command, that individual will be reappointed by the new Unit Commander.

b. Organizational historical artifacts for regiments organized under the U.S. Army Regimental System (USARS) will be held in custody at the designated regimental headquarters or, if no headquarters has been established, at the lowest numbered battalion in the Continental United States (CONUS). Artifacts held at the regimental headquarters may be hand-receipted for exhibit to subordinate units of the regiment. Transactions will be documented on a DA Form 2062, and the subordinate unit will appoint an ARO for accountability purposes.

## **Section II**

### **Registration and Cataloging**

#### **2-4. Receiving Historical artifacts and associated items**

a. The policy for receiving, storage, and turn-in of all historical property will be in accordance with this regulation and the basic policy outlined in AR 710-2 and other applicable DOD and DA regulations.

b. The ARO may delegate receipt authority for all historical artifacts received by their museum or museum activity to the appropriate staff members. As a minimum, the following is required:

(1) A copy of the ARO appointment memorandum signed by the AAO or Unit Commander.

(2) A DA Form 1687 (Notice of Delegation of Authority-Receipt for Supplies) authorizing the staff members to receipt for all incoming property on behalf of the ARO.

c. Historical items received will be counted by quantity and compared to the receipt or shipping document. Discrepancies will be documented and reported to the appropriate sender within 5 working days (30 days for Reserve Components) of receipt.

#### **2-5. Acquisition of historical artifacts**

a. Unconditional gifts of historical artifacts, without limit as to value, may be accepted by the CMH. A gift is unconditional if it is offered with no limitations on its ownership, expenditure, or disposition. AR 1-100, AR 215-1, and this regulation prescribe procedures for acquisitions. Historical artifacts may also be acquired by the CMH, through issue (purchase or designation, including items acquired during combat and military operations other than war), exchange, or by loan. Title documents such as the DA Form 5572-R (Gift Agreement) and the DA Form 5573-R Loan Agreement) used in transactions are located at the back of this regulation for local reproduction.

b. The AAO at CMH may delegate in writing to the ARO of a certified Army museum authority to acquire historical artifacts through gifts, issue, or loan. This authority may be revoked at any time, if justified in writing.

c. The acquisition of historical artifacts by noncertified museum activities and historical collections (including agencies, organizations, and units) must be approved in writing by the CMH on a case-by-case basis. Requests, to include written justification, will be forwarded to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058 for approval.

d. Each acquisition approved by the CMH will have a document number assigned. The AAO at CMH will maintain a document register for all transactions involving historical artifacts. The AAO will also maintain a supporting document file in document number sequence to establish an audit trail. The AAO will review and

validate all open supply transactions on this document register monthly.

e. Army museums, museum activities, and historical collections should normally decline proffered donations when the items offered are outside their scope of collection and mission statement. Donors of such materials will be referred to the appropriate museum or to the CMH to ensure that potential donations can be appropriately used.

f. Archaeological materials and specimens recovered from Army-controlled lands are the property of the U.S. Government.

(1) Archaeological materials and specimens recovered from Army-controlled lands may be displayed and cared for in Army museums. However, no Army museum will be established for the primary purpose of displaying and caring for such materials.

(2) Army museums normally should refuse donations of such materials where the items offered are outside the mission and scope of the museum.

(3) Questions concerning the care, use, and disposition of archaeological materials and specimens should be referred to Headquarters, U.S. Army Corps of Engineers, Humphreys Engineer Center, 7701 Telegraph Road, Alexandria, VA 22315-3865.

g. Army museums and museum activities that accept classified material and/or information must ensure that it is properly marked and safeguarded in accordance with AR 380-5. Historical collections are not authorized to acquire classified material.

h. Procedures for acceptance of unconditional gifts of money by nonappropriated fund instrumentality and private organizations supporting museums are prescribed in chapter 3 of this regulation.

i. Conditional gifts of money or property, including historical artifacts, will be accepted only in accordance with AR 1-100. A gift is conditional if it is offered with certain specified limitations on its ownership, use, expenditure, or disposition. No gift offered under a condition likely to hinder an agency or activity in the accomplishment of its mission will be recommended for acceptance. Offers of conditional gifts of any type to Army museums, museum activities, or historical collections must go through command channels and the Commander, CMH, to the Commander, U.S. Army Community and Family Support Center (USACFSC) for Secretary of the Army approval.

j. Condemned or obsolete Army equipment/materiel may be designated as historical artifacts. Current equipment items may also be designated as historical artifacts if operations would not be impaired thereby. These designations must be coordinated with TACOM, ATTN: AMSTA-IM-OER, Warren, MI 48397-5000, before accession to the Army Historical Collection. Contaminated equipment (radiological, biological, chemical, and HM) will be decontaminated before adding to USAMS or manual property record. Foreign or captured enemy equipment will be added to the USAMS or manual property record only as authorized by the Chief Curator.

k. AROs of certified Army museums with delegated authority to collect (see subpara 2-7b, below), may acquire historical artifacts with appropriated-funds. The CMH must approve any purchase request of a single item in excess of \$5,000 from appropriated-funds. The DD Form 1348-1A (Issue Release/Receipt Document) or other appropriate documentation will be used to document the transfer of artifacts from the supply activity to the museum. Purchased items will be registered in USAMS as an "issue." A copy of the property transaction documentation will be placed in the appropriate historical property jacket file.

l. Certified Army museums, (and museum activities with prior CMH approval) may receive gifts of historical artifacts purchased with nonappropriated or private funds. A DA Form 5572-R, will be used to record the donation transaction of artifacts obtained in this manner.

m. As prescribed by AR 710-2, subparagraph 2-6.1(1), the CMH Museum Division must approve all requests for historical artifacts under the control of the Defense Reutilization and Marketing Office (DRMO). The CMH will forward the request to TACOM, ATTN: AMSTA-IM-OER, Warren, MI 48397-5000 for further processing and subsequent issue from the DRMO. This requirement also applies to USAR and ARNGUS organizations.

n. As required by the Congress, a dollar value will be applied to all historical artifacts and art in the custody of Army museums, museum activities, historical collections, the Clearinghouse, and the Army Art Central Collection, and will be reported to the CMH annually. The dollar value will reflect the fair market value (FMV) and will be updated on the loss, damage, or destruction of an artifact or its involvement in a donation or exchange transaction.

o. Appraisals of artifacts and art for internal purposes by independent appraiser(s) are authorized but not required. The CMH is responsible for approving the use of a noncertified appraiser.

p. Appraisals of historical artifacts and works of art accepted into the Army Historical Collection (including the Army Art Central Collection) will not be made by museum personnel. Appraisals for tax purposes are the responsibility of the donor in accordance with Internal Revenue Service guidelines.

q. Army art may be acquired for the Army Art Central Collection or by an Army museum through gift, issue (designation, purchase or commission), exchange, or by loan. The acquisition of Army art by a noncertified museum activity or historical collection must be approved in writing by the CMH on a case-by-case basis.

(1) Works of art are a part of the Army Historical Collection and will be registered and cataloged in accordance with paragraph 2-3 above.

(2) The CMH will establish accountability for all works of art produced under the Army Artist Program.

(3) All captured foreign works of art will be forwarded to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058, for review and processing.

## **2-6. Incoming loans**

a. AROs of certified Army museums with delegated authority to collect (see subpara 2-7b below) are authorized to receive historical artifacts and art on loan. The DA Form 5573-R will be used to document all incoming loan transactions. All loan items will be registered and entered as "loaned" in the USAMS.

b. The CMH will be informed of all loans.

(1) Incoming loans may not be extended beyond a period of 5 years. In the case of any existing indefinite loans, attempts will be made to contact the lender and have the loan converted to a donation or to return the material to the owner.

(2) No indefinite loans of historical artifacts or works of art may be accepted or held by an Army museum, museum activity, provisional museum, historical collection, the Clearinghouse, installation, unit, or agency.

(3) Incoming loans to Army museum activities, and historical collections, no matter what the length, must be approved in writing by the CMH. Historical artifacts on loan to any Army agency, organization, or unit, including those overseas, will be accounted for, cataloged, preserved, and returned in accordance with this regulation.

(4) The CMH will not approve loans to an Army museum, museum activity, or historical collection from a private organization or association whose primary purpose is to support that museum, activity, or collection. Items provided to the museum, activity, collection, or Clearinghouse from such organizations will be documented as gifts.

(5) Once the loan is approved and an authorizing document number assigned, a DA Form 5573-R will be completed and signed, along with any additional documentation required by the lending institution or individual. Copies of the signed documentation will be sent to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(6) When the loan expires and the item is returned to the owner, the borrowing museum will send a copy of the signed documentation showing that the item was returned to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

## **2-7. Automated accountability — The Army Museum Information System**

a. The Army Museum Information System (AMIS) is established as the central accounting and management program for Army historical artifacts and art. AMIS is administered by the CMH and consists of the USAMS and the CSAMS.

(1) The USAMS is a computer software application used by Army museums, museum activities, historical collections, and the Clearinghouse to register, catalog, manage the collection, and provide a variety of standard forms and reports.

(2) The CSAMS is a computer software application used by the CMH to centrally manage the Army Historical Collection, the Army Art Central Collection, as well as to provide a variety of reports on the status of the artifacts within these collections.

b. For historical artifacts and works of art, the USAMS record serves as both the museum catalog and the property accounting record. The local ARO will establish accountability for all historical artifacts and art on-hand or on loan. The ARO is responsible for submitting the USAMS record to the CMH for all-historical artifacts and works of art. Items held in temporary custody for the CMH pending transfer or on loan for less than 1 year do not require cataloging; however, accountability is mandatory and a registration number must be assigned to every object.

c. To establish initial accountability, each museum, museum activity, historical collection, and the Clearinghouse will assign a registration number to all-historical artifacts, organizational historical artifacts, and works of art within 24 hours of receipt. A bound register will record all assigned registration numbers with a brief description of the historical artifact or work of art. Record the transaction on the DA Form 2064 (Document Register for Supply Actions). Place a copy of the receipt document in the supporting document file as well as in the historical property jacket file.

*Note.* All items, historical or not, received as gifts from a non-government source will be recorded.

d. All items will be registered in USAMS within 5 working days of receipt. All items received as gifts from a non-government source will be registered. Extensions may be requested from the CMH in cases of large collections received at one time. The receipt document for all items acquired by direction of the CMH will be sent to the AAO.

e. Each historical artifact or work of art retained will be cataloged in USAMS within 30 days. The USAMS record will be transmitted electronically or sent by disk to the central site computer. The completed USAMS registration and catalog process constitutes the historical property record of all-historical artifacts and art, requiring accuracy, consistency, and thoroughness.

f. All Army museums, museum activities, historical collections, and the Army Clearinghouse will register all historical artifacts and works of art, including items on loan for longer than 1 year, in a complete, accurate, consistent, and thorough fashion.

g. Each object will have a unique CCN assigned by CSAMS in addition to its local registration number.

(1) The CCN will be used for central control and movement tracking.

(2) Each artifact and work of art will be numbered separately with the CCN, and care will be exercised in marking the objects to avoid damage.

## **2-8. Manual accountability**

Museum activities, historical collections, provisional museums, and organizations/units including those belonging to the USAR and ARNGUS without access to the AMIS will—

a. Establish initial accountability by assigning a registration number to all historical artifacts and works of art within 24-hours of receipt. This will be accomplished through the use of a bound register to record all assigned registration numbers with a brief description of the historical artifact or work of art. Record the transaction on the document register (DA Form 2064). Place a copy of the receipt document in the supporting document file as well as in the historical property jacket file.

*Note.* All items, historical or not, received as gifts from a non-government source will be recorded.

b. Establish and maintain a source-of-acquisition file for all-historical artifacts and art.

c. Catalog historical artifacts and works of art within 30 days on a DA Form 2609, Historical Property Catalog. The activity will retain the DA Form 2609 as the property record and will send a copy to the CMH. The record will be complete, accurate, consistent, and thorough. See figure 2-1 for a completed DA Form 2609.

d. The CMH will enter the information from the DA Form 2609 into CSAMS and return to the activity a printed copy of the computer record, which will have the unique CCN assigned.

e. The CCN will be affixed to each artifact or work of art. Care will be exercised in marking the objects to avoid damage.

## **2-9. Additional documentation**

a. Additional copies of the historical property record or DA Form 2609 are authorized to establish reference files as required.

b. A historical property jacket file will be maintained for each artifact. Included in the property jacket will be all supporting documentation including, title and transfer documents, correspondence, photographs, and research material as appropriate. Every effort will be made to document artifacts that do not have adequate documentation concerning provenance or ownership.

c. A photograph or digital image of all-historical artifacts will be taken, both to identify the object properly in case of loss or theft and to record its description and condition. Photographs may be a high quality, black and white print, color print, color slide, photograph copy, or digital image. Prints will be stored in the historical property jacket file. Slides and digital images will be appropriately stored and accessible. Photographic negatives will be stored separately, and the negative number will be recorded in the catalog portion of the USAMS or on the DA Form 2609.

d. The museum will be able to demonstrate the procedures for the receipt, identification, assessment, registration, cataloging, marking, and storage of historical artifacts. The museum will have an area for segregating noncataloged artifacts and sufficient materials on hand for proper marking and storage.

e. A copy of the CMH approval/authorization for acquiring a historical artifact by noncertified activities, collections, and provisional army museums will be placed in the property jacket file.

f. The museums will maintain the source of acquisition file and the DA Forms 2609 catalog record cards used before the implementation of USAMS as a permanent record. The DA Forms 2609 will be arranged in such a manner that individual catalog cards are easily accessible.

g. Each ARO will maintain a DA Form 2064 or appropriate equivalent, to record all transactions and suspense's per AR 710-2, paragraph 2-6. The ARO will maintain a supporting document file in document number sequence for all transactions. The supporting document file will include copies of all transaction documents, as well as a copy of the approval document from the CMH. The requirement for a supporting document file does not preclude the necessity of placing a copy of all pertinent supporting documents in the appropriate historical property jacket file.

## **2-10. Temporary transfers and outgoing loans**

a. Historical artifacts and works of art may be temporarily transferred between Army-controlled museums, activities, historical collections, and the Clearinghouse if both parties agree and the CMH approves.

(1) A request for temporary transfer along with justification will be sent in writing to the ARO of the historical artifact or art in question.

(2) The ARO will endorse the request with a recommendation in writing to the CMH. Included in the endorsement will be a statement concerning the duration of the temporary transfer and any special conditions required.

(3) If the CMH approves the temporary transfer, an authorizing

document number will be issued. Both the lending ARO and the requesting ARO will be notified.

(4) The DA Form 2062, Hand Receipt/Annex Number, will be used to document the temporary transfer. A copy of the signed document will be forwarded to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(5) Temporary transfers may not be extended beyond a period of 4 years. Transfers that extend beyond that period will be considered permanent. The CMH will be notified when the items are returned.

b. Historical artifacts and works of art may be loaned to Federal agencies outside the Department of the Army if both parties agree and the CMH approves in writing. Loans will not exceed 2 years; extendable to 4 years, when approved by the AAO, as prescribed by AR 700-131, table 2-1.

(1) A request for loan along with justification will be sent in writing to the ARO of the historical artifact or art in question.

(2) The ARO will endorse the request with a recommendation in writing to the CMH. Included in the endorsement will be a statement concerning the duration of the loan and any special conditions required. Materiel requiring special physical security will be identified as such and documented on the request by the ARO.

(3) If the request is approved, the CMH will issue an authorizing document number. Both the lending ARO and the requesting agency will be notified.

(4) The DA Form 5575-R, Loan Agreement (Outgoing), the DA Form 4881, Agreement for the Loan of US Army Materiel (with applicable attachments), and the DD Form 1348-1A, will be used to document the loan transaction. A copy of the signed documents will be forwarded to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(5) Loans to other Federal agencies may not be extended beyond a period of 4 years. The CMH will be notified by the lending ARO when the loan expires and the items are returned.

c. Loans of historical artifacts to the Smithsonian Institution will be in accordance with AR 700-131, chapter 2.

d. Historical artifacts and works of art may be loaned to non-government museums and similar activities if both parties agree and the CMH, or ASA (IL&E) as appropriate, approves in writing.

(1) A request for loan will be sent in writing to the ARO of the historical artifact or work of art in question. In accordance with Federal statute (10 USC 2572), books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel, may be loaned to a municipal corporation, a soldier's monument association, a museum, historical society, or historical institution of a state or foreign nation, an incorporated museum that is operated and maintained for educational purposes and the charter of which denies it the right to operate for profit, a post of the VFW, the American Legion, or a unit of any other recognized war veterans' association (foreign or domestic), or a post of the Sons of Veterans Reserve.

(2) AR 700-131, chapter 2, provides information on surety bond requirements.

(3) Before approval of the loan, it must be determined:

(a) That the proposed use of the item(s) is in the public interest and advantageous to the U.S. Army.

(b) The artifacts or art will be available for public view or research.

(c) The Army will retain accountability for the objects and a reasonable degree of supervision. Items on loan will be inventoried at least annually during the loan period, not to exceed 4 years, to ensure the property is properly maintained, protected, and used for the requested and approved purpose.

(d) The objects will be provided the same degree of security as in an Army museum and as required by AR 190-51, and will be maintained in proper museum conditions as prescribed by this regulation.

(e) The United States may not incur any expense in connection with the loan. Requestor will agree to pay the cost of both receipt and return.

(f) All loaned items remain the property of the Army (Army Historical Collection) and are accountable as such. These items are not subject to alteration or demilitarization without the expressed written consent of the CMH.

(4) The requestor/borrower must meet the recipient authorization criteria outlined in AR 700-131, chapters 2 and 6, before a loan can be approved and executed.

(5) The ARO will endorse the request in writing to the CMH.

(6) If approved, the CMH will issue an authorizing document number.

(7) A DA Form 5575-R, a DA Form 5574-R, Assurance of Compliance, the DA Form 4881 (with applicable attachments), and the DD Form 1348-1A will be used to document the loan transaction. A copy of the signed documents will be forwarded to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(8) Items on loan must be inventoried annually. Loans will not be extended beyond the 4-year timeframe. The CMH will be notified of the return of the items.

## **2-11. Donations**

a. The CMH may conduct donations of historical property, other than arms, combat/tactical vehicles, vessels, and aircraft in accordance with the procedures in AR 700-131. The CMH will maintain accountability for the items and ensure annual reporting.

b. Historical arms, combat/tactical vehicles, vessels, and aircraft that CMH elects to donate must be deaccessioned and returned to the appropriate item manager with instructions concerning the donation. The recipient of the donation must be qualified and the transaction completed as prescribed by AR 700-131.

## **2-12. Storage of historical artifacts and associated items**

a. The policy for storage of all historical property will be in accordance with this regulation and the basic policy outlined in AR 710-2, TM 743-200-1, and other applicable DOD and DA regulations.

b. The museum artifact storage area will be used only to store historical artifacts. A separate room, or area within a large storage facility will be designated for this purpose.

c. Noncataloged objects will be stored apart from cataloged artifacts. A separate room, or area within a large storage facility will be designated for this purpose.

d. A separate storage area will be maintained for contaminated artifacts. All items must be inspected for infestation before placed in storage.

e. Unaccompanied access to artifact storage areas will be limited to authorized personnel, and an access roster will be maintained.

f. The artifact storage areas will be large enough to permit storage, without crowding, of objects not currently being exhibited.

g. The artifact storage areas will be large enough to permit growth of the collection and return of materiel from loan or exhibit.

h. Enough museum-quality cabinets, racks, shelves, etc., will be available to adequately store the artifacts.

i. The artifact storage areas will be large enough to permit easy access to cabinets, racks, and shelves, with aisles wide enough for easy maneuvering of artifacts and storage units.

j. All historical artifacts will be stored logically in accordance with good conservation practice and to facilitate retrieval and research.

(1) Storage area will be regularly cleaned without the use of materials or techniques that would cause harm to the artifacts.

(2) Artifacts will be stored in individual containers of inert or acid-free material, or in such a way as to prevent them from touching each other.

(3) Artifacts will be stored in such a way as to prevent damage from abrasion or movement.

(4) Large, two-dimensional textiles, such as flags or tents, will be stored flat or properly rolled on cylindrical supports of museum-safe material and suspended horizontally.

(5) Garments will be hung on padded hangers of a museum-safe material or laid flat with proper support padding as appropriate for their age or condition.

(6) All weapons will be stored in racks or in containers of correct size with padding and support to prevent damage. Weapons will be easily accessible for inventory and removal.

(7) In accordance with AR 190-11, paragraph 4-13, 19th century or older firearms not requiring metallic cartridges are excluded from the physical security requirements for storage of weapons.

(8) Shelving and cabinets will be elevated to minimize damage in case of flooding.

(9) Boxes containing artifacts will not be overcrowded, and items will be padded with inert material to prevent damage through mishandling.

(10) Boxes will be shelved so that their contents are supported, and the boxes will not be crushed.

## **2-13. Special inventory and security requirements for weapons and sensitive items**

a. All commanders responsible for installations or activities having museums, museum activities, provisional museums, historical collections, and the Clearinghouse are required to ensure all records accounting for sensitive items are complete and accurate. Inventories, accountability, and safeguarding of all weapons and sensitive items will be in accordance with this regulation and AR 710-2, AR 190-11, and AR 190-51.

b. Weapons (small arms) stored in banded or sealed containers will be inventoried annually. Containers should be inspected for tampering or damage quarterly. If the container is found damaged or tampered with, perform an immediate inventory. If any weapons are missing, contact the local Provost Marshal for further investigation.

c. Weapons not stored in banded or sealed containers will be counted weekly and a serial or catalog number inventory conducted quarterly. A disinterested officer will conduct a semiannual inventory of all weapons except those in banded or sealed containers. The results of these inventories will be retained for 1 year.

d. Sensitive items will be inventoried annually. The results of these inventories will be retained for 1 year. Sensitive items are defined as follows:

(1) Controlled Cryptographic Items (CCI) identified by Controlled Inventory Item Code (CIIC) 9.

(2) Items identified by CIIC 1-6, 8, \$, Q, R, or Y (night vision devices).

(3) Items identified by CIIC \$ will have 100 percent causative research conducted for any inventory discrepancies.

e. Special security requirements for the display and storage of weapons will be in accordance with AR 190-11, paragraph 4-13 and AR 190-51, appendix B.

## **2-14. Inventories and adjustments**

a. The purpose of a 100 percent inventory is to determine the condition and quantity of items by physical inspection and count. An important part of the inventory is the location survey. The purpose of the location survey is to determine if the location and condition of the materiel is correctly identified on the accountable record and if not, causative research must be performed as prescribed by AR 735-5.

b. All museums, museum activities, historical collections, and the Clearinghouse, as well as the Army Art Central Collection will schedule and conduct a cyclic (5 percent monthly) biennial inventory of their artifacts and art and resolve discrepancies as they are found. Results of the inventory will be recorded in the USAMS (or the LookAT automated accounting systems in the case of the Clearinghouse), within 3 workdays after completion of the inventory. The establishing of accountability for items found without documentation will be in accordance with AR 710-2.

c. In every odd-numbered calendar year, a memorandum summarizing the result of the biennial inventory, together with a DA Form 4697 (Department of Army Report of Survey) if necessary, explaining any shortages or damages, will be sent to the Commander, U.S.



Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

d. Organizations or agencies with historical artifacts or works of art on loan from the Army Historical Collection or the Army Art Central Collection will inventory and report the results in accordance with the loan agreement. The ARO will notify each organization having Army historical artifacts or works of art on loan from their area of responsibility to accomplish this requirement.

e. Upon notification of the pending departure of the ARO having responsibility for the historical artifacts and works of art, a responsible individual will be designated in writing by the CMH AAO per AR 735-5, to be the custodian for the historical artifacts and art until a new permanent ARO arrives.

(1) The departing ARO will complete a joint, 100 percent inventory with the assigned custodian before departure. The museum's supervisor will ensure that this inventory is completed before the departing ARO is allowed to clear the installation. When the museum's supervisor is the ARO, the CMH AAO will coordinate this inventory before the ARO's departure.

(2) In the interim, continuous accountability will be maintained on historical artifacts and works of art, and a joint 100 percent, inventory will be conducted each time there is a change in custodian.

(3) When the new ARO arrives, the assigned custodian will conduct a joint, 100 percent inventory of the collection.

(4) After a joint inventory is completed, send a statement that the inventory was completed, together with a DA Form 4697 explaining any shortages or damages, to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

f. Account for loss, damage, or destruction of appropriated-fund property per AR 735-5. Historical artifacts and art are appropriated-fund property. Upon discovering loss, damage, or destruction of historical items or art, the ARO, custodian, or other responsible person will expeditiously initiate a DA Form 4697, Department of the Army Report of Survey, and forward it through command channels to the CMH. Reports of Survey (RS) initiated by the Clearinghouse staff will be submitted through the Commander, ANAD, to the CMH as prescribed in the Memorandum of Agreement (MOA).

g. The ARO will ensure the completion of an annual inventory of all small arms, as defined in the AR 710-2 Glossary, before the annual reconciliation with the Department of Defense Small Arms Serialization Program (DODSASP). An annual inventory of all other sensitive items to include CCI must occur before the scheduled reconciliation. Loss or theft of firearms as well as their recovery will be reported in accordance with AR 190-11 and AR 735-5, chapter 13. When the loss, damage, or destruction involves a sensitive item, an AR 15-6 investigation is mandatory; however, do not use the AR 15-6 investigation document as the authority to adjust the USAMS record. The RS is the authorized adjustment document used when dropping accountability for the historical item from the automated USAMS accounting record. As prescribed by AR 735-5, an investigation by a survey officer is not necessary when an AR 15-6 investigation is completed.

h. Loss, damage, or destruction of historical artifacts or art loaned or donated by a private individual or organization will be handled in the same manner as appropriated-fund property.

i. The CMH may delegate in writing the appointing authority and approving authority for RSs. The CMH may delegate in writing the appointing authority for an RS involving any museum system property to the appropriate commander. The Deputy Commander of CMH will serve as the approving authority. When the appointment of a survey officer is required, the appropriate commander, as the designated appointing authority, will assign a disinterested individual from the command as the survey officer.

## **2-15. Asset reporting**

a. The AAO and Commanders having responsibility for Army museums, museum activities, historical collections, or organizational historical artifacts will monitor the performance and compliance of

all subordinate activities under their command for asset reporting per AR 710-2 and AR 710-3.

b. All historical weapons will be reported under DODSASP per AR 710-3. The purpose of DODSASP is to maintain continuous visibility over small arms by serial number from procurement through demilitarization and disposal. It is designed to give investigative agencies, within 72 hours, the identification of the last Army activity accountable for a specific serial-numbered small arm.

c. The ARO will request a serial number for all historic weapons that do not have a serial number from the Logistics Support Activity (LOGSA). On assignment of the serial number, append the serial number to the historical weapon. Do not permanently inscribe the number on the weapon. Use a secure but removable tag when attaching the serial number to the weapon (recommend using a metal tag with a nylon tie). Record the serial number in the catalog record in the USAMS or if manual, the DA Form 2609.

## **2-16. Excess property and disposition of historical artifacts**

a. Army museums, museum activities, historical collections, and the clearinghouse will periodically review their collections for items that are excess to their needs because of condition, duplication, or not being mission related. A written request for the disposition of such items will be sent to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MDC, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058. The request must include the following information:

(1) Catalog Number and/or CCN.

(2) Complete nomenclature of object including country of manufacture, date of manufacture, and any significant association.

(3) Condition and completeness of object.

(4) Reason for disposition.

b. In certain cases, museums may be requested to retain items in storage for the CMH until an appropriate transfer can be made. The holding of reported excess or nonmission-related historical property for the CMH will not be reflected in a certification inspection. Such items will be maintained to the same standards as the other artifacts in the museum.

c. Nonhistorical objects that have been inadvertently cataloged will also be reported to the CMH for removal from the Army Historical Collection. Custodial accountability remains with the ARO until transferred to an appropriate accountable property book officer/representative. Care must be taken to ensure that the object is indeed not an original artifact.

d. Museum support items, including reproductions, in excess to the needs of a museum or historical collection may be reported to CMH to make such items available to other museums, activities, historical collections, and the Clearinghouse. Excess support items will be reported separately from excess historical artifacts.

e. The local ARO is relieved from accounting for historical property when it is formally transferred to another museum, museum activity, historical collection, the Army Historical Clearinghouse, or upon deaccession and transfer to a museum, agency, or activity outside the Department of the Army. The local ARO will ensure that asset reporting requirements comply with AR 710-2, paragraph 2-9, and AR 710-3.

f. In each case, the disposition of historical artifacts will be as directed by the AAO. An authorizing document number will be provided for each disposition transaction.

g. Historical property will not be considered excess under the same principles as cited in AR 710-2. Only after a historical item has been deaccessioned may it be declared as excess and disposed of in accordance with AR 710-2.

h. Disposal of artifacts containing radioactive or hazardous materials will be handled in accordance with current guidance.

## **2-17. Disposition of organizational historical artifacts, flags, colors, and associated items**

a. On inactivation of a unit having custody of organizational historical artifacts, the appointed ARO will request, in writing, disposition instructions from the Commander, U.S. Army Center of

Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

b. Army agencies, organizations, and units are authorized to store organizational historical artifacts at the CMH Clearinghouse under the following conditions:

- (1) During periods of inactivation;
- (2) While at zero strength;
- (3) While in a combat zone;
- (4) When unable to provide proper care and protection.

c. The commander of an organization desiring to store historical artifacts is responsible for:

(1) Submitting a request in writing to the CMH, explaining the circumstances.

(2) Submitting requests immediately on either notification of inactivation or mobilization for a combat or military operations other than war.

(3) Ensuring that containers holding organizational historical property are clearly marked on the outside with the unit's designation and contain a packing list on both the inside and the outside of the container.

(4) Paying for the cost of shipping and transportation.

d. The CMH will respond with an authorizing document number and specific disposition instructions.

e. Items not meeting the criteria for historical artifacts as defined by this regulation will not be stored with historically significant artifacts. (See definition for "historical artifact" in glossary.) Disposition of the following categories will be in accordance with the regulations indicated:

(1) Unit fund property (AR 215-1).

(2) Organizational history files, historical records, and similar documents (DA Pam 25-400-2 and AR 870-5).

f. Flags, colors, guidons, streamers, and associated material will be stored as follows:

(1) United States flags, distinguishing flags, streamers, organizational colors, companion-sized U.S. flags, guidons, and associated material from inactivating MTOE units will be reported (not sent) to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058, for disposition instructions. Items must be reported at least 90 days in advance of inactivation with a copy of the inactivating order included.

(2) The CMH will provide disposition instructions to the organization.

(a) Flags, colors, guidons, streamers, and associated material brought into Federal service by an Army National Guard unit of a State may be returned to that state at the request of the governor.

(b) Flags, colors, guidons, streamers, and associated material may, at the request of the governor, be returned to the state that furnished the majority of the men to the unit, in cases of interstate organizations.

(3) The title to colors, standards, and guidons of Army organizations remains with the United States per 10 USC 4565. Therefore:

(a) The donation of colors, standards, and guidons is prohibited.

(b) The donation of national flags, foreign flags, pennants, and streamers may only be for use that will not bring reproach upon the United States Army.

(4) Flags, colors, guidons, streamers, and associated items retained for historical purposes will be designated as historical property and will be accounted for in accordance with this regulation.

(5) Commanders of reactivated units authorized to receive flags, colors, and guidons previously used by their organization may request them from the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

(6) Certified Army museums may request from the CMH historic flags, colors, guidons, and associated materials for public exhibition.

(7) The CMH may disapprove any request for items if a review indicates that the items will not be preserved or accounted for, or that the use of the items would not be in the best interest of the Army.

g. Organizations wishing to recover their historical artifacts from storage may submit a request to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

h. All items sent to the Army Historical Clearinghouse for storage must be free of chemical, radiological, and hazardous materials. The CMH Chief Curator must approve any request to store historical objects containing any of the above materials before the objects being shipped to the Army Historical Clearinghouse.

i. Before the approved shipment of any items containing radiological/hazardous materials, the sending unit will coordinate all moves with the intended receiving organization. This prior coordination will allow sufficient time for notification of appropriate organization and/or installation agencies to adequately prepare for the receipt and storage of any items containing radiological/hazardous materials. Commanders/ installations/units or other entities sending any items containing radiological/hazardous materials without written approval will be responsible for all fines, return transportation costs, and any other expenses incurred by the CMH or the receiving organization and/or Installation Commander that results from an unauthorized shipment.

j. Live ammunition will not be sent to any museum, museum activity, historical collection, or the Army Historical Clearinghouse, without prior approval by the CMH Chief Curator and prior coordination with the ARO when applicable. All explosive devices will be rendered inert before shipment and will be marked as such, but in a way that will not detract from their historical/display value.

## **2-18. Shipping of historical artifacts**

a. Historical artifacts and works of art to be shipped commercially or by mail and will be packed to preclude any damage. Methods of packing are described in the TM 38-230 series. The same level of care will be taken to protect artifacts and art in transportation as are used in their storage, including the use of museum safe materials. Questions concerning the proper packing of historical artifacts or art may be referred directly to the CMH.

b. Funding of commercial transportation within CONUS will be per AR 37-7.

c. Historical artifacts and works of art will be sent by registered mail (return receipt requested) when size and weight meet commercial carrier requirements and when it is economically advantageous. For this purpose, splitting of shipments should be considered. Insured mail may be used when the custodian determines that the value of the artifact or art warrants such service.

d. In the case of larger items, the receiving institution is normally responsible for the cost of shipment except in cases of base closure or realignment, unit inactivation or redesignation, or when items are sent to the Army Historical Clearinghouse. In such cases, cost of shipping and transportation will be borne by the sending organization.

e. The ARO is responsible for ensuring that all historical and organizational historical property shipped from their museum, museum activity, historical collection, or the Clearinghouse is properly identified and clearly marked/tagged with the assigned CCN. The ARO will also ensure that prior approval from the Chief Curator is obtained before shipment of any item(s). This approval will be in writing and include a document number assigned by the AAO. The ARO will provide a copy of the written approval, as part of the shipment, to the receiving museum or organization/activity.

f. Shipments of artifacts containing HM or RM will be in accordance with current regulations and directives.

## **2-19. Ordering/Contracting Officer**

As prescribed by the Federal Acquisition Regulation (FAR), the supporting contracting officer may appoint a unit/activity member as an ordering/contracting officer. The ordering/contracting officer acts as an agent for the supporting contracting officer to make authorized local purchase (LPs) under specific charter indicating the scope of authority. Process receipts as prescribed by this regulation and AR 710-2, paragraph 2-8.

HISTORICAL PROPERTY CATALOG		
For use of this form, see AR 870-5 and AR 870-20: the proponent agency is the Office of the Chief of Military History.		
CATALOG NUMBER FM 1998.002.001 CCN:	NAME OR TYPE OF ITEM Ordnance - Small Arms	
ACCESSION NO 1998.002	DATE 11 Sep 98	Carbine, Trapdoor, Caliber .45, M1873 SN: 9072
SOURCE OF ACQUISITION Gift	DATE OF ACQUISITION 8 Sep 98	TITLE VESTED WITH U.S. Army
NAME AND ADDRESS OF DONOR (Include ZIP Code) Ms. Nancy M. Martin, 334 Margie Av, Fargo, ND 52041		CONDITIONS OF DONATION None
LOCATION	MATERIAL Steel and Wood	COLOR Bright and Brown
SIZE (Length, Width, Height) 44" x 5.9" x 2.75"	WEIGHT 6 lbs 7 oz	COUNTRY OR ORIGIN U.S.A.
PERIOD OR DATE OF MANUFACTURE 1875	ARTIST OR MAKER Springfield Armory	LOCATION - SIGNATURE OR MAKERS MARK Lockplate
PHYSICAL DESCRIPTION Standard pattern M1873 carbine in good incomplete condition. Rear sight is missing, as is the swivel ring from the left side. Item is marked: "U.S./SPRINGFIELD/1873" on the lockplate; "MODEL/1873/U.S." on the breechblock; and "9072" on the receiver.		
PHYSICAL CONDITION Good/incomplete	MONETARY VALUE	PHOTO NEGATIVE NUMBER 1998.002.001
HISTORY AND SIGNIFICANCE Donated in memory of the donor's grandfather, SGT Matthew Ryan, SGT, Troop H, 2d Cavalry. Acquired by SGT Ryan in 1894 at Sheridan, WY, from Two Bears, a Cheyenne Indian who claimed to have captured is at the Battle of the Little (over)		

**DA FORM 2609**  
1 OCT 82

LOANED TO OR BORROWED FROM	CATALOG NUMBERS OF RELATED ITEMS	
REMARKS (History continued) Big Horn in 1876. (See property jacket for additional information).  For notes concerning this weapon see: DuMont, John S. <u>Firearms in the Custer Battle</u> , Harrisburg: Stackpole, 1953, pp. 59, 61.  All metal parts have had microcrystalline wax applied 10 Sep 98        Copy of appraisal in the Property Jacket. Cataloged by: D. Cole, 11 Sep 98		DATES OF MAINTENANCE INSPECTIONS  10 Sep 98

★ U.S. Government Printing Office: 1981-341-644/8800

Figure 2-1. Sample DA Form 2609 (Historical Property Catalog)

## **Chapter 3**

### **Museums, Museum Activities, and Historical Collections**

#### **3-1. General**

- a.* Commanders of installations, organizations, or agencies are authorized to establish museums or historical collections.
- b.* All museums and historical collections must be officially recognized/approved by the CMH.
- c.* The nature of the artifacts or artwork acquired will be based on a CMH-approved mission statement and collections content plan.
- d.* Museums will be placed within the command, where they will be most effective as training, educational, and research institutions.

#### **3-2. Objective**

- a.* Army museums, museum activities, and historical collections preserve a portion of the material culture of the United States in accordance with Federal law. These artifacts and works of art belong to the people of the United States, and are used to interpret the Army's history for the purpose of military training, education, and research. As a side benefit, Army museums foster morale and esprit de corps, and contribute to informing the American people about the Army's service to the nation.
- b.* The staff members (whether paid or volunteer) of every Army museum, museum activity, and historical collection have a responsibility to care, preserve/conservate, secure, account for, and properly use the historical artifacts and works of art that fall within their custody.

#### **3-3. Museum activity**

- a.* A museum activity is defined as an organization performing all the functions of a museum without having met the minimum professional standards of a certified Army museum.
- b.* A museum activity must strive to meet all the requirements of this regulation. Special emphasis will be given to the care and accountability of the artifacts in its custody. However:
  - (1) A museum activity will not acquire historical artifacts without written approval of the CMH on a case-by-case basis. Acquisition of artifacts is prohibited until the activity meets minimal staffing and storage requirements for handling incoming objects.
  - (2) Historical artifacts will not be loaned or transferred to a museum activity without the written approval of the CMH.
  - c.* Museum activities will periodically receive CMH inspections and will continue to strive to achieve the professional standards for certification as detailed in its inspection reports. Consistent failure will result in the activity being redesignated as a historical collection or being closed.

#### **3-4. Historical collection**

- a.* A historical collection is defined as:
  - (1) A collection of artifacts displayed in a regimental room, trophy room, visitor's center, hall of fame, exhibit area, or other type of display (including a former Army museum), not recognized by the Department of the Army as a museum or museum activity.
  - (2) A collection of historical artifacts including archaeological artifacts secured, preserved, accounted for, and stored at an installation or facility.
  - (3) A collection of historical artifacts in an officer's club, non-commissioned officers club, community club, chapel, lobby, or headquarters building.
  - (4) A collection of artifacts such as tanks, artillery, vehicles, or other items displayed in front of buildings, on the parade ground, at the air field, in parks, or at other locations around the installation.
- b.* Law requires the preservation of historical artifacts held by the Army, therefore:
  - (1) A historical collection must conform to those requirements in this regulation pertaining to the registration, cataloging, accountability, security, and preservation/conservation of historical artifacts.
  - (2) The CMH will provide and schedule staff assistance visits,

upon request. Commanders responsible for historical collections should seek advice and assistance from local museums and from the CMH to improve the control and accountability of the artifacts.

- (3) The acquisition of artifacts by a historical collection is prohibited without written approval of the CMH.
- (4) Historical artifacts will not be loaned or transferred to a historical collection without the written approval of the CMH.
- (5) Commanders, including those in overseas commands, may not loan, donate, or dispose of a historic artifact without the written approval of the CMH.
- c.* Commanders will provide the same type of support to historical collections as that authorized to Army museums in regard to the preservation and accountability of the artifacts.
- d.* Historical collections are not required to be open to the public on a regular basis.

#### **3-5. Establishment of museums**

- a.* Installations, organizations, or agencies desiring to establish a museum must receive approval in writing from the commander under whom the museum will fall.
- b.* Not later than 30 days from the date of the commander's approval for the establishment of the museum, the CMH will be furnished the following information through command channels:
  - (1) The commander's letter of approval.
  - (2) The name of the museum.
  - (3) The sponsoring agency.
  - (4) The installation at which the museum will be located.
  - (5) The purpose for the museum.
  - (6) The mission of the museum.
  - (7) The size, scope, and composition of the collection on hand or to be developed.
  - (8) The nature and extent of interest or support that is pledged or that can be reasonably expected from non-military agencies or organizations.
  - (9) The type, size, and location of the building, room, or areas to be used for the museum, including an estimate of the amount of space to be used for exhibitions, artifact storage, and administration, as well as the environmental and physical security factors that could effect the preservation of the artifacts.
  - (10) A description of civilian and military staff, to include the grade and series of the director/curator and the number and grades of all other persons assigned or scheduled to perform museum work.
  - (11) The name, grade, and position title of the individual designated to have supervisory oversight of the museum.
  - (12) The average number of hours to be worked per day by personnel assigned or detailed to the museum.
  - (13) The annual operating budget, including sources of financial support for example, current appropriated-funds budget information, and any available nonappropriated or association funding.
  - (14) The regularly scheduled visiting hours.
  - (15) An estimated date of the official opening.
  - (16) Any technical assistance desired by the museum staff.

*c.* Based on the above information, the CMH will review the request. Possible actions are:

- (1) The CMH may tentatively designate the proposed museum as a "provisional Army museum," with an identifier code. The operation must meet the minimum standards of a certified Army museum within 3 years.
- (2) The CMH may inform the commander concerned that the proposed museum does not warrant designation as an Army museum and will note the deficiencies. The proposed museum may be designated as a historical collection until the deficiencies are corrected.
- (3) The request may be disapproved.

#### **3-6. Administration**

- a.* Each museum will have the following written documents/records to administer its operations properly. All are subject to approval and inspection by the CMH, and are to be made available to the certification team:

- (1) Museum Master Plan to include:
  - (a) Mission statement approved by the CMH.
  - (b) Documentary evidence of the museum as an activity of the command, its organizational placement, and its official recognition by the U.S. Army (see para 3–5).
  - (c) Delegation of authority memorandum from CMH to acquire artifacts.
  - (d) Story line.
  - (e) Scope-of-collections statement.
  - (f) Collections content plan.
  - (g) Conservation/preservation plan and schedule.
  - (h) Exhibit plan.
  - (i) Five-year museum development plan.
  - (j) Table of distribution and allowances (TDA).
  - (k) Job descriptions.
  - (l) Vitae of each staff member.
  - (m) Staff development plan.
- (2) Master plan annexes, including, but not limited to:
  - (a) The museum’s last manpower assessment.
  - (b) Budget (both previous and current).
  - (c) Disaster plan.
  - (d) Educational programs.
  - (e) Volunteer program.
  - (f) Any other appropriate documents.
- (3) Physical security records, including:
  - (a) Weapons inventories (quarterly and biannually).
  - (b) Results of last physical security inspections.
  - (c) Physical security plan.
  - (d) Results of last biennial inventory of historical artifacts other than weapons.
- (e) A copy of memorandum sent to the CMH acknowledging accomplishment of last inventory.
- (f) Supporting document files reflecting all transactions involving historical artifacts.
- (g) DA Form 2064, or approved automated equivalent.
- (4) Copies of CMH museum memos and policy letters with evidence of review by all museum staff members.
- (5) Any outstanding engineer work orders available for review, with expected completion dates.
- (6) Visitation records based upon turnstile, electronic, or other accurate counting means.
- b. Each museum will have the Universal Site Artifact Management System (USAMS) in operational use, supported by:
  - (1) Historical property jackets.
  - (2) Artifact photo image and photo negative files.

### 3–7. Museum support articles

- a. Army museums are authorized to acquire museum support articles, such as exhibit cases, exhibit furniture, display panels, etc., as required to fulfill their mission. Historical collections are authorized such support items such as acid-free boxes, museum-quality storage cabinets, shelves and bins, acid-free tissue, and so on, as required for the protection of the historical artifacts on hand.
- b. Accountability for museum support articles will be maintained in accordance with AR 710–2 and AR 735–5. Items, to include reproductions, will be treated as furniture. Army museums and historical collections will maintain a separate account for museum support articles. Support articles, other than expendable items, will be inventoried annually.
- c. When museum support articles are no longer required, consideration should be given to offering such items to other Army museums or historical collections (see subpara 2–14f).
- d. Museums, museum activities, and historical collections are allowed to use reproductions or recreations of original objects for interpretation.
  - (1) A reproduction will accurately portray the object it is meant to represent, using materials and construction techniques that approximate the original.
  - (2) Reproductions will be indelibly marked to distinguish them from original artifacts. This marking will consist of the word

“REPRO/U.S. Government Property,” followed by the date of manufacture. The marking will be placed so as not to diminish the exhibit value of the item.

(3) Reproductions used in exhibits will be identified as such to avoid misrepresentation.

e. Original artifacts may not be used as “museum props” or support articles.

### 3–8. Staffing

a. Staffing of Army museums and historical collections will be in accordance with Department of the Army personnel utilization policies. The CMH is the proponent for GS–1010, 1015, and 1016 series personnel.

b. Manpower requirements for Army museums and historical collections are substantiated by current manpower management policies in AR 570–4.

c. Commanders will provide civilian personnel positions for Army museums sufficient to meet mission requirements, which include but are not limited to museum management, research, and curation of artifacts. All curatorial and museum technician (GS–1015 and 1016) positions must meet the requirements of the Office of Personnel Management (OPM) standards and must be filled with trained professionals. Civilian positions will be evaluated in accordance with the Army Civilian Training, Education, and Development (ACTEDS) Plan.

d. Installation commanders are not authorized to contract out those aspects of museum operations, involving historical collections including management, historical research, and curatorial functions. Contract support may be used to provide conservation or restoration of the artifacts, physical security, exhibit production, and training, education and outreach programs.

e. Installation commanders will obtain a recommendation from the Chief Curator before selecting a museum director or supervisory curator. The majority of any panel membership created for the purpose of reviewing the qualifications of applicants for such positions will be from the GS–1015 classification series.

f. At a minimum, a certified museum will be staffed at not less than 75 percent of its recognized required strength for professional (GS–1015, GS–1016, and GS–1010) positions. Military or contract personnel may be used in museums, but not in place of professional civilian positions.

g. The museum must be staffed at a level that allows it to meet its mission demands which include, but are not limited to, administration, physical security, accountability of the artifacts, protection of the artifacts, exhibit production, and training, education, and outreach programs. Museum activities will not have less than two professional staff members. Historical collections will be staffed at a level that will at a minimum ensure proper administration, accountability, and protection of the artifacts.

h. The museum staff may include, but is not limited to:

(1) A museum director/curator (GS–1015), who is a civilian occupying a supervisory position in a professional grade level appropriate to the level of the museum activity.

(2) A museum curator (GS–1015), who is a civilian assistant employed full time on curatorial, educational, and other museum-related matters.

(3) A museum specialist or technician (GS–1016), who is a civilian employed full time on the accountability and care of the museum collection and other museum-related matters.

(4) An exhibit specialist (GS–1010), who is a civilian employed full time on the planning, fabrication, and maintenance of museum exhibits.

(5) A museum specialist (conservator) (GS–1016), who is a civilian employed full time on the preservation, conservation, and restoration of historical artifacts within the museum’s collection.

(6) A museum aide (GS–1016) (military or civilian equivalent) to provide adequate administrative, data entry, and typing support and assistance with other museum-related matters. (This is an entry-level position.)

i. All personnel, civilian and military, assigned or detailed to the

museum or historical collection must possess qualities of unquestionable honesty, responsibility, and emotional stability and will adhere to professional ethics (see app F).

j. The museum director has direct and ready access to the military or civilian person designated by the command to provide staff supervision of the museum, as well as to the president of the museum association, foundation, council, or similar type organization, if such exists.

(1) The director plans museum activities in support of the commander's mission.

(2) The director is included in all pertinent discussions of museum matters within the command.

(3) The director is authorized direct contact with the CMH on all matters of a professional or technical nature that affect the museum.

k. The museum director operates responsibly within general guidelines. As the principal adviser to the commander, he or she is consulted on all matters relating to the professional operation of the museum, including recommendations on matters of museum policy. The museum director is responsible to the CMH for the acquisition, disposition, and use of property in the collection. The museum director must inspect and account for all historical artifacts, to include those in historical displays on the installation, if not otherwise accounted for.

l. When appropriate, the museum director is an ex-officio member of the installation or command historical committee and/or society, if such exists.

m. The director also serves in an advisory capacity to the installation commander on preserving monuments, historic structures, and sites (see AR 420-40).

n. The museum director and the other members of the museum staff are strongly encouraged to advance their professional career development through membership and participation in appropriate professional organizations and attendance at professional conferences, seminars, workshops, and museum/historical training. It is highly encouraged that Army Museum Career Program careerists receive training in Army wholesale and retail logistics during their career progression.

### 3-9. Required support of museums

a. Commanders will support Army museums. Level of support will depend on ownership of the facility, this regulation and any memorandums of understanding and/or memorandums of agreement (MOUs/MOAs) between the installation and tenant organizations. As a public-use facility, the museum should receive priority consideration for support. This support will include, but is not limited to, the following:

(1) Construction, use, renovation, additions, repair, and maintenance of buildings in compliance with Installation Design Guide.

(2) Upkeep of the grounds.

(3) Provision of utilities and telephone service (including Defense Switching Network (DSN), Class A voice, and data transmission dedicated lines).

(4) Preservation/conservation of historical artifacts, including adequate climate controls.

(5) Staff and public rest rooms.

(6) Provision of display or exhibit cases, panels, museum furniture, special lighting, and similar items as required.

(7) Construction of exhibits, including an exhibit support contract or support from Training Aids Support Centers.

(8) Signs to identify the museum and to direct visitors to the facility.

(9) Photographic services and photographic and/or digital imaging equipment.

(10) Coordination of public affairs/information services to local military and civilian communities.

(11) Security of grounds, buildings, and historical collections, including the installation and maintenance of fire alarms and fire suppression systems, installation of intrusion detection systems and the hiring of guards.

(12) Printing support including, but not limited to, color brochures, newsletters, historical information, exhibit support materials and other materials as required.

(13) Employment of curators, technicians, and other museum personnel.

(14) Funds for institutional memberships, participation, and training.

(15) Travel in conjunction with museum activities, professional development, and training.

(16) Insurance on historical artifacts not owned by the government that has been loaned to the museum.

(17) Transportation of historical artifacts and museum related supplies and equipment.

(18) Expendable and nonexpendable supplies and equipment.

(19) Postal, clerical, and secretarial services.

(20) Janitorial services.

(21) Public parking.

(22) Specialized equipment including museum storage cabinets, dehumidifiers, weapons racks, tools, and equipment required for conservation/preservation, tools and equipment required for fabrication of exhibits, exhibit furniture, and mannequins (see CTA 50-909).

(23) Disabled access (as required by law).

(24) Cost of participation in off-post historical activities in support of installation or museum mission.

(25) Assignment of military personnel to the museum.

(26) Authorization and use of nonappropriated funds in support of Army museums, subject to the provisions of this regulation.

(27) Acquisition, by issue (purchase), donation, and transfer of historical artifacts.

(28) Temporary acquisition, by loan or temporary transfer, of historical artifacts (not to exceed 5 years).

(29) Cost of technical and professional training for museum personnel.

(30) Books, periodicals, or audiovisual materials necessary to support museum administration, programs, historical research, and identification of artifacts.

(31) Cost of advertisement to highlight the museum in travel magazines and guides, advertise job vacancies, or to solicit research information.

(32) Other activities and support that contribute to the accomplishment of the museum mission.

(33) Appropriate organizational placement.

b. Installation, agency, or organization historian (if any) and the museum director will cooperate with each other to provide historical research and other mutual support as deemed necessary.

c. Installation commanders are authorized to allocate available buildings or construct facilities for use by Army museums.

(1) Construction of museum facilities will be subject to the provisions of AR 415-35, AR 415-15, AR 210-20, AR 215-1, AR 190-51, DA Pam 415-15, and TM 5-800-1.

(2) Construction will be coordinated with the CMH and other organizations as appropriate. An impact statement on museum operations and collections management will be sent to the CMH before any major alteration to an existing museum facility, such as the installation of a climate control system, or extensive renovation of a major part of the museum facility.

(3) Transfer of the museum to a new facility must be approved by the CMH at least 90 days before implementation.

(4) If the building housing, the museum, and its support functions (such as a warehouse facility) are dedicated to that function, the installation will categorize them as such at the DA level.

### 3-10. Funding for Army museums

a. Army museums, museum activities, and historical collections are appropriated-fund entities.

b. Appropriated-funds or nonappropriated funds, including those derived from private contributions, may be used to support Army museums and museum activities. The museum will have documentation showing the current budget and those for the previous 2 fiscal years. Funding must be adequate to carry out the museum's mission.

c. A supplemental mission NAFI may be established as a separate fiscal entity or accounted for within the Installation Morale, Welfare, and Recreation Fund (IMWRF), for the purpose of generating nonappropriated fund support of Army museums (see AR 215-1, subpara 4-4d).

### 3-11. Private organizations

a. Commanders may permit private organizations (POs) to be established to support Army museums as prescribed by the Joint Ethics Regulation (JER), DOD 5500.7-R, chapter 3 (AR 210-1, para 3-1). Commanders may not authorize private organizations to establish private museums on Army installations. Installations must maintain professional standards and avoid conflicts of interest to meet the requirements to establish a museum.

b. Private Organizations may use incidental space in the museum. Museum foundations and POs may be granted exclusive use of space by the installation commander in accordance with AR 210-1, paragraph 4-7, but not in such a manner as to impose space limitations on the operations of the museum.

c. Offers of conditional donations of money or real or personnel property from private organizations will be submitted in writing through command channels, to include the CMH, and the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDO-IP, Alexandria, VA 22332-0474, for approval by the Secretary of the Army per AR 1-100.

(1) Army museums may not accept the loan of historical artifacts or works of art from private organizations when the main purpose of the private organization is to provide support to the museum.

(2) Private organizations may not collect historical artifacts or works of art in competition with the Army museum they are supporting.

(3) Donations of artifacts made to an Army museum by the private organization will be documented on the DA Form 5572-R.

d. When the main purpose of the private organization is to provide support to an Army museum, two MOUs will be prepared:

(1) Between the private organization and the installation commander to establish official recognition of the PO on post.

(2) Between the private organization and the Army museum defining the support. This MOU must be reviewed and approved in writing by the CMH before it can take effect. The CMH may withdraw its approval at any time if circumstances warrant.

e. The museum will maintain file copies of the MOU signed by the supporting organization and the command and the MOU signed by the supporting organization, the CMH, and the museum.

f. Private organizations may not develop or implement any separate museum agenda, programs, or activities without prior written approval from the museum director. Formal changes to the MOU must be approved by the CMH.

g. A museum director is an ex-officio member of the PO's executive board or committee.

h. Unless prohibited by the state or locality in which they operate, museum foundations and other private organizations may use donation boxes. When used, they should be visible to visitors to the Army museum and clearly marked with the name of the sponsoring organization and the intended use of the donations. Visitors presume that all contributions made to donations boxes will be used for direct museum support. If all donations are not used for direct museum support, a sign will explain in detail what percentage is used for what purpose.

i. Copies of audits will be maintained on file.

j. Cooperation between Army museums and private organizations, affiliated organizations, or foundations is authorized but not required.

### 3-12. Volunteer programs

a. Use of volunteers in Army museums as governed by section 1588, title 10, United States Code (10 USC 1588) is authorized and will be coordinated with the installation volunteer program.

b. If a volunteer program is established, the museum director will appoint a museum staff member to act as the volunteer program

coordinator. Private organizations may not recruit or employ volunteers without the approval of the museum director.

c. The volunteer coordinator will develop position descriptions for the duties to be performed by the volunteers working in the museum.

d. The volunteer coordinator will develop a training program to be completed by each new volunteer before he or she is allowed to assume duties in the museum.

e. Records will be kept on volunteer hours.

f. Volunteers are protected by the Federal Tort Claims Act and workmen's compensation.

g. No reimbursement of any kind will be provided to volunteers.

h. A volunteer recognition program will be established.

i. Volunteers may be used as tour guides, historical interpreters, gift shop personnel, and clerical aides at the discretion of the museum director.

j. Volunteers may not prepare exhibits, perform conservation duties, catalog artifacts, or otherwise work with historical artifacts without the written approval of the CMH. Requests for exception must include justification, character references, and documentation of the individual's qualifications and training.

### 3-13. Gift shops

a. As prescribed by AR 215-1, paragraph 4-4, and AR 210-1, paragraph 4-2, gift shops may be operated in Army museums with sales authorized to all museum visitors.

b. The items sold in the gift shop must be related to the area of the museum's interest or to military history, heraldry, and organizations. The museum director will approve all items offered for sale in the gift shop. Such items typically include, but are not limited to, the following:

(1) Souvenirs related to the post, military units that are or have been stationed at the post, or military history in general.

(2) Scale models of military vehicles, weapons, and equipment.

(3) Printed matter dealing with the military, such as historical pamphlets, books, technical manuals, maps, and prints.

(4) Reproductions of paintings and items that illustrate aspects of military heritage (such as reproduction military equipment, sabers, and early firearms).

c. Items that may not be sold in Army museum gift shops include, but are not limited to, the following:

(1) Objects that are actual historical artifacts (and which may typically be found in a museum collection), such as obsolete equipment, weapons, uniforms, insignia, and medals.

(2) Any object, the sale of which could be considered in poor taste or is considered publicly offensive.

d. At least 25 percent of the net profits (gross income less fixed expenses) from a PO gift shop must be for the support of the museum's programs without conditions.

e. Copies of audits will be maintained on file for 5 years.

### 3-14. Mission, scope, and story line

a. A museum will have its mission statement approved and, in some cases, assigned by the CMH. Included with this mission statement will be the parameters of the historical period covered and the definitions of subject matter and its relationship to the missions of other museums with parallel subject areas.

b. Secondary missions of appropriate subject matter may also be assigned. The mission of all Army museums will form an integrated system to encompass the extent of the Army's heritage and material culture.

c. Each museum will prepare a scope-of-collections statement, based upon its mission statement. This document will outline the type and amount of artifacts and art that the museum is seeking to carry out its mission, and prevent nonmission objects from being acquired. The scope of collections statement must be approved by the CMH.

d. Based upon its scope of collections statement, each museum will prepare a collection content or artifact requirement statement. The statement will list artifacts needed to fill specific gaps in the

museum's collection and to fill specific exhibit needs. At a minimum, the artifact requirement statement will be updated and forwarded to the CMH with the biennial inventory. However, changes and updates may be submitted as they occur. The CMH will subsequently update the Army Museum System's collection plan based upon these reports.

*e.* The museum director is responsible for preparing a detailed story line by which the subject area of the museum will be presented. It will include a comprehensive survey of the topics to be covered, the approach and its objective, and the main references and authorities from which the story line was prepared.

*f.* The mission statement and the above accompanying documents will serve to assist the CMH in ensuring that appropriate artifacts and other resources are directed to the proper museum and that the full history of the U.S. Army is presented.

*g.* The CMH is responsible for the disposition of all Army historical artifacts and works of art and is the final authority in any controversy concerning the appropriateness of an artifact or art work to any museum, museum activity, historical collection, or other location.

### 3-15. Exhibits

*a.* The exhibition of a portion of the collection of a museum or historical collection is the visual means by which the interpretation of Army history is accomplished. It is the method by which the majority of the institution's audience is reached; therefore, Army museums and museum activities will have exhibit galleries.

*b.* Museum exhibits encompass permanent, temporary, traveling, or remote.

*c.* Exhibits will follow an approved story line (except in the case of temporary or special exhibits) and present the topics in a logical manner for a wide range of audiences.

(1) Exhibits will be effective, demonstrating good design, color, effective lighting, form, and so forth.

(2) Labels and text will be effective, incorporated into the exhibit design, and visually accessible to the visitor (for example, appropriate type size and style).

(3) Ensure good space utilization and effective traffic flow exists in the exhibit gallery.

*d.* Historical accuracy, both implied and implicit, will be scrupulously maintained, and misrepresentations will be avoided both in content and in presentation. Artifacts will be accurately identified, accurately displayed, and appropriate to the exhibit in which they appear.

*e.* Museum standards for the preservation/conservation of historical artifacts will be maintained and will not be compromised for the sake of display.

(1) The environment in the exhibition area will be monitored and maintained at museum standard levels of 68 degree Fahrenheit and 50 percent relative humidity (Rh) plus or minus 5 percent.

(2) Exhibit cases, fixtures, and object supports will be chemically and physically museum safe for objects on exhibit. Furniture and mounts for artifacts must provide adequate support. Inert barrier materials will be used to prevent contact between hostile surfaces.

(3) Museum staff whose duties include working with artifacts must be adequately trained in basic care and handling of objects.

(4) Maintenance of exhibits must be programmed during the planning phases of the exhibit.

(5) A walk-through inspection of exhibit areas will be conducted at least once each duty day to identify potential security/preservation/conservation problems.

(6) Whenever possible, artifacts should be displayed in an enclosed exhibit case or frame.

(7) Only a portion of the collection will be exhibited at any one time. Artifacts will be rotated in and out of exhibits on a regular basis to prevent deterioration. The rotation schedule will be based on the sensitivity of the artifacts in question on a case-by-case basis. Objects that are "highly sensitive" or "sensitive" to light will be rotated on/off exhibit more frequently than other objects. Care should be taken to have artifacts available in the collection that can

be rotated into an exhibit without the need for extensive refabrication and without changing the exhibit meaning.

(8) No mount or exhibit support will damage, stress, or in any way alter the artifact being displayed.

*f.* Exhibit cases and units will be well constructed of quality materials to avoid deterioration. Exhibit cases and units will be constructed to conform to physical security requirements (see AR 190-51).

*g.* Fire-proof or flame-retardant materials (Class A flame spread, under 25) will be used in construction of exhibit cases, units, panels, and exhibit props. Any exceptions authorized by the Fire Marshal must be documented.

*h.* Items that are not easily moved, such as vehicles, aircraft, and heavy equipment may remain on long-term exhibition, provided care is taken to ensure the preservation of all original materials. In the interest of public safety and for protection of the object, artifacts may be welded and/or padlocked in a manner that will not detract from public display or destroy the historical integrity.

(1) All items on outdoor exhibition will be regularly and properly maintained to retard deterioration.

(2) All equipment and vehicles with wood, rubber, nylon, or fiberglass-based tires, skids, or platforms will be mounted off the ground so that they are stable and secure. Vehicles and other oversized artifacts will rest on inert supports or pads and will be kept from coming into direct contact with the ground.

(3) Efforts will be made to exhibit large items indoors or under protective cover.

*i.* Items on outdoor exhibit will not be painted or polished for purely cosmetic reasons.

*j.* Items on exhibit will be painted in correct colors and will be appropriately marked in accordance with documented research.

*k.* Signs will notify visitors not to climb on exhibits or damage historical and nonhistorical property.

### 3-16. Security and public safety

*a.* Twenty-four hour physical security of museums and historical collections will be provided in accordance with the security standards prescribed in AR 190-51, AR 190-11, and this regulation. A physical security plan or standard operating procedures (SOP) will be developed that outlines the following:

(1) Response roster in event of a security or fire alarm.

(2) Key control, codes, and combination rotation procedures.

(3) Security checklist for routine staff inspections of museum gallery and other areas as applicable.

(4) Backup security arrangements in the event of a natural disaster, fire, loss of electricity, or other situations, when the museum is both open and closed.

(5) Coordination procedures and familiarization program for installation security and fire personnel regarding the special needs of the museum and historical collections.

*b.* The following minimum security levels or systems will be provided:

(1) Security of gallery areas during hours of operation.

(2) Fire suppression and smoke detection systems in the museum, the museum workshop, and museum storage areas, even if located in separate facilities, with a central alarm to the installation fire department or fire alarm control center (all fire suppression and detection systems will be regularly inspected per TM 5-695).

*(a)* Existing Halon 1301 fire suppression systems will be removed and replaced with automatic sprinklers (where adequate water supplies are available) by the year 2003 per ASA(IL&E) directive and AR 420-90.

*(b)* Any existing Halon 1301 fire system will be removed where there is agent loss below operable levels. Disconnect halon cylinders from distribution piping, and seal to prevent loss of agent.

*(c)* Halon 1301 cylinders will not be refilled when system activates. Where feasible, provide an automated sprinkler system to augment smoke detection system.

*(d)* Halon 1211 hand-portable fire extinguishers will be removed when agent loss is below operable levels or when servicing requires



agent discharge. Replace with ten-pound, multi purpose, ABC (ordinary combustible, flammable liquids, and electrical equipment), dry chemical, portable extinguishers.

(e) Send all excess Halon 1211 and 1301 agent to the Defense Logistics Agency (DLA), Defense General Supply Center (DGSC), Richmond, VA, for deposit in the Army's reserve for critical uses. Refer to MILSTRIP Regulation DOD 4000.25-1-M, chapter 9, and AR 755-1, chapter 4, for instructions to return halon using DD Form 1348-1A.

(f) Do not service either Halon 1301 fire suppression systems or Halon 1211 portable extinguishers when procedures may cause discharge.

(3) Any exceptions to this requirement will be authorized by the CMH for a specific facility upon written certification by the Fire Marshal that the emergency response time to the facility is 5 minutes or less.

(4) Fire drills and evacuation procedures will be established and reviewed regularly.

(5) Intrusion detection systems will be installed in the museum, museum workshops, arms room, and museum storage areas, even if located in separate facilities, with a central alarm in the installation security office. Equipment will be inspected regularly in accordance with OSHA and Army regulations and guidelines.

(6) Emergency battery-powered lighting systems will be installed in public and other appropriate areas. Equipment will be tested regularly in accordance with OSHA and Army regulations and guidelines.

c. Any exceptions to the above security requirements will be approved in writing by the CMH.

d. Security measures will not alter or harm the integrity of any historical artifacts.

e. Hazardous materials will be stored away from the artifact areas. The handling and storage of hazardous materials will be done in accordance with all applicable Army, installation, and other applicable regulations.

f. A data sheet will accompany any containers of hazardous material.

g. Appropriate equipment (such as fume hoods, eye protection, gloves, aprons, safety shoes, and so forth.) must be available in workshop areas.

h. The museum will comply with safety office requirements.

i. The museum will have a fully stocked first-aid kit on hand.

j. The museum will have on file the results of the last installation safety inspection.

### 3-17. Reference materials

a. All staff members of museums must be acquainted with and have access to the literature of the museum profession. Museums will maintain a basic library of standard museum and military material culture reference works appropriate to the museum's collections. This should include, but not be limited to, the following:

(1) Required Department of the Army and DOD publications with current changes.

(2) Field, technical, and operator's manuals.

(3) Catalogs, dictionaries, and directories.

(4) Histories.

(5) Reference books on material culture including clothing, accouterments, weapons, equipment, art, or other mission-related material.

(6) Reference books on museum operation including museum law, registration methods, preservation/conservation, exhibits and interpretation, or other related material.

(7) Technical magazines or publications relating to the above.

(8) Federal publications, including copies of the pertinent statutes, laws, and regulations.

(9) Copies of any NRC licenses for radioactive commodities in CMH custody.

b. A shelf list system, either manual or automated, containing bibliographic data such as the title, author, publisher, and date, will provide accountability for all museum books.

c. Museum library collections will not compete with other military libraries located on the installation. Museum libraries will be highly selective in content, as indicated above, and staff will depend on other libraries for more general and noncollection-related materials.

d. Museum archival holdings (documents, photographs, films, audio and videotapes, and records) maintained for research and reference purposes will be administered in accordance with AR 25-1 or DA Pam 25-400-2. Classified documents will be safeguarded in compliance with AR 380-5.

(1) Museum archival holdings, (documents, photographs, films, audio and video tapes, and records) must be readily located by use of finding aids.

(2) Finding aids, either manual or automated, will be used to provide accountability for archival materials.

(3) Archival holdings will not be marked in any way so as to deface the items.

e. Archival items, if they are original, have strong historical association with an individual or event, or are primarily to be used for exhibition may be designated as historical artifacts. Questions on designation or exhibition of such items may be referred to the CMH.

f. Archival holdings in Army museums or historical holdings will be limited to those materials relating directly to the museum's mission statement and necessary for implementing that mission.

(1) Any original record copies of official government documents will be retired to the National Archives and Records Administration (NARA).

(2) Any primary unofficial Army materials will be sent to the U.S. Army Military History Institute (MHI).

g. Copies (photocopies, fiche, videotape, etc.) of rare archival holdings will be made for research purposes. Researchers will not handle rare or fragile archival material.

h. An area separate from artifact storage areas will be used for archival holdings with adequate space, furniture, and equipment to accommodate researchers. Access to this area will be strictly controlled and environmental conditions will be maintained at appropriate levels for preservation of the materials.

i. Archival materials will be kept in appropriate museum safe (made of acid-free or acid-buffer material) envelopes, folders, or containers.

(1) Large unframed prints, sketches, documents, manuscripts, and other printed materials will be stored flat and in acid free archival folders, Mylar sleeves, or some other appropriate method.

(2) Matted items will be mounted with inert material and museum-safe reversible adhesives.

### 3-18. Preservation and conservation

a. Laws 16 USC 431 through 433, and 470, as amended require the preservation of objects of historical significance to the U.S. Army and to the American people. Extreme care must be taken to prevent the loss, damage, or destruction of historical artifacts or artwork.

b. The deterioration of historical artifacts and works of art will be minimized through the use of good preservation and conservation practices according to prescribed museum standards. Conservation encompasses that which preserve or prolong the life of museum objects. Preservation or preventive conservation prevents further deterioration by stabilizing the environment and controlling the causes of deterioration.

c. The CMH will be the final ruling authority for any disputes or controversies resulting from improper care of historical artifacts.

d. Historical artifacts and works of art must be maintained in a stable environment.

(1) Temperature will be maintained at 68 degree Fahrenheit (within a range of plus or minus 5 degrees).

(2) The Rh will be maintained at 50 percent (within a range of plus or minus 5 percent).

(3) Temperature and Rh should be maintained within the acceptable range on a 24-hour basis, with no more than a 5 degree and a 5 percent variation. The environment in which artifacts are maintained should be free from repeated daily and seasonal fluctuations of the

exterior weather conditions. Temperature and Rh will be monitored and recorded. Maintain records for at least 2 years to verify stability of environment.

*e.* The maximum acceptable visible light levels for objects on display are 50 lux (5-foot candles) for highly sensitive objects (silk, watercolors, and paper artifacts); 150 lux (15-foot candles) for sensitive objects (oil paintings; leather; horn; wood that is painted, stained or varnished; plastics; and metals that are painted or varnished); 300 lux (30-foot candles) for insensitive objects (metal, glass, and ceramics).

(1) Historical objects and works of art on exhibit will be illuminated according to the sensitivity of the materials from which they are made.

(2) The acceptable ultraviolet light level for historical artifacts and works of art on display will be less than 75 microwatts per lumen. Filters will be used to control UV radiation.

(3) Historical artifacts and works of art will be stored in total darkness as far as practical.

*f.* Historical artifacts and works of art will be maintained in a pest (insect and animal) free environment. The environment will also be free from microorganisms (mold and fungus) and other similar agents of deterioration. The environment will also be free from plants and other pest attracting agents.

(1) All incoming artifacts and art will be inspected for infestation before storage or exhibition.

(2) If an infestation is discovered, isolate all affected items. Monitor the exhibition and collection areas for further infestations. Implement pest/microorganism/mold control procedures as needed in compliance with appropriate safety requirements. Record infestations and methods of control on artifact records and on condition reports.

*g.* Collection storage and exhibition areas will be maintained free of dust and particulate matter and other gas pollutants.

*h.* All materials/supplies and equipment used to exhibit, store, house, or pack historical artifacts and works of art will be constructed of materials that are deemed museum safe, thus limiting the potential for deterioration by gas pollutants.

*i.* All-historical artifacts and works of art will be handled in such a way as to preclude mechanical damage of any type.

(1) Historical artifacts, no matter how sound their condition appears, will no longer serve their original function and will suffer fair wear and tear through consumptive use. Therefore, historical clothing will not be worn, historical aircraft will not be flown, historical vehicles will not be operated, and historical weapons will not be fired.

(2) Historical integrity of an artifact is essential to the preservation of the material culture of the Army. This integrity will not be compromised by alteration in any form to include demilitarization.

(3) An exception to policy on the consumptive use or the alteration of an artifact may be requested of the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058. Requests will be submitted in writing with clear justification for the action.

*j.* All conservation and restoration of historical artifacts and works of art undertaken must have the written consent of the CMH.

(1) The museum will produce or obtain a summary of the proposed treatment.

(2) Photographs will be taken before any conservation or restoration work.

(3) Conservation and restorations will be accomplished only by personnel qualified to do the work.

(4) A record will be maintained of work performed and any parts added to the object. Original parts removed will be retained and marked with the catalog number of the source artifact. Provide a conservation treatment report after the treatment is completed.

(5) The restored artifact will be authentic in color, markings, and finish.

(6) Photographs will be taken after the conservation or restoration work to document the completed work.

(7) Photographs, reports, and documentation will be permanently retained in the item's property jacket.

*k.* Preservation and conservation standard operating procedures.

(1) Custodians of historical artifacts and works of art will develop local preservation and conservation SOP.

(2) At a minimum, the SOP will address the following:

(a) An environmental strategy for the control of temperature, relative humidity, light, pests, biological infestation, and gas and particulate pollution.

(b) Methods for controlling the environment.

(c) Procedures for monitoring and recording the environment with appropriate equipment and calibrating the equipment as needed.

(d) Procedures for collecting and analyzing the recorded data.

(e) Procedures for implementing any corrective actions needed to preserve and maintain the artifacts.

(f) Establishment of a log to document corrective actions taken to improve environmental conditions.

(g) Establishment of good housekeeping practices.

(h) Procedures for proper handling of historical artifacts and works of art.

(i) Procedures for making routine conservation assessments of historical artifacts and works of art in the collection.

(j) Establishment of annual training of staff on current, standard preventive conservation practices.

### **3-19. Programs**

*a.* Army museums will maintain educational materials to support the training function of its local command.

*b.* The museum will perform its training mission through programs and activities in addition to its exhibits and group tours. This may include classes, lectures, audio-visual presentations, or other training support to military schools, Active Army units, Reserve Component units, and Reserve Officer Training Corps organizations supported by the local installation.

*c.* The museum will perform its educational mission through outreach programs and activities such as lectures, guest speakers, school presentations, multimedia presentations, and living history programs.

*d.* The museum will be actively involved through the Public Affairs Office (PAO) in informing the local military and civilian communities of its programs.

### **3-20. Certification**

*a.* The CMH will periodically evaluate and inspect Army museums and museum activities and will advise commanders on acceptable levels of professional standards for the museums.

*b.* A museum that meets the standards established by this regulation (see app C), will be certified as an official Army museum and will receive an appropriate Department of the Army Certificate.

*c.* The certification process will include:

(1) An in-depth questionnaire accredited by the commander on the status of the museum.

(2) An on-site inspection of the museum based on the requirements of this regulation by a CMH-appointed certification team.

(3) A written report of the findings by the certification team submitted for review by a certification panel comprised of at least six recognized museum authorities. The panel will make a recommendation, based upon the report, to the Chief Curator.

(4) The Chief Curator must submit a final recommendation, based upon the input of the panel, to the Chief of Military History, who will approve or disapprove certified status of the museum in question.

(5) If approved, the Secretary of the Army will grant certification to the museum.

*d.* After the initial certification, the museum will be reevaluated every 5 years as outlined above; however, a museum may receive an earlier reevaluation if its level of professional performance or ability to care for its collection has substantially changed.

*e.* A museum that does not meet the established standards as confirmed by the procedures outlined above will be informed of the

specific shortcomings and allowed 18 months to make corrections. If, following a certification reinspection, the defects have been found to have been corrected, the museum will be certified as an official Army museum.

*f.* If the shortcomings have not been corrected after reinspection, the CMH may:

(1) Approve an additional 180 days maximum for the museum to complete corrections, if so warranted by the work in progress.

(2) Withdraw the museum's status as an official Army museum and redesignate it either as a museum activity or a historical collection.

(3) Close the facility.

### **3-21. Closing of a museum or museum activity**

*a.* The closing of an Army museum for more than 10 days will be reported to the CMH through command channels at least 60 days in advance. Notification will include:

(1) Reason for temporary closure.

(2) Estimate of time the museum will remain closed.

(3) Description of the location of the collection during the inactive period and a statement as to adequacy of the location in meeting the requirements for security and protection of the collection.

*b.* In some cases, the CMH will require temporary closing of a museum to correct deficiencies.

*c.* A museum may be closed as a result of base realignment and closure action or after consistently failing to meet minimum professional standards. Procedures for the permanent closing of a museum or historical collection are as follows:

(1) The decision to close an Army museum, museum activity, or historical collection will be made far enough in advance to allow the installation or command time to budget for the inventory, packing, shipment, and transportation of the collection. The installation will bear all expenses for closure, including the joint inventory, packing, shipment, transportation, storage, and so forth.

(2) The intended closure will be reported through command channels to the CMH as soon as possible, but not less than 6 months in advance, and the following information will be provided:

(*a.*) Name of the individual in charge of the closure project.

(*b.*) Date of the intended closure.

(*c.*) Reasons and justification for closure.

(*d.*) Statement that sufficient funding is available to cover the cost of inventory, packing, shipment, and transportation of artifacts in such a way that no loss or harm will result.

(3) Registration and cataloging will be brought up to date during this 6-month period in accordance with this regulation. All loans will be returned and any Reports of Survey instituted will be completed before closure.

(4) A joint inventory will be conducted by the ARO and a CMH museum closure team at the time of the official closure. Any property accountability issues will be resolved at this time. The CMH museum closure team will be appointed in writing by the Army's Chief Curator.

(5) The CMH provides instructions for the disposition of all historical artifacts. Recommendations and suggestions for disposition may be forwarded to the CMH for consideration. However, because law prohibits the loan or donation of certain artifacts to nonFederal organizations or agencies, no disposition will be made until the ARO receives instructions from CMH.

## **Chapter 4 Center of Military History**

### **Section I Museum Division Range of Duties**

#### **4-1. Army art central collection**

*a.* The CMH oversees and administers the acquisition, preservation, maintenance, use, inventory, security, and management of all works of art in the Army Art Central Collection.

*b.* The CMH schedules and conducts a 5 percent monthly inventory of the Army Art Central Collection. Results of the inventory will be recorded and a memorandum summarizing the result of the inventory will be submitted to the CMH at the end of each odd-numbered year. Discrepancies will be resolved as they are found, and, if necessary, a DA Form 4697 (Department of Army Report of Survey) will be completed for any lost, damaged, or destroyed items.

*c.* Army art on loan from the Army Art Central Collection will be inventoried per the requirements of the loan agreement or, if not otherwise stated, in November of each year, and a report of the inventory will be submitted directly to the CMH. Works of art held by Army museums or historical collections will be inventoried biennially. Reports of the loss, destruction, or damage of Army art loaned from the Army Art Central Collection to agencies other than federal government agencies will be made in accordance with the provision of the loan agreement (DA Form 5575-R) and as prescribed by this regulation.

*d.* Selected works of art in the Army Art Central Collection are for use in packaged or special exhibits as prescribed by AR 700-131 and paragraph 2-9 of this regulation. On loans to non-federal organizations and institutions such as colleges and universities, community centers, civic organizations, art galleries, and libraries the following additional conditions will apply:

(1) The proposed use is in the public interest and is advantageous to the Army.

(2) The Army retains the right to immediate possession.

(3) The Army retains custody and control of the property (for example, retention of property accountability and a reasonable degree of supervision).

(4) The exhibition is open to the general public without admission charge.

(5) Physical security of items in the exhibition is assured. All loan of Army property must comply with this condition.

(6) A surety bond in such amount as the CMH may require, indemnifying the government against theft, loss, damage, destruction, and return of the borrowed art, is required at the borrower's expense.

(7) The borrower is responsible for all costs involved in both the loan and the return of the exhibit, including packing, crating, transporting locally, and shipping. Funding of commercial transportation within the continental United States will be in accordance with AR 37-7. Art will not be shipped outside the United States except those special exhibits authorized by the Chief of Military History.

(8) To ensure maximum availability of works for packaged or special exhibits, works for long-term display are limited to the immediate office area of lieutenant generals or the civilian equivalent and higher. Immediate office area does not include adjacent offices or space usually, but not limited to, used by the secretary, aide, or driver.

(*a.*) No art will be loaned to individuals for private use.

(*b.*) The use of reproductions for display in government offices is strongly encouraged.

(9) Requests for the loan of original items should specify the size and, when known, the subject matter and media desired (oil, watercolor, acrylic, or pen and ink).

(*a.*) If available, art tentatively selected by a borrower will be withdrawn from storage within ten days of selection so that the items can be evaluated for size, media, condition, and subject matter.

(b) Borrowing agencies are responsible for all costs involved in both the loan and return of the art, including local transportation.

(c) DoD or Army activities located in the Pentagon will coordinate transportation requirements with the Center of Military History.

(10) Artwork will be loaned for a period not to exceed two years. Requests for exceptions should be sent directly to Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, D.C. 20319-5058, with written justification for withholding such works from packaged or special exhibits.

(a) If a holding organization no longer desires or is unable to house items from the Army Art Central Collection, the Chief of Military History will be notified. The items in question will be returned to the Center of Military History.

(b) Artwork on loan to any agency for the purpose of exhibition will not be removed from exhibition for more than two weeks without the agency's first notifying the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, D.C. 20319-5058, in writing. Artwork removed from exhibition will not be stored under conditions that could cause physical or environmental damage to the item or lead to its loss.

(c) No artwork on loan to an organization will be moved or otherwise transferred within that organization without prior authorization from the CMH.

e. The disposition of material from the Army Art Central Collection is the responsibility of the CMH and will be handled per the provisions of this regulation.

f. The Chief Curator is responsible for establishing criteria for acceptance of artwork into the Army Art Central Collection.

#### **4-2. The Army Artist Program**

a. The Army Artist Program is sponsored by the CMH in coordination with Army arts and crafts directors. Specific functions for the accomplishment of this program are as follows:

(1) The CMH establishes criteria and standards for artwork production; provide fund support for travel expenses, per diem, and art supplies; select soldier-artists to participate in the program; arrange overseas transportation of soldiers; monitor the program; and assume custody of the finished artwork.

(2) Army artists may be attached singularly or in groups to Military History Detachments (MHDs) for field exercises, military operations other than war, and combat operations. Detachment commanders will provide administrative guidance to art program teams on required historical coverage. The detachment will be responsible for arranging billeting, transportation, clearances, and local assignments, etc., for the artists. Soldier-artists will be under the Uniform Code of Military Justice (UCMJ) authority of the MHD commander and will receive efficiency reports for the period of their attachment in accordance with applicable Army regulations.

(3) The Commander, USACFSC coordinates the operation of the Army Artist Program. The USACFSC must publicize the program, assist with recruitment and selection, and process applications. This service may include guidance and assistance to units, field operating agencies, and other activities stationed within the geographical limits of their area.

(4) Post arts and crafts directors, under the general supervision of the Community Recreation Branch provides guidance to the Army Art Program at the installation level, including publicity and assistance to participants. They will also assist in obtaining, evaluating, and recommending prospective soldier applicants and advise on submission of applications.

(5) The Chief of DA Public Affairs and public affairs officers at commands and installations shall provide appropriate support to the Army Artist Program. Members and alternates for artist teams will be selected by the CMH from applications submitted by qualified military personnel who are recommended and eligible for release to this special assignment. A selection committee will select team members. Alternates will also be selected in case artists are not able to complete their assignments.

#### **4-3. U.S. Army Historical Clearinghouse**

a. The U.S. Army Historical Clearinghouse provides long-term storage of Army historical artifacts, to include organizational historical property for which an Army requirement exists.

b. The responsibility for the storage, care, and accountability for historical and retired U.S. flags, distinguishing flags, streamers, companion-size, U.S. flags, organizational colors, guidons, and associated materials is delegated to the CMH in compliance with Section 4565, 10 United States Code (10 U.S.C. 4565).

c. The Army Historical Clearinghouse will store historical artifacts, U.S. Flags, distinguishing flags, streamers, companion-sized U.S. flags, organizational colors, guidons, and associated materials being retired or from inactivating MTOE units.

d. In cooperation, the AMC and the CMH are responsible for:

- (1) Determining the integrity of all shipments received for placement into storage.

- (2) Identifying any in-transit shortages, damage, and discrepancies immediately on receipt and taking appropriate action.

- (3) Ensuring that all shipments received have the appropriate authorizing document number and packing lists.

- (4) Screening all items received for dormant storage per established procedures, taking care that all appropriate actions are taken to protect, preserve, locate, and account for items appropriate for retention for the Army historical effort.

- (5) On receipt of a shipping request with authorizing document number from the CMH, the Clearinghouse must locate and verify the item(s) requested and prepare them for shipment.

- (6) Direct coordination is authorized with the recipient for funding, and other shipping or transportation arrangements.

e. The Clearinghouse must forward a monthly activities report to the Commander, U.S. Army Center of Military History, ATTN: DAMH-MD, 103 Third Avenue, Fort McNair, D.C. 20319-5058.

#### **4-4. War and military operations other than war (MOOTW)**

a. The CMH assembles and deploys in a timely fashion military and/or civilian personnel (to include contractor personnel) for artifact recovery during each combat operation and military operations other than war, including joint and multinational operations in which the Army is a part.

b. Personnel may be attached to Army headquarters, history teams, joint history teams, MHDs, logistical support groups, or other appropriate organizations. Local commanders will be responsible for providing force protection and support services which may include but are not limited to non-routine medical/dental care; mess; quarters; clearances, special clothing, equipment, weapons or training mandated by the applicable commander; mail; and emergency notification. All personnel including contractors will be required to comply with all applicable U.S. and/or international laws. During a declared war, civilian members of the team may be subject to the Uniform Code of Military Justice. Jurisdiction will be determined by applicable Army regulations. Team members will receive evaluations for the period of their attachment in accordance with applicable Army regulations.

c. The number and type of personnel required will vary depending upon the size and scope of the operation, however, at a minimum there will be a senior historical property coordinator at theater staff level and one or more two-person processing teams as required. Team members are authorized to participate in joint artifact recovery teams and will cooperate with multinational and allied recovery efforts.

d. Team personnel should have military background and experience and have multiple skills in areas such as supply, transportation, small-arms repair, explosive ordnance, reconnaissance, security, and so on. They should also have knowledge of the Army Museum System and artifact registration methods.

e. The mission of the recovery teams will be:

- (1) To systematically collect, identify, register, and return to the United States, significant historical artifacts relating to the U.S. Army, its allies, and its enemies, to provide a balanced, documented, historical collection for long-term preservation, available for research and analysis. The exact nature of the artifacts recovered

will vary depending on the nature of the operation, international law, and agreements in effect.

(2) To prevent the destruction or demilitarization of historically significant artifacts, and to make them available for distribution to the Army, DoD, federal, nonfederal and foreign museums, agencies, and institutions.

(3) To acquire artifacts, including historically significant U.S. materiel, otherwise unobtainable in the United States.

(4) To provide technical assistance to both official and unofficial research efforts and publications.

(5) To assist the Department of Defense in fulfilling the requirements of section 2579, 10 United States Code (10 U.S.C. 2579), Procedures for Handling and Retaining Battlefield Objects.

(a) Materiel acquired pursuant to The Spoils of War Act of 1994 (50 USC 2201, et. seq.) by the Army on the battlefield or through service during combat or MOOTW, and retained for use as part of the Army Historical Collection, is not subject to the provisions of 10 USC 2579.

(b) War trophies are personal souvenirs acquired by individual soldiers and should not be confused with Army historical artifacts acquired through service or combat.

f. The mission of the senior historical property coordinator will be:

(1) To provide coordination and technical assistance to the Army and Joint commanders, staff, historians, and logistics and intelligence agencies in property identification and recovery efforts.

(2) To provide coordination and technical assistance to the Army Intelligence foreign materiel exploitation specialists, and to ensure that the established intelligence priorities are maintained.

(3) To preselect significant materiel for shipment back to the United States, to prevent nonessential materiel from being returned at needless expense.

(4) To assist in the recovery effort commanders are authorized to establish holding areas, provide supply, shipping, and transportation support as required.

## **Section II**

### **The Army Exchange Program**

#### **4-5. General**

a. The SA has authority under Title 10 U.S.C. 2572(b) to exchange "books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel, that are not needed by the armed forces, if such items or services directly benefit" the Army Historical Collection. The SA has delegated approval authority for these transactions to the DAS. The items for which the Army may conduct exchange transactions include:

(1) Similar items held by any individual, organization, institution, agency, or nation.

(2) Conservation supplies, equipment, facilities, or systems. Note: If lease, purchase, or other acquisition of real property (as a conservation facility) is being considered under the exchange process of 10 USC 2572(b), coordination with the Army Corps of Engineers is required prior to any such acquisition.

(3) Search, salvage, or transportation services.

(4) Restoration, conservation, or preservation services.

(5) Educational programs.

b. The CMH is the only Army agency authorized to conduct an exchange transaction under Title 10 U.S.C. 2572, in support of the Army Historical Collection.

c. An exchange may be conducted with any eligible individual, organization, institution, agency, or nation. Entities of a foreign government are authorized to participate in exchange transactions provided they are an official entity of that nation's government and approved by the State Department.

d. An exchange may not be made if the value of the property received is less than the value of the property provided by the Army. This provision may be waived by the Secretary of the Army

if the property received will significantly enhance the Army Historical Collection.

e. The CMH publishes a Museum Acquisition Plan every two years and update it internally on an annual basis. The plan is a list of items, services, and facilities required by the Army Museum System. The required items are identified by Army museums in the field and by members of the Army curatorial staff, reviewed by the Museum Acquisition Panel, and approved by the Chief Curator of the Army. Justification will be provided and exchanges will not be made for items, services, or facilities not required by the Army Museum System. The plan will be published for public dissemination and at a minimum, will include:

(1) Goals for the expansion, conservation, and long term-care of the Army Historical Collection.

(2) Projected requirements of obsolete or condemned equipment by type, quantity, and estimated fair market value to support the exchange transactions.

f. Demilitarization of exchange materiel will comply with demilitarization policies defined in DoD 4160.21-M Defense Reutilization and Disposal Manual, and DoD 4160.21-M-1, Defense Demilitarization Manual, unless waived or modified by the appropriate official.

g. Exchanges will be unconditional.

h. Property received by the CMH as a result of an exchange becomes part of the Army Historical Collection and will be accounted for in accordance with this regulation and all other applicable Army regulations.

i. An exchange transaction begins with an offer made by a prospective exchange recipient. (See Figures 4-1 and 4-2 for process flowcharts.)

(1) An offer is valid if:

(a) The proposed recipient of Army assets is the owner of the item(s) being offered to the Army.

(b) The item to be acquired is included in the Collection Plan. Items of historical significance not included in the plan must be proposed and approved as an addition to the plan.

(c) The individual making the offer is not requesting operational items prohibited from release in accordance with 4160.21-M-1. Demilitarization codes must be verified by the AMC.

(2) An individual making an offer is considered an acceptable recipient if:

(a) The Chief Curator, CMH, must decide to proceed based on OTJAG's legal opinion. He/she will produce an MFR documenting his/her decision. If he/she decides to proceed, the discrepancies, legal opinion, and MFR must be included in the proposal presented to the Transaction Review Committee (see below) and the agreement presented to the DAS or SA for approval.

(b) Approval of the State Department is required for any transaction with a foreign government or foreign national.

(3) On acceptance of the offeror, CMH and the offeror will negotiate the initial terms of the proposed exchange. These negotiations will—

(a) Identify who will bear the cost of any necessary demilitarization to be applied to an Army asset.

(b) Identify if any requests for waivers of demilitarization instructions must be submitted and approved before valuation is conducted. Requests for waivers will be forwarded through the Army DCSLOG and the DAS for approval by the Assistant Secretary of Defense (Production and Logistics). State Department approval is also required for exchanges with foreign nations.

(c) Address any other issues pertinent to the proposed exchange.

(4) When Munitions List Items (MLI) (Demil. code B, C, D, E, or F) or Commerce Control List Items (CCLI) (Demil. Code Q) are identified for exchange, the CMH must obtain an end-use certificate from the offeror. The TACOM, ATTN: AMSTA-IM-OER, will provide MLI/CCLI determination for historical items where the Demil. code is unknown. Upon receipt of the end-use certificate, CMH is responsible for:

(a) Notifying the gaining organization or person that demilitarization code Q items may require export approval by the Department of Commerce.

(b) Forwarding the end-use certificate and a copy of the CID report to the Defense Logistics Agency (DLA), DLSC-LC, 8725 John J. Kingman Road, Suite 3539, Fort Belvoir, VA 22060-6221, for end-use and end user checks. These checks are conducted in accordance with DoD Directive 2030.8 to verify the destination, end-user, and subsequent end-use of controlled DoD property conforms to that stated in the export license or end-use certificate. DLA will provide CMH a report approving or disapproving the offer for the property requested.

(c) Informing the offeror that further transfer of the exchanged property requires submission of another end-use certificate by the new owner to the DLA for approval prior to transfer of the property. Failure to submit the end-use certificate to DLA may result in criminal or civil penalties.

(5) Generating a draft proposal identifying the Army assets desired and artifacts or services offered. The Chief Curator will then publish a memorandum authorizing the expenditure of appropriated funds for conducting required valuations.

(6) Determining the availability of the excess obsolete or condemned equipment or the artifact requested. If the item(s) requested are not available, the CMH will notify the offeror of what assets are available and renegotiate the draft proposal.

(7) Valuation.

(a) A qualified government, Army, or independent valuator must meet the following criteria. Appropriated funds may be used to pay the cost of conducting an appraisal. These costs will not be included in the negotiated exchange proposal.

1. He/she has an education and/or training background in the subject area and is considered an expert in the area of the valuation.

2. He/she has no personal vested interest in the transaction. (An Army curator, conservator, or museum technician is not considered to have a vested interest in the acquisition of an artifact for the Army collection if the artifact is not intended for their museum or collection and/or they are not directly involved in the exchange process.

3. He/she must be technically proficient to value the services being offered. Technical familiarity or expertise determines technical proficiency with the equipment being serviced or familiarity with the process that the service is rendered.

(b) Excess obsolete or condemned Army equipment identified for use in an exchange will be valued using the following criteria in preferential order. Submit a written report describing the criteria used for the appraisal to the CMH for use in preparing the formal proposal. Valuation should reflect the projected value of the item(s) after any applicable demilitarization instructions are applied.

1. Standard commercial valuation documentation such as a blue book where available (that is, Kelley Blue Book or Helivalues Helicopter Blue Book).

2. Comparison to similar items for sale in trade publications.

3. Recent sales prices of similar items by the Defense Reutilization and Marketing Service (DRMS), adjusted for differences in condition, quantity, and inflation.

4. Evaluation determined in accordance with Table 37-2, of DFAS-IN 37-1.

5. Evaluations provided by the Item/Program Manager.

6. An independent appraisal of value by a third party in the business of providing such valuation assessments.

(c) CMH artifacts identified for use in an exchange will be valued using the following criteria in preferential order. Submit a written report describing the criteria used for the appraisal to CMH for use in preparing the formal proposal. Valuation should reflect the projected value of the item(s) after any applicable demilitarization instructions are applied.

1. Comparison to similar items for sale in trade publications

2. Evaluations by Army Curator.

3. Evaluations by government Curator.

4. Independent appraisal.

(d) Artifacts offered to the CMH in an exchange will be valued using the following criteria in preferential order. A written report describing the criteria used for the appraisal will be submitted to

CMH for use in preparing the formal proposal. Documentation such as market prices, photographs, and historical references that support the condition, and authenticity of the artifacts should be included.

1. Evaluations by a qualified government valuator if the perceived value of each item is less than \$5,000 and the perceived total is less than \$50,000.

2. Evaluations by a qualified Army valuator if the perceived value of each item is less than \$5,000 and the perceived total is less than \$50,000.

3. Independent appraisal. This is required if the perceived value of any one item is greater than \$5,000 or the perceived total is greater than \$50,000.

(e) Services offered to the CMH in an exchange will be valued using all of the following criteria. Submit a written report describing the analysis of the value of the services rendered to the CMH for use in preparing the formal proposal.

1. The offeror's estimate of the service to be rendered;

2. Subject matter expert (SME) analysis of the offeror's estimate and a determination of the value of the services to be rendered.

(f) Valuations conducted must be documented in a report signed by the appraiser or SME and submitted to the CMH. This report must be maintained in the permanent exchange file. The valuation report will—

1. Describe and/or explain the methodology used by the appraiser or SME, for example, comparisons used, and so forth, to determine the final estimate of value;

2. Provide the final estimate of value;

3. Identify any limiting conditions to the appraisal or analysis of services;

4. Describe each of the items, artifacts, or services that were appraised or valued.

(8) A formal proposal is written by the CMH after all necessary valuations are completed. The proposal should be in balance, the value of the item(s) or service(s) to be received by the Army being equal to the value of the Army property being exchanged. Proposals may be out of balance if in favor of the Army or if the item(s) to be received by the Army will significantly enhance the historical collection of the Army. Out-of-balance proposals in favor of the offeror must be approved by the SA. The DAS approves in-balance and out-of-balance proposals in favor of the Army.

(9) The Transaction Review Committee (TRC) is responsible for reviewing the formal proposal. The TRC consists of, but is not limited to, the CMH Chief Curator, an Office of the Deputy Chief of Staff for Logistics (ODCSLOG) representative, an Office of the Deputy Chief of Staff for Operations (ODCSOPS) representative, and an AMC representative. Copies of any discrepancies noted in the CID background check, the legal opinion on the discrepancies, and the Chief Curator's MFR on the decision to proceed with the transaction will be attached to the proposal for TRC consideration. The TRC must:

(a) Verify that appropriate methods were employed and efforts made to obtain the valuations reflected in the formal exchange proposal.

(b) Provide a recommendation for approval to the DAS or SA. Proposals not recommended for approval will be returned to CMH for revision.

(c) Provide an overall objective assessment of the transaction.

(10) Each proposal recommended for approval will be reviewed by the OTJAG. Proposals not within legal criteria are returned to CMH for revision. The revised proposal must then be reviewed by the TRC.

(11) The exchange proposal is then presented to the offeror for approval. The offeror can request reconsideration if the offeror is dissatisfied with the proposal. The reconsideration request is sent to the CMH for possible revision of the proposal. The revised proposal must then be reviewed by the TRC.

(12) The CMH must then prepare an agreement and obtain the offeror's signature for offeror-approved proposals. The agreement will be reviewed and approved by OTJAG.

(13) The Chief of Military History must review the OTJAG-approved agreement for endorsement. Agreements not endorsed will

be considered for revision. The TRC will review any revised proposal.

(14) Prior to forwarding a CMH endorsed agreement to the DAS or SA for approval, all Army assets involved in the proposed exchange must appear on the CMH historical property book. Any assets not previously owned by the CMH must be transferred to the CMH historical property book.

(15) The CMH then forwards the agreement for approval when all Army assets involved in the exchange appear on the CMH historical property book. The DAS is the approval authority for all in-balance and out-of-balance exchanges in favor of the Army. The SA is the approval authority for all out-of-balance exchanges in favor of the offeror. Copies of discrepancies noted in the CID background check, the legal opinion on the discrepancies, and the Chief Curator's MFR noting the decision to proceed with the transaction will be attached to the agreement for consideration by the approving official.

(16) On approval of the agreement, applicable demilitarization will be accomplished in accordance with the appropriate instructions.

(a) The AMC provides demilitarization (demilitarization) instructions.

(b) The CMH arranges for demilitarization, either through the appropriate item manager or with a qualified demiller.

(c) Completed demilitarization must be inspected and certified by two DoD officials competent on that type of equipment. The individuals will sign the Demilitarization memorandum and provide it to CMH.

(d) The CMH must retain the Demilitarization memorandum in the permanent exchange file and provide a copy to the AMC.

(17) Deliveries of the offered item(s) or services and the Army assets are arranged after demilitarization is accomplished and certified.

(a) Services provided by the offeror must be completed and verified prior to delivery of Army assets in payment. The CMH makes payment per the schedule in the agreement

(b) Joint safety inspection(s) (for example, Flight Safety Critical Aviation Parts FSCAP, hazardous material HAZMAT, radioactive materials, and so on.) are conducted on all Army assets prior to release.

(c) Army assets will be released when the joint safety inspection(s) are completed and the items being acquired by the Army are shipped.

(d) Items being acquired by the Army in the exchange are shipped to the receiving organization. The CMH will track the offered item(s) throughout shipping until arrival at the shipping address. The accessioning museum will notify CMH upon receipt of the item(s).

(18) Property accountability records are updated after receipt of offered item(s) and delivery of Army assets.

(a) The item(s) received through the exchange are added to the inventory of the receiving museum and the CMH historical property book.

(b) The items given by the Army through the exchange transaction are dropped from the CMH historical property book.

(c) The exchange file is completed and filed in the permanent records. A complete copy of the file will be provided to the AMC. These records must be maintained to ensure a proper audit trail exists for each Army asset used in an exchange transaction.

#### *j. Duties.*

(1) The CMH is responsible for:

(a) Publishing the Museum Acquisition Plan every two years for public dissemination and update the plan annually for internal use.

(b) Initiating background checks by the Criminal Investigation Division (CID) on each exchange offeror.

1. Obtain an OTJAG opinion for any discrepancies identified in the CID report.

2. Obtain an MFR signed by the Chief Curator noting the decision to proceed with the exchange transaction.

(c) Obtain Department of State approval when exchanges involve

parties outside the United States or when the exchanged materiel is intended for export.

(d) Negotiating or renegotiate the terms of the proposed exchange with the offeror.

(e) Obtaining a signed end-use certificate from the offeror and request DLA conduct end-use and end user checks prior to proceeding with the transaction. Providing DLA with a copy of the CID report for use in the checks.

(f) Preparing the draft proposal and produce a memorandum, signed by the Chief Curator, authorizing the expenditure of appropriated funds for required valuations.

(g) Identifying the availability of requested artifact(s) or excess obsolete or condemned equipment by contacting AMC.

(h) Ensuring qualified competent individuals conduct proper valuations.

(i) Preparing the formal proposal after all valuations are complete and forward it to the TRC for review.

(j) Forwarding TRC approved exchange proposals to OTJAG for legal review.

(k) Presenting the formal proposal to the offeror and prepare the agreement that is signed by both the offeror and the CMH.

(l) Forwarding the signed agreement to OTJAG for legal review.

(m) Taking possession of any Army assets not already listed on the CMH property books.

(n) Forwarding the legally reviewed agreement to the DAS or SA for approval after taking possession of all Army assets involved in the exchange.

(o) Arranging for appropriate demilitarization to be accomplished in accordance with instructions received from the AMC.

(p) Ensuring no classified materiel is exchanged.

(q) Verifying completion of services prior to release of Army assets in payment of exchanges.

(r) Arranging payment for services rendered in an exchange according to the payment schedule included in the final agreement.

(s) Tracking item(s) shipped to the Army throughout transport.

(t) Arranging delivery of Army assets to the offeror.

(u) Establishing accountability of items received and drop accountability of those items lost to the Army through the exchange.

(v) Maintaining permanent records, to include demilitarization memorandums, of all exchange transactions to ensure a proper audit trail and a central record are maintained for all Army assets used in exchanges.

(2) The AMC is responsible for:

(a) Assisting the CMH in determining the availability of requested Army excess condemned or obsolete equipment for use in an exchange transaction. If the requested item(s) are not available, provide CMH with a list of equipment that could be used in an exchange transaction.

(b) Assisting the CMH with the valuation of excess condemned or obsolete equipment identified for use in a proposed exchange transaction.

(c) Providing, as required, an AMC representative to the TRC to review all proposed exchange transactions.

(d) Transferring any AMC-owned excess condemned or obsolete equipment identified for use in a TRC-approved and Chief of Military History-endorsed exchange to the CMH.

(e) Ensuring that all excess condemned or obsolete equipment issued to the CMH for an exchange transaction has the appropriate flight data, log books, maintenance records, and other appropriate records that are still maintained at the time of transfer.

(f) Providing demilitarization instructions and assist the CMH, when necessary, to accomplish demilitarization.

(g) Ensuring no classified materiel is exchanged.

(3) The Defense Reutilization and Marketing Service (DRMS) and other appropriate government agencies will provide the CMH, upon request, information regarding the auction and sale prices of like materiel to assist CMH in estimating the fair market value of proposed exchange materiel. >

(4) The ODCSOPS, as needed, must provide a representative to the TRC to review all proposed exchange transactions.

(5) The ODCSLOG, as needed, must provide a representative to the TRC to review all proposed exchange transactions.

(6) The OTJAG is responsible for reviewing all TRC approved proposals and all offeror-approved agreements for legal sufficiency.



Figure 4-1. Exchange: Officer Validation and Valuation

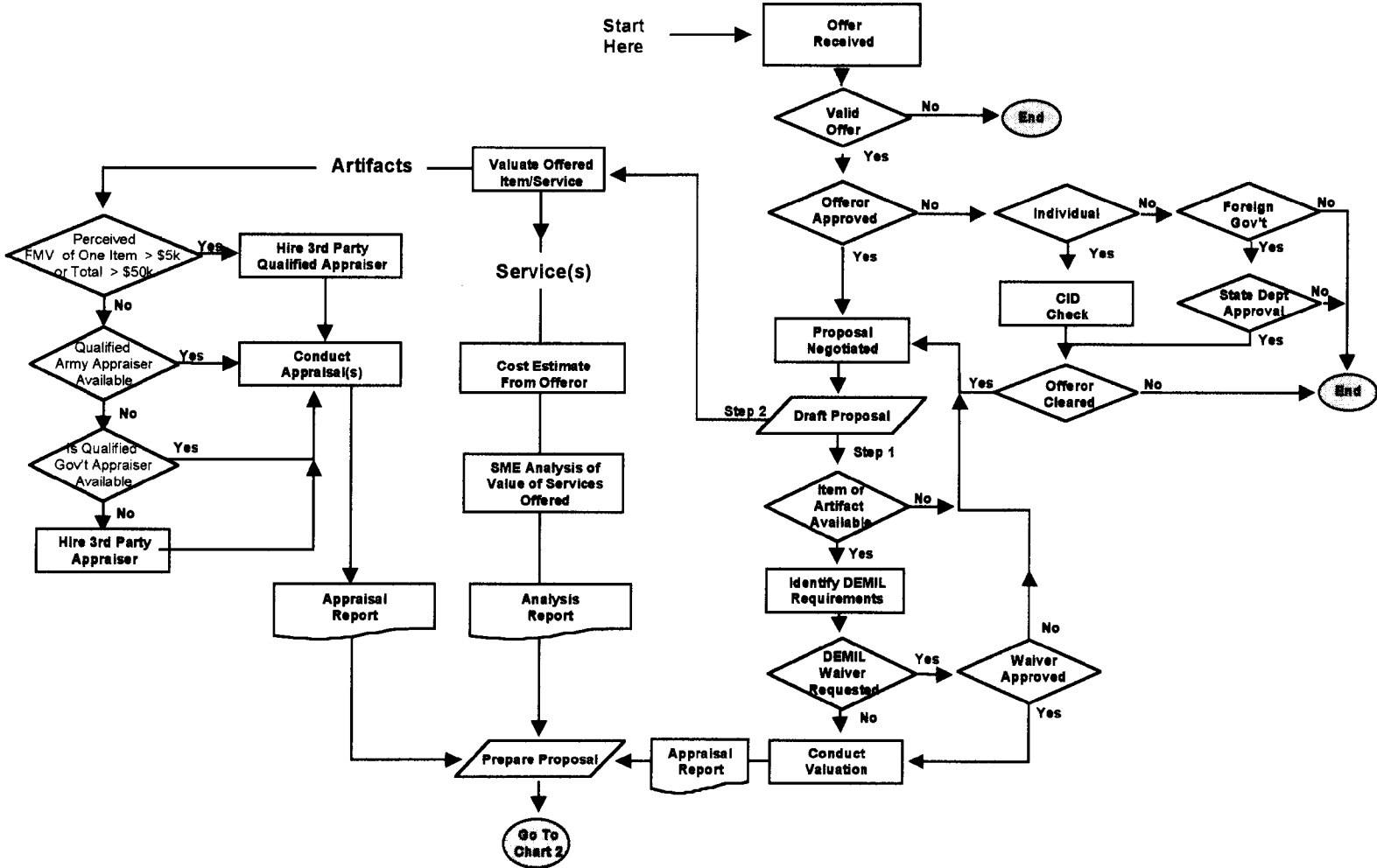
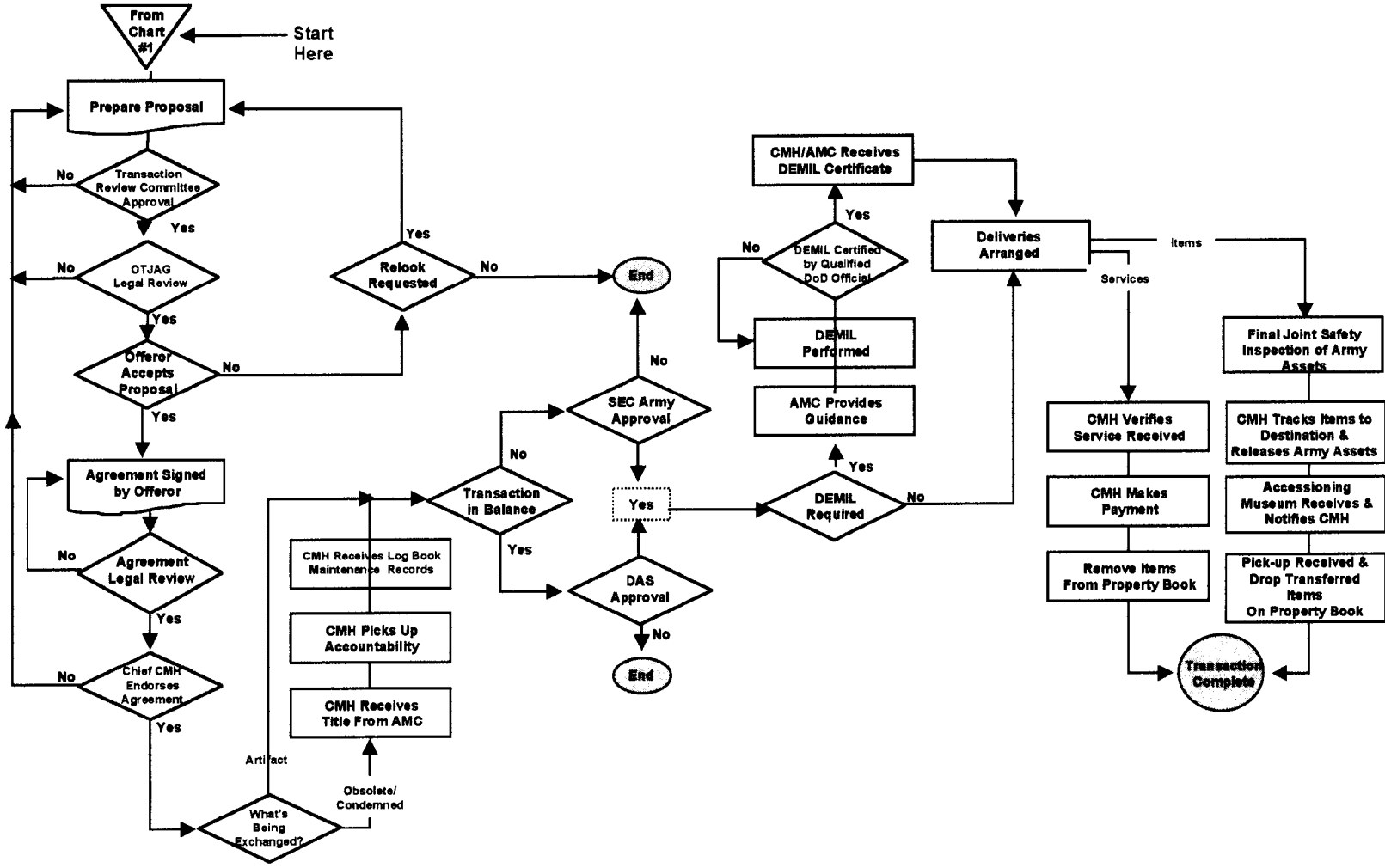


Figure 4-2. Exchange: Approval and Execution



## **Appendix A References**

### **Section I Required Publications**

This section contains no entries.

### **Section II Related Publications**

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

#### **AR 1–33**

Memorial Programs

#### **AR 1–100**

Gifts and Donations

#### **AR 1–101**

Gifts for Distribution to Individuals

#### **AR 1–211**

Attendance of Military and/or Civilian Personnel at Private Organization Meetings

#### **AR 25–1**

Records Management Program

#### **AR 25–50**

Preparing Correspondence

#### **AR 25–96**

Army Library System

#### **AR 25–400–2**

Modern Army Record keeping System (MARKS)

#### **AR 37–7**

Funding for First and Second Destination Transportation Under the Appropriated Operation and Maintenance, Army

#### **AR 190–11**

Physical Security of Arms, Ammunition, and Explosives

#### **AR 190–51**

Security of Army Property at Unit and Installation Level

#### **AR 200–1**

Environmental Protection and Enhancement

#### **AR 200–2**

Environmental Effects of Army Actions

#### **AR 210–1**

Private Organizations on Department of the Army Installations and Official Participation in Private Organizations.

#### **AR 210–20**

Master Planning at Army Installations

#### **AR 215–1**

Nonappropriated Fund Instrumentality's and Morale, Welfare, and Recreation Activities

#### **AR 215–3**

Nonappropriated Funds Personnel Policies and Procedures

#### **AR 215–5**

Nonappropriated Funds Accounting Policy and Reporting Procedures

#### **AR 220–10**

Preparation of Overseas Movement (POM) of Units

#### **AR 310–50**

Authorized Abbreviation, Brevity Codes

#### **AR 360–5**

Public Information

#### **AR 360–61**

Community Relations

#### **AR 380–5**

Department of the Army Information Security Program

#### **AR 385–10**

Army Safety Program

#### **AR 405–70**

Utilization of Real Property

#### **AR 405–80**

Granting Use of Real Estate

#### **AR 415–15**

Military Construction Army (MCA) Program Development

#### **AR 415–35**

Minor Construction

#### **AR 420–40**

Historic Preservation

#### **AR 420–81**

Custodial Services

#### **AR 420–90**

Fire and Emergency Services

#### **AR 440–20**

Packaging of Materiel

#### **AR 570–4**

Manpower Management

#### **AR 680–4**

War Trophies

#### **AR 700–15**

Packaging of Materiel

#### **AR 700–131**

Loan or Lease of Army property

#### **AR 700–64**

Radioactive Commodities in the DoD Supply System

#### **AR 710–2**

Supply Policy Below the Wholesale Level

#### **AR 710–3**

Assets and Transaction Reporting System

#### **AR 735–5**

Basic Policies and Procedures for Property Accounting

#### **AR 735–17**

Accounting for Library Books

#### **AR 746–1**

Packing of Army Materiel for Shipment and Storage

**AR 840-1**

Department of the Army Seal and Department of the Army Plaque

**AR 840-10**

Flags, Guidons, Streamers, Tabards, and Automobile and Aircraft Plates

**AR 870-5**

Military History: Responsibilities, Policies, and Procedures

**CTA 50-909**

Field and Garrison Furnishings and Equipment

**CTA 50-970**

Expendable/Durable Items

**DA Pam 25-400-2**

Maintenance and Disposition of Records for TOE and Certain Other Units of the Army

**DA Pam 415-15**

Army Military Construction Program Development and Execution

**DA Pam 570-4**

Manpower Procedures Handbook

**DA Pam 570-551**

Staffing Guide for U.S. Army Service School

**DA Pam 710-2-1**

Using Unit Supply System (Manual Procedures)

**DA Pam 740-1**

Instructor's Guide for Basic Military Preservation and Packing

**DoD 4160-21-M**

Defense Reutilization and Disposal Manual

**DoD 4160-21-M-1**

Defense Demilitarization Manual

**DoD 4270.1-M**

Construction Criteria Manual

**DoD 5100.76-M**

Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives

**DoD 5500.7-R**

Joint Ethics Regulations

**FM 14-3**

Surveying Officers Guide

**FM 19-30**

Physical Security

**TM 5-695**

Maintenance of Fire Protection Systems

**TM 5-800-1**

Construction Criteria for Army Facilities

**TM 38-230**

Preservation, Packaging, and Packing of Military Supplies and Equipment

**Section II****Related Publications****Section III****Prescribed Forms****DA Form 2609**

Historical Property Catalog

**DA Form 5572-R**

Gift Agreement

**DA Form 5573-R**

Loan Agreement

**DA Form 5574-R**

Assurance of Compliance

**DA Form 5575-R**

Outgoing Loan Agreement

**Section IV****Referenced Forms****DA Form 1687**

Notice of Delegation of Authority - Receipt for Supplies

**DA Form 2062**

Hand Receipt/Annex Number

**DA Form 2064**

Document Register for Supply Actions

**DA Form 3161**

Request for Issue or Turn-in

**DA Form 4697**

Department of Army Report of Survey

**DA Form 4755**

Employee Report of Alleged Unsafe or Unhealthful Working Conditions

**DA Form 4881**

Agreement for the Loan of U.S. Army Materiel

**DD Form 1348-1A**

Issue Release/Receipt Document

**OGE Form 450**

Executive Branch Confidential Financial Disclosure Report

**Appendix B****Selected Bibliography on Museum Operations****B-1. Introduction to Museums**

Alexander, Edward P. *Museums in Motion*. 7th printing, Nashville: American Association for State and Local History, 1989.

America's Museums: The Belmont Report. Washington, D.C.: American Association of Museums, 1968.

Burcaw, G. Ellis. *Introduction to Museum Work*. Nashville: American Association for State and Local History, 1979.

George, Gerald, and Sherrell-Leo, Cindy. *Starting Right, A Basic*

Guide To Museum Planning, Nashville: American Association for State and Local History, 1989.

MacBeath, George, and Gooding, S. James, editors. Basic Museum Management. 3rd printing, Ottawa: Canadian Museums Association, 1977.

Schlereth, Thomas J., editor. Material Culture Studies in America. Nashville: American Association for State and Local History, 1984.

## **B-2. Museum Law and Ethics**

Malaro, Marie C. A Legal Primer on Managing Museum Collections, Washington, D.C.: Smithsonian Institution Press, 1985.

Messenger, Phyllis M., editor. The Ethics of Collecting Cultural Property, Whose Culture, Whose Property. Albuquerque: University of New Mexico Press, 1990.

Museum Ethics. Washington, D.C.: American Association of Museums, 1988.

Phelan, Marilyn. Museums and the Law, Nashville: The American Association for State and Local History, 1982.

## **B-3. Museum Conservation**

Appelbaum, Barbara. Guide to Environmental Protection of Collections. Madison, Wisc.: Soundview Press, 1991.

Harris, Karyn J. Costume Display Techniques. Nashville: American Association for State and Local History, 1977.

Kane, Lucille M. A Guide to the Care and Administration of Manuscripts. Nashville: American Association for State and Local History, 1966.

Keck, Caroline K. Safeguarding Your Collection in Travel. Nashville: American Association for State and Local History, 1970.

Lewis, Ralph H. Manual for Museums. Washington, D.C.: National Park Service, 1976.

MacLeish, A. Bruce. The Care of Antiques and Historical Collections. 2nd edition. Nashville, American Association for State and Local History, 1985.

NPS Museum Handbook. Washington, D.C.: National Park Service, 1990.

Ritzenthaler, Mary Lynn. Archives and Manuscripts: Conservation. A Manual on Physical Care and Management. Chicago: Society of American Archivists, 1983.

Weinstein, Robert A. and Booth, Larry. Collection, Use, and Care of Historical Photographs, Nashville: American Association for State and Local History, 1977.

## **B-4. Basics of Exhibit Design**

Neal, Arminta. Exhibits for the Small Museum. Nashville: American Association for State and Local History, 1983.

Serrell, Beverly. Making Exhibit Labels. Nashville: American Association for State and Local History, 1988.

Single Case Exhibit. Computer Based Instruction, Washington, D.C.: U.S. Army Center of Military History, 1994.

## **B-5. Educational Programs and Outreach**

Anderson, Jay. Time Machine, the World of Living History. Nashville: American Association for State and Local History, 1984.

Collins, Zipporah W. editor. Museums Adults and the Humanities, A Guide for Educational Programming. Washington, D.C.: American Association of Museums, 1984.

Groff, Gerda with Gardner, Laura. What Museum Guides Need to Know, Access for Blind and Visually Impaired Visitors. New York: American Foundation for the Blind, 1990.

Kenny, Alice B. Access to the Past, Museum Programs and Handicapped Visitors. Nashville: American Association for State and Local History, 1970.

Melton, Arthur, Feldman, Nita Goldberg, and Mason, Charles. Experimental Studies of the Education of Children in a Museum of Science. Reprint. Washington, D.C.: American Association of Museums, 1936, 1988.

## **B-6. Collections Management**

Caring For Collections, Strategies for Conservation, Maintenance and Documentation, A Report. Washington, D.C.: American Association of Museums, 1984.

Chenhall, Robert G. Museum Cataloging in the Computer Age. Nashville: American Association for State and Local History, 1975.

Dudley, Dorothy H., Wilkinson, Irma Bezold, and others. Museum Registration Methods. Third Edition. Washington, D.C.: American Association of Museums, 1979.

Reibel, Daniel B. Registration Methods for the Small Museum. Nashville: American Association for State and Local History, 1978.

Williams, David W. A Guide to Museum Computing. Nashville: American Association for State and Local History, 1987.

## **B-7. Artifact Identification**

All You Gotta Do is Follow the Clues: A Lesson in Research Methodology. Washington, D.C.: U.S. Army Center of Military History, 1993.

Blackaby, James R., Greeno, Patricia, and committee. The Revised Nomenclature for Museum Cataloging. Nashville: American Association for State and Local History, 1988.

Chartrand, Rene. Uniforms and Equipment of the United States Forces in the War of 1812. Niagara Falls: Old Fort Niagara Association, 1992.

Ketcher, Philip, and Embleton, G. A. The Mexican American War, 1846-1848. London: Osprey, 1992.

Neumann, George C. and Kravic, Frank J. Collector's Illustrated Encyclopedia of the American Revolution. Harrisburg: Stackpole, 1975.

Peterson, Harold L. Book of the Continental Soldier. Harrisburg: Stackpole, 1968.

Todd, Frederick P. American Military Equipage. vol. I. Providence: The Company of Military Historians, 1977.

Todd, Frederick P. American Military Equipage. vol. II. Providence:

The Company of Military Historians, 1977.

Todd, Frederick P. American Military Equipage. vol. III. Providence: The Company of Military Historians, 1977.<lline>  
Todd, Frederick P. American Military Equipage: State Forces. New York: Chatham Square Press, 1983.

U.S. Army Uniforms and Equipment, 1889. Reprint. Lincoln: University of Nebraska Press, 1986.

Stanton, Shelby. U.S. Army Uniforms of World War II. Harrisburg: Stackpole Books, 1991.

Stanton, Shelby. U.S. Army Uniforms of the Korean War. Harrisburg: Stackpole Books, 1992.

Stanton, Shelby. U.S. Army Uniforms of the Vietnam War. Harrisburg: Stackpole Books, 1989.

## Appendix C Museum Certification Checklist

### C-1. General

a. All Army museums are required to receive a certification inspection at least once every five years to ensure that they comply with the requisite standards of this regulation (para 3-18). In the inspection the quality of the work will receive as much emphasis as compliance. The CMH will appoint inspection teams as required to conduct these certification inspections.

b. The information contained in this appendix is intended to provide basic guidance for museums in preparing for certification and to assist the certification inspection team. The results of the certification inspection are for the use of the CMH and the command to which the museum/activity is assigned.

c. The standards for artifact security, accountability, preservation, and conservation apply to all Army organizations having custody of historical artifacts, regardless of status.

### C-2. Administration (para 3-7)

Does the museum have the following written administrative documents/records on hand:

- a. Museum Master Plan, to include:
  - (1) An approved mission statement.
  - (2) Documentary evidence of the museum as an activity of the installation, its organizational placement, and its official recognition by the U.S. Army (see para 3-5).
  - (3) Delegation-of-authority-to-collect memorandum from CMH.
  - (4) Story line.
  - (5) Scope-of-collections statement.
  - (6) Collection content plan.
  - (7) Conservation/preservation plan and schedule.
  - (8) Exhibit plan.
  - (9) Five-year museum development plan.
  - (10) Table of distribution and allowances (TDA).
  - (11) Job descriptions.
  - (12) Vitae of each staff member.
  - (13) Staff development plan.
- b. Master Plan Annexes, to include but not limited to:
  - (1) The museum's last manpower assessment.
  - (2) Budget (both previous and current).
  - (3) Disaster plan.
  - (4) Educational programs.
  - (5) Volunteer program.
  - (6) Any other appropriate documents.
- c. Physical security records, including:
  - (1) Weapons inventories (quarterly and semiannual).
  - (2) Results of last physical security inspection.

- (3) Physical security plan.
- (4) Artifact inventories.
- (5) Document register or appropriate equivalent with supporting files (five-year history).
- d. Are copies of CMH museum memos and policy letters with evidence of review by all museum staff members on hand?
- e. Are all outstanding Engineer work orders available for review?
  - (1) Is there a log of Engineer work-order actions taken?
  - (2) Are status reports of outstanding work orders available?
- f. Are visitation records, based upon a turnstile, electronic counter, or some other accurate counting means, on file?

### C-3. Staffing (para 3-9)

- a. Is the staffing of the museum in accordance with Department of the Army personnel utilization policies?
- b. Are manpower requirements substantiated in accordance with current manpower management policies established in AR 570-4?
- c. Has the Civilian Personnel Office reviewed the positions every two years?
- d. Has the installation commander provided civilian personnel positions for the museum sufficient to meet mission requirements, which include but are not limited to administration, accountability of the artifacts, physical security, protection of the artifacts, exhibit production, and training, education, and outreach programs?
- e. Do all curatorial positions meet the requirements of the Office of Personnel Management (OPM) standards, and are they filled with trained professionals?
- f. Have civilian positions been evaluated in accordance with the Army Civilian Training, Education, and Development System (AC-TEDS) Plan?
- g. Is the museum staffed at not less than 75 percent of the recognized required strength for professional (GS-1015, GS-1016 and GS-1010) positions? (Note: Military personnel may not be used in place of professional civilian positions.)
- h. Does the museum director have direct and ready access to the military or civilian person designated by the command to provide staff supervision of the museum?
- i. Does the museum director have direct and ready access to the president of the museum association, foundation, council, or similar type organization, if such exists?
- j. Has the director planned museum activities to support accomplishment of the commander's mission?
- k. Is the director included in all pertinent discussions of museum matters within the command and consulted on all matters relating to the professional operation of the museum, including recommendations on matters of museum policy?
- l. Is the museum director and the other members of the museum staff afforded reasonable opportunity to advance their professional career development through membership and participation in appropriate professional organizations and attendance at professional conferences, seminars, workshops, and museum/historical training courses?
- m. Has the staff received some type of professional training since the last certification inspection?
- n. Are staff members knowledgeable of Army material culture history, particularly for materiel relevant to their collection?

### C-4. Volunteer Program (para 3-12)

Use of volunteers in Army museums as governed by section 1588, Title 10 United States Code (10 U.S.C. 1588), is authorized and will be coordinated with the installation volunteer program. If the museum utilizes volunteers, the following will apply:

- a. Has the museum director appointed a museum staff member to act as the volunteer program coordinator?
- b. Have position descriptions for the duties to be performed by the volunteers been developed?
- c. Has a training program been developed that each new volunteer will complete before they are allowed to assume their duties in the museum?
- d. Are records kept on volunteer hours?
- e. Has a volunteer recognition program been established?

*f.* Are volunteers normally used as tour guides, historical interpreters, gift shop personnel, and clerical aides?

*g.* Are volunteers being used to prepare exhibits, perform conservation duties, catalog artifacts, or otherwise work with historical artifacts without the written approval of the CMH?

#### **C-5. Reference materials (para 3-19)**

Are all staff members of the museum acquainted with and do they have access to the literature of the museum profession?

*a.* Does the museum maintain a basic library of standard museum and military material culture reference works appropriate to the museum's collections?

*b.* Are reference and research materials current? Do they include, but are not limited to, the following:

(1) Required Department of the Army and Department of Defense publications with current changes?

(2) Field, technical, and operators' manuals?

(3) Catalogs, dictionaries, and directories?

(4) Histories?

(5) Reference books on clothing, accouterments, weapons, equipment, art, or other mission-related materials?

(6) Reference books on museum law?

(7) Reference books on museum registration methods?

(8) Reference books on preservation/conservation?

(9) Reference books on exhibits and interpretation?

(10) Technical magazines or publications relating to the above?

*b.* Is a catalog listing available, either manual or automated, containing bibliographic data such as the title, author, publisher, and date, been provided to account for all museum books?

*c.* Does the museum's library collection compete with other military libraries located on the installation?

*d.* Is the museum's archival holdings (documents, photographs, films, audio and video tapes, and records) maintained for research and reference purposes and administered in accordance with AR 25-1, or DA Pam 25-400-2?

*e.* Are classified documents safeguarded in compliance with AR 380-5?

*f.* Are original, historically significant, mission-related items cataloged?

*g.* Are the museum's archival holdings (documents, photographs, films, audio and videotapes, and records) readily located by use of finding aids?

*h.* Are finding aids, either manual or automated, used to provide accountability for archival materials?

*i.* Are archival holdings marked in any way so as not to deface the items?

*j.* Are archival holdings of the museum limited to those materials relating directly to the museum's mission statement and necessary for implementing that mission?

*k.* Are original record copies of official government documents retired to the National Archives and Records Administration (NARA)?

*l.* Are all primary unofficial Army materials not directly related to the museum's mission reported to the CMH for disposition instructions?

*m.* Are copies (photocopies, fiche, videotape, etc.) of rare archival holdings made available for research purposes? (Note: researchers will not handle rare or fragile archival material.)

*n.* Is an area, separate from artifact storage areas, used for archival holdings with adequate space, furniture, and equipment to accommodate serious researchers?

*o.* Is access to this area strictly controlled, and are environmental conditions maintained at appropriate levels for preservation of the materials?

*p.* Are archival materials kept in appropriate museum-safe envelopes, folders, sleeves or containers?

*q.* Are large unframed prints, sketches, documents, manuscripts, and other printed materials stored flat and in an acid-free archival folder, Mylar sleeve, or other appropriate material?

*r.* Are matted items mounted with inert material and museum-safe reversible adhesives?

#### **C-6. Museum support (para 3-10)**

*a.* Are buildings neat, attractive, and in good repair?

*b.* Are the grounds neat, attractive and well maintained?

*c.* Have utilities and telephone service (including Defense Switching Network DSN, Class A voice, and data transmission dedicated lines), been provided?

*d.* Are the public rest rooms clean and in working order?

*e.* Are there display or exhibit cases, panels, museum furniture, special lighting, and similar items as required?

*f.* Has adequate support for construction of exhibits (including support from Training Aids Support Centers) been provided?

*g.* Are there adequate signs that identify the museum and direct visitors to the facility?

*h.* Have photographic services and photographic or digital imaging equipment been provided?

*i.* Are public affairs/information services to local military and civilian communities available to the museum?

*j.* Has security of grounds, buildings, and historical collections been provided?

*k.* Is printing support including, but not limited to, color brochures, newsletters, historical information, exhibit support materials, and other materials provided as required?

*l.* Are institutional memberships and participation in professional development and training provided?

*m.* Is travel in conjunction with museum activities, professional development, and training provided?

*n.* Is transportation and shipping of historical artifacts and museum-related supplies and equipment provided as required?

*o.* Have expendable and non-expendable supplies and equipment been provided?

*p.* Are postal, clerical, and secretarial services available?

*q.* Are custodial services provided?

*r.* Is there adequate public parking?

*s.* Has specialized equipment, including museum storage cabinets, dehumidifiers, weapon racks, tools, and equipment required for conservation/preservation, tools and equipment required for fabrication of exhibits, exhibit furniture, and mannequins (See CTA 50-909), been provided as required?

*t.* Has disabled access been provided in accordance with the Americans with Disabilities Act of 1992?

*u.* Are there funds available to cover the cost of professional and technical training for museum personnel?

#### **C-7. Funding (para 3-11)**

*a.* Are appropriated funds used to support the museum?

*b.* Does the museum have documentation showing the current budget and the budgets for the previous two fiscal years?

*c.* Is the funding adequate to carry out the museum's mission?

*d.* Has a supplemental mission Nonappropriated Fund Instrument (NAFI) been established for the purpose of supporting the museum? (supplemental mission NAFI is optional).

#### **C-8. Private organizations (para 3-12)**

*a.* Does a PO support the museum? If yes, please answer the following:

(1) Have offers by private associations to construct or provide financial support to the museum or otherwise contribute to museum activities only been accepted with the concurrence by the CMH and the Installation Commander?

(2) Have offers of conditional donations of money or real property or personnel from private organizations been submitted in writing through command channels including the CMH and the Commander, U.S. Army Community and Family Support Center, to the Secretary of the Army for approval?

(3) Has the museum accepted historical artifacts or works of art from private organizations on a permanent loan basis?

(4) Does the private organization collect historical artifacts or works of art in competition with the museum?

(5) Have PO donations made to the museum been documented on a DA Form 5572-R (Gift Agreement)?

(6) Does the museum have a copy of each of the following memorandums of understanding (MOUs) on hand:

(a) Between the private organization and the Installation Commander to establish official recognition of the PO on post?

(b) Between the private organization and the Army museum defining the agreed-upon support?

(7) Have these MOUs been reviewed and approved in writing by the CMH?

(8) Has the private organization developed or implemented any separate museum agenda, programs, or activities without prior written approval from the museum director?

(9) Have the MOUs been reviewed on a periodic basis by the command and the museum director?

(10) Have all formal changes to the museum MOU been approved by the CMH?

b. Does the museum have a donation box?

c. Is the donation box visible to visitors to the Army museum, and is it clearly marked with the name of the sponsoring organization and the intended use of the donations?

d. If all donations are not used for direct museum support, is there a sign that explains in detail what percentage is used for what purpose?

### **C-9. Gift shops (para 3-14)**

A gift shop may be operated in an Army museum in accordance with appropriate authorization (by a NAFI or a PO) but is not required. Sales are authorized to be made to all museum visitors. Does the museum have a gift shop? If yes, please answer the following:

a. Are the items sold in the gift shop related to the museum's interest or to military history, heraldry, and organizations?

b. Has the museum director approved all of the items offered for sale in the gift shop?

c. Are the souvenirs offered for sale in the gift shop related to the post or to military units that are or have been stationed at the post?

d. Are actual historical artifacts such as obsolete equipment, weapons, uniforms, insignia, and medals sold or displayed?

e. Are objects that could be considered in poor taste or publicly offensive being sold?

f. Has at least 25 percent of the net profits (gross income less fixed expenses) from the PO or gift shop been designated for the support of the museum's programs, without conditions?

g. Have copies of audits been maintained on file for five years?

### **C-10. Security and safety (para 3-18)**

a. Has twenty-four hour physical security of museums and historical collections been provided in accordance with security standards prescribed in AR 190-51, AR 190-11, and AR 870-20?

b. Has a physical security plan or SOP been developed that outlines the following:

(1) A response roster in the event of a security or fire alarm?

(2) Key control, access roster, codes, and combination rotation procedures?

(3) A security checklist for routine staff inspections of museum gallery and other areas as applicable to ensure that objects on exhibit and in storage are protected from theft and damage?

(4) Backup security arrangements in the event of a natural disaster, fire, loss of electricity, or other situations, for when the museum is both open and closed?

(5) Coordination procedures and familiarization program for installation security and fire personnel in regard to the special needs of the museum and historical collections?

c. Have the following minimum-security levels or systems been provided:

(1) Security of gallery areas during hours of operation?

(2) Fire suppression and smoke detection systems in the museum, the museum workshop, and museum storage areas, even if located in

separate facilities, with a central alarm to the installation fire department or fire alarm control center?

(3) Have all fire suppression and detection systems been inspected per TM 5-695, Maintenance of Fire Protection Systems?

(4) Has any exemption of these requirements been authorized by the CMH for a specific facility upon written certification by the fire marshal that the emergency response time to the facility is five minutes or less?

(5) Have fire drills and evacuation procedures been established and reviewed regularly?

(6) Have intrusion detection systems been installed in the museum, museum workshops, arms room, and museum storage areas, even if located in separate facilities, with a central alarm in the installation security office?

(7) Has the equipment been inspected regularly?

(8) Have emergency, battery powered, lighting systems been installed in public and other appropriate areas?

(9) Is the equipment tested regularly?

(10) Is the security of weapons both in storage and on display checked regularly?

(11) Have any exceptions to the above security requirements been approved in writing by the CMH and the local physical security office?

(12) Have any security measures altered or harmed the integrity of any historical artifacts?

(13) Are hazardous materials stored away from the artifact areas?

(14) Does a data sheet accompany any containers of hazardous material on hand?

(15) Is there appropriate equipment (such as fume hoods, eye protection, gloves, aprons, safety shoes, and so on.) available in workshop areas?

(16) Is the museum in compliance with safety office requirements?

(17) Does the museum have a fully stocked first-aid kit on hand?

c. Are the results of the museum's last safety inspection on file?

### **C-11. Acquisition of artifacts (para 2-5)**

a. Does the museum acquire artifacts commensurate with its mission and scope-of-collection statements?

b. Are exceptions approved in writing by the CMH?

c. Can the museum document U.S. Army ownership and the status of items loaned outside of museum control?

d. Has a DA Form 5572-R Gift Agreement been used for all unconditional donations to the museum or historical collection with a copy in each appropriate property jacket?

e. Have any conditional gifts of money or property, including historical artifacts, been accepted only in accordance with AR 1-100?

f. Have any donations been accepted under conditions likely to hinder the museum in the accomplishment of its mission?

g. Have all offers of conditional gifts been forwarded through command channels and the CMH to the Commander, U.S. Army Community and Family Support Center (USACFSC), for written approval of the Secretary of the Army?

h. Has the purchase of historical artifacts with a single item value in excess of \$5,000 been approved in writing by the CMH?

i. Has a DA Form 5572-R been used to record the donation transactions of all artifacts obtained by Nonappropriated or private organization funds with a copy in each appropriate property jacket?

j. Has a DA Form 3161, DD Form 1348-1, or other appropriate documentation been used to document the receipt of artifacts from appropriated-fund sources with a copy in each appropriate property jacket?

k. Are all archaeological materials and specimens held by the museum registered in the Universal Site Artifact Management System (USAMS)?

l. Are archaeological materials and specimens held by the museum mission-related, or retained as a special collection with CMH approval?

m. Are all items thus retained accounted for and preserved in accordance with AR 870-20?



*n.* Have all recovered materials that fall under the Native American Graves Protection and Repatriation Act been handled in accordance with the law?

*o.* As required by Congress, has a dollar value been applied to all historical artifacts and art in the custody of the museum?

*p.* Does the dollar value reflect fair market value?

*q.* Has the value been updated within the past five years?

#### **C-12. Registration and cataloging (AMIS) (para 2-7)**

*a.* Does the museum use USAMS?

*b.* Is access to USAMS limited by password control?

*c.* In order to establish initial accountability, has a registration number been assigned to each historical artifacts and work of art within twenty-four hours of receipt?

*d.* Is there a bound register used to record all assigned local registration numbers with a brief description of each historical artifact or work of art?

*e.* Are all receipt documents filed in the item's jacket file?

*f.* Has a copy of the receipt document been filed in the supporting document file as well as a record of the transaction to the appropriate document register?

*g.* Have all items been fully registered in USAMS within five working days of receipt in accordance para 2-3e)?

*h.* Have all items received as gifts from a nongovernment source been registered in accordance with para 2-3?

*i.* Have any exceptions or extensions to the above requirements been approved in writing by the CMH?

*j.* Have all historical artifacts or works of art retained been cataloged in USAMS within thirty days of receipt?

*k.* Has the USAMS record been transmitted electronically or by disk to the Central Site Artifact Management System (CSAMS) at the CMH?

*l.* Is the USAMS record accurate, consistent, and thorough?

*m.* Has the CMH approved, in writing, any exceptions or extensions to the above requirements?

*n.* Does the museum have evidence of CMH approval in writing on a case-by-case basis for the acquisition of any historical artifacts received by the museum while in a non-certified status?

*o.* Is the museum able to demonstrate the procedures for the receipt, assessment, registration, cataloging, marking and storage of historical artifacts?

*p.* Does the museum have an area for segregating noncataloged artifacts and sufficient materials on hand for proper marking and storage?

*q.* Is each artifact and work of numbered separately?

*r.* Has care been exercised in marking the objects to avoid damage?

*s.* Is a historical property jacket maintained for each artifact, as appropriate?

*t.* Is all of the supporting documentation included in the property jacket, including copies of title, catalog and transfer documents, correspondence, photographs, and research material as appropriate?

*u.* Is there a photograph, photocopy, or digital image of each historical artifacts on file?

(1) Are the photographic prints stored in the property jacket?

(2) Are color slides or digital images appropriately stored and accessible?

(3) Are photographic negatives stored separately and the negative number recorded in the catalog portion of USAMS?

*v.* Are all property transactions including outgoing loans and transfers properly recorded and approved?

*w.* Has the museum maintained as a permanent record the source of acquisition file that it used prior to the implementation of USAMS?

*x.* Has the museum maintained as a permanent record the DA Forms 2609 catalog record cards that it used prior to the implementation of USAMS?

*y.* Have the DA Forms 2609 been arranged in such a manner that individual catalog cards can be easily retrieved?

#### **C-13. Incoming loans (para 2-6)**

*a.* Have DA Form 5573-R Loan Agreement been used to document all incoming loan transactions?

*b.* Has the CMH been informed of all loans for periods of less than one year?

*c.* Has the CMH approved in writing all loans for periods of more than one year?

*d.* Does the museum have any outstanding loans that extend beyond a period of five years?

*e.* Does the museum have any indefinite loans?

*f.* Have all incoming loans to uncertified Army museums and historical collections, no matter what the length, been approved in writing by CMH?

*g.* Does the museum have any historical artifacts on loan from the private organization or association whose primary purpose is to support the museum?

*h.* Have copies of all loan documentation been sent to the CMH?

#### **C-14. Preservation and conservation (para 3-17)**

*a.* Has the museum met all the environmental standards for historical artifacts and works of art?

*b.* Are historical artifacts and works of art maintained in a stable environment and inspected regularly for signs of deterioration?

(1) Temperature and relative humidity:

(a) Is the temperature maintained at 68° F (plus or minus five degrees)?

(b) Is the relative humidity maintained at 50 percent (plus or minus 5 percent)?

(c) Is the temperature and relative humidity set within the acceptable range and maintained on a 24-hour basis, with not more than a 5-degree and/or a 5 percent variation from the established norm?

(d) Are the temperature and humidity monitored and recorded?

(2) Light:

(a) Are historical artifacts and works of art stored in total darkness as far as practical?

(b) Are the maximum acceptable visible light levels for objects on display set at 50 lux (5 foot candles) for highly sensitive objects (silk, watercolors, and paper artifacts); 150 lux (15 foot candles) for sensitive objects (oil paintings: leather: horn: wood that is painted, stained or varnished: plastics: or metals that are painted or varnished); 300 lux (30 foot candles) for insensitive objects (metal, glass, or ceramics)?

(c) Are historical objects and works of art on exhibit illuminated according to the sensitivity of the materials of which they are made?

(d) Is the ultraviolet light level for historical artifacts and works of art on display less than 75 microwatts per lumen?

(e) Are filters used to control U-V radiation?

(3) A pest-free environment:

(a) Are historical artifacts and works of art maintained in an environment free of pests (insects and animals) as far as practical?

(b) Is the environment free from microorganisms (mold and fungus) and other similar agents of deterioration as far as practical?

(c) Is the environment free from plants?

(d) Are all incoming artifacts and art inspected for infestation prior to storage or exhibit?

(e) Are procedures established for handling artifacts if an infestation is discovered, including segregation, and pest/microorganism/mold control procedures and records?

(4) Pollution-free environment:

(a) Are the collection storage and exhibition areas maintained free of dust and particulate matter and other gas pollutants as far as practical?

(b) Are all materials/supplies and equipment used to exhibit, store, house, or pack historical artifacts and works of art constructed of materials that are deemed museum-safe?

(5) Preventing mechanical damage:

(a) Are all historical artifacts and works of art handled in such a way as to preclude damage?

(b) Are any historical artifacts, no matter how sound their condition appears, serving in their original function or suffering fair wear and tear through consumptive use?

(c) Has the historical integrity of any artifact been compromised by alteration in any form including demilitarization?

(d) Have exceptions to policy on the consumptive use or the alteration of an artifact been granted in writing by the CMH on a case-by-case basis?

(6) Have all conservation and restoration projects undertaken received the written consent of the CMH?

(a) Prior to the performance of any detailed conservation work, has the museum produced or obtained a summary of the proposed treatment from the conservator or restorer?

(b) Have photographs been taken prior to any conservation or restoration work?

(c) Have only personnel qualified to do the work accomplished conservation and restoration?

(d) Has a record been maintained to document work performed and any parts added to the object?

(e) Have original parts removed been retained and marked with the catalog number of the source artifact?

(f) Is the restored artifact authentic to include its color, markings and finish?

(g) Have photographs been taken after the conservation or restoration to document the completed work?

(h) Did the conservator, upon completion of the treatment, provide a conservation treatment report?

(i) Are the photographs and reports permanently retained in the item's property jacket?

b. Has the museum developed local preservation and conservation SOP that addresses the following:

(1) An environmental strategy for the control of temperature, relative humidity, light, pests, biological infestation, gas, and particulate pollution?

(2) Methods for controlling the environment?

(3) Procedures for monitoring and recording the environment with appropriate equipment and calibrating the equipment as needed?

(4) Procedures for collecting and analyzing the recorded data?

(5) Procedures for responding to the analyzed data as required in order to implement any corrective actions to preserve and maintain the artifacts?

(6) Establishment of a log to document corrective actions taken to improve environmental conditions?

(7) Establishment of good housekeeping practices?

(8) Procedures for proper handling of historical artifacts and works of art?

(9) Procedures for making routine conservation assessments of historical artifacts and works of art in the collection?

(10) Establishment of annual training of staff on current, standard preventive conservation practices?

c. Have all historical artifacts and works of art been cleaned of chemical or radiological contamination?

d. Have any historical objects or works of art found to be contaminated been segregated?

e. Have objects having these types of contaminants as part of their original configuration (i.e., some domestic and foreign mortar sights have a radiological substance in the leveling fluid) been identified?

*Note.* Items having hazardous parts must be identified as such when seeking approval from the CMH Chief Curator to transfer to another museum or the Clearinghouse. Notify your local safety offices and hazardous materials offices if you have any questions regarding the safe handling of these types of objects.

### **C-15. Storage (para 2-12)**

a. Are the museum artifact storage areas used only to store historical artifacts?

b. Are non-cataloged and contaminated artifacts stored separately from the regular artifact storage areas?

c. Are all items inspected for infestation before being placed in storage?

d. Is unaccompanied access to artifact storage areas limited to authorized personnel?

e. Is there on hand a current access roster for all authorized personnel?

f. Are the artifact storage areas large enough to permit storage without crowding objects not on exhibit?

g. Are the artifact storage areas large enough to permit growth of the collection and return of material from loan or exhibit?

h. Are there enough museum-quality cabinets, racks, shelves, and so on, available to store the artifacts?

*Note.* Museums needing this type of support equipment should notify the CMH for possible acquisition of excess identified by other museums or the Clearinghouse.

i. Are the artifact storage areas large enough to permit easy access to cabinets, racks, and shelves, with aisles wide enough for easy maneuvering of artifacts and storage units?

j. Are all historical artifacts logically stored in accordance with good conservation practice and to facilitate retrieval and research?

(1) Are the storage areas regularly cleaned without the use of materials or techniques that would harm the artifacts?

(2) Are artifacts stored in individual containers of inert or acid-free material, or in such a way as to prevent them from touching each other?

(3) Are artifacts stored in such a way as to prevent damage from abrasion or movement?

(4) Are large two-dimensional textiles, such as flags or tents, stored flat or properly rolled on cylindrical supports of museum-safe material and suspended horizontally?

(5) Are garments hung on padded hangers of a museum safe material or laid flat with proper support padding as appropriate for their age or condition?

(6) Are all weapons stored in racks or in containers of correct size, with padding and support to prevent damage?

(7) Are weapons easily accessible for inventory and removal?

(8) Are shelving and cabinets' elevated to minimize damage in the event of flooding?

(9) Are boxes containing artifacts overcrowded?

(10) Are items in boxes padded with inert material to prevent damage through mishandling?

(11) Are boxes shelved so that their contents are supported and the boxes will not be crushed?

### **C-16. Exhibits (para 3-16)**

a. Does the museum exhibit only a portion its collection at any given time?

b. Do the exhibits follow the approved story line (except in the case of temporary or special exhibits) and present the topics in a logical manner for a wide range of audiences?

(1) Are exhibits effective, demonstrating good design, color, effective lighting, form, and so forth?

(2) Are labels and text effective, incorporated into the exhibit design, and visually accessible to the visitor (that is, appropriate type size and style)?

(3) Is there good space utilization and effective traffic flow in the exhibit gallery?

c. Has historical accuracy, both implied and explicit, been scrupulously preserved, and misrepresentations avoided both in content and in presentation?

d. Have artifacts been accurately identified, and are they appropriate to the exhibit in which they appear? (For example, is the cap on the mannequin appropriate for the uniform, and does it fit correctly? Is the equipment and weapon correct and properly arranged according to regulation or other documentation?)

e. Have museum standards for the preservation/conservation of historical artifacts been maintained and not compromised for the sake of the display?

(1) Is the environment in the exhibition area monitored and maintained at museum standard levels?

(2) Are exhibition cases, fixtures, and object supports chemically and physically safe for the artifacts they contain?

(3) Do the furniture and mounts for artifacts on exhibit provide adequate support?

(4) Are inert barrier materials properly placed to prevent contact between hostile surfaces?

(5) Has the museum staff whose duties include working with artifacts been adequately trained in basic care and handling of objects?

(6) Is the maintenance of exhibits programmed as a part of the planning phases of the exhibit?

(7) Has a walk-through inspection of exhibit areas been conducted at least once a day to identify potential security/preservation/conservation problems?

(8) Whenever possible, are original artifacts displayed in an enclosed exhibit case or frame?

(9) Are artifacts rotated in and out of exhibits on a regularly scheduled basis to prevent deterioration?

(10) Is the rotation schedule based on the sensitivity of the artifact in question on a case-by-case basis?

(11) Are objects that are "highly sensitive" or "sensitive" to light rotated on and off exhibit more frequently than other objects?

*Note.* Care should be taken to have artifacts available that can be rotated into an exhibit without the need for extensive refabrication and without changing the exhibit meaning.

(12) Has care been taken to ensure the preservation of all original items that are not easily moved, such as vehicles, aircraft, and heavy equipment?

(13) Have artifacts with original paint or finish been repainted, polished, or otherwise altered without the written consent of the CMH?

(14) Have mounts or exhibit supports damaged, stressed, or in any way altered the artifacts being displayed?

*e.* Are exhibit cases and units well constructed of quality materials?

*f.* Are exhibit cases and units constructed to conform to the physical security requirements of AR 190-51?

*g.* Have fire-proof or flame-retardant materials (Class A flame spread, under 25) been used in construction of exhibit cases, units, panels, and exhibit props?

*h.* Have exceptions authorized by the fire marshal been documented in writing?

*i.* Are all items on outdoor exhibit regularly and properly maintained to retard deterioration?

*j.* Have efforts been made to exhibit large items indoors or under protective cover?

*k.* Have any items on outdoor exhibit been painted or polished for purely cosmetic reasons?

*l.* Are items on outdoor exhibition painted in correct colors and appropriately marked in accordance with documented research?

*m.* Do vehicles and other oversize artifacts rest on inert supports or pads that keep them from coming into direct contact with the ground?

*n.* Do signs notify visitors not to climb on exhibits or damage historical and nonhistorical property?

### **C-17. Museum support articles (para 3-8)**

*a.* Do reproductions accurately portray the objects they represent, utilizing materials and construction techniques that approximate the original?

(1) Are reproductions marked indelibly with the words "REPRO and U.S. Government Property," followed by the date of manufacture?

(2) Are the markings placed so as not to diminish the exhibit value of the item?

(3) Are reproductions used in exhibits identified as such in the label?

*b.* Are original artifacts being used as "museum props" or as support articles?

### **C-18. Programs (para 3-20)**

*a.* Has the museum developed and maintained educational materials to support the training function of its local command?

*b.* Does the museum perform its training mission through exhibits, group tours, special programs, publications, and other activities?

*c.* Does the museum provide or participate in training classes, lectures, audio-visual presentations, or other training support to military schools, Active Army units, Reserve Component units, and Reserve Officer Training Corps organizations supported by the local installation?

*d.* Does the museum perform its educational mission through outreach programs and activities such as lectures, guest speakers, school presentations, multimedia presentations, and living history programs?

*e.* Is the museum actively involved, through the Public Affairs Office and other means, in informing the local military and civilian communities of its programs?

## **Appendix D Classification System for Registering Artifacts**

### **D-1. Function**

The Classification System provides for a systematic division of artifact in categories for entry into the Universal Site Artifact Management System (USAMS).

### **D-2. Purpose**

The primary purpose of this classification system is to speed the processing time of the computer. Augmentation of this system is authorized for historical collections that are not equipped with USAMS.

### **D-3. General**

*a.* Based on a comparison of classifications systems and a review of the definitions of various class categories, the following classifications are based on the premise that all artifacts fall broadly into three categories:

(1) Those items relating to an individual;

(2) Those items relating to an organization;

(3) Those items relating to surroundings (the work and living environment).

*b.* The primary purpose of this classification system is to speed the processing time of the computer. Augmentation of this system is authorized for historical collections that are not equipped with USAMS.

*c.* Classification is not a part of the nomenclature of an object.

### **D-4. Classification**

*a.* There are 11 classes of objects, the 12th being an unknown or unclassifiable entry.

*b.* By category, these classes are—

(1) CLOTHING—Garment, attire or raiment used to cover, protect, or adorn the human body.

(a) Headgear—Any covering or ornament for the head to include caps, hats, hoods, turbans, shakos, helmets, and so on.

(b) Garments—Articles of clothing, or adornments to include undergarments, outer wear, sleepwear, and protective clothing.

(c) Footwear—Any item worn on the feet to include socks, shoes, boots, moccasins, rubbers, overshoes, and so on.

(d) Accessories—Any article worn to complete a clothing outfit to include scarves, ties, belts, gloves, purse, leggings, spurs, and so on.

(2) INSIGNIA—A badge, device, or distinguishing mark; a visible symbol of rank, organization, qualification, or identification worn by an individual.

(a) Grade—A badge, ornament, or device that indicates the rank, grade, or duties of the wearer.

(b) Organizational—A badge, ornament, or device that indicates the agency, service, branch, or unit of the wearer.

(c) National—A badge, ornament, or device that indicates the nation with which the individual is identified.

(d) State—A badge, ornament, or device that indicates the State with which the individual is identified.

(e) Qualification—A badge, ornament, or device awarded to an individual for the successful completion of a special criterion or schooling.

(f) Decoration—A badge, ribbon, medal, or device awarded for valor or honorable service.

(g) Identifying—A badge, ornament, or device which identifies the individual, such as ID tags, nametag, and so on.

(h) Designating—A badge, ornament, or device used to place or identify an individual within a larger group, such as leadership tabs, tactical marks, class marks, and so on.

(3) SUBSISTENCE—Items which support the means of living, including food and packaging, money, and items of creature comfort.

(a) Rations—Any substance originally intended to be eaten for nourishment, along with containers, wrappers, boxes, or packing material in which food or ration items were originally contained and any accessory packs or similar items received with the ration.

(b) Personal effects—Items not provided by issue but authorized for use by an individual for hygiene, creature comfort, or personal use.

(c) Currency—Items used as accepted means of exchange to include bank notes, coins, script, tokens, and so on.

(d) Medicines—Items originally intended for curing the ill, along with containers, wrappings, boxes, or packaging materials for drugs, herbs, pills, ointments, powders, and so on.

(4) EQUIPAGE—Any implement, tool, device, accouterment, set, or outfit used to equip an individual, organization, or animal to accomplish its purpose, excluding ordnance and transport items.

(a) Accouterments—All items and accessories that make up the gear of the individual soldier, including the equipment belt, cartridge boxes, harness, straps, carrier, scabbards, appendages, and accessories.

(b) Equipment—All containers, carrying mechanisms, straps, holders, furnishings, saddles, harness, appendages, and accessories used by an organization or on animals.

(c) Implements—All tools, musical, medical and scientific instruments, data-processing equipment, machines, sets, kits, outfits and all serial-numbered items not otherwise accounted for.

(d) Communications-electronics—All radios, radar, telephone, telegraph, electrical and electronic devices, and components.

(e) Medical—All medical sets, kits, instruments, accessories and components, not including accouterment items such as the first-aid packet carried by individual (nonmedical) personnel.

(5) ORDNANCE—All weapons and ammunition used for warfare and their accessories or parts, including all self-propelled guns, artillery, mortars, tanks, vessels, and aircraft whose primary purpose was destroying the enemy.

(a) Launchers—Any device used to hold a rocket or missile in position for firing, to include bows, catapults, tube launchers, or structural devices.

(b) Edged weapons—Any type of cut, slash, or thrust device designed for combat, to include knives, daggers, pole arms, swords, sabers, bayonets, and the like.

(c) Small arms—All individual and small-caliber crew-served weapons generally less than 20 mm, not part of another weapon system, including pistols, shotguns, muskets, rifles, sub-machine guns and machine guns.

(d) Artillery—Generally, all gunpowder firing weapons 20mm and above, including mortars, mobile artillery, and fixed artillery, as well as air defense and antitank weapons.

(e) Systems—All complex weapons systems and components required for operation, including tanks, self-propelled guns, aircraft, and vessels.

(f) Missiles—Any objects that are propelled at a target. Term includes rocks, arrows, depth charges, bombs, rockets, and complex ballistic missiles.

(g) Explosives—Any substance that when ignited or detonated chemically reacts in a violent manner, such as mines, grenades, and charges. This also includes inert or nonfunctioning copies or training examples and their packaging.

(h) Pyrotechnic ammunition—Substances that by burning are used as signaling devices, concealment, or as a weapon simulators. Includes smoke grenades, flares, booby trap simulators, grenade and ground burst simulators, and so on.

(i) Artillery ammunition—Fixed, semifixed, and separate loading ammunition, including projectiles, fuses, casings, and charges fired from all types and caliber of artillery, 20 mm and above.

(j) Small-arms ammunition—Projectiles, casings, and complete cartridges used in all types of small arms less than 20 mm, including linked and belted ammunition.

(6) TRANSPORT—Any means of conveyance for passenger or cargo, including accessories and parts. Would also include any passenger or cargo-type vehicle modified for combat but not originally designed for such. Excludes tanks, combat aircraft, and so on.

(a) Land—Any type of land vehicle, pushed, pulled, or self-propelled, including sleds, carts, wagons, coaches, automobiles, buses, and so on.

(b) Air—Aircraft of any type, fixed wing, rotary wing or glider, but not used as a weapons system or platform.

(c) Marine (water)—Any form of watercraft not used as a weapons system or platform to include boats, barges, and ships.

(d) Space—Any spacecraft, capsule, rocket, or parts thereof used for space work, exploration, or travel.

(7) EMBLEM—A sign or representative device; a visible symbol of a nation, State, organization, or personage of note. Includes flags, vehicle plates, heraldic items (not worn on the person), and tactical markings.

(a) National—A device used as the symbol of a national government, such as the coat of arms, flags, banners, and so on.

(b) State—A symbol of a State, including the State flag, coat of arms, etc.

(c) Organizational—A device used to symbolize any agency, military unit, paramilitary groups, police, political parties, schools, clubs, and so on. Colors and standards would be included in this category.

(d) Designating—A device used to identify a group within a larger group. Items would include tactical signs, designating flags, recognition panels, and so on.

(e) Identifying—A device used to identify a commander, leader, or individual of note. May include flags, automobile plates, coats of arms, and so forth.

(8) DOCUMENTS—Written, printed, or electronically recorded information or reference material, including books, papers, forms, publications, maps, and sound recordings. Excludes photographs, posters, motion pictures, and the like.

(a) Papers—Personnel or official letters, journals, diaries, reports, forms, requisitions, vouchers, and so forth.

(b) Publications—Any item published for wider distribution such as orders, books, pamphlets, manuals, regulations, and circulars.

(c) Cartographic—Any map, chart, terrain sketch (not artwork), either hand drawn or in printed form.

(d) Recordings—Sound, voice, or music recordings, tapes, cylinders, and so on.

(9) ARTWORK—Creative work; a representation, depiction, or design, including paintings, graphic arts, sculpture (three-dimensional art), textile art, miniatures, and photographic and electronic imagery.

(a) Fine Art—Works of art, such as paintings done in a medium of oil, acrylic, or watercolor on a textile, paper, or ridged support; drawings done in graphite, charcoal, crayon, pastels, or ink, generally on a paper or cardboard; sculpture accomplished through carving, modeling, statuary, or ceramics; or textile art such as painted, dyed, embroidered, or appliqued fabric.

(b) Graphics—Artwork produced or reproduced by printing or impression, including aquatint, steelplate, copperplate, half-tone plate, wood cut, lithography, chromolithography, or polyolithography.

(c) Photo imagery—A representation or image on a sensitized

surface by the chemical action of light. Includes still photography, motion-picture photography and electronic video.

(10) **FURNISHINGS**—All moveable objects in a room that equip it for use—living, work, and so on. Includes furniture, utensils, lighting devices, toys, and office supplies. Excludes artwork, organizational equipment, personal effects, and trophies.

(a) **Camp**—Items used as temporary furnishings for a civilian or military camp. Includes cots, field desks, folding stools, camp chests, and so on.

(b) **Household**—Items used to furnish a house or an abode such as curtains, furniture, lighting devices, toys, utensils, and appliances.

(c) **Office**—All items used to furnish an office, place of work, school, or church, to include chairs, office desks, office furnishings, and office supplies.

(d) **Garrison**—All items used to furnish a barracks, headquarters, orderly room, fortification, and so on.

(e) **Hospital**—All items used to furnish a hospital, clinic, or aid station, such as beds, china, linens, blankets, and so on.

(f) **Structural Findings**—Any structures, structural items, or architectural appointments contained within the museum and no longer used for their original purpose. May include doors, windows, stained glass, flooring, walls, paneling, brick, and so forth.

(11) **TROPHIES**—Any memento, prize, or memorial acquired through travel, service, athletics, testimonials, and so on.

(a) **Mementos**—Any item retained as a keepsake or souvenir.

(b) **Awards**—A plaque, trophy, or certificate received as the result of winning or placing in an athletic event or contest.

(c) **Memorials**—An item received as a testimonial for service or support provided to a nation, organization, or person of note. Excludes medals, emblems, presentation swords, or other presentation weapons.

(12) **OTHER**—Unclassifiable, contact the CMH for assistance.

Appendix E  
Nomenclature

E-1. Function

Nomenclature is a system or set of terms used for identification of artifacts for entry into USAMS.

E-2. Purpose

The primary purpose of nomenclature is to provide for uniform rules of entry and to assist in a systematic approach to identifying artifacts.

E-3. General

Nomenclature is an important part of the Army Museum Information System for two reasons:

a. Historical artifacts are unique and cannot be grouped under a stock number system.

b. The Army Historical Collection contains items from many nations and many time periods that do not have official nomenclature available.

E-4. Nomenclature construction

a. Considering the amount of resources and difficulties it would require to put together a comprehensive list of official nomenclature, another method had to be found to accommodate the Army Museum Information System. As developed, AMIS nomenclature is a hierarchical system that describes an object based on its function or material description with limited data fields and strict rules of entry. While classification is used in ordering the system, class and subclass are not a part of the nomenclature.

b. There are a finite number of fields used to establish the nomenclature of an object, however, not all fields are used for every object. In each case there are some common fields to which are added some specific fields based on the object. Generally, there are two groupings of elements—

- (1) Fields required for three-dimensional objects.
- (2) A few specialized fields for artwork and documents.

c. Rules of entry—

- (1) Use only one or two words for object name.
- (2) Use as few words as possible for modifiers.
- (3) Do not repeat words.
- (4) Be consistent.
- (5) Provide only the information requested in each element. For example, don't put the color in a modifier element; put the color in the color element.

(6) Do not use classification terms as object names. For example, the term "insignia" is used to describe a class. Terms such as "badge" or "device" should be used as the object name rather than insignia. Therefore, "Insignia, Distinctive Unit, 23d Infantry," should be "Badge, Distinctive Unit, 23d Infantry."

(7) While using official nomenclature is not required, use of official terms is required. Therefore "leggings" are not "spats," "Breeches" are not "Jodhpurs," and a "Carrier" is not a "Bag." In regards to modern military objects remember—look at the tag!

E-5. Nomenclature fields

a. There are a limited number of essential fields that, if completed accurately, are all that is needed to identify an object.

b. Not all of the elements are needed for all objects, and, in the case of artwork and documents, some specialized elements are required.

c. The basic fields in the following sequence are those that make up the nomenclature for objects. The alternate fields required for artwork and documents are also listed.

- |                                 |                            |
|---------------------------------|----------------------------|
| (1) <b>Object Name</b>          | <i>Object Name</i>         |
| (2) <b>Modifier</b> (Attribute) | <i>Medium</i>              |
| (3) <b>Modifier</b> (Qualifier) | <i>Medium Support</i>      |
| (4) <b>Civilian</b> (Clothing)  | <i>Artist</i>              |
| (5) <b>Officer/Enlisted</b>     | <i>Title</i>               |
| (6) <b>Gender</b> (Clothing)    | <i>Subject</i>             |
| (7) <b>Affiliation</b>          | <i>Dimension</i>           |
|                                 | <i>(H x W x D)</i>         |
| (8) <b>Primary Material(s)</b>  | <i>Country</i>             |
| (9) <b>Color/Finish</b>         | <i>Year of Manufacture</i> |

- (10) **Model/Pattern**
  - (11) **Model Name**
  - (12) **Serial Number**
  - (13) **Size**
  - (14) **Country**
  - (15) **Year of Manufacture** (Circa or Exact)
- d. The fields are defined as follows:

(1) **Object Name:** A descriptive noun by which an object is designated; the entry should be one word such as "Coat," "Rifle," "Cup," etc. The exceptions are words like "Cartridge Box," or "Rifle-Musket." For example, a "Cartridge Box" is an accouterment used by the soldier to carry his cartridges, however a "Box, Cartridge," is a cardboard container in which the cartridges are shipped from the factory.

(2) **Modifier 1:** words that more closely define the attributes of the object name; or

*Medium:* used only for works of art, medium is the primary material or technique used in the production of the work in question. For example, oils, watercolor, acrylics, pencil, pen and ink, bronze, plaster, or cross-stitch, to name a few.

(3) **Modifier 2:** defines a quality, character, or characteristic of an object or invests a property in the object. For example, Object Name: Coat; Modifier 1: Combat; Modifier 2: Tropical; or

*Medium Support:* used only for works of art, medium support is the material upon which the medium is applied, including canvas, paper, cloth, wood, and so on.

(4) **Civilian:** use if the item is civilian, otherwise military is assumed; or

*Artist/Author:* the name of the person who created the work.

(5) **Officer/Enlisted:** distinguishes between style or quality and shows that a military item was intended for and used by one or the

other categories. As with everything, there is an exception. If an enlisted soldier wore an officer's shirt, this fact would be reflected in the modifier. For example: Shirt, Coat Style, Officer Quality, Enlisted; or

*Title:* The name of the book or artwork.

(6) **Gender:** shows if the item were intended for use by a male or female. This is important for clothing only; or *Subject:* a brief description of what the artwork or document is about.

(7) **Affiliation:** the connection with a group or organization in a generic sense, even though the object may never have been used by that group or organization. For example, an Eagle, Globe, and Anchor Cap Badge is affiliated with the U.S. Marine Corps because it is their symbol, even though a marine may never have used the badge.

(8) **Primary material(s):** broadly speaking, the substances from which the item was made. If the item is 40 percent steel and 60 percent wood, then the primary materials would be "wood and steel." Note: if you really know what the substance is, then list it. For example, if you know the item is made of iron, then enter "Iron." However, if you cannot tell if it is iron or steel, then list the material as "Metal." Remember, look for label information!

(9) **Color/Finish:** indicate only the major color or finish of the object. Anything more than three or four major colors would be indicated as "multicolored." Color may be natural to the item or applied. Finishes might include "bright" or "matte." A rifle, for example, might be "bright," "browned," or "blued."

(10) **Model/Pattern:** used to distinguish a specific type of object within a series of like objects. Other terms which are used for this purpose include, but are not limited to, "Type," "Mark," "Number," etc. These terms may be combined with a year, letter, Arabic numeral or Roman numeral, or combination thereof.

(11) **Model Name:** an official name applied generally to a weapon, weapon system, vehicle or aircraft. For example, Gun, Self-Propelled, 40 mm, M42, "Duster," or Tank, Full Tracked, 75 mm, "Sherman."

(12) **Size:** generally, a series of graduated measurements applied to manufactured articles that help define the item. This should not be confused with dimension. Examples of size include—Small, Medium, Large, Extra Large, Size 12, Size 16 1/2 x 33, Size 42 Long, 12 pdr, 3-inch, Cal.30, etc.; or

*Dimension:* the space occupied by or the magnitude of an object, that is, Height X Width X Length (or Depth).

(13) **Serial Number:** a series of numbers or a letter-number combination applied by the manufacturer to uniquely identify an object such as a vehicle, weapon, or other items of sensitive equipment.

(14) **Country:** Country where the item was used or intended for. For example, a Spanish Mauser Rifle was produced in Germany for the Spanish Army, the country would be Spain.

(15) **Year of Manufacture:** the year that an object was manufactured or rebuilt. The date is either exact or circa. The circa designation indicates that the actual date is not known but falls within plus or minus five years of the date given.

*e.* Examples of nomenclature:

(1) Coat, service, four-pocket, military, officer, man's, U.S. Army, wool, olive drab, P.1942, 42L, U.S., C.1943.

(2) Rifle, magazine, semiautomatic, U.S. Army, M1, Garand, Caliber .30, U.S., 1944.

(3) Painting, Watercolor, on paper, Charles Johnson Post, We Leave the Trenches, Soldiers of the 71st NY, USV in Cuba in 1898, 22 X 34 inches, U.S., 1936.

## Appendix F Museum Standards of Conduct and Professionalism Guidelines

### F-1. Function

The Museum Standards of Conduct and Professionalism Guidelines

augment the primary sources of authority for ethics and the standards of conduct specifically in regards to museum operations.

### F-2. Purpose

The primary purpose of the Standards of Conduct and Professionalism Guidelines is to provide museum specific ethical guidance to professional staff members of Army museums.

### F-3. General

Staff members owe primary loyalty to the Army, their museum and the Center of Military History. Activities that conflict with this loyalty or cause the staff to favor outside or personal interests over those of their institution must be avoided. Critical areas where staff members must avoid conflicts of interest are: personal collecting, dealing, receiving gifts, and outside activities. In all such areas, open and frank disclosure by the staff member is essential. Section 2635, title 5, Code of Federal Regulations (CFR), Standards of Conduct for Employees of the Executive Branch, 3 February 1993, Office of Government Ethics (OGE) Rules, and the Joint Ethics Regulation (JER) DOD 5500.7-R, are the primary sources of guidance for ethics and the standards of conduct. The guidance, which follows, outlines specific circumstances in the management of collections, personal dealings, and professional development as applied under these rules.

### F-4. Personal collecting

The United States Army neither encourages nor discourages museum personnel from having collections within their area of specialty. Museum staff members should, however, follow the personal collecting guidelines below to comply with the restrictions of OGE rules.

*a.* Collections acquired before employment, family inheritances, and collection outside the museum's field of interest are not covered by the OGE rules.

*b.* Pursuant to 5 CFR 2635.802(b), chapter 2, at any time during Federal employment staff members who collect should inform their supervisor in writing as to the nature and theme of their collecting. At a minimum, if the staff member is required to file a financial disclosure report, and if the market value of the collection exceeds \$1,000, the staff member will report the collection in Part 1 of the OGE Form 450 (Executive Branch Confidential Financial Disclosure Report).

*c.* Staff members must never compete with the Army Historical Collection for an object. The staff member should give the Army the first option to acquire an object before obtaining it themselves for their personal collection. See 5 CFR 2645.802(b), JER, chapter 2.

*d.* Staff members must not use the resources of the Museum Division to store or conserve personal collection items. See 5 CFR 2635.704; JER, chapter 2.

*e.* Staff members may lend objects to the Army for an exhibit or research purposes under the following conditions:

(1) The objects will be loaned anonymously;

(2) Similarly, loaned items used for illustrations in publications will be credited anonymously;

(3) The museum director will approve all such loans before they are made. Loans made by the museum director must be approved by the Army Chief Curator. All loans will be fully documented in accordance with this regulation.

*f.* If a museum staff member decides to divest himself or herself of part or all of a personal collection, it would reflect a high degree of professionalism and commendable loyalty to the Army to offer the item or collection to the Army Museum System first. However, by law, such an offer is not required, and no adverse action will be taken against individuals who do not give the Army right of first refusal in the sale of personal collections.

### F-5. Dealing

*a.* As defined in 5 CFR 2635.502, JER, chapter 2, commercial dealing in collectibles and antiquities would predictably require museum staff members to disqualify themselves from matters so central

or critical to the performance of their official duties that their ability to perform their official duties would be materially impaired. Accordingly, pursuant to 5 CFR 2635.802(b), JER, chapter 2, staff members shall not become involved in commercial dealings of collectibles and antiquities that fall within the scope of their individual responsibilities in maintaining the Army Historical Collection. In this context, a staff member must not act as a dealer, be employed by such a dealer, or have financial interest in such a dealership. (Note: This prohibition does not apply to occasional sales to upgrade a personal collection.)

b. Pursuant to 18 USC 208(a) and 5 CFR 2635.402, 2635.502, and 2635.702, JER, chapter 2, a museum staff member shall not use his or her position within an Army museum to gain favorable consideration in a private transaction from any dealer with whom the staff member also has business on behalf of his or her museum. Under conflict of interest laws and regulations, the interests of a spouse, dependent children, and other family members in the immediate household are the same as those of the Federal employee. Actions of the immediate family members are accountable to the employee for conflict of interest purpose.

c. Neither family members nor friends are entitled to represent or use the authority of the museum staff member, the museum director, the Chief Curator, the Chief of Military History, the Center of Military History, or the U.S. Army in their personal dealings.

#### **F-6. Professionalism**

It is vital for museum staff members to obtain the respect and trust of colleagues, both within the museum and within the Army Museum System as a whole. To do so, one must display the qualities of a professional. These qualities are specialized knowledge, technical expertise, and adherence to ethical standards. This means that museum staff members must be knowledgeable about objects, about museum practices, about the U.S. Army, and about the Army's standards of conduct. Therefore, museum staff members will—

a. Continue to pursue knowledge of material culture and to develop their technical expertise, especially in regard to the collection with which they are working. This pursuit should not be limited to the confines of the office or the regular workday.

b. Strive for excellence within their areas of specialty and understand their professional role within the total context of their museum.

c. Cheerfully carry out their duties according to established regulations, policies, and guidelines and under the direction of their supervisors.

d. Wholeheartedly and constructively cooperate with their colleagues in the furtherance of the goals and purpose of their museum and the Army Museum System.

a. The Center of Military History will respond with a letter of instruction (LOI) containing specific disposition instructions and an authorizing document number, which is the unit's authority to store this material. (See fig. G-1) No material may be sent to storage prior to receipt of the document number. Historical property and colors will be retired in a timely manner, so there is sufficient time for the unit to complete all paperwork and shipping prior to personnel departure.

b. The LOI will include specific packing requirements. Shipping costs are at the expense of the unit. All property will be transferred using DA Form 3161 (Request for Issue or Turn-In), and DD Form 1348-1A.

c. Within 30 days of receiving disposition instructions, all colors and historical property will be inventoried, and a copy of this inventory, preferably on DA Form 3161, will be submitted to DAMH-MDC. This will serve as a planning document for allocation of storage space. The inventory, if on DA Form 3161, may also serve as the transfer document.

d. Per 10 USC 4565, AR 840-10, and this regulation, the retention of any organizational colors or unit guidons by individuals, or the disposal of this material to locations other than that ordered by the LOI, is unauthorized.

e. All historical weapons must be registered with the DOD Small Arms Serialization Program (DODSASP) prior to shipment, and those weapons must then be formally transferred on DODSASP account to the CMH storage facility. Procedures for accomplishing this requirement will be included in disposition instructions.

f. Unit fund property is private property, held collectively by unit members, and will not be stored. Unit fund custodians must determine disposition of this material locally, in accordance with AR 215-1.

g. Items of unit fund property that are considered to be of historical significance must be formally transferred by the unit fund custodian to the Government to be accepted for storage. Items not formally transferred will be screened for disposal. Transfer of title may be accomplished using DA Form 5572-R (Gift Agreement), or by memorandum for record from the unit fund custodian. Items must be catalogued on DA Form 2609 prior to shipment, with copies of all paperwork included in the shipment.

h. Unit records, lineage and honors certificates, unit history files, photographs and other archival items will be retired in accordance with disposition instructions.

i. Separate disposition instructions must be requested for displayed combat vehicles or other large items held by units.

## **Appendix G**

### **Organizational Historical Property Turn-In from Inactivated and Redesignated Units**

#### **G-1. Function**

This appendix provides for a systematic approach for the turn-in of organizational historical artifacts from units that are inactivating or have been redesignated.

#### **G-2. Purpose**

The primary purpose is to inform commanders and action officers on the procedures to follow in the event of a unit inactivation or redesignation.

#### **G-3. Instructions**

Within 10 working days of receipt of inactivation or redesignation orders, TOE units will request disposition instructions for historical property in their possession from the U.S. Army Center of Military History, ATTN: DAMH-MDC, 103 Third Avenue, Fort McNair, D.C. 20319-5058.

MEMORANDUM FOR COMMANDER, XX BATTALION, XX INFANTRY,  
ATTN: ATZJ-A-B, FORT JACKSON, SC 29207-6220

SUBJECT: Disposition Instructions—XX Battalion, XX Infantry

1. Reference memorandum, ATZJ-A-B, date, subject: Request for disposition instructions.
2. According to Army Regulations 710-2, 735-5, 840-10, 870-5 and 870-20, you are required to forward all unit colors, guidons, and organizational historical property belonging to the XX Battalion, XX Infantry, for storage.
3. The document number for this transaction is XXXXX-XXXX-0001. All future inquiries will cite this document number, and all shipping invoices, DD Forms 1348-A, and related collections records will reflect this number as well. A copy of this authorization will accompany each box.
4. Each category of item will be packed separately.
  - a. Flags, colors, standards, guidons, and streamers should be carefully packed in accordance with the enclosed instructions, and sent to: U.S. Army Historical Clearinghouse, ATTN: DAMH-MDH, 7 Frankford Ave., Anniston Army Depot, Anniston, AL 36201-4199. A DA Form 3161 will be completed for each item in accordance with the enclosed example.
  - b. Organizational historical property (items accounted for on a DA Form 2609 historical property card such as silver, uniform, captured enemy equipment, and artwork) will be packed separately from items in paragraphs b. and d. and will be sent to: U.S. Army Clearinghouse, ATTN: DAMH-MDH, 7 Frankford Ave., Anniston Army Depot, Anniston, AL 36201-4199. A DD Form 1348-A will be completed for each item in accordance with the enclosed example. In addition, copies of the DA Form 2609 and any source of acquisition information should be included in the box. Three copies of the packing list, along with unit inactivation orders, will be included: two outside the box, and one inside. The outside four sides of the box will be marked in half-inch letters: XX BATTALION, XX INFANTRY, over HISTORICAL PROPERTY, over (DATE PACKED).
  - c. Historical firearms and ordnance will be packed carefully and shipped to Anniston Army Depot. Copies of the DA Form 2609 and source of acquisition information should be included.
5. Certain band instruments, tabards, and other specialized items belonging to Army bands are considered to be historical property and will be reported (not sent) to the U.S. Army Center of Military History, ATTN: DAMH-MDC, 103 Third Avenue, Fort McNair, D.C. 20319-5058 for separate disposition instructions.
6. Any tactical combat vehicles or other large items held as historical property will be reported (not sent) to the U.S. Army Center of Military History, ATTN: DAMH-MDC, 103 Third Avenue, Fort McNair, D.C. 20319-5058, for separate disposition instructions. Reports should include nomenclature, condition, and operational status.
7. Organizational history files authorized under AR 870-5, including Unit Historical Files, lineage and honors certificates, photos, etc., will be removed from frames and sent to the U.S. Army Center of Military History, ATTN: DAMH-FPO, 103 Third Avenue, Fort McNair, D.C. 20319-5058. Do not send plaques and or trophies to this address.
8. Official records will be disposed of in accordance with AR 25-400-2.
9. Unofficial records will be transferred to the U.S. Army Military History Institute, Carlisle Barracks, PA 17013-5008. Include copies of unit inactivation orders with the box.
10. Unit fund property must be disposed of locally in accordance with AR 215-1. If any unit fund property items can be considered historical property, the unit fund custodian must transfer them to the

**Figure G-1. Sample Disposition Instruction—Continued**

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Government using a Gift Agreement or memorandum for record. The commander must then officially designate the items as historical property by memorandum and catalog them on DA Form 2609. They can then be reported with the other historical property to be stored.

FOR THE CHIEF OF MILITARY HISTORY:

Figure G-1. Sample Disposition Instruction

## Appendix H Command Supply Discipline Program

### H-1. Function

Command Supply Discipline Minimum Requirements Listing is to ensure that evaluations of historical material management are conducted by all museums, museum activities, and the Army Historical Clearinghouse.

### H-2. Purpose

The purpose of this program is a review of supply responsibilities by the command immediately superior to the unit or activity being inspected to determine regulatory compliance.

### H-3. Instructions

The following questions provide minimal requirements for developing local CSDP checklists by custodians of Army historical artifacts.

- a. Do you have all the applicable regulations on hand to assist you in maintaining formal accountability for all historical and non-historical property?
- b. Do you register each item within 5 days? Do you record all the essential information in a bound log?
- c. Are you using USAMS to record all property to the CSAMS?
- d. Do you have jacket file for each item of your collection?
- e. Are all loaned items documented and approved?
- f. Have you completed all required inventories this review period?
- g. Have all new items been cataloged and entered in the USAMS within thirty days?
- h. Do you maintain a supporting document file?
- i. Do you report all changes to the DODSASP for all weapons in your collection?
- j. What is your DODSASP compatibility rate?
- k. Do you have any open transactions that exceed 30 days?

## Appendix I Management Control Evaluation Checklist

### I-1. Function

This checklist covers the administration of historical artifacts and museums in the Army.

### I-2. Purpose

The purpose of this checklist is to assist assessable unit managers and Management Control Administrators (MCAs) in evaluating the key management controls outlined below. It is not intended to cover all controls.

### I-3. Instructions

Answers must be based upon the actual testing of key management controls for example, document analysis, direct observation, sampling, simulation, etc.). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These key management controls must be formally evaluated at least once every 5 years. Certification that this evaluation has been

conducted must be accomplished on DA Form 11-2-R (Management Control Evaluation Certification Statement).

### I-4. Test questions

- a. Is there a master plan with the appropriate written administrative documents/records on hand? (para 3-7)
- b. Are there physical security records, including weapons inventories (quarterly and semiannual), results of last physical security inspection, and a physical security plan? (para 3-18)
- c. Are there personnel positions sufficient to meet mission requirements, including administration, accountability of property, and physical security, and protection of the artifacts? (para 3-9)
- d. Are staff members knowledgeable of Army material culture history, particularly materiel relevant to their collection? (para 3-9)
- e. Has fire suppression and smoke detection systems been provided in both public galleries and artifact storage areas? (para 3-18)
- f. Have intrusion detection systems been provided in both public galleries and in artifact storage areas? (para 3-18)
- g. Is the security of weapons in both storage and on display checked regularly?(para 2-13)
- h. Does the museum acquire artifacts commensurate with its mission and scope-of-collection statements? (para 2-5)
- i. Can the museum document U.S. Army ownership and the status all artifacts on hand and on loan? (para 2-5)
- j. Has a dollar value been applied to all historical artifacts and art in the custody of the museum as required by Congress? (para 2-5)
- k. Have all historical artifacts and art been recorded within 24 hours of receipt? (para 2-7)
- l. Is there a bound register used to record all assigned local registration numbers with a brief description of the historical artifact or work of art? (para 2-7)
- m. Have all items been fully registered in USAMS within 5 working days of receipt? (para 2-7)
- n. Have all retained historical artifacts or works of art been cataloged in USAMS within 30 days? (para 2-7)
- o. Have copies of the receipt document been filed in the supporting document file, as well as a record of the transaction to the appropriate document register? (para 2-7)
- p. Is a historical property jacket maintained for each artifact, as appropriate? (para 2-7)
- q. Has the USAMS record been transmitted electronically or by disk to the CSAMS at the CMH? (para 2-7)
- r. Has a DA Form 5573-R (Loan Agreement) been used to document all incoming loan transactions? (para 2-6)
- s. Does the museum have any indefinite loans? (para 2-6)
- t. Are historical artifacts and works of art maintained in a stable environment and inspected regularly for signs of deterioration? (para 3-17)
- u. Are historical objects and works of art on exhibit illuminated according to the sensitivity of the materials from which they are made? (para 3-17)
- v. Has a local preservation and conservation standing operating procedures (SOP) been developed? (para 3-17)

## Glossary

### Section I Abbreviations

#### AMC

Army Materiel Command

#### AMIS

Army Museum Information System

#### AAO

Artifact Accountable Officer

#### ARO

Artifact Responsible Officer

#### ASA (IL&E)

Assistant Secretary of the Army, Installation Logistics and Environment

#### CCN

Central Control Number

#### CFR

Code of Federal Regulation

#### CMH

Center of Military History

#### CMH

Chief of Military History

#### CONUS

continental United States

#### CSAMS

Central Site Artifact Management System

#### CTA

common table of allowances

#### DA

Department of the Army

#### DAS

Director of the Army Staff

#### DoD

Department of Defense

#### DODSASP

Department of Defense Small Arms Serialization Program

#### DPTMS

Director of Plans, Training, Mobilization, and Security

#### DSN

Defense Switched Network

#### fax

facsimile

#### FOA

field operating agency

#### HAZMAT

Hazardous Materials

#### HM

Hazardous Materials

#### HQDA

Headquarters, Department of the Army

#### ICP

inventory control point

#### JER

Joint Ethics Regulation

#### MACOM

major Army command

#### MOA

Memorandum of Agreement

#### MOU

Memorandum of Understanding

#### MTOE

modification table of organization and equipment

#### MWR

morale, welfare, and recreation

#### NAFI

Nonappropriated fund instrumentality

#### NARA

National Archives and Records Administration

#### NRC

Nuclear Regulatory Commission

#### OGE

Office of Government Ethics

#### OPM

Office of Personnel Management

#### OSHA

Occupational Safety and Health Administration

#### PAO

public affairs office

#### PO

Private Organization

#### REPRO

Reproduction

#### SA

Secretary of the Army

#### SOP

standing operating procedure

#### TDA

table of distribution and allowances

#### TOE

table of organization and equipment

#### USACFSC

United States Army Community and Family Support Center

#### USAMS

Universal Site Artifact Management System

#### USARS

United States Army Regimental System

#### USC

United States Code

### Section II Terms

#### Accession (See Registration.)

The permanent addition of historical property to the Army Historical Collection.

#### Accountability

Obligation to keep records of property, documents, or funds, such as identification data, gains, losses, dues in, dues out, and balances on hand or in use.

#### Antique Firearm

Any firearm with a matchlock, flintlock, percussion cap (or similar type of ignition system) manufactured in or before 1898; and any replica of any firearm described above, if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the normal channels of commercial trade.

#### Artifact Accountable Officer (AAO)

The person officially appointed in writing by the Chief of Military History to maintain a formal set of accounting records for the Army Historical Collection. This person may or may not have physical possession of the artifacts.

#### Artifact Responsible Officer (ARO)

The person officially appointed in writing, by the artifact accountable officer (AAO), to ensure that for historical property and funds entrusted to his or her possession, command, or supervision, that proper custody and safekeeping are provided.

#### Army Historical Collection

The entire collection of Army historical property under the control of the Chief of Military History, to include historical artifacts in the custody of certified Army museums, museum activities, historical collections, and the Clearinghouse, installations, units, or agencies.

#### Army Historical Clearinghouse

A repository for all Army historical artifacts not in the custody of museums, museum activities, historical collections, and installations, units, or agencies.

#### Army Museum System

All of the recognized museums and historical collections of the U.S. Army (including the

Reserve Components) as designated by the CMH and under the staff supervision of the CMH.

### **Army Property**

All property legally belonging to the U.S. Army, which was acquired by expenditure of appropriated funds, received as a donation, or otherwise generated in the course of daily functioning, as determined by law. All Army historical property is Army property.

### **Art**

Cultural property that has been accessioned into the Army Historical Collection or Army Art Central Collection. All art, upon designation, becomes the responsibility of the CMH.

### **Artifact**

See historical artifact

### **Artifact Conservation/ Preservation Plan**

The document outlining the overall conservation strategy, including the recurring schedule of assessment for the items in the collection, regularly scheduled maintenance, and actions required for the accomplishment of collection preservation and conservation.

### **Associated Items**

When used in regards to flags or colors, refers to poles, silver rings, streamers, finials and so on, needed for a complete, displayable item.

### **Central Catalog of Historical Property**

The Army Museum Information System—a consolidated catalog maintained by the CMH for recording all historical property in the U. S. Army.

### **Central Control Number**

A centrally assigned catalog number applied to all historical property accessioned into the Army Historical Collection.

### **Certification**

Received from the Department of the Army, certification shows that a museum meets or exceeds the minimum professional standards for Army museums as prescribed in this regulation.

### **Certified Army Museum**

An appropriated fund entity that is a permanent historical activity possessing a historical collection housed in a building or a part thereof, specially designed for the exclusive use of the museum, which is open to the military and civilian visitor at regularly scheduled hours and is in the care of a professional staff that performs curatorial functions, training, education, and related historical duties full-time, and meets the requirements of this regulation.

### **Collection**

The assortment of historical property in the custody of a particular organization, installation, agency, museum, or museum activity.

### **Collection Content Plan**

The document by which the museum's collection is analyzed to see what essential items are needed to meet mission needs and complete collection requirements. For example, a rifle in the collection that requires a proper bayonet and sling. This document becomes the basis for submitting a requirement list to the CMH.

### **Colors**

Set of National and Organizational Colors as carried by a specified color bearing organization.

### **Color**

The term "Color" when used alone refers to the National or United States Color as carried by a specified color-bearing organization.

### **Condemned Combat Materiel**

Individual items of military equipment, cited on the U.S. Munitions List (22 CFR 121), utilized in a primary combat role, but no longer usable for its original intended purpose due to the deterioration of its physical condition by use, age, or design. Similar items may still be in use in the active operational inventory, but specific items may be condemned due to circumstances such as damage or wear and tear.

### **Condition code**

A two-digit code consisting of an alpha supply condition code in the first digit and a numeric or alpha disposal condition code in the second digit. A combination of the supply condition code and the disposal condition code, which most accurately describes the material's physical condition, constitutes the Federal condition code for reutilization program screening and review purposes.

a. Supply condition codes are used to classify materiel in terms of readiness for issue and use or to identify action underway to change the status of materiel. These codes are assigned by the Military Services/Defense Agencies.

b. Disposal condition codes are assigned by the DRMO based upon inspection of materiel at time of receipt.

### **Confiscated Property**

Property confiscated by U.S. Customs, or other competent U.S. Government authority, primarily related to military-type equipment, except ammunition and dangerous property, may be turned in to the Defense Reutilization and Marketing Office (DRMO) for processing. This property shall be processed by the DRMO in the same manner as Military Service/Defense Agency excess.

### **Conservation**

Actions devoted to protecting objects to minimize chemical and physical deterioration (preservation); also actions devoted to saving objects for the future by examination and documentation of the object's contents.

### **Conservation supplies, equipment, facilities, or systems (See Conservation)**

Examples are acid-free tissue and boxes, examination booths, and fumigation chambers. Does not include supplies, equipment, facilities, or systems that have only as an indirect or secondary purpose the conservation of historical objects and their contents, such as information technology that is used for general office and business functions, even though it may sometimes be used for conservation activities. Note: If lease, purchase, or other acquisition of real property (as a conservation facility) is being considered under the exchange process of 10 USC 2572(b), (see para 4-5 of this regulation), coordination with the Army Corps of Engineers is required prior to any such acquisition.

### **Conservation, restoration, and preservation services**

(See conservation, restoration, and preservation.) Includes treatment of historic books and documents, metal and wooden artifacts to reduce deterioration, and the examination and documentation of an object's contents; for example, mounting a flag, fumigation, or climate control (conservation and preservation) and filling a hole in a vase or replacing a missing spoke on a wheel (restoration). Restoration, conservation, and preservation services relate directly to curatorial functions. They do not include activities that are not performed directly for the benefit of historical objects, such as services that are part of an overall office or business function, for example, accounting or secretarial services.

### **Custodian**

The individual having direct responsibility for the protection and accountability of Army historical property on a temporary basis.

### **De-accession**

The disposal or loss of an object from the Army Historical Collection.

### **Demilitarization (DEMIL or demil.)**

The act of destroying the military offensive or defensive advantages inherent in certain types of equipment or materiel. The term includes mutilation, dumping at sea, scrapping, melting, burning, or alteration designed to prevent the further use of this equipment and materiel for its originally intended military or lethal purpose and applies equally to materiel in unserviceable or serviceable condition that has been screened through an inventory control point and declared excess or foreign excess.

### **Demilitarization Certification**

A certificate signed by a technically qualified U.S. Government representative and countersigned by a technically qualified U.S. Government representative (American citizen) who actually witnessed the demilitarization of the material and or inspected the residue.

### **Demilitarization Code**

A single character alpha code assigned by the

item manager identifying the degree of demilitarization necessary prior to accomplishing final disposition of the item.

#### **Director/Curator**

The individual in charge of the Army museum, activity, collection and clearinghouse and responsible for all phases of the museum operation. The director/curator is normally the artifact responsible officer (ARO) for the historical items and associated items, and supervises one or more other staff members of lesser grade. (The AMC facility manager is the ARO at the Clearinghouse.)

#### **Disaster Plan**

The document providing specific actions to be taken by an Army museum staff and installation in the event of fire, flood, theft, mobilization, or civil unrest.

#### **Disposal**

The process of redistributing, transferring, donating, selling, abandoning, destroying or other disposition of DoD personal property.

#### **Disposition**

The authority to move Army historical property from a museum, historical holding or agency under Army control to another location that may or may not be under Army control.

#### **Documentation**

The recording, in a permanent format, of information about an object, including administrative, historical and conservation.

#### **Donation**

A gift or a free contribution.

#### **Educational Programs**

Programs, other than gallery exhibits and tours, that are used to instruct or provide information to members of the museum's constituency such as, lectures, slide presentations, classroom instruction or living history. For purposes of 10 USC 2572(b) exchanges: Only programs that provide education in the areas of curatorial functions and Military History. Education in areas not unique to museum work or Military History are not included.

#### **End-use certificate**

This document indicates the intended destination and disposition of sensitive, controlled items released from DoD control in accordance with the Export Administration Act. For transfers under the Foreign Assistance Act or Arms Export Control Act, see DoD 5105.38-M. As applied to all sales of Munitions List Items/Strategic List Items by DoD, the certificate is to be included in the sale solicitation executed by all bidders of such property and submitted with their bid. The certificate, when properly completed, becomes a part of the bid and ultimately part of the sale contract. Execution of the certificate may be a requirement in other instances (such as sale

of aircraft, or hazardous property) when considered necessary by the Deputy Under Secretary of Defense (Logistics), DLA, or Defense Reutilization and Marketing Service.

#### **End-use check**

An inquiry made by the U.S. Diplomatic Mission or other U.S. Agency to verify that the final destination and ultimate use of DoD surplus personal property and DoD Foreign Excess Personal Property conforms to the destination and use stated in the End-Use certificate and approved by the U.S. Government.

#### **Examination**

The investigation of the structure, materials, and condition of objects including the identification of the extent and causes of alteration and deterioration.

#### **Exhibit Plan**

The document that provides both written and graphic plans for the development of an Army museum's exhibits. This plan includes all permanent, temporary, traveling, and outdoor exhibits.

#### **Firearms**

*a.* Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

*b.* The frame or receiver of any such weapon, any firearm muffler, firearm silencer, or any destructive device. The term does not include an antique firearm.

*c.* Category I includes revolvers, pistols, rifles, carbines, fully automatic rifles, submachine guns, machine pistols and machine guns to caliber .50, inclusive. It includes combat shotguns. It excludes other shotguns with barrels 18 inches or longer, BB, pellet and muzzle loading (black powder) firearms.

*d.* A "rifle" is a shoulder firearm that can discharge a bullet through a rifled barrel 16 inches or longer.

*e.* A "carbine" is a lightweight shoulder firearm with a barrel under 16 inches in length.

*f.* A "pistol" is a hand-operated firearm having a chamber integral with or permanently aligned with the bore.

*g.* A "revolver" is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

*h.* A "submachine gun," "machine pistol" or "machine gun" is a firearm originally designed to fire, or capable of being fired, fully automatically by a single pull of the trigger.

#### **Fire Suppression System**

An automatic system consisting of devices that apply various extinguishing agents (water, foam, dry and wet chemicals, gas) on a fire without action on the part of people and usually arranged to transmit an alarm to a fire communications center.

#### **Flag**

A piece of fabric of distinctive design used as a symbol or signaling device.

#### **Flight Safety Critical Aircraft Part (FSCAP)**

Any aircraft part, assembly, or installation containing a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shutdown resulting in an unsafe condition.

#### **Guidon**

A unit identification marker authorized for companies, batteries, troops, special units, detachments and special platoons.

#### **Halons**

Halon 1211 is a streaming agent (with a higher boiling temperature than Halon 1301) used in portable hand extinguishers for electronic equipment areas and large wheeled extinguishers at airfields refueling sites. Some Aircraft, Rescue, Fire Fighting (ARRF) vehicles use Halon 1211 as a secondary fire-fighting agent. Halon 1301 is a gaseous agent primarily used in command, control, communications, and computer facilities.

#### **Hazardous Materials**

Any material deemed hazardous as defined in 29 CFR 1910.1200 or 49 CFR 172.101.

#### **Historical Artifact**

Any object that has been designated by appropriate authority as being historically significant because of its association with a person, organization, event, or place, or because it is a representative example of military equipment that has been accessioned into the Army Historical Collection. Artifacts will cease to perform their original function.

#### **Historical Collection**

A collection of historical property under Army control displayed in a regimental room, trophy room, visitor's center, hall of fame, exhibit area, or other type of display not recognized by the Department of the Army as a museum or museum activity, including a former Army museum.

*a.* A collection of historical artifacts secured, accounted for and stored at an installation or facility.

*b.* A collection of historical artifacts in an officer's club, noncommissioned officers club, community club, chapel, lobbies, or headquarters building.

*c.* A collection of artifacts such as tanks, artillery, vehicles, or other items displayed in front of buildings, on the parade ground, at the airfield, in parks, or at other locations around the installation on Federal property.

#### **Historical Holding**

Obsolete term previously used to define a

noncertified museum or a collection of artifacts. Museum activity or historical collection has replaced this term.

### **Historical Property**

Army property, current, excess, obsolete, or condemned, and any war trophy that has been designated historical by appropriate authority. Also any object and that may not have been so designated but, because of its age or obvious significance, is inherently historical. All historical artifacts are the responsibility of the CMH and will be registered and cataloged into the central catalog.

a. Reproductions, models, dioramas, books, and archival material may be designated as historical property, but are not normally considered so.

b. Athletic trophies, plaques, awards, and other items of transitory significance and not pertinent to the history of an organization, installation, or the U.S. Army, its enemies or allies, are not generally considered to have historical significance within the meaning of this regulation.

c. Excess, condemned, or obsolete equipment and materiel.

### **Historical Property Jacket File**

A file folder that contains documentation of any kind pertaining to a cataloged object.

### **Incoming Loan**

The temporary use by the U.S. Army of a historical item received from any source outside of Army control.

### **International Traffic in Arms Regulation (ITAR)**

Regulations implementing the authority granted the President to control the export and import of defense articles and defense services. The Director of the Office Munitions Control, U.S. Department of State, primarily administers these regulations.

### **Inventory value**

The dollar value at which materiel is carried on inventory records for monetary accounting purposes. It is established on the basis of standard prices, or actual or estimated acquisition cost of items when standard prices are not used. This is applicable to all property regardless of condition, except for unidentifiable scrap and privately owned abandoned personal property.

### **Lethal Material**

Material, which because of its design, intended use, or composition, is capable of causing injury, death, or destruction. Lethal material consists of, but is not limited to, arms; ammunition; bombs; grenades; explosive rockets; squibs; solid fuels (JATO); poisonous and caustic acids, whether gaseous, liquid or solid; toxic biological agents; spring-loaded devices, such as recoil mechanisms and equilibrators; etc. For example all small-arms spare parts except stocks, slings, and common hardware items are designated as lethal. Aircraft, shipboard, and vehicular

parts associated primarily with flyability and mobility are not designated as lethal.

### **Loan**

To grant temporary use of an object outside of Army control.

### **Macro Artifact**

Large objects such as, but not limited to, tanks, armored vehicles, aircraft, vehicles, locomotives, and rail cars, which are difficult to display indoors under normal museum conditions and may therefore be left exposed to the elements.

### **MAC Facility**

A facility with a controlled environment of sufficient size to house, work on, and protect macro artifacts on a long-term basis.

### **Material Culture**

The physical evidence produced by or for a culture or nation or its people from which an understanding of that culture, nation, or people can be derived.

### **Material Safety Data Sheet**

Written or printed material prepared IAW 29 CFR 1910.1200 (g), concerning a hazardous chemical.

### **Military Item**

An item of equipment designed primarily for military offensive or defensive operations.

### **Mission Statement**

The document that defines the primary and secondary subject areas or themes to be interpreted by an Army museum.

### **Munitions List Item (MLI)**

Any item contained in the U.S. Munitions List 22 CFR 121.

### **Mutilation**

The act of making material unfit for its intended purpose by cutting, tearing, scratching, crushing, breaking, punching, shearing, burning, neutralizing, etc. A form of demilitarization

### **Museum**

See Certified Army Museum.

### **Museum Activity (formerly known as a Historical Holding)**

An appropriated-fund entity that is a permanent historical activity possessing a historical collection housed in a building or a part thereof, specially designed for the exclusive use of the museum, which is open to the military and civilian visitor at regularly scheduled hours and is in the care of a professional staff that performs curatorial functions, training, education, and related historical duties full-time, but has failed to meet all of the Army museum certification requirements of this regulation.

### **Museum Master Plan**

The basic document for developing resources, activities, and continuity between successive command and museum staff changes.

### **Museum Safe**

Material that is inert or relatively free from hostile substances that might cause harm to an artifact.

### **Museum Support Articles**

Nonstandard items found in Army museums and historical holdings, such as dioramas, models, reproductions, and special nonstandard display furniture that are neither historical property nor standard Army equipment as specified in Army equipment requirements and authorization documents.

### **Nomenclature**

The act or process of naming or identifying something; a system or set of terms used in a discipline for identification (such as military equipment).

### **Nonappropriated Fund Property**

Property that does not belong to the U.S. Army but that belongs to a unit, agency, or nonappropriated fund instrumentality. Historical objects acquired for historical purposes with nonappropriated funds must be legally donated to be maintained by the Army.

### **Obsolete Combat Materiel**

Military equipment, utilized in a primarily combat role, that has been phased out of operational use; if replaced, the replacement items are of a more current design or capability.

### **Organizational Color**

A piece of fabric of distinctive design used as a symbol of a specific color bearing organization.

### **Organizational Historical Artifacts**

Historical objects relating to and in the custody of a particular Army organization and subject to the requirements of this regulation.

### **Outgoing Loan**

The temporary use of a historical object belonging to the U.S. Army by a museum, institution, or agency not under Army control.

### **Preservation**

The protection of objects through activities that minimize chemical and physical deterioration and damage and that prevent loss of informational context. The primary goal is to prolong the existence of the item.

### **Preventive Care**

The mitigation of deterioration and damage to objects through the formulation and implementation of policies and procedures for the following: appropriate environmental conditions; handling and maintenance procedures for storage, exhibition, packing, transport, and use; integrated pest control management;

emergency preparedness and response; and reformatting/duplication.

#### **Private Organization/Museum**

Refer to paragraph 3-10 in this regulation for details.

#### **Provisional Army Museum**

A newly established Army museum that has 2 years to reach certification status.

#### **Radioactive Materials**

Any material that emits, by spontaneous nuclear disintegration, corpuscular or electromagnetic emanations.

#### **Recertification**

The process by which an Army museum is periodically reevaluated by the CMH to ensure that the museum continues to meet the standards of this regulation as a certified Army museum.

#### **Relics and Trophies**

Mementos, souvenirs, and obsolete or condemned Army property, may be designated as historical property by appropriate authority. Relics and trophies suitable for museum purposes, including ships' bells and nameplates and captured enemy equipment, shall be reported to the applicable military service museum or curator and disposed of in accordance with instructions received from the museum or curator.

#### **Registration**

The recording of information concerning the receipt of one or more objects from one source on one date to establish accountability. The process is the same for items being permanently added to the Army Historical Collection and those that are only temporary.

#### **Registration Number**

The number applied to a registration transaction that links the artifacts to the source and the date. Commonly called an accession number.

#### **Responsibility**

The obligation of an individual to ensure for Government property and funds entrusted to his or her possession, command, or supervision and that proper custody and safekeeping are provided. There are four types of responsibility as defined in AR 735- 5, para. 13-30a (2)-(5); command responsibility, direct responsibility, supervisory responsibility, and personal responsibility.

#### **Restoration**

Treatment procedures intended to return an object to a known or assumed state, often through the addition of nonoriginal material. A repair or rebuilding process.

#### **Salvage**

The recovery of a historical object(s) from a remote location, including archeological sites

or from locations not normally accessible to the U.S. Army.

#### **Scope-of-Collection Statement**

The document specifying the origin, period, and subject of the historically significant items that a museum collects.

#### **Search**

The process of locating historical objects that were not previously known or whose location was not confirmed.

#### **Significant Military Equipment**

Those articles for which special export controls are warranted because of their capacity for substantial military utility or capability. Items listed in DoD 4160.21-M-1, appendix 1, which are preceded by an asterisk are significant military equipment. Section 47(6) of the Arms Export Control Act (22 USC 2794 (6) (note) provides a definition of "major defense equipment on the U.S. Munitions List." The terms "significant military equipment" and "significant combat equipment" are considered to be equivalent for purposes of that section of the Arms Export Control Act and the DoD 4160.21-M-1. Items designated as significant military equipment require worldwide demilitarization as prescribed in DoD 4160.21-M-1, appendix 4.

#### **Small Arms**

Hand guns; shoulder fired-weapons; light automatic weapons up to and including .50-caliber machine guns; recoilless rifles up to and including 106 mm; mortars up to and including 81 mm; rocket launchers, man portable; grenade launchers, rifle and shoulder fired; and individually operated weapons that are portable and or can be fixed without special mounts or firing devices, have potential use in civil disturbances, and are vulnerable to theft. (NOTE: This includes all weapons meeting this criteria regardless of origin, including foreign, commercial and nonappropriated funds weapons as well as antique firearms and weapons seized by DoD law enforcement or investigative organizations and forfeited under the provisions of 10 USC 924, regardless of whether or not the weapons have a national stock number, but not including air guns.)

#### **Stabilization**

Treatment procedures intended to maintain the integrity of an object and to minimize deterioration.

#### **Standard**

Obsolete term that referred to an Organizational Color for a mounted unit.

#### **Story Line**

The document providing written researched documentation as to the subject areas or themes with main references and authorities cited. This document is the in-depth development of the museum's mission statement.

#### **Temporary Transfer**

The temporary use of a historical object belonging to the Army Historical Collection by a museum, museum activity, historical collection, the Clearinghouse, or other agency under Army control. This term is used to avoid confusion with loans being made outside of Army control and which are based on different legal authority.

#### **Title Document**

A document such as a letter of donation, gift agreement, or form which shows transfer of title to or ownership of an item by the U.S. Army.

#### **Transfer**

The movement of a historical object belonging to the Army Historical Collection from one museum, museum activity, historical collection, the Clearinghouse, or other agency under Army control to another under Army control. The object remains a part of the Army Historical Collection.

#### **Treatment**

The deliberate alteration of the chemical and/or physical aspects of an object, aimed primarily at prolonging its existence. Treatment may consist of stabilization and or restoration.

#### **Veterans' Organization**

An organization composed of honorably discharged soldiers, sailors, airmen, and marines, which is recognized as a veterans' organization by the Veterans Administration.

#### **War Trophy**

Personal souvenirs acquired by individual soldiers, which may include military weapons or objects acquired from the enemy. War trophies do not include U.S. or allied property, equipment name plates, live ammunition or explosives, weapons defined as "firearms" by the National Firearms Act, electronic equipment, flammable materials, nonpersonal government issue materials such as vehicles, aircraft, or tools, household items such as furnishings, art, and cultural property, items required for intelligence purposes, items protected by law or treaty, and items designated as Army historical artifacts. Refer to AR 680-4 for further details.

#### **Weapons system**

All complex weapons systems and components required for operation, including tanks, self-propelled guns, aircraft, and vessels.

### **Section III**

#### **Special Abbreviations and Terms**

This section contains no entries.

**RESERVED**

<b>MANAGEMENT CONTROL EVALUATION CERTIFICATION STATEMENT</b>  For use of this form, see AR 11-2; the proponent agency is ASA(FM).		1. REGULATION NUMBER
		2. DATE OF REGULATION
3. ASSESSABLE UNIT		
4. FUNCTION		
5. METHOD OF EVALUATION <i>(Check one)</i>		
a. CHECKLIST		b. ALTERNATIVE METHOD <i>(Indicate method)</i>
APPENDIX <i>(Enter appropriate letter)</i>		
6. EVALUATION CONDUCTED BY		
a. NAME <i>(Last, First, MI)</i>		b. DATE OF EVALUATION
7. REMARKS <i>(Continue on reverse or use additional sheets of plain paper)</i>		
8. CERTIFICATION		
I certify that the key management controls in this function have been evaluated in accordance with provisions of AR 11-2, Army Management Control Process. I also certify that corrective action has been initiated to resolve any deficiencies detected. These deficiencies and corrective actions <i>(if any)</i> are described below or in attached documentation. This certification statement and any supporting documentation will be retained on file subject to audit/inspection until superseded by a subsequent management control evaluation.		
a. ASSESSABLE UNIT MANAGER		
(1) Typed Name and Title		b. DATE CERTIFIED
(2) Signature		



## GIFT AGREEMENT

For use of this form, see AR 870-20; the proponent is the OCSA.

### DATA REQUIRED BY THE PRIVACY ACT OF 1974

**AUTHORITY:** 10 USC § 3012

**PURPOSE:** To provide a record of donations and contributions of historical properties to U.S. Army Historical Collection; to enable Army museums, museum activities and collections to provide upon request by the donor or donor's heirs information concerning the status/location of his/her donation; to enable the U.S. Army to establish title to the property.

**ROUTINE USE:** Information may be disclosed to a municipal corporation, a soldiers' monument association, a state museum, an incorporated museum or exhibition operated and maintained for educational purposes only; a post of the Veterans of Foreign Wars or the American Legion; other recognized veterans' groups; or other federal museums upon donation or transfer of the historical property to one of those organizations. Information may also be disclosed to federal, State, or local taxing authorities.

**DISCLOSURE:** Disclosure of the requested information is voluntary. Failure to provide complete information may prohibit acceptance of gift or donation.

### UNCONDITIONAL DONATION TO THE UNITED STATES

I, *(Print, Name)* \_\_\_\_\_, *(Address)* \_\_\_\_\_,  
City of \_\_\_\_\_, State of \_\_\_\_\_,  
own the item(s) described below and have full legal authority to dispose of them.

I hereby give unconditionally the described property to the United States Army: I understand that  
\_\_\_\_\_, of the \_\_\_\_\_,  
located at \_\_\_\_\_, will accept the unconditional gift on behalf of the  
United States Army.

To carry out our purpose, I do hereby give, transfer, convey, and assign said property, free and clear of all encumbrances, to the United States Army, hereby relinquishing for myself, my executors, administrators, heirs, and assigns, all ownership, rights (*including copyright*), title, interest, and possession therein to the donee absolutely.

The herein described gift and transfer of said property does not entail the granting of special concessions or privileges to me, my executors, administrators, heirs, and assigns. The herein described gift and transfer of said property is made for the benefit or use in connection with the establishment, operation, or maintenance of an Army Museum or other institution or organization under the jurisdiction of the Department of the Army, in conformance with Section 2601 of Title 10, United States Code.

I also understand that museum record-keeping procedures require that my name and address be kept on file, and I hereby acknowledge that I do not consider this to be an invasion of my privacy.

I understand it is my responsibility to have an appraisal of the donated property made for tax purposes. No appraisals will be performed by the \_\_\_\_\_ as a facility or members of the staff as individuals.

DESCRIPTION OF PROPERTY: *(May be continued on a separate Sheet)*

DONOR SIGNATURE

DATE

RECEIVED BY U.S. ARMY REPRESENTATIVE

## LOAN AGREEMENT

For use of this form, see AR 870-20; the proponent is the OCSA.

### 1. BORROWING MUSEUM

a. ADDRESS *(Include City, State, ZIP code, and Country)*

b. TELEPHONE

c. FAX

d. E-MAIL ADDRESS

### 2. LENDER

a. ADDRESS *(Include City, State, ZIP code, and Country)*

b. TELEPHONE

c. FAX

d. E-MAIL ADDRESS

3. DATES OF LOAN: FROM TO

### 4. PURPOSE OF THE LOAN

5. The artifacts listed below are provided to the \_\_\_\_\_ as a loan subject to the following conditions:

a. The \_\_\_\_\_ is responsible for the safekeeping of the objects entrusted to it and is required to exercise greater precautions for the care and safety of such objects than it exercises with respect to its own property of the same or similar nature.

b. Unless the \_\_\_\_\_ is notified in writing to the contrary, it is understood that the objects loaned to it may be photographed, sketched, or reproduced.

c. Loans will be returned only to the owner or lender or to his or her duly authorized agent or representative. In case of the death of the owner, his or her legal representative is required to notify the \_\_\_\_\_ in writing forthwith, giving the full name and address of the heir(s).

d. Additional conditions:

e. DESCRIPTION OF LOANED ITEMS *(Continue on an attached sheet)*

6. SIGNATURE OF LENDER

7. SIGNATURE OF MUSEUM REPRESENTATIVE

8. DATE

## ASSURANCE OF COMPLIANCE

For use of this form, see AR 870-20; the proponent is the OCSA.

\_\_\_\_\_ (Hereafter called the Applicant-Recipient)

*(Nongovernment Agency)*

HEREBY AGREES THAT in compliance with Title VI of the Civil Rights Act of 1964; section 606 of the federal Property and Administrative Service Act of 1949, as amended; and section 504 of the Rehabilitation Act of 1973, as amended; no person shall, on the grounds of race, color, national origin, sex, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program of activity for which the Applicant-Recipient receives a donation/loan from the Department of the Army and HEREBY GIVES ASSURANCE THAT it will immediately take any measure necessary to effectuate this agreement.

This agreement will continue in effect during the time the Applicant-Recipient retains ownership, possession, or control of the donated property. Further, the Applicant-Recipient agrees and assures that its successors and/or assigns will be required to give an assurance similar to this assurance as a condition precedent to acquiring any right, title, or interest in and to any property donated/loaned herein.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining a donation/loan of federally owned property pursuant to 10 USC Section 2572 consisting of the following items:

(List of artifacts to be donated/loaned)

(Use additional sheet if space is not adequate.)

The Applicant-Recipient recognizes and agrees that such federal donation/loan will be made in reliance on the representations and agreements made in this assurance, and that the United States will have the right to seek judicial enforcement of this assurance.

THIS ASSURANCE is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign the assurance on behalf of the Applicant-Recipient.

APPLICANT-RECIPIENT

DATE

BY *(President, Chairman of Board, or Comparable Authorized Official)*

APPLICANT-RECIPIENT'S MAILING ADDRESS

## LOAN AGREEMENT (Outgoing)

For use of this form, see AR 870-20; the proponent is the OCSA.

THIS LOAN AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the \_\_\_\_\_, hereafter called the Lender, and \_\_\_\_\_, hereafter called the Borrower.

1. The Lender agrees to furnish to the Borrower and the Borrower agrees to take from the Lender, upon the terms and conditions set forth, the items consisting of the historical property (herein called the Property) listed in the schedule attached.

2. The terms of this loan shall commence on \_\_\_\_\_ and shall continue for a period of \_\_\_\_\_ or until sooner terminated or revoked in accordance with the terms hereof.

3. At any time during the term, either party may terminate this agreement in whole, effective not less than five (5) days after receipt by the other party of written notice thereof without further liability to either party. However, the Lender may withdraw any of the Property at any time (a) with five (5) days prior notice to the Borrower; or (b) without such notice when the Lender considers the security of the Property warrants the action.

4. The Borrower agrees that the Property shall be used for exhibition, research, or other official purposes only. The Borrower shall not part with possession of any of the Property in any manner to any third party, either directly or indirectly, without the expressed written consent of the U.S. Army Chief of Military History, and the Borrower shall not do nor suffer anything to be done whereby any of the Property shall or may be lost, stolen, destroyed, or injured.

5. The Borrower shall take all steps necessary to protect the Property, and the Lender may require the Borrower to take specific measures as may be necessary to protect such property. The Lender reserves the right, at a reasonable time and place, to inspect and inventory the Property.

6. The Borrower shall within five (5) days of discovery report to the Lender all instances of loss, damage, or destruction of the Property.

7. The Borrower may photograph or otherwise reproduce the objects loaned. Credit in all reproductions will read as follows: "Courtesy \_\_\_\_\_, U.S. Army"

8. Except as otherwise specifically provided here, the term Lender, as used herein, shall include a duly appointed successor or a duly authorized representative.

IN WITNESS WHEREOF, the parties hereto have executed this loan agreement.

LENDER:

By \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print/Type Name and Title)

BORROWER:

By \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print/Type Name and Title)

**UNCLASSIFIED**

**PIN 077187-000**



Logistics

# **Loan, Lease, and Donation of Army Materiel**

Headquarters  
Department of the Army  
Washington, DC  
23 August 2004

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 700-131

Loan, Lease, and Donation of Army Materiel

This revision, dated 23 August 2004--

- o Changes the name of this regulation from Loan and Lease of Army Materiel to Loan, Lease, and Donation of Army Materiel.
- o Assigns the Chief Integrated Logistics Support Division (DALO-SMP), Directorate of Readiness responsibility within the Office of the Deputy Chief of Staff, G-4 for Army equipment donation programs (para 1-4e).
- o Assigns the Chief Integrated Logistics Support Division (DALO-SMP), Directorate of Readiness responsibility within the Office of the Deputy Chief of Staff, G-4 for Army equipment donation programs (para 1-4e).
- o Identifies guidelines for loans of historical property (paras 2-2 and 2-4 through 2-7).
- o Updates loan or lease approval authority (table 2-1).
- o Changes category of requester in table 2-1 from "Private individuals or activities" "Museums and similar activities" (table 2-1).
- o Designates the Chief, Center for Military History as the approval authority for all loans of historical property except for arms, combat/tactical vehicles, vessels and aircraft to be loaned to a museum or similar activity outside the government (paras 2-2, 2-4 through 2-7, 6-2).
- o Defines Chief, Center for Military History role in loans, leases and donations of historical property (paras 2-2, 2-4 through 2-7, and 6-2).
- o Adds loans to single stock fund installations (para 2-4).
- o Establishes guidelines for loans to the National Museum (Smithsonian Institution) (para 2-5).
- o Authorizes the Chief, Center for Military History to waive surety bond requirements for historical property based on specific criteria (para 2-10).
- o Includes policies covering the loan, lease, and donation of Army items containing radioactive material licensed by the U.S. Nuclear Regulatory Commission (para 2-10, table 2-2, app B-17).



- o Designates the U.S. Army Tank-automotive and Armaments Command as the responsible official for all donations of Army property made under 10 USC 2572 and directs the command to perform recipient qualification and maintain a central registry for all loaned or donated property (paras 2-12, 3-4, and 6-2).
- o Adds requirement for proper licenses for loans of small arms, consistent with ATF requirements (paras 2-15 and 4-2).
- o Adds warning to recipients of loaned army property that failure to return the property at the end of the loan period may result in repossession at the recipients expense and may result in criminal and or civil penalties (paras 2-17 and 3-5).
- o Changes the requirement in paragraph 2-12 for an annual inspection by the Department of the Army to requiring an annual inventory be submitted, consistent with paragraph 3-6.
- o Advises that loans under 10 USC 2572 are no cost to the government (para 5-1).
- o Adds a chapter on donations of Army property under various federal Statutes (chap 6).
- o Incorporates requirement for end-use certificates for all transferred (loaned, leased or donated) equipment outlined in DOD Directive 2030.8 (para 6-2).
- o Requires the U.S. Army Tank-automotive and Armaments Command to provide a semiannual report of all equipment loaned or donated under 10 USC 2572 to the Assistant Secretary of the Army (Acquisitions, Logistics & Technology) (paras 6-2 and 7-6).
- o Adds the Avalanche Control Program (chapter 8) and rescinds AR 725-20.

Effective 23 September 2004

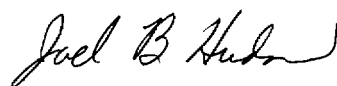
## Logistics

### Loan, Lease, and Donation of Army Materiel

By order of the Secretary of the Army:

PETER J. SCHOOMAKER  
*General, United States Army*  
*Chief of Staff*

Official:



JOEL B. HUDSON  
*Administrative Assistant to the*  
*Secretary of the Army*

**History.** This publication is a major revision.

**Summary.** This regulation prescribes policy and procedures for granting loans, leases, and donations of Army materiel to Army units and activities, non-DOD Federal agencies, civilian law enforcement officials, civilian activities, commercial contractors, and industrial associations.

**Applicability.** This regulation applies to the Active Army, the Army National Guard of the United States/Army National Guard, and the U.S. Army Reserve.

**Proponent and exception authority.** The proponent of this regulation is the

Deputy Chief of Staff, G–4. The Deputy Chief of Staff, G–4 has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The Deputy Chief of Staff, G–4 may delegate this approval authority, in writing, to a division chief within the proponent agency or a direct reporting unit or field operating agency of the proponent agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

**Army management control process.** This regulation contains management control provisions and identifies key management controls that must be evaluated (see app D).

**Supplementation.** Supplementation of this regulation and establishment of command or local forms are prohibited without prior approval of the Deputy Chief of Staff, G–4, ATTN: DALO–SMP, 500

Army Pentagon, Washington, DC 20310–0500.

**Suggested improvements.** Users are invited to send in comments and suggested improvements to this regulation. Internet users can send in comments and suggested improvements through the electronic DA Form 2028 (Recommended Changes to Publications and Blank Forms) found within the entire publication view at the lower left hand side of every XML version of DCS, G–4 regulations and pamphlets. Any one without Internet access should submit comments and suggested improvements on DA Form 2028 directly to Director, Logistics Integration Agency, ATTN: LOIA–AP, 5001 Eisenhower Ave., Alexandria, VA 22333–0001

**Distribution.** This publication is available in electronic media only and is intended for command level C for the Active Army, the Army National Guard of the United States, and the U.S. Army Reserve.

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\*This regulation supersedes AR 700–131, dated 1 September 1996, and AR 725–20, date 25 February 1986.

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### **Glossary**

## **Chapter 1**

### **Introduction**

#### **1–1. Purpose**

This regulation sets forth policies and procedures for loan of Army materiel to both Department of Defense (DOD) and non-DOD activities of the Federal Government and loan, lease, or donation of materiel to non-Federal civilian activities and agencies. It outlines when loans, leases, or donations of Army materiel can be made. Loans under Section 1535, Title 31 of the United States Code (31 USC 1535) are limited to agencies of the Federal Government. Leases under 10 USC 2667 and loans or donations under 10 USC 2572 may be made to entities outside the Federal Government. Loans, leases, and donations are distinguishable from statutory loan authorities that apply to specific organizations outside the Federal Government such as the American Red Cross and the Boy Scouts of America. This regulation provides procedures for requesting and processing loans and donations and sets forth responsibilities, including requirement for reimbursement.

#### **1–2. References**

Required and related publications and prescribed and referenced forms are listed in appendix A.

#### **1–3. Explanation of abbreviations and terms**

Abbreviations and special terms used in this regulation are explained in the glossary.

#### **1–4. Responsibilities**

- a.* The Secretary of Defense (SECDEF) is the approval authority for all DOD support to—
  - (1) Counterterrorism whether overseas or domestic.
  - (2) Emergency support to civil disturbances.
  - (3) Law enforcement agencies that will result in a planned event with the potential for confrontation with named individuals/groups or use of lethal force.
- b.* The Secretary of the Army (SA) has statutory authority to approve loans, leases, and donations of Army materiel. The Secretary has also been designated as the DOD Executive Agent for civil disturbance operations, disaster relief, and immigration emergencies.
- c.* The Assistant Secretary of the Army, Acquisition, Logistics, and Technology (ASA (ALT)) has been delegated the authority to act for the SA in logistics matters, the authority over 10 USC 2572(a) transactions, and the Secretariat focal point for counterdrug, civil disturbance, and disaster relief operations. The ASA (ALT) has authority to approve loans, leases, and donations of fielded Army equipment, and approve leases to DOD contractors of prototype and developmental equipment in support of research and development initiatives and or for sales/demonstrations to foreign countries.
- d.* The Deputy Chief of Staff, G–4 (DCS, G–4) has Army Staff responsibility for policy and procedures concerning the loan, lease, and donation of Army materiel.
  - (1) The DALO–SMP is responsible for acting on loan and lease request and loan and lease extensions forwarded for Headquarters, Department of the Army (HQDA) review by major Army Commands' (MACOMs) Centralized Loan/Lease Area.
  - (2) The Chief, Supply Policy Division (DALO–SMP), is responsible within the Office of the DCS, G–4 (ODCS, G–4) for the Army equipment loan and lease program. The DALO–SMP has responsibility for acting on loan/lease requests and extensions forwarded for HQDA review by MACOMs and other Federal/non-Federal agencies. In addition, the Chief, DALO–SMP takes action to resolve delinquent loans and leases forwarded for resolution by HQ Army Materiel Command (AMC).
  - (3) The Chief, Force Projection Prepositioning Division (DALO–FPP), Directorate of Force Projection and Distribution provides specific guidance for loan of Army materiel held in war reserves or designated operational project stocks.
  - (4) The Director of International Development and Security Assistance (SAUS–IA–DSA) is the action office responsible for processing equipment leases to commercial concerns for demonstrations in connection with international programs, and for leases (or loans) to foreign countries or international organizations under the Arms Export Control Act.
  - (5) Heads of the ODCS, G–4 Commodity offices coordinate with DALO–SMP on requests for loan of materiel from Army or other DOD agencies in accordance with procedures established by this regulation.
  - (6) The Office of the Deputy Chief of Staff, G–3 (ODCS, G–3) is responsible for acting on loan and lease requests that involve people and equipment or people to operate loaned/leased equipment.
- e.* The Director of Operations and Readiness (DAMO–OD), is—
  - (1) The lead DOD and Army staff action agent for supporting the DOD Executive Agent in domestic disaster assistance matters, civil disturbance operations, and immigration emergencies.
  - (2) Army Staff proponent for cooperation with civilian law enforcement officials.

(3) Action office for those requests that involve people and equipment, or people only (to operate loaned or leased equipment) as they pertain to military support to civil authorities (MSCA) as outlined in paragraph 1-4e(1).

*f.* The Surgeon General is responsible for loans of medical materiel in accordance with table 2-1.

*g.* The Chief, Military History is responsible for approving requests for loan or donation of historical properties (nonexplosive ordnance and class VII) and military art in accordance with the approval authority stated in table 2-1.

*h.* Program executive offices, under the Assistant Secretary of the Army (Research, Development, and Acquisition) (ASA (RD&A)), are responsible for the development of additional equipment requirements to satisfy known or projected needs in support of testing, product improvement, configuration management, contractual commitments, and the loaning or leasing of equipment under their purview.

*i.* Commander, U.S. Army Tank-automotive and Armaments Command (TACOM) (AMSTA-LC-CIAC) is responsible for acting as Army Materiel Command (AMC) responsible official for loans/leases. Major subordinate command (MSC) commanders are responsible for approving and executing requests for loan, lease, or donation of equipment belonging to the wholesale logistics system in accordance with table 2-1 and chapter 6.

(1) Commander, TACOM is the responsible official for the Army Donation Program and the Ceremonial Rifle Program and will maintain a central registry for all Army donations under 10 USC 2572

(2) Commander, U.S. Army Logistics Support Activity (LOGSA), is responsible for keeping a centralized serial number visibility record for all small arms made for the Army.

(3) Commander, U.S. Army Communications-Electronics Command, Communications Security Logistics Activity (USACCSLA), is responsible for processing/approving loan of communications security (COMSEC) equipment for 1 year or less in accordance with table 2-1.

*j.* Commanders of MACOM and Active Army installations are responsible for approving requests for loan or lease of materiel under their control in accordance with procedures established by this regulation (table 2-1).

*k.* Commander, U.S. Army Medical Materiel Agency (USAMMA) is responsible for approving requests for loan or lease of principal medical end items in accordance with table 2-1 of this regulation and AR 40-61.

*l.* Commanders of medical treatment facilities are responsible for approving requests for loans of medical materiel that exceed 180 days in accordance with table 2-1.

*m.* The Army National Guard Bureau (NGB) is responsible for loan and lease of Army National Guard (ARNG) equipment in accordance with table 2-1.

(1) The Office of the Director, Counterdrug Task Force (NGB-CD) is responsible for acting on all loans or leases involving support to drug enforcement operations. The Military Support Operations Branch (NGB-ARO-OM) is the action office responsible for processing of loans and leases relating to military support to civil authorities, including emergency requests for law enforcement, disaster relief, civil disturbances, terrorism, and environmental protection in accordance with table 2-1.

(2) The Director, Aviation and Safety Directorate (NGB-AVN) is responsible for processing only requests for loan or lease of ARNG aircraft to Army activities and other DOD activities.

(3) The Chief, Public Affairs (NGB-PA) is responsible for requests concerning community relations or domestic action programs.

(4) The Director, Army Logistics (NGB-ARL-M) will act on all other requests for loan or lease of ARNG equipment in accordance with authorized approval authority in table 2-1.

*n.* State Adjutants General (ARNG) are responsible for approving loans and leases of ARNG equipment in accordance with the approval authority in table 2-1. The NGB is responsible for approving loan requests prior to submission to MACOMs for Army equipment to be used by state NGB units.

*o.* The Chief of Engineers is responsible for the loan or leasing of all equipment incident to civil works and prime power management functions and, specifically, the loan and lease of—

(1) U.S. Army Corps of Engineers (USACE) owned equipment/supplies for emergency flood fighting operations.

(2) Plant and equipment used in support of authorized improvements/maintenance for river, harbor and flood control.

(3) Prime power-generation transmission/distribution equipment for authorized contingencies.

*p.* The DOD regional logistical support offices, under the direct supervision of the Defense Logistics Agency (DLA) will provide local, state, and regional offices of Federal drug law enforcement agencies and civilian law enforcement agencies a focal point for requesting equipment and training support from DOD.

*q.* The Office of the Chief, Army Reserve (OCAR), in conjunction with the appropriate DCS, G-4 directorate, is responsible for loan and lease of USAR equipment in accordance with table 2-1.

*r.* The U.S. Army Reserve Command (USARC) is responsible for reviewing requests for loans and leases of U.S. Army Reserve (USAR) equipment (other than disaster relief). The USARC is responsible for approving loans and leases among the continental USARC MSCs, the continental USAR commands, and the National Guard as governed by table 2-1 and other sections of this regulation. For the purposes of this regulation, commanders of major United States Army Reserve Commands (MUSARCs) have the same responsibilities for the USAR equipment under their command as installation commanders have for Active Army equipment.

(1) The Chief, Public Affairs Office (AFRC-PA) is responsible for all requests concerning community relations or domestic action programs.

(2) The Deputy Chief of Staff for Logistics (AFRC-LG) will act on all other requests for loan or lease of USAR equipment in accordance with table 2-1.

## **Chapter 2**

### **Loan Policies**

#### **Section I**

##### **General**

#### **2-1. Types of DA materiel available for loan or lease**

The following represent the basic policies:

*a.* Army materiel is intended for use in support of the Army's mission. However, when compelling circumstances exist, supported by general or specific statutory authority, materiel not immediately needed to support mission requirements, may be loaned or leased to the following elements under the conditions prescribed herein:

- (1) Army and other DOD elements.
- (2) Non-DOD Federal departments and agencies.
- (3) Civil governments (State and local).
- (4) Special activities, agencies, defense contractors and industrial associations.

*b.* Table 2-1 lists various types of Army materiel authorized for loan or lease. There are three basic Federal statutes that authorize the loan or lease of Army property. There are also numerous specific statutes that authorize particular types of loans and leases in limited situations. Unless there is a reason to use the specific statute, one of the following basic statutes will be used.

(1) The following are the basic statutes:

- (a)* 10 USC 2571, authority for loan of property within DOD.
- (b)* 10 USC 2667, authority for leases.
- (c)* 31 USC 1535, authority for loans to other Federal departments and agencies.

(2) Some of the specific authorizing statutes are—

- (a)* 10 USC 372, military cooperation with civilian law enforcement officials.
- (b)* National Defense Authorization Act FY 90 and 91.
- (c)* 10 USC 2541, loan of equipment and barracks to national veterans organizations.
- (d)* 10 USC 2572 (see AR 870-20 for exchange procedures), loan, gift, or exchange of books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat materiel not needed to—

1. A municipal corporation.
2. A soldiers monument association.
3. A State or foreign nation's museum, historical society, or historical institution.
4. A nonprofit incorporated museum.

5. Posts of Veterans of Foreign Wars of the USA, the American Legion, or a unit of any other recognized war veterans' association.

6. A local or national unit of any war veterans' association. Have a foreign nation, which is recognized by the national, or one of its principal political subdivisions government.

7. A post of the Sons of Veterans' Reserve.

*(e)* 10 USC 4651, issue of arms, tentage, and equipment to support educational institutions that do not have Reserve Officers' Training Corps (ROTC) but maintain a course in military training prescribed by the Secretary of the Army.

*(f)* 10 USC 4656, loan of aircraft and ancillary equipment to accredited civilian aviation schools at which Army or Air Force personnel pursue courses of instruction.

*(g)* 10 USC 4683, loan of obsolete or condemned rifles and accouterments to local units of recognized national veterans organizations for certain ceremonial purposes.

*(h)* 10 USC 4685, loan of obsolete ordnance to educational institutions and State soldiers' and sailors' orphans' homes for purpose of drill and instruction.

*(i)* 18 USC 3056, authorities and duties of United States Secret Service.

*(j)* 20 USC 60, Army articles furnished to National Museum

*(k)* 32 USC 702, issue of supplies to State National Guard.

*(l)* 33 USC 575, limits operation of power driven boats or vessels to Government business.



- (m) 33 USC 701n, flood emergency preparation; emergency supplies of drinking water.
- (n) 33 USC 1251 et. seq., Federal Water Pollution Control Act.
- (o) 42 USC 5121 et. seq., Disaster Relief Act.

**Table 2-1**  
**Equipment normally executed on a reimbursable basis: agreements, bonds, and insurance requirements**

Borrower	Loan or lease agreement required	Surety bond required	Vehicular insurance required	Radioactive material license (as applicable)
Army or other DOD activities	See note (1)	No	No	Yes (5,6)
Non-DOD Federal department and agencies	Yes	No	No	Yes
Civil authorities (State and local governments)	Yes	Yes (2)	Yes (2)	Yes (7)
Civilian activities (veteran's organizations, youth groups, etc.)	Yes	Yes	Yes	Yes (7)
Commercial Corporations	Yes	Yes (3)	Yes (4)	Yes (7)

**Notes:**

- <sup>1</sup> A hand receipt or other document assigning responsibility will suffice for retail activities. A loan agreement will be required for material on loan from wholesale activities.
- <sup>2</sup> In emergency disaster relief cases, bonds and insurance will be provided within 5 days after receipt of the materiel.
- <sup>3</sup> This applies when the Federal Acquisition Regulation (FAR) Part 45 and subparts are not applicable.
- <sup>4</sup> The requirement for a surety bond or insurance may be waived if one or the other is in effect.
- <sup>5</sup> For radioactive commodities, existing Army Commodity Licenses may cover the requirement. Contact the item manager for details.
- <sup>6</sup> For other DOD organizations, the service or agency license will probably cover the requirement. The DOD (recipient) representative must coordinate the license information.
- <sup>7</sup> An NRC license or a license from an NRC approved "Agreement State" will satisfy the requirement.

c. The use of equipment loan procedures to issue new items of equipment to the field that are not fully supportable, or have not received a materiel release from the materiel developer, is not authorized.

d. Loans or leases will be approved or disapproved based on the purpose, duration of the loan or lease, and consideration of the following factors that can take precedence over any loan or lease:

- (1) Military requirements and priorities, for example, continuity of military operations, troop survival, and the rehabilitation of essential military bases.
- (2) Stocks and programmed Army requirements. This includes prepositioned mobilization reserve stocks.
- (3) Type classification with pending changes.
- (4) Minimum diversion of Army stocks.
- (5) The adequacy of the borrower's resources. Requesters will be encouraged to use their own resources. Loans conducted under 10 USC 2572 must be completed at no expense to the government.
- (6) The availability of alternative sources such as commercial leases.
- (7) Eligibility of the recipient. Recipients of loans less than the amount designated in 10 USC 2572 must meet the same criteria for eligibility contained in the donation chapter of this regulation (see para 6-2b to determine recipient eligibility).

e. Requests from civilian authorities or activities for loan or lease of Army materiel will normally enter Army channels at the installation or MACOM Centralized Loan/Lease Area levels. If on-post or off-post units receive lease requests, they will refer them at once to the unit's supporting installation commander or higher headquarters as appropriate. The ARNG units will refer all such requests to the State U.S. Property and Fiscal Officer (USPFO). The USAR units will refer requests to the principal logistics staff officer at the major U.S. Army Reserve Command (USARC) headquarters exercising command over the USAR unit. The USARC will have the same approval authority for USAR units as the garrison/installation/TF commander does for Active Army units. Emergency loan or lease requests will be relayed by telephone or electrically transmitted message.

f. When routine handling of a loan or lease request would result in loss of human life, grave bodily harm, or major destruction of property, and when the lack of communication facilities prevents use of normal procedures, loans or leases otherwise permitted by this regulation can be made with local approval. However, normal policy should be followed to the extent possible. If procedural requirements cannot be fully complied with, they must be met promptly after the loan or lease is made.

- g. Army materiel loaned or leased under this regulation will be made available to the borrower “as is, where is.”
- h. Stocks in the “east serviceable condition” suitable for the purpose will be loaned or leased. Priority of equipment for loan or lease will be from condition code C, followed by condition code B, and then condition code A (see AR 725–50, table C–28).
- i. Commanders of medical treatment facilities are subject to all the requirements of this regulation, including the requirement for reimbursement.
- (1) Emergency loans of medical supplies (drugs, vaccines, etc.) May not be made without reimbursement and the loan may not exceed 30 days. Reimbursement may take the form of replacement in kind by the borrowing agency or activity.
- (2) Emergency loans of medical equipment not to exceed 15 days may be approved by the local medical facility commander without reimbursement if it is the practice in the community for other hospitals to make such loans. The U.S. Medical Command must approve in writing equipment loans or leases that exceed 15 days. Army Medical Command) and are subject to all the requirements of this regulation, including reimbursement.
- (3) The requirement for surety bonding and formal lease or loan agreements for emergency loans of medical supplies or equipment is waived where the loan does not exceed 15 days if such is normal community practice. Minimum documentation for such loans will include a signed receipt from the borrowing official that identifies the loaned materiel and its condition.
- j. Army property loaned or leased to any activity will not be further loaned or leased by the borrower/lease nor can it be shipped or transferred from the site originally authorized without the written approval of the original approving authority.
- k. There will be no procurement or redistribution of assets to offset the effects of loans or leases. Materiel will not be set aside, earmarked, assembled, or stockpiled to be available for use related to loans or leases.
- l. Army materiel may be recalled from the borrower at any time to meet Army requirements.
- m. Stock record accounting and financial transactions for loans or leases will conform with existing regulations.
- n. Borrowers are responsible for the care, custody, and proper use of borrowed materiel. Except as stated in this regulation, reimbursement will be required for damage, destruction, loss, fair depreciation in value, costs to restore equipment to the condition that existed when original loan or lease of equipment commenced and for any Army repair, care, issue and turn-in inspection labor costs, packing, crating, transportation, preservation, and protection of loaned or leased equipment.
- o. Materiel requiring a Nuclear Regulatory Commission (NRC) license will be loaned or leased only to recipients possessing the appropriate NRC or Agreement State license. Proof of the required license must be included in the request for items containing radioactive material (see para 6–2b, app B-17, and table B–9). In all cases, the approving authority must notify the appropriate AMC item manager/radioactive material control point when items containing radioactive material are transferred.
- p. Care, renovation, and repair of borrowed materiel will conform with the loan or lease agreement.
- q. Equipment may not be modified or altered by the borrower.
- r. Army property loaned or leased for demonstration purposes (table 2–1) will not deviate from the approved demonstration unless specifically approved by HQDA (DALO–SMP and SAUS–IA–DSA–A).
- s. Loans or leases approved by HQDA ODCS, G–4 that affect Department of the Army Master Priority List (DAMPL) issues or unit readiness require the concurrence of ODCS, G–3 prior to approval.
- t. As indicated in table 2–2, borrowers must provide signed loan or lease agreements; provide surety bonds, and vehicular insurance prior to receipt of materiel. Loan or lease agreements and bonds will be prepared per paragraphs 2–9 and 2–10 below.
- w. Equipment programmed for issue, or rebuild and issue to the Reserve Component will not be diverted, withdrawn, or reduced without prior approval of the Secretary of Defense. Such proposals will be forwarded to the Office of the Assistant Secretary of Defense (Reserve Affairs—Materiel Directorate) and should contain a projected replacement program for the removed equipment.
- x. The Chief of Engineers will loan equipment incident to civil works responsibilities according to guidance of the Assistant Secretary of the Army (Civil Works) (ASA (CW)) and established engineer regulations. Normally, requests for this equipment should be directed to the appropriate district commander (see app B).
- y. The Chief of Engineers will loan Prime Power Program assets according to the provisions of AR 700–128.

**Table 2–2**  
**Loan or lease approval authority**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
Authorized recipients (para 2–11)	Wholesale (Army Working Capital Fund) loans (nonexpendable items)	120 days/none (1-year repair program—other Services)	AMC MSC	HQAMC (AMCOPS-SLA)
All (leases)	Prototype/ developmental major items	As required	SARD–SA	ASA (ALT)
Army and other DOD activities (RDT&E)	MACOM owned	1 year/none	Installation	Installation commander
	ARNG owned	1 year/none	USPFO	State AG
	USAR owned	1 year/none	Installation	USARC MSC
	Historical property (to include military art, arms, combat/ tactical vehicles, vessels and aircraft)	2 years/2years	DAMH–MD	Chief, CMH
	Prime Power Program	1 year/1 year	HQDA (ZCM)	Asst Chief of Engineers
	Floating plant	As negotiated	Water resource support center	Asst Chief of Engineers
	COMSEC	1 year/none	USACCSLA	USACCSLA
	Wholesale equipment (no readiness/DAMPL impact)	1 year/1 year	AMC MSC	HQAMC (AMCOPS-SLA)
	Wholesale equipment (readiness/DAMPL impact)	1 year/none	AMC MSC	HQDA ODCS, G–4
Army RDT&E activities; or Army procurement agencies for use by contractor personnel or Government contractor	Wholesale equipment (no readiness/DAMPL impact)	2 years/none	AMC MSC	HQAMC (AMCOPS-SLA)
	Wholesale equipment (readiness/DAMPL impact)	2 years/none	AMC MSC	HQDA ODCS, G–4 (DALO–SMP)
	Prime Power Program	1 year/1 year	HQDA (DAEN–ZCM)	Asst Chief of Engineers
	Floating plant	As negotiated	Water resource support center	Asst Chief of Engineers
	COMSEC	2 years/none	USACSLA	USACSLA
Federal departments and agencies (non-DOD)	All arms, combat/ tactical vehicles, vessels and aircraft (fielded equipment)	As required	HQDA ODCS, G–4 (DALO–SMP)	ASA (ALT)
	Prime Power Program	1 year/1 year	HQDA (DAEN–ZCM)	Asst Chief of Engineers
	Floating Plant	As negotiated	Water Resource Support Center	Asst Chief of Engineers
	Wholesale equipment (no readiness/DAMPL impact), other than arms, combat/ tactical vehicles, vessels and aircraft	1 year/1 year	AMC MSC	HQAMC (AMCOPS-SLA)
	Wholesale equipment (readiness/DAMPL impact), other than arms, combat/ tactical vehicles, vessels and aircraft	1 year/none	AMC MSC	HQDA ODCS, G–4 (DALO–SMP)
	Medical (other than combat/tactical vehicles, vessels and aircraft)	Over 180 days	DASG–LOZ	HQDA (DASG–LOZ)

**Table 2-2**  
**Loan or lease approval authority—Continued**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
	Medical (ARNG owned, other than combat/tactical vehicles, vessels and aircraft)	Fewer than 180 days	USFPO	State AG
	Medical (MACOM owned, other than combat/ tactical vehicles, vessels and aircraft)	Fewer than 180 days	Commander, U.S. Army Medical Center (MED-CEN)/ Medical Department Activity (MEDDAC)	Installation commander
	Medical (USAR owned, other combat/ vehicles, vessels and aircraft)	Fewer than 180 days	Installation	USAR MSC
	Medical (wholesale owned), other than combat/ tactical vehicles, vessels and aircraft	Fewer than 180 days	U.S. Army Medical Materiel Agency	Commander, USAMMA
	MACOM owned (other equipment), except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	Installation commander
	Historical property (to include military art, arms, combat/ tactical vehicles, vessels and aircraft)	2 years/2 years	DAMH-MD	Chief, CMH
	USAR owned (other equipment), except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	USAR MSC
	ARNG owned (other equipment), except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	USPFO	State AG
National Museum	Historical property, to include military art, arms, combat/ tactical vehicles, vessels and aircraft	As required for exhibition	DAMH-MD	Chief, CMH
Activities outside Federal Government:				
State; local government agencies; schools; churches; commercial activities	All arms, combat/tactical vehicles, vessels and aircraft (fielded equipment)	As required	HQDA (DALO-SMP)	ASA (ALT)
	Medical (other than combat/tactical vehicles, vessels and aircraft)	Over 180 days	HQDA (DASG-LOZ)	HQDA (DASG-LOZ)
	Medical (MACOM owned), except arms, combat/ tactical vehicles, vessels and aircraft	Fewer than 180 days	MEDCEN MEDDAC	Installation commander
	Other equipment, wholesale (no readiness/ DAMPL impact), except arms, combat/tactical vehicles, vessels and aircraft	1 year/ 1 year	AMC MSC	HQAMC (AMCOPS-SLA)
	Other equipment, wholesale (readiness/DAMPL impact), except arms, combat/tactical, vehicles, vessels and aircraft	1 year/none	AMC MSC	HQ ODCS, G-4 (DALO-SMP)

**Table 2-2**  
**Loan or lease approval authority—Continued**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
	MACOM owned, except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	Installation
	ARNG owned, except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	USPFO	State AG
	USAR owned, except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	USAR MSC
Manufacturers for lease of previously produced materiel for demonstration purposes involving foreign	All equipment except prototype and nonstandard equipment	As required	ASA (ALT)	DASA (DEC)
	All prototype and non-standard equipment	As required	ASA (ALT)	ASA (ALT)
Manufacturers for lease of previously produced materiel in support of R&D initiatives within the United States	All equipment except prototype and nonstandard	As required	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
	All prototype and non-standard equipment	As required	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
Department of Agriculture:				
U.S. Forest Service	Protection against wildlife	90 days/90 days	HQDA ODCS, G-3 (DAMO-OD)	ASA (ALT)
	Avalanche control	As required	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
Animal Disease Eradication Program	All equipment except arms, combat/tactical vehicles, vessels and aircraft	90 days	HQDA ODCS, G-3 (DAMO-OD)	Operations and Readiness
DOJ, FBI	Aircraft piracy/all equipment except arms, combat/tactical vehicles, vessels and aircraft	Minimum essential	HQDA ODCS, G-3	DOD General Counsel or designee; in urgent cases, Deputy Director for Operations
Department of Treasury, United States Secret Service	All equipment except arms, combat/tactical vehicles, vessels and aircraft	Minimum essential	HQDA ODCS, G-3	Executive Secretary of the Department of Defense Military Assistant to the President
Civilian law enforcement:				
Civil disturbances and terrorist activities and planned events with potential for lethal force	All personnel, arms, combat/ tactical vehicles, vessels, and aircraft, even if applicable under other categories	15 days/15 days	HQDA ODCS, G-3 (DAMO-OD) through ASA (ALT)	SECDEF
	Riot control agents, concertina wire, and other equipment to be employed in control of civil disturbances	15 days/15 days	HQDA ODCS, G-3 (DAMO-OD) through ASA (ALT)	SECDEF

**Table 2-2**  
**Loan or lease approval authority—Continued**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
	Fire fighting resources and equipment of a protective nature (masks, helmets, body armor, vests) and use of Army facilities	15 days/15 days	Installation	Installation commander, State AG, Commander Military District of Washington/CG Unified Commands outside continental United States (OCONUS)/ HQAMC
Other law/drug enforcement activities	Medical, except combat/ tactical vehicles, vessels and aircraft	Over 180 days	HQDA (DASG-LOZ)	HQDA (DASG-LOZ)
	Medical (MACOM owned), except combat/ tactical vehicles, vessels and aircraft	Fewer than 180 days	Commander (MEDCEN/ MEDDAC)	Installation commander
	Medical (ARNG owned), except, combat/tactical and aircraft	Fewer than 180 days	USPFO	State AG
	Medical (USAR owned), except arms, combat/ tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	USARC MSC
	Medical wholesale, except combat/ tactical vehicles, vessels, aircraft	Less than 180 days	USAMMA	Commander, USAMMA
	Other wholesale equipment (no readiness/ DAMPL impact), except combat/tactical vehicles, vessels and aircraft	1 year/1 year	AMC MSC	HQDA AMC (AMCOPS-SLA)
	Other wholesale equipment (readiness/DAMPL impact), except combat/ tactical vehicles, vessels and aircraft	1 year/none	AMC MSC	HQDA ODCS, G-4 (DALO-SMP)
	Other equipment (MACOM owned), except arms, combat/ tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	Installation commander
	Other equipment (ARNG owned), except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	USFPO	State AG
	Other equipment (USAR owned), except arms, combat/tactical vehicles, vessels and aircraft	Fewer than 180 days	Installation	USARC MSC
Federal law enforcement agencies (only)	Ammunition	As required	HQDA ODCS, G-4 (DALO-SMP/Supply Management Army (SMA)	ASA (ALT)
Red Cross (aid to DOD in time of war)	Administrative and general support	As required	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
Foreign governments	All equipment, except combat/ tactical vehicles, vessels and aircraft	As required, not to exceed 5 years	HQDA ODCS, G-4 (DALO-SMP)	Director, Defense Security Assistance Agency
Youth groups:				

**Table 2-2**  
**Loan or lease approval authority—Continued**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
Boy and Girl Scouts of America (world or national jamborees); Civil Air Patrol; Camp Fire Girls, Inc; YMCA; YWCA; Boy's Club of America; Four-H Clubs; and similar groups	MACOM owned	As required for event	Installation	Installation commander
	Wholesale	As required for event	AMC MSC	HQAMC
	USAR owned	As required for event	Installation	USARC MSC
	ARNG owned	As required for event	USFPO	State AG
Army flying clubs	Aircraft	As negotiated	Installation	ASA (ALT), Command General (CG) FORSCOM continental United State (CONUS)
Veterans organizations	Convention assistance (furniture)	15 days/15 days	Installation	Installation commander
	Furniture (MACOM owned)	15 days/15 days	Installation	Installation commander
	Furniture (ARNG owned)	15 days/15 days	USPFO	State AG
	Burial functions (obsolete rifles)	As required	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
Aid to District of Columbia Government in combating crime	Materiel and supplies	As negotiated	HQDA ODCS, G-3 (DAMO-OD)	ASA (ALT)
Disaster relief: Federal Emergency Management Agency (FEMA)	Materiel and supplies	For minimum essential period	HQDA (DAMO-OD)	SECDEF
	For rehabilitation reconstruction (bridges, etc.)	For minimum essential period when requested by FEMA	HQDA ODCS, G-4 (DALO-SMP)	ASA (ALT)
USACE District Commander	Flood fighting equipment and supplies	For minimum essential period	USACE District	
American National Red Cross in support of local civilian Government disaster relief	Materiel and supplies	For minimum essential period	Installation	Installation commander
	USAR owned, except arms, combat/tactical vehicles, vessels and aircraft	For minimum essential period	Installation	USARC MSC
	ARNG-owned, except arms, combat/tactical and aircraft	For minimum essential period	USPFO	State AG
Environmental Protection Agency and U.S. Coast Guard (oil and petroleum spills)	Materiel, supplies, and equipment	For minimum essential period	HQDA ODCS, G-3 (DAMO-OD)	ASA (ALT)
Environmental Protection Agency and U.S. Coast Guard	Equipment/supplies, except arms, combat/tactical vehicles, vessels and aircraft	For minimum essential period	HQDA ODCS, G-3 (DAMO-OD)	ASD (&L)
Foreign Disaster Assistance	Equipment/supplies, except arms, combat/ tactical vehicles, vessels and aircraft	For minimum essential period	Through Department of State to HQDA ODCS, G-3 (DAMO-OD)	ASD (International Security Affairs)

**Table 2-2**  
**Loan or lease approval authority—Continued**

Requester	Category of equipment	Loan period/ extension	Action office	Approval authority
Civil Defense	Equipment/supplies, except arms, combat/ tactical vehicles, vessels and aircraft	For minimum essential period	Installation	CG, FORSCOM
Museums and Similar Activities	Historical arms, combat/ tactical vehicles, vessels and aircraft	2 year/2 year	DAMH-MD	ASA (ALT)
	Historical property other than arms, combat/tactical vehicles, vessels and aircraft	2 years/2years	DAMH-MD	Chief, CMH
	Military art	2 years/2years	DAMH-MD	Chief, CMH
Community relations and domestic action programs (Youth Conservation Corps)	Equipment for instructional purposes	As negotiated	Installation	Installation commander
	ARNG owned	As negotiated	USPFO	State AG
	USAR owned	As negotiated	Installation	USARC MSC
Authorized military health care recipients	Military	As required	HQDA (DASG-LOZ)	HQDA (DASG-LOZ)
SSF Installations	Class VII (wholesale equipment/ DAMPL impact)	1 year/1 year	AMC MSC	AMC MSC
HQDA	Class VII wholesale equipment (readiness/DAMPL impact)	1 year/1 year	AMC MSC	ODCS, G-4

## 2-2. Loans to Army activities and other DOD activities

a. Army materiel may be loaned to Army activities and other DOD activities for temporary and nonrecurring requirements that support basic functions of the borrowing activity. Examples are field exercises, maneuvers, and training exercises, including annual training of Reserve Components. These loans will be granted to Accountable Property Book Officers only, for up to 1 year, 2 years for historical property.

b. Requests for extensions (not to exceed 1 year, 2 years for historical property) will be forwarded to the original approving office for consideration. However, materiel for research, development, test, and evaluation (RDTE) efforts may be loaned for a period of up to 4 years with proper justification.

c. HQAMC/MSD commanders may approve, following review of unfilled Army equipment requirements, a one-time 18-month loan extension to Army borrowers of wholesale equipment who request the extension, in order to permit the borrower time to submit the appropriate the Army Authorization Documents System (TAADS) change request. Borrowers must notify the lending activity as soon as TAADS authorization is obtained in order to expedite equipment transfers. A copy of DA Form 4610 (Equipment Changes in MTOE/TDA), memorandum requesting change, and the subsequent endorsement stating approval/disapproval to the national inventory control point (NICP) is required. Once this information is received, the borrowing activity may be authorized continued use of the equipment, without further extensions for up to 18 months (which is one TAADS 'MOC' window of change).

d. Loans for 1 year or less of equipment belonging to MACOM are approved at garrison/Command, Theater Material Management Center. State AGs will approve loans of ARNG equipment. The Senior Logistics Staff Officer at USARC MSC headquarters will approve the loan of USAR equipment where authority is provided to the garrison/installation/TF commander for Active Army units (see table 2-1). Any actions that have the effect of diverting, delaying delivery, or withdrawing equipment from the Reserve Components (RC), or involving equipment loans from the RC to the Active Component, may require Office of the Secretary of Defense (OSD) approval. The governing OSD policy is contained in Department of Defense Directive (DODD) 1225.6. Supporting Army policy is being added to AR 220-1, AR 710-1, AR 710-2, DA Pamphlet (pam) 710-2-1, and DA Pam 710-2-2. Until the above documents are revised, policy interpretation assistance can be obtained from the following Army Staff agencies: ODCS, G-3, Force Readiness Division (DAMO-ODR), and ODCS, G-4, Supply Policy Division (DALO-SMP). The reporting requirements of DODD 1225.6 will be adhered to when RC equipment is involved.

e. Loans of equipment belonging to the wholesale logistics system are approved as follows:



(1) Major end items may be approved by HQAMC, unless the loan would interfere with issue against DAMPL priorities. In such cases, requests will be forwarded to the ODCS, G-4 (DALO-SMP) for approval. Concurrence in loan approval by ODCS, G-4 is required.

(2) The commander USAMMA may approve principal medical end items in wholesale level inventories for loan unless the loan would at any time interfere with issue against DAMPL priorities. In such cases, requests will be forwarded for approval to Office of The Surgeon General (OTSG), ATTN: DASG-LOZ, 5109 Leesburg Pike, Falls Church, VA 22041-3258. The (DASG-LOG) will do any DA staff coordination required. The commander USAMMA may approve minor medical materiel in wholesale level inventories for loan.

*f.* The following is provided to clarify loans of equipment belonging to the USAR:

(1) For equipment belonging to the USAR to be loaned to other Government agencies, see table 2-1 and DODD 1225.6.

(2) Loans for 1 year or less among USARC MSC will be approved by the proper USARC staff agency. Loans over 1 year in length will be approved by the responsible OCAR and the DA staff elements.

(3) Loans between the USAR and ARNG for 1 year or less will be approved by the appropriate USARC staff element. Loans for more than 1 year must be approved by the appropriate DA staff elements. In both cases, proper coordination with Forces Command (FORSCOM) is required.

*g.* Loans of historical property may be made for display purposes only for a period of up to 2 years, with a possible 2-year extension in accordance with table 2-2 and are approved by the chief, CMH. Loans of military art, arms, combat/tactical vehicles, vessels, and aircraft may be made.

*h.* Radioactive material license requirements apply to all loans (see para 6-2*b*, app B-17, and table B-9).

### **2-3. Government-furnished equipment**

Government-furnished equipment is Army materiel furnished on a contractual basis when required for performance of a government contract and where the contract specifies the requirements.

*a.* Prior to commitment of Army resources as GFE to program managers (PMs), materiel developers, and contractors, the responsible PM or individuals acting for the materiel developer must coordinate in advance with the item manager at the managing NICP to ensure higher priority claimants for materiel are not superseded. Records of coordination must be maintained. A written certification of availability identifying the following items will be provided to the contracting officer who will prepare the contract committing the GFE: item nomenclature, quantity, national stock number (NSN), condition code, acquisition cost, date of coordination, office symbol, and name and phone number of Army item manager with whom coordination was accomplished.

*b.* The PMs and individuals acting on behalf of materiel developers are responsible for early identification of additional equipment requirements to satisfy known and projected loan needs in support of training, testing, product improvement, configuration management, and contractual commitments.

*c.* Equipment requirements for loans discussed above should be managed under the AMC Interchange/Management Control Activity process, and programmed under Army management program/program objective memorandum procedures.

*d.* When the procedure described in para 2-3*a* is not practical, PHs and materiel developers should program funds for transfer to the item manager(s) for procurement of the required materiel.

*e.* Radioactive material license requirements apply to all GFE (see para 6-2*b*, app B-17, and table B-9).

### **2-4. Loans to Federal departments**

Loans to Federal activities outside DOD are usually provided under the provisions of 31 USC 1535. Federal agencies borrowing DOD materiel under this act are responsible for reimbursing DOD for all DOD costs incident to the delivery, return, and repair of the materiel. In accordance with 31 USC 1535, the borrower shall pay for any part of the estimated or actual costs as determined by the agency or unit filling the order. Approval authorities for various categories of equipment are shown below.

*a.* All nondevelopmental arms, ammunition, combat/tactical vehicles, vessels, and aircraft are approved by the ASA (ALT).

*b.* Loan requests for other types of major items of equipment from the wholesale logistics system will be approved by MSCs if there is no readiness or DAMPL impact. Loan requests that impact readiness or the DAMPL will be approved by the AMC responsible official and HQDA ODCS, G-4 (DALO-SMP) in concurrence with ODCS, G-3.

*c.* Loans for fewer than 180 days of Active Army and ARNG equipment will be approved by the Theater Material Management Center (Active Army) and the State Adjutant General (AG) (ARNG). The senior logistics staff officer at USARC MSC headquarters will approve loans for USAR equipment.

*d.* Medical equipment loaned by a U.S. Army Medical Center (MEDCEN) or medical department activity (MED-DAC) for a period of fewer than 180 days is approved by the Theater Material Management Center. Medical equipment in the wholesale inventory is approved by the commander of USAMMA. Loans of ARNG medical equipment are approved by the State AG.

*e.* Medical equipment for retention on loan in excess of 180 days is approved by OTSG (DASG-LOZ).

f. If approval of equipment loans in subparagraphs c and d above would impact DAMPL equipment issues, ODCS, G-4 (DALO-SMP) approval is required.

g. Loans of historical property may be made for display purposes only for a period of up to 2 years, with a possible 2-year extension in accordance with table 2-2 and must be approved by the chief, CMH. Loans of military art, arms, combat/tactical vehicles, vessels and aircraft may be made.

h. Radioactive material license requirements apply to all loans to Federal departments (see para 2-1p and table 2-2).

## **2-5. Loans to the National Museum (Smithsonian Institution)**

a. 20 USC 60 authorizes the U.S. Army to furnish to the National Museum, for exhibition such articles of arms, materiel, equipment, or clothing as has been issued to the United States Army, provided such articles can be spared. All loans conducted under this statute will be coordinated with and approved by CMH.

b. Articles loaned to the National Museum will be for a period to be agreed upon between the museum and CMH. The term cannot exceed the length of the exhibit for which the item is being requested. Items temporarily stored during the loan for modification to the exhibit may not be stored greater than 12 months. Items to be stored greater than 12 months will be returned unless coordinated with the owning agency and approved by the Chief, CMH.

c. Radioactive material license requirements apply to all loans to the National Museum (see para 2-1p and table 2-2).

## **2-6. Lease to activities outside the Federal Government**

a. 10 USC 2667 authorizes the lease of Army materiel to non-DOD elements or individuals when it is determined that the materiel is not, for the period of the lease, needed for public use or excess property and that the lease will promote the national defense or be in the public interest (see AR 360-1). Leases to civilian non-Federal law enforcement agencies will be made when they have been determined to be consistent with national security. Army policy states that leases of military equipment will not be made for which a counterpart exists on the commercial market place and is reasonably available for purchase or lease.

b. If leases are approved under this paragraph, they may not be for more than 5 years, unless the SA or his designee (ASA (ALT)) or (ASA (RD&A)) determines that leases for a longer period will promote the national defense or be in the public interest. The leases must provide that the lessee will pay a lease fee in the amount that is not less than the fair market value of the lease interest, and maintain, protect, repair, or restore the Government property. However, a waiver of the lease fee may be submitted with the lease request for consideration by the SA or his designee (ASA (ALT)) or (ASA (RD&A)). Army policy further requires that a surety bond be posted for all leases in addition to hull or vehicle insurance. Exceptions to this policy will be made case by case. Activities preparing and executing lease agreements will ensure that lease fees are charged according to the terms of 10 USC 2667. Review for specific items cited below is required prior to execution of the lease agreement.

(1) All fielded arms, combat/tactical vehicles, vessels, and aircraft are approved by SA or designee (ASA (ALT)). Prototype and developmental equipment in support of defense contractor research and development (R&D) initiatives and/or sales/demonstrations to foreign countries are approved by the (ASA (RD&A)).

(2) Wholesale equipment (other than arms, combat/tactical vehicles, vessels, and aircraft) required for up to 1 year (with no impact on unit readiness or DAMPL sequence) is approved by HQAMC (AMCOPS-SLA). Leases of equipment involving foreign countries and for demonstrations in support of international or security assistance programs are approved by Office of the DUSA (IA). Wholesale equipment leases required for longer than 2 years or which impact unit readiness/DAMPL sequence must be approved by ODCS, G-4 (DALO-SMM).

(3) Lease of Active Army and State ARNG-owned military equipment (other than arms, combat/tactical vehicles, vessels and aircraft) for less than 180 days is approved by the MACOM/garrison/installation/TF commanders (Active Army equipment), and the State AG (ARNG equipment). The senior logistics staff officer at the USARC MSC headquarters is the approval authority for USAR equipment.

(4) OTSG (DASG-LOZ) approves medical equipment for retention on lease in excess of 180 days.

(5) The garrison/installation/TF commander, the State AG for ARNG medical equipment, or commander of USAMMA for items from the wholesale logistics systems approves medical equipment for less than 180 days.

(6) For military equipment for lease to commercial sources for demonstrations in support of international programs, requests must be submitted to DUSA (IA), ATTN: SAUS-IA-DSA-A, 102 Army Pentagon, Washington, DC 20310-0102. Specific approval authorities are listed in table 2-1. See also DODD 7230.8.

(7) Loan of Government equipment acquired for research and development. Heads of contracting activities may authorize the loan of Government equipment acquired for research and development to a private industrial firm or educational institution for use in privately financed research and development programs, provided that—

(a) The programs are of interest to the Government.

(b) The results of the research will be furnished to the Government without additional cost.

(c) The loan shall be reflected in a written agreement that sets forth the terms of the loan and the benefits to be derived by the Government there from.

(8) Procedures and formats for processing leases to foreign governments are contained in DOD 5105.38–M, section 1200.

c. Radioactive material license requirements apply to all leases of items to agencies outside the Federal Government (see para 2–1*p* and table 2–2).

## **2–7. Loans to museums and similar activities**

These will be made in accordance with table 2–2.

a. Historical arms, combat/tactical vehicles, vessels and aircraft may be loaned for a period of not more than two years, extendable to four years, if approved by the ASA (ALT). The CMH Museum Division, DAMH–MD, will prepare the loan request and forward it through the Chief, CMH to the ASA (ALT) for approval.

b. Military art and historical property, other than arms, combat/tactical vehicles, vessels and aircraft may be loaned for a period of not more than two years, extendable to four years, if approved by the chief, CMH.

c. Radioactive material license requirements apply to all leases of items to museums and similar activities (see para 2–1*p* and table 2–2).

## **2–8. Loans for special purpose or with special authority**

### *a. Disaster relief.*

(1) In domestic disaster situations, local civil authorities normally must furnish relief from their own resources. If this is not sufficient, and the American National Red Cross (ANRC) has a team at the disaster, requests for further assistance should be made to the ANRC team. If the President has declared a major disaster or emergency, requests should be made to the Federal coordinating officer who is in charge of the Federal response at the disaster area.

(2) In the event of a terrorist attack, natural disaster, or other large-scale emergency, the Department of Homeland Security will assume primary responsibility. In particular, the Emergency Preparedness and Response Directorate, which oversees FEMA, will coordinate Government disaster responses. Requests for loans will be directed to ODCS, G–3.

(3) The Commander, Joint Forces Command serves as the DOD principal planning agent and operating agent for military support to civil authorities for all DOD components for CONUS, Puerto Rico, and the U.S. Virgin Islands. The Commander, U.S. Pacific Command has the same role for Alaska, Hawaii, and U.S. possessions, territories, and administrative entities within the Pacific Command area of responsibility. These commanders are authorized to task DOD agencies and commands, consistent with defense priorities, to furnish materiel in support of operations when directed by the SA. A Defense Coordinating Officer (DCO) will be appointed by the appropriate command to act as the DOD point of contact with the FEMA Federal coordinating officer when military assistance is required during a presidential declared disaster or emergency. When a disaster or emergency is of such magnitude, the disaster area may be geographically subdivided and a DCO will then be appointed to assist each Federal coordinating officer. All requests for military assistance will be passed through the Federal coordinating office to the DCO at the disaster area.

(4) The Department of State is responsible for deciding when emergency foreign disaster relief operations will be undertaken. This authority is delegated to Chiefs of Diplomatic Missions for disaster relief operations, whose total costs will not exceed \$25,000.

(5) In case of flooding or coastal storm emergencies or other emergencies, major subordinate elements under Chief of Engineers are authorized to provide flood fighting equipment, and Plant and Prime Power supplies and equipment to state and local civil authorities. Assistance is authorized only when the situation is beyond control of state and local capabilities. Requests may be verbal with the formal request to follow as soon as possible.

(6) Radioactive material license requirements apply to all transfers of items for disaster relief (see para 2–1*p* and table 2–2).

b. *Civil disturbances.* All emergency support to civil disturbances will be approved by the SECDEF. The maintenance of law and order is primarily the responsibility of local and State authorities. The Federal Government can assist local and State authorities by loaning or leasing U.S. Army materiel to Federal, State, and local law enforcement agencies and to the Army National Guard.

(1) Requests for loan of Army materiel during or for expected civil disturbances are of three types, with approval authority as follows:

(a) *Group one, personal, arms, ammunition combat/tactical vehicles, vessels, and aircraft.* The ASA (ALT) approves loans or leases.

(b) *Group two, riot control agents, concertina wire, and similar military equipment that are not included in group one.* Loans or leases are approved by the ASA (ALT).

(c) *Group three, firefighting resources (including operating personnel); protective equipment such as masks and helmets; body armor; other equipment not included in groups one or two such as clothing, communications equipment, and searchlights; and the use of DOD facilities.* Such loans or leases are approved by garrison/installation/TF commanders; Commanding General, U.S. Army Military District of Washington; by commanding generals of unified commands OCONUS as applicable; or by the Directors of Materiel Management, AMC MSCs, for materiel belonging to the wholesale logistics system. The State AG is the approving authority for group three equipment issued to the

ARNG. For USAR group three equipment, the MUSARC principal logistics staff officer will be the approving authority. Firefighting equipment will not be used for riot control.

(2) Queries concerning loans or leases in support of civil disturbances will be forwarded to ODCS, G-3, DAMO-OD.

(3) There is no specific statutory authority to loan or lease equipment for use in civil disturbance situations. Equipment described above may be loaned to Federal agencies under 31 USC 1535. Equipment for non-Federal law enforcement agencies must be leased, which includes requirement for payment of a lease fee, under the leasing statute 10 USC 2667. Radioactive material license requirements apply to all transfers of items for civil disturbances (see para 2-1p and table 2-2).

*c. Terrorism.*

(1) The SECDEF is the approval authority for all DOD support related to acts or threats of terrorism.

(2) Existing civil disturbance loan procedures, including categories of equipment, apply to equipment loans to the Federal Bureau of Investigation (FBI) for combating domestic terrorism. Military resources will be furnished only upon request of the Director of the FBI or the senior FBI official present at the scene of a terrorist incident. It may be difficult in some situations to determine whether a particular incident fits the definition of terrorism. In these cases, commanders authorized to approve loans of resources, as stated in subparagraph (2) below, may accept the judgment of the FBI official making the request, if supported by available facts.

(3) Radioactive material license requirements apply to all transfers of items for terrorism (see para 2-1p and table 2-2).

*d. Aircraft piracy.*

(1) Assistance to other Federal agencies in the protection of airways is provided through loans under guidance contained in table 2-1. Specific limitations on such support are covered in AR 500-1.

(2) Radioactive material license requirements apply to all transfers of items for aircraft piracy (see para 2-1p and table 2-2).

*e. Leases to law enforcement agencies.* Equipment may be leased to civilian, non-Federal law enforcement agencies for purposes other than civil disturbances. Requests for these leases fall into three categories with approval authority as follows:

(1) Any requests to assist law enforcement agencies that will result in a planned event with the potential for confrontation with named individuals/groups or use of lethal force must be forwarded to the SECDEF for approval.

(2) Arms, combat/tactical vehicles, vessels, and aircraft requests, regardless of duration of requirement, will be submitted to ODCS, G-4, ATTN: DALO-SMM, 500 Pentagon, Washington, DC 20310-0500, for approval by the (ASA (ALT). Ammunition, an expendable item, cannot be leased to non-Federal agencies.

(3) Requests for all other equipment required in excess of 180 days will be submitted to ODCS, G-4, ATTN: DALO-SMP, 500 Pentagon, Washington, DC 20310-0500 or OTSG (DASG-LOZ), for medical equipment) for approval.

(4) Requests for all other equipment required for less than 180 days may be approved by the active MACOM installation commander, State AG, Senior logistics staff officer at the USARC headquarters (USAR equipment), the commander of USAMMA for medical equipment, and HQAMC (AMCOPS-SLA) for equipment belonging to the wholesale logistics system provided DAMPL issues will not be affected. If diversion of DAMPL issue assets is required, the request must be forwarded to HQDA (DALO-SMP) or HQDA (DASG-LOZ) as appropriate.

(5) ODCS, G-3 is the Army Staff proponent for cooperating with civil law enforcement officials. DAMO-OD is the Army Staff action office for processing requests for loans of equipment of an immediate operational nature.

(6) ODCS, G-4 (DALO-SMP) is the Army Staff action office for processing requests for loans of Army equipment of a routine nature.

(7) Radioactive material license requirements apply to all transfers of items to law enforcement agencies (see para 2-1p and table 2-2).

## **2-9. Loan or lease agreements**

*a.* Upon approval of a DA Form 4881-6 (Request and Approval for Loan or Lease and Loan or Lease Agreement) and before shipment or issue of the materiel, the approving authority will direct that a written agreement be completed. In all cases, the statutory basis for the loan or lease will be cited. The approving authority is acting for the DOD on loans to other Federal agencies, and for the United States on leases to civil authorities and special activities. DA Form 4881-6 will be signed by the appropriate official of the loaning or leasing activity and a property accountable officer of the borrowing activity as the loan requester. When emergency loans or leases have been made as authorized by this regulation, followup action will be taken within 5 days to formalize the action by completing a loan or lease agreement.

*b.* Loan or lease agreements are mutually developed by the approving authority and the chief of the borrowing activity (or their designees). The agreements identify the responsibilities of all parties and include terms and conditions of the loan or lease. Use DA Forms 4881 (Agreement for Loan of U.S. Materiel), DA Form 4881-1 (Certificate for

Signature by an Alternate), 4882-2 (Military Property of the United States—Exhibit 1), DA Form 4881-5 (Agreement for Lease of U.S. Army Materiel), and DA Form 4881-6 for these activities.

*c.* Loan or lease agreements will be held by the issuing activity until termination and final settlement of each loan or lease.

*d.* If the loan or lease agreement is signed by someone other than the Accountable Property Officer, then a DA Form 4881-1 (Certification for Signature by an Alternate) will be completed. It will be attached to the signed (by the borrower) copy of the agreement that is retained by the loaning or leasing activity.

*e.* When the borrowing agency's authorized representative is transferred, etc., the lending agency must be notified in writing to include the replacement's name, title, and telephone number. In any case, in conjunction with paragraph 2-16c, the borrowing agency remains responsible for the loaned/leased materiel.

## **2-10. Surety bonds**

*a.* The lessee shall assume the risk of loss or liability for damage to the leased property. That risk shall be covered either by insurance or the posting of a surety bond on the depreciated value of the equipment being leased or, with the approval of the ASA (ALT) the lessee may be self-insured.

*b.* In the case of historical property, the requirement for the recipient to post a surety bond may be waived by the Chief, CMH. Waivers are based on the ambiguity and difficulty of insuring artifacts and the benefit to the Army and the public, generated by allowing the loan to responsible but fiscally constrained organizations.

*c.* Bonds ensure safe return of the borrowed materiel or reimbursement for any loss of or damage to the materiel (see para 2-1v and DA Form 4881-3 (Surety Bond for Safekeeping of Public Property and Guaranteeing Reimbursement to the Government for Expenses Incident to the Loan of Army Materiel)) and DA Form 4881-4 (Power of Attorney). The bond will consist of—

(1) A properly executed surety bond with a certified bank check, cash, or negotiable U.S. Treasury bonds.

(2) A notice of bond by a reputable bonding company deposited with the leasing accountable property officer for the lease. Bonds will equal the total price of the borrowed items as shown in exhibit I to the lease agreement. A "double" bond (bond equal to twice the value of the borrowed item(s)) will be required—

(a) For Army materiel loaned to the ANRC for instruction and practice to aid the Army, Navy, or Air Force in time of war.

(b) For ordnance and ordnance stores loaned to high schools in the District of Columbia (10 USC 4653).

*d.* The bond does not have to be posted by the borrowing agency itself. The source of originating agency for the bond is immaterial if the bond is valid. For example, to secure a lease, a State may post bond on behalf of a city, county, or other governmental body or authority within the State.

*e.* In an emergency, when posting a bond would delay issue of equipment for an urgent lease, the approval authority may approve the issue prior to the posting of the bond. The bond must be posted within 5 days.

*f.* Bond forfeitures or exceptions to mandatory forfeitures can only be made with the approval of the SA. Forfeitures will be based on actual expense incurred by the Army. Forfeitures do not release the borrowing agency from returning borrowed materiel or affect ownership. Bonds normally are forfeited under the following conditions:

(1) Materiel is not returned at the end of a lease period or when the Army has directed return.

(2) The borrowing agent refuses to pay for damages or other Army expenses.

*g.* Surety bonds will be held by the leasing activity until the lease is ended and final settlement is made. At that time, the bond will be returned to the borrower.

*h.* If U.S. treasury bonds are posted as surety bond, the borrower must complete a DA Form 4881-4. This will enable cashing of the treasury bonds if some forfeiture is required.

## **2-11. Loan or lease duration**

*a.* Army property will be loaned or leased to the accountable property officer (APO) at the activity where the loan/lease materiel will be located. It cannot be further loaned or leased by the borrower/lessee nor can it be shipped or transferred from the site originally authorized without the written approval of the original approving authority.

*b.* Loan or lease periods and extensions are shown in table 2-1.

*c.* Materiel will be loaned or leased only for the number of days needed for the specific purpose for which borrowed. Loan or lease extensions must be justified. The reasons why other means or other than Army materiel cannot be used must be included. Additionally, the requesting agencies will specifically state what actions have been taken to budget for purchase of their own equipment. Approval of loan extensions will be based on the merit of the reasons given and current Army requirements.

*d.* If a requirement exists for longer than the normal loan or lease period, the original request must include justification for the entire period. If approved, no additional justification is required during the duration of the agreement.

## **2-12. Managing the provisions of loan and lease agreements after approval**

a. The loaning/leasing command will establish a centralized management office to monitor its loans and leases and act as a liaison between the lender/lease and the borrower.

b. Loan and lease agreements will provide for an annual inventory to be submitted to the Accountable Officer for all assets on loan or lease. Inventories will verify that the equipment is being properly maintained and that no unauthorized modifications have been made.

c. Loans conducted under 10 USC 2572 will be reported to TACOM, AMSTA-IM-OER, Warren, MI 48397-5000 for centralized management and monitoring. TACOM will ensure annual inventories are conducted and compliance with the loan agreement is maintained.

## **2-13. Types of DA materiel available for loan or lease**

a. Loan and lease of secondary items, spare parts, and Army Working Capital Fund (AWCF) managed items from wholesale stock are prohibited except under the following conditions:

(1) Secondary/spare parts AWCF items will be made available to non-DOD/non-Federal agencies and activities on a *reimbursable basis* subject to the Army's ability to first satisfy its own operational requirements.

(2) Secondary/spare parts AWCF items will be provided as GFE only when the part is not readily available from other sources of supply. PMs must program funds for transfer to the item manager(s) for procurement of required materiel. Equipment requirements under GFE should be managed under the AMC Management Control Activity process.

(3) SMA AWCF-managed, nonexpendable items from the wholesale logistics inventory system may be loaned, leased, or purchased by the activities specified below for the stated purposes:

(a) *DOD-funded customers.* Items may be loaned to a DOD-funded customer for a maximum of 120 days to support an approved training exercise, military emergency, or natural disaster or for engineering purposes.

(b) *Federal agencies.* The AWCF items will not be loaned but provided to other Federal agencies under 31 USC 1535 as a sale based on prior certification of funds, or receipt of monies by the supporting NICP. Agencies desiring to return materiel previously purchased may follow the materiel returns procedures outlined in AR 725-50, chapter 7.

(c) *Other services.* Nonexpendable AWCF items may be loaned to other services in support of repair/replacement programs on a short term (not to exceed 1-year) nonrecurring basis.

(d) *Civilian law enforcement officials.* AWCF items may be loaned to a civilian law enforcement activity for a maximum of 120 days for the purposes prescribed under the policies and procedures in DODD 5525.5. Civilian law enforcement activities will pay all expenses incurred for the delivery, return, rehabilitation, loss, damage, or replacement of property.

(e) *Other leases.* Under the authority of 10 USC 2667, nonexcess, nonexpendable AWCF SMA items may be leased to non-DOD/non-Federal activities when the Secretary of the Army or designee (ASA (ALT)) has determined that the item is not needed for DOD use during the proposed lease period, and the lease will promote the national defense or otherwise be in the public interest.

(f) *Commercial contractors.* The AWCF items will be provided under the terms of a approved lease agreement approved by HQDA ASA (ALT) purchase arrangement, or as GFE, only if not readily available from other sources. Program Managers must provide GFE funds for transfer to the item manager(s) for procurement of required materiel. Equipment requirements under GFE will be managed under the AMC Management Control Activity process and not under the Army's Equipment Loan and Lease Program. All serial numbered equipment will be reported to the Continuing Balance System-Expanded, by actual location, per AR 710-2 and DA Pam 738-750.

b. HQAMC (AMCOPS-SLA) will approve the AWCF loans. Approvals are contingent upon the Army's ability to first satisfy its own operational requirements. AWCF leases will be endorsed by HQAMC and approved by ASA (ALT). All loan or lease requests will include a description of the item, price, condition, anticipated return date, and a certification that the loan or lease of the item will not jeopardize the capability to support national defense requirements (DOD 7000.14-R).

c. The loan or lease recipient shall pay any and all costs associated with the loan or lease. These costs include transportation, packing, crating, handling, delivery and return of the item. At the time of return of the item, the recipient shall be required to pay any costs necessary to restore the item to its original condition or to pay for any item that is loss, or not returned within the approved period of the loan or lease.

## **Section II**

### **Submission of Requests for Loan or Lease of Army Materiel Subtopics**

#### **2-14. General**

a. Loan or lease requests will be expedited according to the situation's urgency. A situation may be so serious that waiting for instructions or approval from higher authority is unwarranted. Commanders will then take action as required to save human life, prevent human suffering, or reduce property damage or destruction. Such emergency actions will be reported at once to higher authority in accordance with chapter 7.

b. Requests to the U.S. Army for loan, lease, or extension will be promptly sent by the Army element support that received the request through supply channels (property book and supporting stock record account) to the action office shown in table 2–1 or as specified in appropriate regulations. All requests for loan of ARNG equipment that require HQDA action/approval will be routed through the NGB.

c. Army activities will assist requesting civil law enforcement officials asking for materiel belonging to another Service. If there are no local activities (for example, Air Force base, Navy installations) in the immediate geographical area, the agency should be given an Air Force or Navy point of contact.

## **2–15. Procedures for requesting loan or lease of materiel**

### *a. Army activities.*

(1) Loan requests for materiel from an Army activity, as well as extensions that are sent to HQDA ODCS, G–4 will be submitted on DA Form 4881–6 or electronically. Request will be made through the same channels that are used for ordering authorized equipment/materiel.

(2) Requests will be approved by the equipment manager or installation APO. The installation accountable property officer will serve as the commander's representative for initiating and consummating loans.

(3) DA Form 4881–6 will be sent through NGB for ARNG equipment; through the appropriate USARC MSC, through the USARC to the OCAR and the DA staff element for USAR equipment; through the appropriate MACOM to the proper AMC/MSR for wholesale materiel, or other source of supply if known; or through the installation or MACOM to HQ, CMH for historical property.

(4) For extensions beyond the maximum timeframe, where MTOE/TDA authorization has been requested, DA Form 4610 must accompany the extension request. If an extension is requested beyond the maximum timeframe allowed (2 to 4 years) and MTOE/TDA authorization is not appropriate, the extension request must include a request for exception to loan policy along with the appropriate justification. Exception to loan policy extension requests must be approved at MACOM level and forwarded to AMC responsible official and HQDA (DALO–SMP) for approval. Only situations of extreme importance will be approved. Routine requests for loan or lease of Army materiel will be sent in writing 45 days prior to the date that the materiel is required. The form will include the following:

(a) Line item number (LIN)/national stock number (NSN) and nomenclature of requested item. If LIN/NSN are not available, that is, for historical items, then a sufficient description to clearly identify the requested items must be provided.

(b) Quantity required.

(c) Requesting activity (title and unit identification code).

(d) Shipping address including DOD Activity Address Code (DODAAC), or COMSEC account number for COMSEC equipment. The shipping address should be the same location as the Requesting activity.

(e) NRC license information of recipient organization. To determine if the item requires an NRC license, consult TB 43–0116 or contact the item manager.

(f) Justification including statement that loan is to support an approved research and development effort, if applicable. RDTE efforts must specify test schedule, to include any anticipated movement of borrowed materiel.

(g) Fund citation for transportation, packing, crating, handling, and inspection (not required for COMSEC loans).

(h) For extensions—

1. Date of original loan and approving authority.

2. Loaning activity.

3. Dates of any previous extensions and approval authority.

4. Projected replacement plans if required. See DODD 1225.6.

b. *DOD activities.* Requests for materiel from another DOD activity, or an Army activity to other DOD activities, will be submitted to the approval authority (table 2–1) in writing and will include the following information:

(1) Requesting activity (full organizational name).

(2) Name and address of individual who will sign the loan agreement.

(3) Complete shipping address; including DODAAC, or COMSEC account number, where equipment is to be shipped.

(4) Complete identification of materiel to include NSN/LIN, as appropriate, and quantity required. If LIN/NSN are not available, i.e. for historical items, then a sufficient description to clearly identify the requested items must be provided.

(5) NRC license information of recipient organization. To determine if the item requires an NRC license, consult TB 43–0116 or contact the item manager.

(6) Detailed justification for loan to include urgency of need.

(7) Duration of loan.

(8) Funds to defray transportation and handling including accounting classification code.

(9) Serviceability requirements.

c. *Additional instructions for delivery of equipment.* Other federal activities and the National Museum (Smithsonian

Institution) and non-DOD Federal activities will request routine loan of Army materiel 60 days before the materiel is required from the action office listed in table 2-1. Requests will be submitted by letter to include the following:

- (1) Date request is submitted.
- (2) Title of requesting agency and/or person authorized to receive or pick up the borrowed materiel. Be specific; (for example, Special Agent in Charge John Doe, FBI, town, USA telephone number with area code).
- (3) Justification for loan to include anticipated use.
- (4) Statement that none of the requested materiel is internally available to the requesting activity.
- (5) Statement that this support is not reasonably available from local government or commercial sources.
- (6) Authority for loan (if known) (for example, public law, U.S. Code, Executive Order) (see table 2-1).
- (7) Positive identification of the type and quantity of items required. If the NSN and nomenclature are not available, identify the items needed by type, model, size, capacity, caliber, and so forth.
- (8) Geographic location should be the same location of the requesting agency.
- (9) Proposed duration of the loan.
- (10) Statement that the agency has, or will acquire capability to properly operate, maintain, secure, and care for the borrowed materiel.
- (11) NRC license information of recipient organization. To determine if the item requires an NRC license, consult TB 43-0116 or contact the item manager.
- (12) If firearms are requested, a statement that adequate facilities are available to secure the arms (see para 4-1d).
- (13) A statement that the borrower hereby assumes all responsibilities, liabilities, and costs related to the movement, use, care, security, loss, damage, maintenance, and repair of the loaned materiel.
- (14) A statement that funds is available to cover reimbursable costs.
- (15) The APO and the responsible official or designee of the borrowing activity will sign a statement that the loan agreement prepared by the Army.
- (16) Name, address, and telephone number of the APO and/or person who will serve as the point of contact for the requesting agency, authority, or activity.
- (17) Complete instructions for delivery of the equipment to ensure that shipping instructions in the request are consistent with the urgency of the situation. State whether a small quantity shipped by air, express, or other fast means will satisfy immediate needs until bulk shipments can arrive. Also state quantity immediately required.
- (18) If applicable, the number of persons to be accommodated.

*d. Urgent requests.* These may be made to meet unexpected or actual emergencies. Such requests may be made by telephone or by electrically transmitted message. Include information required by the above paragraphs to the extent possible. The request will be presented to the action office shown in table 2-1. The borrower will then send a complete written request to formalize the emergency request.

*e. Non-Federal activities.*

(1) Non-Federal activities will send lease requests (DA Form 4881-6) for lease of Army materiel 60 days prior to the requested required delivery date. The request will contain all necessary information—company address, NSN, item name, quantity, shipping address, and signature and will also include—

- (a) Date request is submitted.
- (b) Title of requesting agency and/or person authorized to receive or pick up the borrowed materiel. Be specific; (for example, name, county, town, USA, telephone number with area code).
- (c) Type of lease or loan; (for example, Boy Scout National Jamboree, American Legion Convention, and so on, with a short summary of circumstances).
- (d) Statement that none of the requested materiel is internally available to the requesting activity.
- (e) Statement that this support is not reasonably available from State or local government or commercial sources.
- (f) Authority for the lease or loan, if known—for example, public law, U.S. Code, Executive Order).
- (g) Positive identification of the type and quantity of items required. If NSN and nomenclature are not available, identify the items needed by type, model, size, capacity, caliber, serial number, and other visible means of identification.
- (h) Geographic location where the materiel will be located and used.
- (i) Proposed duration of the lease or loan.
- (j) Statement that the borrowing agency has, or will ensure capability to properly operate, maintain, secure, and care for the borrowed materiel.
- (k) Certified check made out to the U.S. Treasury in the amount of \$900.00 (unless fee is waived by ASA (ALT)).
- (l) The administrative fee to be collected; this fee is nonrefundable.
- (m) DA 4881-6 signed by the equivalent of the Army installation APO.
- (n) Letter of justification for the use of the materiel to the customer, and the duration of the lease.
- (o) Proof of insurance and/or a surety bond to equal fair market value.
- (p) Copy of the export license for demonstration in a foreign country



(q) NRC license information of recipient organization. To determine if the item requires an NRC license, consult TB 43-0116 or contact the item manager.

(r) If firearms are requested, a statement that adequate facilities and licenses are available to secure and hold the arms (see para 4-1d).

(s) A statement that the borrowing activity will assume all responsibilities, liabilities, and costs related to the movement, use, care, security, loss, damage, and repair of the loaned or leased materiel.

(t) A statement that funds are available to cover reimbursable costs. Also, a statement that an adequate bond will be furnished, if required.

(u) A statement that the loan or lease agreement prepared by the Army, to be signed by the APO and the responsible official or designee of the borrowing activity.

(v) Name, address, and telephone number of the APO and the person who will serve as the point of contact for the requesting agency, authority, or activity.

(2) Although materiel is leased in "as is, where is" condition, arrangements can be made to have materiel shipped provided the recipient pays all costs. In this instance, ensure that the instructions for delivery of the equipment are complete and consistent with the urgency of the situation. State whether a small quantity shipped by air, express, or other fast means will satisfy immediate needs until bulk shipments can arrive. Also state the quantity immediately required.

(3) The customer is responsible for the shipping arrangements other than arms that are sent registered mail. Registered mail estimates are given to the customer who in turn must provide a certified check prior to the shipment. The customer and company location would be checked for proper storage, security, and care of the materiel prior to shipment.

## **2-16. Actions by approving authorities**

a. Each level within the approval chain must carefully weigh the impact of diverting equipment from authorized Army claimants before granting approval for loans or leases.

b. Any equipment whose diversion will create an adverse impact on force readiness will be granted only with the concurrence of the appropriate operational element at that level.

c. Equipment loaned to Army activities must be carefully reviewed to ensure that the requirements outlined by TAADS are not bypassed using loan procedures. Equipment on loan or lease is not an authorized requirement in the authorized acquisition objective; therefore, the Army cannot procure replacement items to offset the effects of the loan or lease. This results in shortages to authorized claimants.

d. Prior to transfer, the approving authority must notify the recipient of any safety or hazardous material issues or requirements involved with the equipment to be loaned or leased. After receipt of the items, compliance with any such requirements becomes the responsibility of the recipient. Notification of the recipient will be documented in writing, and included in the loan or lease paperwork.

e. Because the information must be obtained from the applicable AMC MSC for requests received directly at HQDA, MACOM and subordinate elements should determine this information and forward it to HQDA with the loan or lease request if received at that level. The information below is required for approval decisions at HQDA level or higher:

(1) Availability of substitute, less critical items to satisfy the requirement.

(2) Asset posture (authorized and on hand) within the wholesale logistics system.

(3) HQAMC/MSR recommendation on source of equipment if the loan or lease is approved.

(4) Alternate source of equipment if recommended source is not selected.

(5) Impact on Army to include payback data if procurement will offset impact prior to loan or lease termination.

f. The appropriate action office will provide notification of approval or disapproval to the requester and appropriate loaning or leasing activity. If approved, the notification will provide the appropriate point of contact within the AMC MSC, medical activity, or other agency for the borrower to contact to consummate the loan or lease agreement.

g. For COMSEC items, approving authorities must obtain NSA approval.

h. For items loaned less than 10 USC 2572, ensure the requesting organization has been qualified by TACOM as an authorized recipient in accordance with paragraph 6-2b.

## **2-17. Actions by loaning or leasing activity**

After execution of the lease the following must be accomplished:

a. An accurate audit trail will be established by all activities who loan or lease equipment. This entails moving stock from sector 05 to sector 08.

b. Documents establishing the loan or lease agreement to other than Army agencies will contain a "hold harmless" clause similar to that clause provided in paragraph 4e of DA Form 4881. The certified checks will be submitted through proper channels and deposited to the U.S. Treasury.

c. A copy of the signed lease agreement will be provided to the MACOM centralized loan/lease area along with a

copy of the cash collection voucher, insurance, and/or surety bond. If materiel is not returned at the end of the loan or lease period, the owning activity should correspond directly with the responsible individual who signed the loan or lease agreement. Coordination should be effected with command counsel for legal advice as to appropriate action, which may be initiated.

d. Failure to return Army materiel upon demand will be cause for the loaning or leasing activity to elevate requests for resolution through the chain of command.

e. Failure to return Army materiel at the end of the loan or lease period may result in repossession at the recipient's expense and will impact approval of future loans/leases to delinquent borrowers.

## **2-18. Provisions for loaning Army Working Capital Fund items**

a. The following contains the policy for loan of a tactical AWCF Authorized Stockage List (ASL).

(1) AWCF ASL materiel may be loaned for a maximum of 60 days for the following mission requirements:

(a) Off-site training exercise. (Loans will not be made for home station training exercises)(Away from home station).

(b) National Training Center Rotation.

(c) Joint Chiefs of Staff exercises.

(d) Military emergency.

(e) Natural disaster.

(f) Counterdrug/counterterrorism.

(2) The Unit requesting the loan must be assigned to the same installation as the SSA that is loaning the materiel. AWCF transportation funds will not be used for movement of materiel and stocks will not be requisitioned for the purpose of making a loan.

b. The following comprises the approval process for loaning tactical ASL AWCF items.

(1) The Commander for whom the tactical ASL is maintained is the approval authority for all loans of items listed on the tactical ASL.

(2) If 100 percent of the tactical ASL is taken to training, the Commander will take the Standard Army Retail Supply System system that is the system of record by routing identifier code and DODAAC for that ASL with the Unit. Movement of stocks in this circumstance is not considered a loan under the provisions of this regulation/policy. Requests for AWCF materiel will be submitted to the supporting supply support activity accountable officer as a funded voucher document. The SSA accountable officer will determine the validity of the requested items as compared to items available on the ASL. If approved by the Commander, the accountable officer will provide a copy of the request to the AMC installation representative, located at the respective installation.

c. The following is the submission process.

(1) Request for tactical ASL AWCF items will be submitted on DA Form 4881-6. Loan materiel will not be issued to the borrower until all the necessary approvals have been obtained. A request for loan will contain the following information:

(a) Unit administrative data of the borrowing activity.

(b) NSN.

(c) Quantity.

(d) Nomenclature.

(e) Loan document number assigned by the requesting unit.

(f) DODAAC of the requesting unit.

(g) Effective date the loan starts.

(h) Funded requisition for the total dollar amount of the temporary loan.

(2) The SSA that loans the items will use SARSS for the processing of the loan. The item temporary in use process in SARSS will be used to establish the loan. The accountable officer will ensure that all loaned items are placed in Ownership/Purpose code "L" on the stock record account .

d. The following coordinating instructions should be followed:

(1) If after 90 days (30 days beyond loan expiration), the materiel has not been returned to the loaning accountable officer as required, the accountable officer will process the requisition(s) previously provided by the borrower and insure that the borrower is billed for loaned materiel unless the using unit has requested an extension (of the loan period) to meet a valid operational requirement. This request for the loan extension period will be processed through the accountable officer to the first O-6 level in the tactical SSAs chain of command. Once approved a copy will be furnished to the installation supply representative (ISR) for information purposes only.

(2) Tactical AWCF ASL items may be loaned as backup materiel only. If the borrower consumes the loaned items, the Accountable Officer will be notified as soon as possible and the using Unit will be billed for the items consumed.

(3) The borrowing unit is responsible for all charges related to borrowed items; purchase if consumed, shipping, inspections, packaging and handling. The borrowing unit is also required to pay all costs associated with any special re-certifications of any loaned item.

(4) The SSA accountable officer will maintain records to provide an accurate audit trail for the loan materiel and provide copies of suspense and closeout documents to the AMC ISR

(5) The borrowing unit will maintain accountability of all items borrowed at all times in accordance with AR 710-2.

(6) Loans for tactical AWCF ASL items to customers will not require unique signed loan agreements and certificate of receipt.

(7) The AMC ISR will maintain suspense files that include copies of any documentation that authorizes the loan of materiel or relates to the loan transactions and will reconcile these records with the accountable officer on a quarterly basis as a minimum.

(8) Loaned materiel may be recalled by the accountable officer at any time to meet Army requirements. The recall of any loaned equipment will be coordinated with the commander of the unit that borrowed the items. If the unit deems the item essential to the success of the on-going requirement, the unit/supporting SSA will process a requisition to purchase the item. The ISR will be provided an information copy of the action.

## **2-19. Provisions for loaning Army Working Capital Fund items**

a. The following contains the policy for loan of nontactical AWCF ASL.

(1) AWCF materiel may be loaned for a maximum of 60 days for the following mission requirements:

(a) Off-site training exercise (away from home station).

(b) National Training Center Rotation.

(c) Joint Chiefs of Staff exercise.

(d) Military emergency.

(e) Natural disaster.

(f) Counterdrug/counterterrorism.

(2) The unit requesting the loan must be assigned to the same installation as the tactical SSA that is loaning the materiel.

b. The following is the approval process for loaning nontactical ASL AWCF items:

(1) The Accountable Officer for the loaning SSA will forward all loan requests through their chain of command to the Executive Agent for loans at Rock Island Illinois.

(2) Requests for AWCF materiel will be submitted to the supporting SSA accountable officer as a funded voucher document. The SSA Accountable Officer will determine the validity of the requested items as compared to items available on the ASL. If approved, a copy of the request will be provided to the AMC ISR, located at the respective installation.

c. The following is the submission process:

(1) Request for non-tactical ASL AWCF items will be submitted on DA Form 4881-6-R. Loan materiel will not be issued to the borrower until all the necessary approvals have been obtained. A request for loan will contain the following information:

(a) NSN.

(b) Quantity.

(c) Nomenclature.

(d) Loan document number assigned by the requesting unit.

(e) DODAAC of the requesting unit.

(f) Effective date the loan starts.

(g) Funded requisition for the total dollar amount of the temporary loan.

(2) The SSA that loans the items will use SARSS for the processing of the loan. The item temporary in use process in SARSS will be used to establish the loan. The accountable officer will ensure that all loaned items are placed in Ownership/Purpose code "L" on the ASL.

d. The following are coordinating instructions:

(1) If after 90 days (30 days beyond loan expiration), the materiel has not been returned to the loaning accountable officer as required, the accountable officer, will initiate the necessary documents to bill the borrower for this loan materiel, unless the using unit has requested an extension (of the loan period) to meet a valid operational requirement. This request for the loan extension period will be processed through the accountable officer chain of command to the executive agent for loans in Rock Island, IL. Once approved, a copy will be furnished to the ISR for information purposes only.

(2) Nontactical AWCF ASL items may be loaned as backup materiel only. If the borrower consumes the loaned items, the accountable officer will be notified as soon as possible and the using unit will be billed for the items consumed.

(3) The borrowing unit is responsible for all charges related to borrowed items; purchase if consumed, shipping, inspections, packaging and handling. The borrowing unit is also required to pay all costs associated with any special recertifications of any loaned item.

(4) The SSA accountable officer will maintain records to provide an accurate audit trail for the loan materiel and provide copies of suspense and closeout documents to the AMC ISR.

(5) The borrowing unit will maintain accountability of all items borrowed at all times in accordance with AR 710–2.

(6) Loans for non-tactical AWCF ASL items to customers will not require unique signed loan agreements and certificate of receipt.

(7) The AMC ISR will maintain suspense files that include copies of any documentation that authorizes the loan of materiel or relates to the loan transactions and will reconcile these records with the accountable officer on a quarterly basis as a minimum.

(8) Loaned materiel may be recalled by the executive agency for loans at any time to meet Army requirements. The recall of any loaned equipment will be coordinated with the accountable officer and ISR of the Installation that loaned the items. If the unit that borrowed the items deems the item essential to the success of the on-going requirement, the borrowing unit/supporting SSA will process a requisition to purchase the item. The ISR will be provided an information copy of the action.

## Chapter 3

### Accounting Procedures

#### 3–1. Loan or lease document format

a. When the lending or leasing accountable property officer receives copies of the request, the agreement, the surety bond (if required), and the written loan or lease authorization from the approving authority, the request will be converted to Military Standard Requisitioning and Issue Procedures (MILSTRIP) requisition format DD Form 1348–1A (Issue Release/Receipt Document) shown in table 3–1. Exception data such as transportation fund cite and "mark for" information can be inserted into the remarks section. Submit the MILSTRIP requisition format (table 3–1) into the supply system. Send a Materiel Release Order/DD Form 1348–1A to the shipper. In emergencies, requests and authorization for loans or leases may be made by telephone. The formal request, agreement, bond, and authorization will follow.

**Table 3–1**  
**MILSTRIP Requisition Format**

Card Columns	Code or Data
1–3	AOE (request for supplies with exception data)
4–6	Routing identifier code (lender)
7	Media status code
8–22	National stock number
23–24	Unit of issue
25–29	Quantity
30–43	Document number
30–35	DODAAC of the requisitioner, if applicable, otherwise DODAAC of the accountable property officer/MSC
36–39	Julian date
40–43	Serial number
44	N (nonrecurring demand)
45–50	Supplemental address(loanee DODAAC) for DOD units. For non-DOD activities enter YOOOOO
51	M (shipping and billing data location)
52–53	G–4 for loans to nonresearch and nondevelopment activities. G–6 for loans to research and development activities.
54–56	Blank
57–59	Project code if applicable
60–61	Priority
62–64	Required delivery date

**Table 3-1**  
**MILSTRIP Requisition Format—Continued**

65-66	Blank
67-69	Depot routing identifier code
70	Purpose code
71	Condition code
72	Management code
73-80	Blank

*b.* Loaned or leased property will be kept on the accountable records of the owning property account. Loan materiel should not be reported on hand at the borrowing activity. It should only be reported as “loan materiel.” The entry showing the quantities will be supported by DD Form 1348-1A, and copies of the loan or lease agreement and surety bond (if required) will be retained. For installations, this should be the consolidated installation property book officer (PBO).

*c.* Loans and leases will be processed by accountable property book officers according to normal supply procedures, except as modified by this regulation.

*d.* Accountable property book officers, including the PBO of the borrowing activity and/or the stock record officer of the installation supply support activity, will keep files to provide an audit trail for transactions and a single source of accounting and billing for reimbursement. Record and maintain current loan/lease information in the Army Loan Tracking system (ALTS). No separate property book accounts will be set up for these items. However, copies of loan records, for items loaned under 10 USC 2572, will be forwarded to TACOM, Attn: AMSTA-IM-OER, Warren, MI 48397-5000 for inclusion in the central registry, annual inventory and reporting, and enforcement of the loan agreement. Items, with dates shipped, will be identified by use of “loan or lease control numbers” in loan or lease files and in supporting documentation. The files will include at a minimum—

(1) The loan or lease request. If the request was made by telephone (urgent), a copy of the Memorandum for Record prepared to summarize the call will be used.

(2) The approving authorization to make the loan or lease.

(3) The loan or lease agreement.

(4) A copy of the surety bond document (certified check, U.S. Treasury bonds, or adequate bond from a bonding company).

(5) DD Form 1348-1A, used for shipping the items and a signed copy verifying receipt. If items being shipped contain radioactive material, the words “radioactive material” should appear in the remarks section.

*e.* In addition, a master loan or lease register with the control number and shipping document number will be maintained.

*f.* Loaned COMSEC equipment records are maintained in the Army COMSEC Commodity Logistics Accounting Information Management System at USACSLA. COMSEC equipment is shipped to Army COMSEC accounts by the Armed Forces Courier Service. The SF 153 (COMSEC Materiel Report) is used to ship classified COMSEC equipment; DD Form 1348-1A is used to ship controlled cryptographic items (CCI) to other property accounts, and a signed copy, returned to the shipper, serves as verification of receipt. The CCI must be reported in accordance with AR 710-3.

### **3-2. Shipment of loaned or leased materiel**

*a.* Army materiel will be shipped only to the accountable PBO authorized to receive and sign for the materiel. To keep the materiel out of unauthorized hands, consignees (receivers) will be advised by the shipping activity of—

(1) The items and quantities to be provided.

(2) The source of supply.

(3) Whether the items are to be picked up or shipped.

(4) Shipments made

*b.* All shipments of loaned or leased equipment will be documented on DD Form 1348-1 or SF Form 153. DD Form 1348-1A or SF Form 153 will be generated by the shipping depot where materiel is stored in accordance with AR 725-50 and TB 380-41. They will include required special instructions, (that is, accounting classification or other data for charging transportation cost to borrowers, and serial numbers, if applicable) of items shipped. The receipt certificate (not applicable to classified COMSEC) (fig 3-1) will be typed on two copies of DD Form 1348-1A and included with the depot shipment. The depot will also include a self-addressed envelope for return of the signed document to the AMC MSC.

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I certify receipt of and assume responsibility for the Army materiel listed on this document. The items were received in good condition except as noted. Serial numbers have been verified [omit if not applicable].

Signature of responsible officer

Typed name of responsible officer and date

**Figure 3–1. Sample receipt certificate**

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c. One copy of each signed DD Form 1348–1A or SF 153 (for classified COMSEC) will be returned to the shipper; one copy of each form will be kept in the borrower's file.

d. The installation or depot transportation officer is responsible for coordinating movement of the items that must be shipped.

e. Shipments, including those to foreign countries, will be made on commercial bills of lading (CBL). Freight charges will be paid by the borrower. The CBL will cite proper project codes. In emergencies where use of CBL would delay shipment, Government bills of lading (GBL) may be used subject to later reimbursement. Shipments to Boy Scout World Jamborees in foreign countries will be by GBL unless otherwise specified by the Boy Scouts.

f. Shipments will be consolidated to the maximum extent possible to obtain the lowest charges available.

g. Separate shipping instructions will be furnished for each recipient, convention, jamboree, and so forth, to ensure correct consignee address.

h. Transportation will be at no expense to the Government. The Defense Transportation Services, Air Mobility Command and Military Traffic Management Command will send all billings for such transportation costs to the Defense Finance and Accounting Service (DFAS). The DFAS will then bill the fiscal station servicing the accountable property office that made the loan. This fiscal station will then bill the borrower for these transportation costs. Army materiel loaned or leased to non-DOD activities is not authorized for overseas movement on a space available basis by Air Mobility Command without their prior approval.

i. Shipments containing hazardous or radioactive material will comply with the appropriate Department of Transportation (Title 49 CFR) or NRC regulations (Title 10 CFR 0–99).

j. Detailed procedures for the shipment, security, accounting, reporting, and loss of CCI are contained in DA Pam 25–380–2.

k. Transportation of materiel to a leased customer will be at no expense to the Government. All shipment of materiel except for arms should be arranged between customer, shipper and ship depot. Arms are sent registered mail and need to be handled by the MACOM lease office because the arms depot does not accept money or credit cards. An estimated shipping fee will be provided to the customer and received before the shipment is mailed.

### **3–3. Receipt of borrowed property**

a. The person authorized to receive the materiel (whether shipped or picked up) will check the quantities received against the quantities shown on the DD Form 1348–1A. This person will also verify the condition of the materiel. Any variation in quantity or condition must be resolved at once. If the shortage or damage is not due to a common carrier, the borrower will submit, through the approving official, an SF 364 (Supply Discrepancy Report (SDR)) per AR 735–11–2. A copy of the SDR will be provided to the loaning official at the MSC in order to expedite resolution.

b. When a DD Form 1348–1A has not been received by the borrower and does not accompany the shipment, an informal report will be made at once to the accountable property officer. The report will include the nomenclature, quantities, condition, and, if applicable, the mode numbers and serial number(s) of all materiel received.

c. When shipment has been verified, the borrower (or designee) will enter the quantity received on two copies of the DD Form 1348–1A. Serial numbers will also be entered for serial numbered items. The completed copies of the DD Form 1348–1A will be signed by the authorized person. One copy of the DD Form 1348–1A will be returned to the accountable property officer.

d. If shipments are received damaged or short, take action described in paragraph 3–7.

e. Classified COMSEC equipment is transferred between COMSEC accounts using SF 153. The recipient of the equipment will return the signed SF 153 to the shipper immediately. It is the responsibility of the shipper to follow up with the receiving COMSEC account if 30 days have elapsed from the date of shipment and the signed SF 153 has not

been returned. The followup may be extended to 45 days when shipment is from CONUS to overseas, overseas to CONUS, or from theater to theater. If the shipper cannot obtain or otherwise resolve confirmation of receipt on the first followup, the problem will be referred to USACCSLA, ATTN: SELCL-KP.

### **3-4. Accounting by borrower and lender**

*a. Accounting by borrower.* Army borrowing activities should maintain suspense files that include copies of all documents that authorize the loan of materiel and relate to loan transactions. Such files will assist in returning materiel within the approved loan period. Files should be retained for audit or any other purpose as required. These files may be destroyed after return of the borrowed materiel and final completion of all accounting requirements including reimbursement for Army costs related to the loan. Non-Army borrowers are encouraged to conform to the requirements above. Files, however, may not be destroyed if used as GFE. Contractor property records must be maintained for audit trails.

*b. Accounting by lender.*

(1) Upon receipt of the signed copy of DD Form 1348-1A from the authorized borrower, the lending accountable property officer will take action to include the dollar value of the loaned equipment (meeting financial capitalization thresholds) in the quarterly report of personal property end-of-year period balances (by category and dollar amount). This information will be provided to the supporting accounting office and used by the accountant to update general ledger account number 1764, "Equipment on Loan." Once the equipment is returned by the borrower, the lending accountable property officer will report the decrease in the next quarterly financial status report.

(2) For historical property loaned under 10 USC 2572, upon receipt of the signed copy of the DD Form 1348-1A from the authorized borrower, the artifact accountable officer will forward a copy of the file to TACOM, attn: AMSTA-IM-OER, Warren, MI 48397-5000 for inclusion in the central registry, annual inventory and reporting, and enforcement of the loan agreement. TACOM will report semiannually all items loaned or donated under 10 USC 2572 to ASA (ALT). Reports will be submitted no later than April 15 and October 15, with cutoff dates of March 31 and September 30, respectively.

### **3-5. Return of borrowed materiel**

*a.* If requested, the borrower must supply an inspection report (DA Forms 2404 (Equipment Inspection and Maintenance Worksheet) and 2407 (Maintenance Request), and 261-5) to be used to determine disposition. Repairs must be made prior to return if instructed by the commodity manager at the lending MSC.

(1) Borrowed materiel will be returned to the Army in the condition received, less fair wear and tear, unless the terms of agreement specify otherwise.

(2) Property for which repair cost is claimed will be held at the Army depot, or installation until final charges are determined, and a release is given by the respective property officers.

(3) Commodity managers will direct returned materiel to a depot equipped to handle/store the materiel or in which a repair program exists. The materiel will be returned using the NICP assigned loan document number.

*b.* Accountable property officer actions include the following:

(1) At the end of a loan or lease period, recall, or upon notice by the borrower that the materiel is no longer needed, the accountable property officer will send a letter of instruction to the borrower for return of the materiel. The letter will verify or modify the turn-in instructions provided in the original agreement.

(2) The following procedures will be utilized by accountable property officers to terminate loan or lease agreements.

*(a)* No specific termination action is required for loans or leases up to 30 days unless the materiel is not returned by the expiration date. In this case, a written termination notice will be sent to the borrower in 30-day intervals at succeeding levels of command until the materiel is returned or other settlement is made.

*(b)* For loans or leases over 30 days, an expiration warning notice will be sent by the lending activity to the borrower at least 60 days prior to the expiration date. This warning notice will be signed at the first line supervisory level. At least 30 days after the expiration date, a termination notice will be sent to the borrower, signed by the second line supervisor of the lending activity, if the materiel has not been returned or other settlement made. If the materiel has not been returned or an extension requested 60 days after the expiration date, the loan or lease is considered delinquent. A final termination notice signed at the general officer/senior executive service level will be forwarded to the borrower.

*(c)* When these efforts have been unsuccessful in concluding a loan or lease agreement, assistance will be requested from higher headquarters. If all MACOM echelons are unsuccessful, a full report of all actions and circumstances will be forwarded to HQDA ODCS, G-4, ATTN: DALO-SMP, 500 Army Pentagon, Washington, DC 20310-0500, with accompanying correspondence.

*(d)* Failure to comply with the disposition instructions and the subsequent notices could result in repossession of the property at the borrower's expense. When applicable, the borrower could face criminal and or civil charges because of non-compliance with the disposition instructions and subsequent notifications.

(3) After receiving proof of shipment/receipt, the APO will clear records and close the loan. This includes making all necessary inventory adjustments, obtaining fees for repairs, and updating the ALTS.

(4) The accountable property officer will notify the servicing finance and accounting office (FAO) of any reimbursement required.

### **3-6. Actions by the receiving installation, depot, or arsenal**

*a.* The installation, depot, or arsenal receiving activities will inspect returned materiel.

(1) If the quantity received differs from the quantity shipped, the actual quantity received will be entered on DD Form 1348-1A. A SF 364 will be initiated for quantity variances. Evidence of negligence or willful misconduct will be reported to support report of survey investigation. If the quantity of classified COMSEC equipment received differs from the quantity shipped, the depot will send a corrected SF 153 to the COMSEC account that made the shipment. If the variance cannot be resolved, a report of survey will be initiated.

(2) If the condition of the property differs from that noted on the DD Form 1348-1A; the variation will be stated.

*b.* Loaned or leased materiel returned in an unserviceable condition will be inspected by qualified technical inspectors at installation level and by quality assurance activities at depots to determine condition code.

*c.* If the condition of returned materiel is the same as noted on the receipt document or the propositioned materiel receipt card, the item will be processed as a normal receipt.

*d.* If there is a discrepancy between the actual condition of the item and the assigned condition code on the receipt document, obtain an estimate of repair cost and continue normal receipt documentation processing.

*e.* The receiving depot or installation will prepare an inspection and surveillance report on DA Form 3590 (Request for Disposition or Waiver) for each returned item that needs repair. Documentation will also be prepared for shortages and will include the cost of equipment repair or the value of shortage using standard prices. Two copies of each report will be sent to the proper accountable property officer.

### **3-7. Loan extensions**

*a.* Loan extensions beyond the specified period outlined in table 2-1 may be considered case by case. The loan program is not intended to support long-term recurring requirements. If a loan or lease has been approved or extended for a period longer than 1 year, the correspondence advising the customer of the approval will advise the customer that an annual inventory must be conducted. The borrower must provide a statement of the results of annual inventory with all extension requests to the accountable property officer of the loaning or leasing activity. The AMC MSCs will not consider extension requests without an inventory statement from the borrower.

*b.* If no discrepancies are noted, the accountable property officer will file the signed annual inventory form in the borrower's memorandum receipt file.

*c.* If the borrower's annual inventory shows that amounts and kinds of Army materiel for which the borrower is responsible differ from that actually in his or her possession, the APO will take the following actions:

(1) For overages, assume accountability for the overages noted on the annual inventory form. Use a copy of the annual inventory form as a debit voucher to the account. No approval of this voucher is needed.

(2) For shortages, act to obtain reimbursement for the value of the missing property or to adjust the discrepancy by report of survey.

### **3-8. Lost, damaged, or destroyed materiel**

*a.* Damage or loss that is the fault of the carrier will be billed to the carrier after reconciliation.

*b.* Any Army materiel loaned at the request of an FEMA regional director that is not returned according to instructions in this chapter, will be reported to the regional director who will arrange for proper reconciliation and reimbursement.

*c.* Reports of survey for damaged or lost property will be submitted by borrowing Army units as directed by AR 735-5.

## **Chapter 4**

### **Loan or Lease of Arms and Accouterments**

#### **4-1. General**

*a.* Loan or lease of arms and accouterments requires special processing and handling. Loans or leases to DOD and non-DOD activities will be handled as a normal loan or lease according to instructions in this chapter with the added requirement of maintaining serial number visibility.

*b.* The Commander, LOGSA has been designated by AMC to maintain a centralized serial number visibility record for all small arms made for the Army. LOGSA maintains accountable property records for loans to organizations such as the director for civilian marksmanship and for loans and leases to non-DOD activities such as the FBI, United States Secret Service, and veterans' organizations. However, visibility of loans made under title 10 USC 2572 will be maintained at TACOM, AMSTA-IM-OER, Warren, MI 48397-5000 in the central registry.



c. Requests for loan or lease of arms that are type classified standard (logistics control code A or B) will be filled with the lowest type classified items available.

d. Borrowers of Army arms will be fully responsible for the care, custody, and proper use of loaned materiel. Physical security measures must adhere to the Defense Security Service and the Lautenberg Amendment and be equal to or greater than the minimum requirements cited in AR 190–11, appendix H. A statement that adequate facilities and licenses are available to secure and hold the arms must be submitted.

e. If borrowed arms are lost, stolen, or unaccounted for, the borrower must inform the lender (accountable property officer), local security office or military police station, the local police, and the FBI within 24 hours after discovery.

f. This regulation does not apply to arms issued to ROTC units under the National Defense Act (AR 710–2 is applicable.)

#### **4–2. Loans or leases to civilian activities**

a. The Army may loan arms and accouterments to civilian authorities and to civilian activities in the following instances:

(1) For use by Federal agencies or departments in protection of public money and property (10 USC 4655).

(2) Obsolete or condemned rifles (not more than 10), slings, and cartridge belts may be loaned to local units of any national veteran's organization for use by that unit in ceremonies, for example, for a funeral for a former member of the Armed Forces.

(3) The organization must be recognized by the Veterans Administration (10 USC 4683). Obsolete or condemned rifles will not be loaned under 10 USC 2572.

b. Approved requests will be sent to TACOM, Rock Island, IL 61299–7630, for completion of a formal loan agreement and issue of items (see app B). Serial number control data will be entered in the Unique Item Tracking Program.

c. Shipments and returns are described in chapter 3, except as follows:

(1) Shipment of arms and ammunition will conform to all security and hazardous material requirements (see AR 190–11). The responsible property book officer (borrowing activity) for materiel on loan or lease will request disposition instructions from the accountable property book officer when materiel is no longer needed or at the end of the loan or lease period. Loaned or leased materiel may be withdrawn from the borrowing activity at any time to satisfy military requirements.

(2) The accountable property book officer will—

(a) Issue shipping instructions for the return of property to a designated installation. The letter of instruction will contain a MILSTRIP document number (AR 725–50, table C–4) for each line item scheduled for return to be used for the shipment. The shipper will be directed to cite this document number on the shipping document.

(b) Prepare and submit to the receiving installation a prepositioned materiel receipt card, DD Form 1486 (DOD Materiel Receipt Document, DOD), as advance notice of the shipment. Exception data will be annotated as follows: "Return of Loan from Other Government Agency—Report Receipt of Arms and Accouterments Accountable Property Officer, ATTN: AMSTA–LC–LEAR." A copy of the letter of shipping instructions (see 4–2c(2)) will be enclosed with the prepositioned materiel receipt card for information.

(3) Upon receipt at the receiving installation, property will immediately be inspected. Cost of repairing unserviceable items and cost of replacement, if irreparable, will be determined at time of inspection. The MILSTRIP receipt card will be mailed to the accountable property book officer with estimated cost of repairing damage and detailed materiel condition as exception data.

(4) Upon notification of materiel receipt, the accountable property book officer will clear the loan record with a credit entry verifying return of materiel, and file the receipt document with the other records.

## **Chapter 5 Reimbursement**

### **5–1. Reimbursement policies and procedures**

a. *Policy.*

(1) DA elements do not program for costs related to loan or lease of Army materiel. Lost, damaged, or destroyed property will be accounted for per AR 735–5.

(2) Loans to non-DOD Federal activities are made on the basis that there will be no extra cost to the Army. Costs that are in addition to normal Army operating expenses (incremental costs) will be reimbursed by the borrower. This provision will be part of the loan agreement.

(3) In cases of aircraft piracy, civil disturbance, disaster relief, or protection of the resident or visiting dignitaries, emergency support will not be withheld for lack of a formal reimbursement agreement. In these cases, the supporting

Army element will absorb initial costs (within existing fund availability). Reimbursement for other than United States Secret Service costs for protection of the President will be coordinated later.

(4) Leases made under 10 USC 2667 will require that the borrower pay a lease fee in the amount that is not less than the fair market value of the lease interest in addition to paying all incremental costs discussed in 5-1a(2). The lease fee will be determined on the basis of prevailing commercial rates, computed using sound commercial accounting practices, including a return on capital investment and administrative cost as well as depreciation. Leases made under this section will include a provision establishing the rental cost of the materiel and method of payment. A nonrefundable administrative fee of \$900 will be charged for the preparation of a lease, and \$900 will also be assessed for the renewal of a lease when the original lease is less than 5 years.

(5) Loans made under 10 USC 2572 will be made at no cost to the Government. The borrower must assume all expenses (to include preparation, shipping, and so on.) associated with the loan.

(6) Support to the United States Secret Service will be on a reimbursable basis except for costs directly related to protection of the President or Vice President or line of succession. Requests for reimbursement for all other support for United States Secret Service will be per DFAS-IN Regulation 37-1.

(7) The cost of emergency support will be billed directly to the recipient.

(8) User charges will conform to DFAS-IN Regulation 37-1 and this chapter.

(9) User charges for other than civilian law enforcement actions may be waived or reduced when:

(a) The recipient of the benefits is engaged in nonprofit activity designed for the public safety, health, or welfare.

(b) Payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program.

(c) Furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country.

(d) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(10) The Army must be reimbursed for equipment damaged or destroyed by the borrowing agency (regardless of cost) prior to committing a replacement item to the borrower (Federal) or the lessee (non-Federal).

#### *b. Procedures.*

(1) The Army accountable property officer handling the loan or lease of DLA SMA, AWCF items from an Army activity will coordinate DLA billings and borrower reimbursement to ensure that Army incremental costs are reimbursed. Requests for loan or lease of DLA-owned and -stored materiel should be submitted directly to Director, Defense Logistics Agency, ATTN: DLA-MMS, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

(2) Installation financial accounting for "accounts receivable or payable (bonds)" will conform to DFAS-IN Regulation 37-1.

(3) The FAO supporting the supplying APO will record all charges, including accounts receivable of AWCF offices (or branch offices), in separate ledger accounts for each borrower.

(4) Charges and collections recorded in each loan or lease account will be reported per Army regulations and directives prescribing the reporting of the fund status in any current fiscal year.

(5) Billing will be initiated on SF 1080 (Voucher for Transfer Between Appropriations and/or Funds), and sent to the borrower within 45 days of turn-in of materiel and loan or lease termination. For loans of arms and accouterments and issue of ammunition per 10 USC 4655, the SF 1080 will be annotated to show that collections are to reimburse DA appropriations.

(6) Special appropriations established to support disaster relief would be used promptly by Army commanders concerned to ensure that all direct expenses are charged to the special appropriation. Exclude those charges subject to reimbursement by the ANRC. The ANRC reimburses the Army for supplies, materiel, and services for which they are responsible in the disaster area.

## **5-2. Reimbursable costs**

Unless specifically stated, borrowing agencies, authorities, and activities will reimburse the Army for all costs related to loan or lease of Army materiel to include but not limited to the following:

a. Any overtime pay and pay of additional civilian personnel required to accompany, operate, maintain, or safeguard borrowed equipment.

b. Travel and per diem expenses of Army personnel (military and civilian).

c. Packing, crating, handling, and shipping from supply source to destination and return. This includes port loading and off loading.

d. All transportation including return for repair or renovation.

e. Hourly rate for the use of Army aircraft.

f. Petroleum, oils, and lubricants (including aviation fuel).

g. The cost of materiel lost, destroyed, or damaged beyond economical repair except for Army aircraft, motor vehicles, or motor craft used in connection with law enforcement efforts involving aircraft piracy.

- h.* Utilities (gas, water, heat, and electricity). Charges will be based on meter readings or other fair method.
- i.* Any modification or rehabilitation of Army real property that affects its future use by DA. In such cases the borrower will also bear the cost of restoring the facility to its original form.
- j.* Overhaul of returned materiel. Renovation and repair will conform to agreement between the Army and the borrower (see para 5-5a). A 25 percent (value of loan/lease) nonrefundable deposit will be submitted to U.S. Army Aviation and Missile Command (AMCOM) for all petroleum and water equipment so as to allow for refurbishment of materiel at end of loan period.
- k.* Repair parts used in maintenance or renovation.
- l.* Price decline of borrowed stock fund materiel at which returned property can be sold.
- m.* Issue and turn-in inspection labor costs.
- n.* Reimburse shipping, receiving, and materiel release order handling and inventory changes associated with loan.
- o.* Charges for the use of Army motor vehicles and water craft except petroleum, oils, and lubricants and per diem costs.
- p.* The use of real property.
- q.* Restoration costs for historical property.
- r.* Lease fees.

### **5-3. Nonreimbursable costs**

The following costs are normal operating expenses of the Army for which no reimbursement is required:

- a.* Regular pay and allowances of Army military or civilian personnel (except travel and per diem costs).
- b.* Administrative overhead costs for loans only.
- c.* Annual and sick leave, retirement, and other military or civilian benefits except as provided in certain cases.
- d.* Telephone, telegram, or other electronic means used to requisition items, replenish depot stocks, or coordinate the loan.
- e.* Borrowers will not be billed for damage to or excessive wear of returned equipment if the equipment will not be repaired because of the lack of a proposed or established repair/overhaul program. This does not apply to historical property.

### **5-4. Funding records**

- a.* Records of all costs (other than normal operating expenses) related to loans or leases of Army materiel, will be kept at the accountable property officer level by the supporting FAO. This will be done within existing Army financial accounting systems.
- b.* Separate subsidiary general ledger accounts and/or files of documents showing the total value of all issues and materiel returned for credit, and supporting documentation will be set up by the FAO. The accounts will be kept current for each transaction so reports may be made as prescribed; and that accounts receivable can be processed for billing and collection action.

### **5-5. Determination of charges and settlement**

- a.* A qualified inspector will promptly classify returned materiel with action as follows:
  - (1) Materiel classified as unserviceable or uneconomically repairable will be billed at replacement cost minus depreciation.
  - (2) Materiel classified as unserviceable or economically repairable will be billed for reduced utility (if appropriate) as well as for overhaul costs.
  - (3) The depreciation of returned materiel will be determined by technical inspectors per AR 735-5. Accountable property officers will complete classification promptly so charges and billing can be made within 30 days of return of materiel.
  - (4) Determination of loss or damage because of negligence, willful misconduct, or theft in accordance with AR 735-5 will be reported immediately to the appropriate APO.
- b.* All returned property that needs repair will be examined by a technical inspector to determine cost of repair. The APO will then prepare a property transaction record with supporting documents. These records will be sent to the proper MACOM commander or unified command commanding general for final review and will include—
  - (1) A statement on the transaction record identifying the financial account to which the reimbursement money is to be deposited.
  - (2) A statement on the transaction record (if appropriate) as follows: “The losses and/or damages shown on the Property Transaction Record in the amount of \$XX represent the total claim by the U.S. Army for property Loaned or leased to (lessee name). Upon settlement and deposit to the proper account, lender releases lessee from further obligations.”
  - (3) A description of the type and degree of repair (separate addendum).

- c. After final review, the servicing FAO will be notified via an approved list of charges of the existence of the receivable. The property will be released for repair and return to stock.
- d. The FAO will send a letter to the borrower requesting payment (payable to the Treasurer of the United States). Upon payment, collection documents will be prepared and fiscal accounts credited. The MACOM or unified command Surgeon will ensure the stock fund is reimbursed for expendable medical supply losses reported.
- e. The FAO will advise the appropriate accountable property officer that settlement has been made. Property transaction records will be closed.
- f. The approving authority will then return the bond to the borrower.
- g. The value of supplies and equipment returned to the Army will be credited to the account originally debited at the time of issue. The FEMA regional directors may find that it is not in the public interest to return borrowed materiel that has not been consumed, lost, or damaged. They will negotiate with CONUS Army concerned for proper reimbursement for the borrowed materiel not returned.

## **5-6. Delinquent and uncollectable accounts**

- a. In cases of unsatisfactory lease settlement, bond proceeds will be used to satisfy the claim.
- b. If this does not settle the account and further collection efforts are unsuccessful then receivables will be referred to the Defense Finance and Accounting Service (DFAS) per DFAS-IN Regulation 37-1. The accountable property officer will notify ODCS, G-4, ATTN: DALO-SMP that the account has been referred to DFAS. USFPOs will notify HQDA of delinquent account transfers through NGB, ATTN: ARL-S.
- c. Appropriations available to the accountable property officer will reimburse the applicable business area within the AWCf. Any later reimbursements received will be credited to the appropriation from which payment was made.
- d. On receipt of the accounts in b above, DFAS will take appropriate action under their normal operating procedures. All further collection action will be the responsibility of DFAS. If further collection action fails, these accounts will be referred to the Justice Department.

## **Chapter 6 Donations**

### **6-1. General**

Donations by the army are authorized under three statutes pertaining to different types of property and organizations. The applicable statutes are 10 USC 2572, 10 USC 4686, and 20 USC 60.

### **6-2. A donation for static display and ceremonial rifles under 10 USC 2572**

- a. *General.*
  - (1) The Secretary of the Army is authorized, under 10 USC 2572(a), at no cost to the Government, to give books, manuscripts, works of art, historical artifacts, drawings, plans, models and condemned or obsolete combat materiel to any of the following (see figure 6-1):
    - (a) A municipal corporation.
    - (b) A soldiers monument association.
    - (c) A museum, historical society, or historical institution of a state or a foreign nation.
    - (d) An incorporated museum that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit.
    - (e) A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.
    - (f) A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).
    - (g) A post of the Sons of Veterans Reserve.

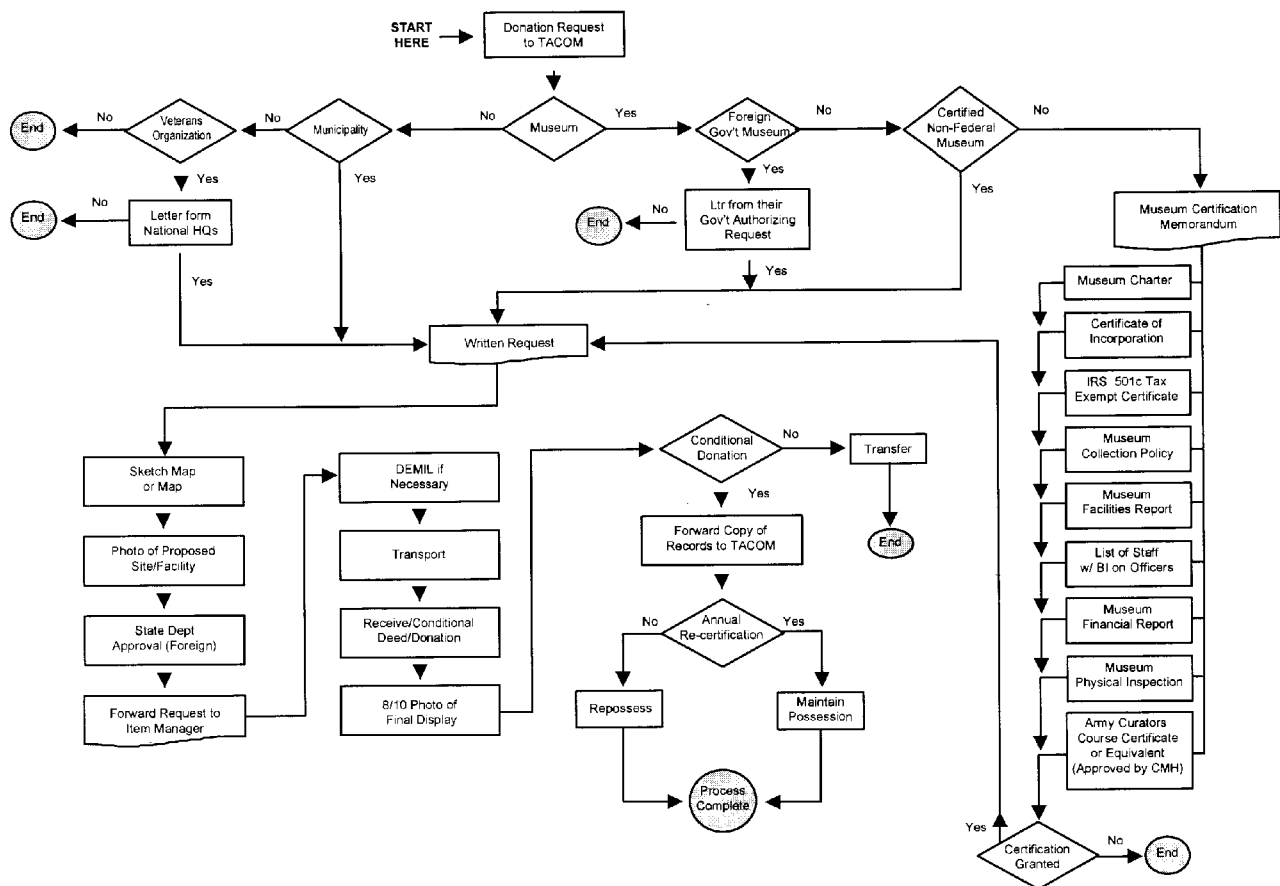


Figure 6–1. Donation process

(2) TACOM will control all gifts (donations) under 10 USC 2572(a) for excess obsolete or condemned combat materiel, to include historical explosive ordnance and Class VII items identified by the CMH for gift. TACOM control will consist of qualifying all recipients prior to a donation and maintenance of a central registry of all donations conducted under 10 USC 2572.

(3) The CMH will control all gifts of historical items, other than those cited in paragraph 6–2a(2).

(4) TACOM will qualify all donation recipients before MSCs are authorized to conduct a donation. Copies of the completed donation file will be forwarded to TACOM for maintenance in the central registry, tracking annual reports from recipients, conducting periodic inspections of donated property, and enforcement of the conditional deed of gift terms.

(5) Ceremonial rifles may be donated to recognized veterans organizations and municipalities for ceremonial purposes in a quantity of no more than 15.

(6) All small arms, other than ceremonial rifles, will be partially demilitarized for display purposes. Ceremonial rifles will be partially demilitarized for ceremonial purposes. Machine guns are not authorized for donation without proper licensing and authorization. The M14 and M16 rifles are both considered machine guns.

(7) Donations will be conducted on a conditional basis unless the item is valued at less than \$10,000, is not an munitions list item/strategic list item/commerce controlled list item, and the property is not currently required, or projected to be in the future, by the Army. Items authorized for unconditional donation are restricted to books, manuscripts, works of art, drawings, plans and models and historical artifacts. Examples of a conditional and unconditional deed of gift can be found in DOD Manual 4160.21–M. Contact TACOM for copies of the current deeds in use.

*b. Recipient qualification.* Organizations listed in paragraph 6–2a(1) must provide proof of qualification in the appropriate category listed. In addition, each organization must provide a written request, a location map/sketch map of surrounding area pinpointing the exact display location, and photographs of the proposed display site and facilities. If

requested items contain any radioactive material, the organization must provide proof of the appropriate NRC or Agreement State license. Verification for each category is as follows:

(1) A municipality must provide a copy of their charter from the county or state identifying them as an incorporated municipality.

(2) Soldiers' monument associations must provide a certified copy of their State or Federal Government charter and a copy of their 501C Certificate of IRS Tax Exemption.

(3) A museum, historical society, or historical institution of a state or a foreign nation must provide certification of government ownership and 501C Certificate, for U.S. organizations, or its equivalent, for foreign organizations.

(4) A nonprofit museum operated and maintained for educational purposes only must be incorporated under applicable state law and possess IRS tax exemption. The museum must be operated by a full-time, paid or unpaid staff (minimum one) who cares for tangible objects and exhibits them to the public for a minimum of 180 full days per year, either for free or a nominal charge. An institution that exhibits objects by appointment only may qualify provided they can demonstrate the objects were available for viewing for 180 or more days for 2 consecutive years. The TACOM, in coordination with CMH, is responsible for determining eligibility and qualification of museums. A museum qualifications review board, consisting of (at a minimum) representatives from the TACOM, Command Counsel, CMH, and the appropriate Security office, will determine the eligibility of each museum. In addition to approval by the review board, a TACOM designee, at the expense of the requesting institution will conduct a site visit to verify the information provided to the review board below. Certified copies of the following documents must be provided by the museum and will be reviewed in determining the museum's eligibility:

(a) Museum charter.

(b) Articles of Incorporation under state law.

(c) 501C Certificate of IRS Tax Exemption.

(d) Museum collection policy.

(e) Facilities report.

(f) Photographs of the museum facilities including buildings, exhibits, restoration and storage facilities, and any other physical assets of the museum.

(g) Listing of museum staff, including name, address, SSN, date of birth, and credentials of all full and part time employees. A National Agency Check on each of the officers will be conducted at museum expense.

(h) Museum financial reports and projected 3-year budget.

(i) Certification of completion of the Army Curators Course or an equivalent course as approved by CMH (must be completed within 1 year of receipt of Army property, either through attendance of a scheduled class or through a correspondence course).

(5) A post of the Veterans of Foreign Wars, American Legion, Sons of Veterans Reserve, or a unit of any other recognized war veterans' association must be verified as a post in good standing and provide post membership by their respective national headquarters. Organizations not affiliated with a national headquarters of any recognized war veterans' association must receive authorization from the ASA (ALT). TACOM will forward those requests to the ASA (ALT) for approval.

(6) A local or national unit of any war veterans' association of a foreign nation must provide approval from their national association headquarters and proof of tax exempt status in their country.

*c. Donation process.*

(1) Requests for donation should be addressed to U.S. Army Tank-automotive and Armaments Command, Attn: AMSTA-IM-OER, Warren, MI 48397-5000. Requests received by other organizations should be forwarded to TACOM for recipient qualification. The appropriate official must sign requests as follows:

(a) The post/chapter commander of the veterans' organization.

(b) The mayor, city manager or county commissioner of the municipality.

(c) The curator of the museum.

(d) The committee chairman for soldiers' monument or historical society.

(2) Display/storage locations must adhere to the following guidelines:

(a) Display sites must be suitable for the type of equipment requested. Large end items require a gravel or cement pad. Small arms require a suitable display case. Both large end items and small arms require physical security measures comparable to the requirements in AR 190-3 and AR 190-11, respectively.

(b) Ceremonial rifles must be properly stored in the arms room of a National Guard Armory, U.S. Army Reserve Center, police department or military installation. An authorized alternative will meet conditions outlined in the security checklist provided by TACOM that is in accordance with AR 190-11 and will be certified by local law enforcement. Use of an alternate storage facility will be approved by TACOM before forwarding the request to the item manager.

(3) Qualified recipient requests are then forwarded to the item manager who will process the request for donation. The request will be filled, subject to availability and qualification under paragraph 6-2a, with the requested piece of equipment or an appropriate substitute. Final approval of the donation is by the first general officer or SES employee in

the losing organization's chain of command. The only exception is for ceremonial rifles, which will be approved by the first colonel or GM-15 in the TACOM-RI chain of command.

(4) Limited demilitarization will be performed on all donated items. The Assistant Secretary of Defense (Production and Logistics), in accordance with DOD 4160.21-M, must approve waivers to these instructions.

(a) The item manager is responsible to ensure demilitarization is accomplished by a qualified demilitarization person prior to transfer of the equipment. Without exception, small arms for display or ceremonial purposes will be demilitarized at the depot prior to release.

(b) The item manager must obtain the demilitarization certificate, signed by two qualified DOD representatives verifying the demilitarization has been properly accomplished.

(c) The item manager must ensure that a hazardous materials and/or radioactive material inspection, consistent with the demilitarization applied, is performed and include a copy of the inspection in the donation record.

(5) Transportation must be arranged and paid for by the receiving organization. The name, address, and phone number of the transporter must be provided to the item manager.

(6) The conditional deed of gift will be signed on two original copies when the item is delivered. The recipient will maintain one copy and the item manager will forward the other to TACOM.

*d. Follow-on actions.*

(1) A notarized annual certification providing reasonable assurance the donated items are being used for their intended purpose and under the terms of the conditional deed of gift is required from each recipient. A current photograph of the donated property and an inventory list for ceremonial rifles must be included with the annual certification.

(a) TACOM must receive annual certifications no later than 15 January. Failure to comply will generate a notice of violation and demand for corrective action with a 45-day suspense.

(b) Failure to comply with the annual certification requirement or failure to maintain the donated property may result in repossession of Army property at the expense of the recipient.

(2) Periodic physical inspections will be conducted at least every 5 years on all U.S. Army property donated on a conditional deed of gift to ensure compliance with the terms of the agreement. TACOM will conduct site visits or coordinate with a representative of the government.

(a) Organizations to be inspected will be notified at least 3 days in advance of a scheduled visit.

(b) Violations of the terms of the conditional deed of gift will be documented and the recipient given a reasonable suspense date to correct the deficiencies.

(c) Failure to take corrective actions by the suspense may result in repossession. Extensions may be granted by TACOM, prior to the suspense, if reasonable progress has been made.

(3) Redistribution of donated items no longer required will be coordinated with TACOM. Recipients should notify TACOM when they no longer desire to maintain a donated piece of equipment.

(a) TACOM must approve any transfer of property to another organization.

(b) TACOM will provide specific disposition instructions to the organization. The organization may be required to pay for transportation to Defense Reutilization Marketing Office or to demilitarize the property.

(4) TACOM will report all donated equipment to the ASA (ALT) semi-annually by 15 April and 15 October, with cutoff dates of 31 March and 30 September, respectively.

(5) Recipients of ceremonial rifles must maintain a sign-out/sign-in control register of all weapons by model, serial number, date and time issued/returned, reason issued printed name, and signature of the person receiving the weapon. The control register must be available for inspection upon request. A copy of the register will be included with the annual certification.

(6) Report lost stolen or destroyed property or ceremonial rifles to the local authorities and the TACOM Security Office immediately upon discovery of the loss. Certified copies of the police/fire department report and any police findings must be provided to TACOM NLT 90 days from the date of loss.

(a) A liability determination will be made by local and government law enforcement agencies. The recipient organization, if found liable, is responsible to reimburse the government for the lost or destroyed weapons.

(b) Residue of rifles destroyed in a fire or under other circumstances must be returned to the Army for proper disposition.

(c) Ceremonial rifle recipients are held financially liable for any loss of weapons and are required to reimburse the Army for any lost weapons. The cost per rifle is determined by the date of issue.

(7) Unserviceable rifles may be replaced through the request process described in this chapter. However, replacement rifles will not be released until the unserviceable rifles are received by the Army organization designated in the disposition instructions provided by TACOM.

### **6-3. Donations of salute cannons to soldiers and sailors homes under 10 USC 4686**

*a.* The Secretary of the Army is authorized to give not more than two obsolete bronze or iron cannons, dependent

upon availability, suitable for firing salutes to any home for soldiers or sailors established and maintained under State authority.

*b.* Donations under 10 USC 4686 are conducted under the same procedures in paragraph 6–2. Soldiers and sailors homes will be considered as municipal entities and are subject to the appropriate certification criteria for municipalities.

#### **6–4. Donations to the National Museum (Smithsonian Institution) under 20 USC 60**

*a.* Secretary of the Army is authorized to furnish to the National Museum, for exhibition such articles of arms, materiel, equipment, or clothing as has been issued to the United States Army, provided such articles can be spared.

*b.* Donations conducted under this statute will normally be conducted on a conditional deed of gift, in coordination with CMH, contingent upon the items exhibition. Items no longer required for exhibition or not displayed for a period of greater than 12 months will be returned to the U.S. Army for proper disposition unless otherwise approved by the Chief, CMH.

## **Chapter 7 Reports**

### **7–1. General**

Reports of Army materiel loaned or leased to non-DOD activities will be forwarded as described in this chapter.

### **7–2. Aircraft piracy**

*a.* Commands and agencies providing support for incidents involving aircraft piracy will initially report through command channels by telephone to ODCS, G–3, ATTN: DAMO–OD (app B). Confirmation will be made electronically by transmitted message to ODCS, G–3, ATTN: DAMO–OD. These reports are exempt from report control under AR 335–15. Initial reports will include all available details. The following is a guide for content of reports:

- (1) Supporting unit or agency.
  - (2) Home station of supporting unit or agency.
  - (3) Support provided and duration of requirement.
  - (4) Changes, if any, in support requested or duration of requirement as made by the Federal civil official in charge.
- b.* A final report noting termination of support will be made.

### **7–3. Civil disturbances**

*a.* Approving authorities, other than the SA, will prepare reports on all requests for loan of Army materiel to support civil disturbances. The reports will be sent within 2 workdays after receipt of the request. They will also serve as the request when no other written request is available.

*b.* The reports will be sent through command channels to ODCS, G–3, ATTN: DAMO–OD, 400 Army Pentagon, Washington, DC 20310–0400 or by electronic mail at [usaaods@hqda-aoc.army.pentagon.mil](mailto:usaaods@hqda-aoc.army.pentagon.mil). When reports are received from unified or specified commands, ODCS, G–3 will send an information copy to the Joint Chiefs of Staff, National Military Command Center.

*c.* The SA will send information copies of civil disorder reports to the DOD General Counsel and the U.S. Deputy Attorney General.

*d.* Reports of civil disturbance operation costs also will be prepared.

### **7–4. Disaster assistance**

When Army materiel is loaned, or when the ARNG is federalized in support of disaster assistance, CONUS Army commanders and unified command generals will send reports as follows:

*a. Initial reports.* Initial reports will be made by telephone to the CG, FORSCOM, who will in turn telephone the report to the Operations and Readiness, ODCS, G–3. This will be followed within 12 hours by a Tempest Rapid Report in message forms and sent electronically.

*b. Daily message reports.* Daily Tempest Rapid Reports of Army materiel loaned to support disaster relief will also be sent by electronically transmitted message. The reports will cover the 24-hour period from 0601Z to 0600Z. The reports must arrive at ODCS, G–3, ATTN: DAMO–OD., and FORSCOM, ATTN: AFOP–COF, by 1100Z the same day. Also, “no change reports” may be made by telephone. On the day that the last daily message report is issued, the words “final daily report” are to be included in the subject line of the message.

*c. Final reports.* In addition to the final Tempest Rapid Report, a final report on military assistance provided will be sent within 90 working days of termination of disaster assistance. The CONUS Army Commander will send the report by first class mail through the CG, FORSCOM to ODCS, G–3, ATTN: DAMO–OD. The final report will include—

- (1) An historic account of the disaster.
- (2) Cumulative totals of support given.



- (3) A statement of accomplishments.
- (4) Actual or estimated expenses excluding costs incurred by the Corps of Engineers appropriation, using three columns to identify normal costs, incremental costs, and total costs.
- (5) The status of reimbursements requested from borrowing Federal agencies, civilian authorities, and activities. If reimbursement has not been completed by the date of the final report, a separate cost report will be sent upon final reimbursement payment.
- (6) Lessons learned.
- d. Information copies.* Information copies of all reports will be sent to the proper FEMA Office.
- e. Additional information.* Additional information may be needed by Federal officials. Normally, such requests will be telephoned by ODCS, G-3, ATTN: DAMO-OD to the CG, FORSCOM.
- f. Transfer of NRC licensed items.* The U.S. Army TACOM and MACOM approval authorities will furnish an annual report of all Army materiel loaned, leased, sold, or donated that is NRC licensed to CDR, AMC, ATTN: AMCSF. The report will be due no later than 31 Dec of each year covering the preceding fiscal year.
- g. Pollution spills.* The CG, FORSCOM will report committal of Army resources to ODCS, G-3, ATTN: DAMO-OD by the fastest means. Daily and final Tempest Rapid Reports will be sent with "not applicable" shown in paragraphs 8, 9, and 10 of the report.

#### **7-5. Loans to civilian law enforcement officials (RCS DD-M (Q) 1595)**

Active installations, MACOMs (including MUSARCs) and Army Staff agencies are required to submit a quarterly report of assistance requested by civilian law enforcement officials. This data will be consolidated by MACOM.

#### **7-6. United States Secret Service**

Army commands and agencies providing materiel support (routine or urgent) to the United States Secret Service will report at once any significant problems or deviation from approved procedures. Reports will be telephoned through command channels to ODCS, G-3, ATTN: DAMO-OD, 400 Army Pentagon, Washington, DC 20310-0400.

#### **7-7. Other reports**

- a.* Active Army and USAR accountable property book officers will make semiannual reports on loans or leases that have expired and for which the materiel has not been returned. The reports will be prepared as of the last day of June and December. They will be sent by the 15th day of the Following month. These reports will include a narrative on the circumstances, a copy of the loan or lease agreement, and the steps taken to resolve the issue. Reports will be forwarded through command channels to ODCS, G-4, ATTN: DALO-SMP, 500 Army Pentagon, Washington, DC 20310-0500.
- b.* Negative reports are not required.
- c.* The AMC MSCs will develop and provide to HQAMC the following quarterly loan/lease reports for wholesale equipment:
  - (1) Quarterly Equipment Loan/Lease Report. Summary of all active loans/leases.
  - (2) Quarterly Delinquent Loan/Lease Report. Summary of all delinquent loans/leases.
  - (3) Quarterly Counter-drug (Loan/Lease/1208 Transfer) Report. Summary loans, leases and 1208 transfers in support of Federal, State, or local drug law enforcement agencies.
- d.* The reports will be prepared as of the last day of the quarter and sent to HQAMC (AMCOPS-SLA) for submission to ODCS, G-4, ATTN: DALO-SMP, no later than the 15th day of the following month.
- e.* Loans and donations conducted under 10 USC 2572 will be reported by TACOM, AMSTA-IM-OER, Warren, MI 48397-5000 semi-annually through AMCOPS-SLA to ASA (ALT). Reports will be submitted no later than 15 April and 15 October, with cutoff dates of 31 March and 30 September, respectively.

## **Chapter 8 Avalanche Control Program**

### **Section I General**

#### **8-1. Purpose**

This chapter implements the provisions of the National Defense Authorization Act 1985 and prescribes policies and procedures for the loan or lease of weapons and sale of ordnance to the various categories of recipients under the Avalanche Control Program (ACP).

- a.* This chapter will be used in conjunction with—
  - (1) Other DA and DOD regulations that outline supporting policies and procedures.

(2) A Memorandum of Agreement (MOA) that will delineate all specific requirements and responsibilities with which Federal and State agency ACP participants will be required to concur prior to participation in the program (fig 8-1 is a sample MOA).

(a) The ACP support provided Federal agencies and departments will be documented. DD Form 1144 (Support Agreement) will be used to document support at level of execution, form the financial basis for reimbursables, and provide information for recording, in the DOD data base, all ACP support to DOD and non-DOD Federal agencies and departments. DD Form 1144 documenting the support is the official agreement; the MOA should be attached to DD Form 1144.

(b) Each DD Form 1144 agreement will be costed for budget and/or avoidance savings. The Army will take credit on the form for 100 percent of avoidance savings. Until procedures are established for interdepartmental transfer of shared budget savings, the receiver (non-DOD Federal agency) of support will retain any budget savings resulting from the agreement. The DD Forms 1144 will be recorded and forwarded to the DOD Defense Regional Interservice Support Data Base. Man-year avoidance savings will be credited to the Army supplier.

b. All applicable echelons of supply, maintenance, and distribution will ensure that there are no undue delays in providing supply and weapons support to the program.

## **8-2. Deputy Chief of Staff, G-4**

The DCS, G-4 will—

- a. Prescribe overall guidance on ACP logistics, policies, procedures, and priorities.
- b. Enter into supporting MOAs with authorized participants of the ACP.
- c. Authorize assignment of DODAAC for State agency participants in the ACP.
- d. Designate or obtain priority and project codes to be used by ACP participants.
- e. Review and approve loan/lease requests for weapons in accordance with this regulation.

## **8-3. Commanding General, U.S. Army Materiel Command**

The Commanding General (CG), AMC will—

- a. Identify sources for supply and maintenance of munitions in support of the ACP.
- b. Monitor the ACP to ensure timely support of repair parts, weapons, and ammunition.
- c. Review and recommend approval for loan/lease requests for weapons.
- d. Maintain the central registry of DD Forms 1144 where AMC major subordinate commands are the suppliers to other Federal agencies or departments.

## **8-4. Commanding General, U.S. Army Forces Command**

The CG, FORSCOM will—

- a. Ensure that all explosive ordnance disposal (EOD) and quality assurance specialist ammunition surveillance (QASAS) personnel are aware of the ACP.
- b. Provide support to ACP participants in accordance with this regulation.
- c. Maintain the central registry of DD Forms 1144 where FORSCOM subordinate commands are suppliers to other Federal agencies or departments.

## **8-5. Commanders of AMC major subordinate commands**

Within the scope of assigned responsibilities, these commanders will—

- a. Provide support as delineated in this regulation and subsequent MOAs as negotiated between HQDA and participants.
- b. Maintain files and copies of MOAs received from HQDA and supporting data relating to ACP logistics support.
- c. Contact the HQ, Joint Munitions Command (JMC), ATTN: SFSJM-CDA, Rock Island, IL 61299-6000 to arrange for depot maintenance of weapons used for avalanche control to be accomplished at Anniston Army Depot and ammunition at selected depot. The costs of this support will be included in reimbursables on DD Form 1144 (for non-DOD Federal agencies.)
- d. Assist State agency ACP participants in obtaining DODAAC as required.

## **8-6. Commanding General, U.S. Army Pacific Command**

The CG, U.S. Army Pacific Command will—

- a. Ensure that all EOD and QASAS personnel are aware of the ACP in Alaska.
- b. Provide support to ACP participants in accordance with this regulation.
- c. Maintain the central registry of DD Forms 1144 where FORSCOM subordinate commands are suppliers to other Federal Agencies or departments.

## **8-7. ASA (ALT)**

The ASA (ALT) or designated representative will sign a MOA on behalf of the Army. State or Federal agency signatory will be of equivalent rank or be responsible for their agency ACP.

## **8-8. ACP participants**

*a.* ACP participants will accomplish the following:

(1) Submit requests for establishment of an MOA to HQDA (DALO-SMA), Washington, DC 20314-0500. Specific responsibilities, required actions, liabilities, and procedures will be detailed in the MOA between DA and ACP participants. Other specific provisions will be detailed in the DD Form 1144 (or attachments) at the supplier/receiver level of execution.

(2) Return furnished materiel when no longer required.

(3) Reimburse the Army in accordance with this regulation, and DFAS-IN Regulation 37-1 for costs incurred in conjunction with the ACP.

(4) Assume responsibility and accountability for weapons and ammunition. Title for equipment loaned or leased to ACP participants remains with the U.S. Army.

(5) Be responsible for maintaining equipment in serviceable condition.

*b.* For Federal agency ACP participants, the head of the Federal agency or his or her designee will approve all requisitions, comply with provisions of an established MOA, complete agency portions of DD Form 1144, and furnish data required by the Army supplier for cost analysis.

*c.* For State agency ACP participants, the governor or a designee will approve all requisitions and comply with provisions of an established MOA.

## **8-9. Requests for loan/lease of weapons**

Written requests for loans/leases should be submitted in accordance with this regulation on DA Form 4881-6 concurrently with request for establishing an MOA and be submitted through Commander, U.S. Army Materiel Command, ATTN: AMCOPS-SMA, 9301 Chapek Road, Fort Belvoir, VA 22060-5527, to HQDA (DALO-SMA), Washington, DC 20310-0500. Generally, weapons will be loaned to Federal agencies and leased to all non-Federal agencies and activities in accordance with established laws.

## **8-10. Storage**

Weapons and ammunition will be stored as outlined in respective MOAs. Provisions for care and preservation of materiel must be included in storage plans according to AR 702-6.

## **8-11. Inventory management**

The ACP participant assumes responsibility for the safe handling of weapons and ammunition and for accountability of ammunition. An annual reconciliation of weapons will be initiated by the ICP. A monthly inventory of ammunition will be conducted by Federal ACP and State agency ACP participants; quantities on hand will be reported to the HQ, JMC, ATTN: AFSJM-CDA, Rock Island, IL 61299-6000 (see AR 710-2 and AR 740-26).

## **8-12. Security**

Security procedures identified in DODI 5220.30 and ammunition storage procedures identified in DOD 4145.19-R-1 (extracts of which will be attached as part of the MOA) will be followed. Minimum requirements will be delineated in respective MOAs.

## **8-13. Security waivers**

Waivers will be considered on an individual basis, and blanket waivers will not be authorized.

*a.* The participant will submit a written request for waivers of security requirements as indicated in the MOA to HQDA (DALO-SMA), Washington, DC 20310-0547.

*b.* The request for waiver will include the following:

(1) A statement as to why the ACP participant is unable to meet established security requirements.

(2) Alternative procedures that the participant proposes to establish to provide comparable security.

*c.* HQDA (DALO-SMA) will coordinate the request through security channels.

*d.* Approved waivers will be documented and provisions will be included as a clause in the MOA.

## **8-14. Security exceptions**

Waivers provide temporary relief from correctable deficiencies. Exceptions provide permanent relief for deficiencies that are impracticable to correct and do not degrade security. Requests for exceptions will be processed in the same manner as requests for waivers (para 8-6) and will be documented in the MOA.

## **8–15. DA and DOD regulations supporting policies procedures**

a. An (MOA) that will delineate all specific requirements with which Federal and State agency ACP participants will be required to concur prior to participation in the program (see fig 8–1).

b. The ACP support provided Federal agencies and departments will be documented. DD Form 1144 (Support Agreement) will be used to document support at level of execution, form the financial basis for reimbursables, and provide information for recording, in the DOD data base, All ACP support to DOD and non-DOD Federal agencies and departments. The DD Form 1144 documenting the support is the official agreement; The MOA should be attached to the DD Form 1144.

c. Each DD Form 1144 agreement will be costed for budget and/or avoidance savings. The Army will take credit on the form for 100 percent of avoidance savings. Until procedures are established for interdepartmental transfer of shared budget savings, the receiver (non-DOD Federal agency) of support will retain any budget savings resulting from the agreement. The DD Forms 1144 will be recorded and forwarded to the DOD Defense Regional Interservice Support Data Base. Man-year avoidance savings will be credited to the Army supplier.

## **Section II**

### **Loan or Lease of Weapons**

#### **8–16. Requester or participant**

a. Upon approval of an MOA, loan/lease agreements and interservice/interagency support agreements (in case of Federal agencies) will be initiated by the U.S. Army Tank-automotive and Armaments Command (TACOM) and forwarded to the ACP participant for signature.

b. The following forms will be used:

(1) *DD Form 1144*. This form will be used by the supporting Army activity for documentation of support to DOD and non-DOD Federal agencies.

(2) *DA Form 4881*. Federal agencies will complete DA Form 4881 and corresponding forms and documentation as directed by this regulation for obtaining weapons for ACP purposes. Completion of the agreement package requires coordination between the agency and the inventory control point (ICP).

(3) *DA Form 4881–5*. Domestic (State) organizations must, in conjunction with the ICP, complete DA Form 4881–5 (Agreement for the Lease of U.S. Army Materiel) and supporting forms and documentation as outlined in this AR.

(4) *DA Form 1857*. The ICP will submit DA Form 1857 (Statement of Account) to the appropriate domestic (State) organization for collection of the annual lease fee as delineated in the MOA (see DFAS–IN Regulation 37–1 for guidance on use).

(5) *DD Form 448 (Military Interdepartmental Purchase Request) (prescribed by the FAR)*. This form is designed for use by DOD agencies to request repair parts or maintenance support from other DOD agencies. Federal agencies will use DD Form 448 for requesting maintenance support of weapons. Copies of the purchase request will be forwarded to the ICP as delineated in the respective MOA. ACP participant requirements for depot level maintenance must be provided to HQ TACOM, ATTN: AMSTA–LC–LEAC, no later than 15 May each year to allow sufficient time for the Army to schedule maintenance.

c. Non-Federal agency leasees will—

(1) Will submit written requests with certification of availability of funds for purchase of repair parts or for performance of depot level weapons maintenance. Requirements for parts or maintenance must be submitted not later than 15 May each year. Reimbursement will be required within 30 days of issue of parts or accomplishment of maintenance.

(2) May request from HQ, TACOM, ATTN: AMSTA–LC–LEAC, Rock Island, IL 61299–6000, without charge, copies of drawings, specifications, or instructions as required for the operation or field repair of the weapon as part of the agreement.

#### **8–17. Maintenance support**

Appendix C prescribes procedures for obtaining repair parts and maintenance support of weapons loaned or leased for ACP purposes.

## **Section II**

### **Funding and Reimbursement**

#### **8–18. Loans**

Loans of weapons to Federal agencies participating in the ACP are continuous recurring support. The accountable property book officer performs an annual reconciliation of weapons on loan to Federal agencies. Federal agencies are charged only the incremental costs the Army incurs for providing equipment on loan or for repair parts for maintenance of the weapons.

## **8-19. Leases**

a. The Army may lease weapons to domestic (State) organizations participating in the ACP to be used exclusively for avalanche control purposes under provisions of 10 USC 2667. Leases in support of the ACP may be approved for a maximum of 5 years. A specific determination that the lease is in the public interest must be made by the Secretary of the Army or his designee (ASA (ALT)) to extend the lease beyond the 5-year period. Annual rental fees and specific provisions of support will be delineated in MOAs established between DA and ACP participants.

b. Requests for repair parts and return/repair of leased weapons will be coordinated between the TACOM-RI weapons manager (AMSTA-LC-LEAC) and the ACP participant. The participant will submit written requests through channels as indicated in the MOA or DD Form 1144. The TACOM representative will coordinate with the lessee for return of unserviceable weapons to Tooele Army Depot. An overhaul price will be provided and the lessee will be required to reimburse the Army for overhaul/repair of the equipment. The TACOM-RI representative will initiate shipment of the repaired weapon. Transportation costs will be borne by ACP participants.

## **8-20. Pricing**

At the beginning of each fiscal year, TACOM-RI, ATTN AMSTA-LC-LEAC, Rock Island, IL 61299-7630, will provide prices to ACP participants for overhaul, basic issue items, and packaging, crating, and handling for the 75-mm and 105-mm recoilless rifles. These prices will remain fixed throughout the fiscal year. Revision of DD Form 1144 will be required to reflect updated prices.

## **8-21. Losses**

Claims for losses or damage to Government-owned property will be processed in accordance with AR 735-5 and the provisions of the MOA.

## **Section III**

### **Ammunition Requisition Procedures**

## **8-22. Submission of requests by ACP participants**

a. Federal and State agency ACP participants will prepare SF 344 (Multi-use Standard Requisitioning/Issue System Document) (prescribed by AR 725-50) in triplicate to place demands for conventional ammunition items on defense supply sources (see fig 8-1). Completed SF 344s will be forwarded to Commander, JMC, ATTN: SFSJM-CDA, Rock Island, IL 61299-6000, as identified in the specific MOA.

b. State forms may be used by State ACP participants as long as complete information requested by figure 8-1 is provided.

c. Any organization requiring help in the requisitioning of conventional ammunition for ACP purposes should contact applicable offices as designated in specific MOAs.

## **8-23. Receipt documents**

DD Form 1348-1A (see to AR 725-50) will accompany items shipped to the customer. The form is used as a—

a. Release document from the shipping activity to the consignee resulting from a requisition.

b. Receipt document by the consignee.

(1) Upon receipt of supplies, the customer will sign and date DD Form 1348-1A in block 14 and provide receiving agency document number in block 15 signifying actual receipt of item and quantity ordered. The original copy will then be mailed to Commander, JMC, ATTN: SFSJM-CDA, Rock Island, IL 61299-6000 (for ammunition), and Commander, TACOM, ATTN: AMSTA-LC-LEAC, Rock Island, IL 61299-6000 (for weapons) (address as outlined in the respective MOA).

(2) Participants may submit a report of discrepancy involving the receipt of weapons or ammunition. This report will be sent to the ICP (address and details as outlined in the respective MOA).

## **8-24. Reimbursement procedures for Federal agencies**

Upon completion of supply actions, JMC (SFSJM-CDA) will bill the agency at the address designated on the SF 344 (requisition document) using SF 1080 (see DFAS-IN Regulation 37-1).

## **8-25. Funding and reimbursement procedures for domestic (State) agencies**

State agencies may request the purchase of ammunition directly from Commander, JMC (SFSJM-CDA), Rock Island, IL 61299-6000. The actual fund authorization document to be used by the State may be negotiated during establishment of the MOA. Certification that funds are available must be provided and documented in advance. The ICP will bill the agency at the address designated on the requisition document using SF 1080.

## **8-26. Ammunition pricing**

a. The following criteria will be used to determine price of ammunition issues to both domestic and Federal agencies:

- (1) Surplus rounds: 3 percent of the standard price.
- (2) Nonsurplus rounds and components (fuzes, new propellant, and so forth): standard price at time of issue.
- (3) Labor charges: actual costs to install/replace fuzes, replace propellant, and so on.
- (4) PC&H and administrative charges: 9 percent of the standard price (accessorial charges for PC&H munitions in accordance with DFAS-IN Regulation 37-1 or successor regulations) of the munitions purchased.
- (5) Transportation charges: actual cost.

b. Specific pricing policy for ammunition items to include renovation and repair and installation of fuzes will be delineated in the MOA. JMC (SFSJM-CDA) (ammunition) and TACOM RI (AMSTA-LC-LEAC) (weapons/maintenance) will provide a pricing update to all ACP participants on 1 April each year.

c. Buyback of fuzes or other components is authorized subject to the requirements of the FAR and subsequent DOD and AFAR supplements.

## **8-27. Forecasting ammunition requirements**

All participants will provide the inventory control point, a 5-year forecast of ammunition requirements (point of contact and address will be delineated in the MOA/DD Form 1144 attachments). An annual update of these requirements will be submitted no later than 15 May each year. JMC (SFSJM-CDA) will provide annual price and availability to each participant by 1 April each year.

## **8-28. Ammunition surveillance**

a. The Army will perform surveillance and reliability testing of ammunition according to SB 742-1 prior to issue of ACP participants to ensure that ammunition provided for the ACP is functionally serviceable. The Army will not certify ammunition for overhead fire. Where overhead fire is required, ACP participants will assume full responsibility. Participants may submit written requests for QASAS support to Commander, JMC ATTN: SFSJM-QAS, Rock Island, IL 61299-6000. SFSJM-QAS will coordinate the request with the appropriate Army installation to assure prompt QASAS support.

b. ACP participants will notify HQ, JMC, ATTN: SFSJM-QAS, Rock Island, IL 61299-6000 (as delineated in the MOA/DD Form 1144), regarding any ammunition malfunction.

c. The Army will provide official notification of ammunition suspensions or other ammunition data and will provide disposition instructions for any ammunition permanently suspended and still within control of the ACP participant. A like quantity of nonsuspended ammunition may or may not be provided without cost to the participant as replacement. Determination will be conducted case by case by HQ, JMC.

## **8-29. Explosive ordnance disposal**

a. EOD assistance will be provided upon request by the ACP participant.

b. The ACP participants may request EOD support when ammunition items issued by the Army in support of the ACP have failed to function as intended.

c. EOD support will be provided on a nonreimbursable (public assistance) basis.

d. Points of contact for EOD support are as follows:

(1) For California, Utah, Washington, and Wyoming: Commander, 548th Ord Det (Explosive Ordnance Detachment Control Center (EODCC)), Presidio of San Francisco, California 94129.

(2) For Colorado: Commander, 543d Ord Det (EODCC), Fort Leonard Wood, MO 65473.

(3) For Alaska: Commander, 176th Ord Det, Fort Richardson, AK 99505.

e. Guidance for EOD support is fully discussed in AR 75-14 and AR 75-15.

## **8-30. EOD support to civil authorities**

Rendering-safe and disposing of explosive ordnance (EO) reported or discovered outside DOD installations normally are responsibilities of civil authorities. The EOD assistance, in the form of actions and/or advice, may be provided upon request when a determination has been made by the authority concerned that such assistance is required in the interest of public safety.

## **8-31. Additional details**

a. Specific details for QASAS and EOD support will be delineated in the individual MOAs/DD Forms 1144.

b. Appendix C gives guidance for procedures on QASAS. Questions regarding EOD support may be directed to the ICP or to Commander, FORSCOM, ATTN: AFOP-OCE, Fort McPherson, GA 30330-6000.

c. The sample memorandum of agreement is shown in figure 8-1.

d. Figure 8-2 is an example of a completed SF 344; with instructions for completing the form.

DEPARTMENT OF THE ARMY  
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR LOGISTICS  
WASHINGTON, DC 20310-0547

REPLY TO  
ATTENTION OF:  
DALO-SMS

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE U.S. ARMY  
AND  
(THE STATE OF (Receiver), DEPARTMENT OF (Receiver),)  
OR  
(THE DEPARTMENT OF (Receiver))

SUBJECT: Avalanche Control

1. Purpose. The purpose of this MOA is to provide an agreed upon basis for the relationship between DA and the (Receiver) concerning organization and logistics support for the ACP and to establish the nature of support that will be made available by the Army in support of the ACP, the procedures for requesting support, the responsibilities of the Army and the (Receiver), and the requirements for reimbursement.
2. References. All references to this agreement are listed in AR 725-20, appendix A.
3. Background. Commercial sources for weapons and ammunition suitable for avalanche control purposes are currently not available. The Army has provided surplus weapons and munitions for avalanche control in the past and will continue to do so pending the development of suitable commercial or sports industry alternative.
4. Scope. This agreement applies to the parties of this agreement and to proponent agencies involved in the loan or lease of weapons and the supply of ammunition items for avalanche control purposes.
5. Responsibilities. Nothing in this agreement will be construed as relieving the (principal parties) of their respective responsibilities relating to avalanche control or the ACP.
6. Authority. The authority for this agreement is:  
(For Federal agencies) 31 USC 1535, chapter 10, Title 40 USC, and to the extent that the (Receiver) ACP may be deemed to protect public property, 10 USC 4655.  
(For non-Federal agencies, domestic organizations) 10 USC 2667, and 10 USC 4657 (effective 1 Oct 84).  
(For the U.S. Forest Service (USFS)) Special use permits are issued by the USFS under the authority of 16 USC 497, 16 USC 555, and 16 USC 572. Cooperation between the USFS and winter sports permittees includes the permittees financing the costs of administration and use of military hardware for use at winter sports sites.
7. Objectives. The objectives of this agreement are to:
  - a. Identify responsibilities of the participants to this agreement and establish a relationship applicable to the participating organizations delineating their respective actions relating to the ACP.
  - b. Provide policies governing respective agreement on matters relating to the ACP.
  - c. Standardize relationships and language between Army organizations and (Receiver) agencies/elements.

Figure 8-1. Sample memorandum of agreement

8. General Policies.

- a. HQDA is responsible for overall Army guidance for the ACP program.
- b. HQ, AMCCOM is the principal Army Headquarters responsible for ACP support. AMCCOM will accept and process requisitions from authorized customers; provide customers with current suspension/restriction listings; assist those responsible for storage, use, and transportation of weapons and ammunition; and answer questions from customers concerning general safety publications not covered by national safety codes or standards subject to the terms and conditions of this agreement.
- c. The policies contained herein will govern the relationship of all parties involved with this agreement. Actions will be executed at the lowest practical level and will be in accordance with AR 725-20 (attached) and AR 5-16.
- d. (For Federal agencies) Weapons may be loaned at incremental cost to the Departments of Agriculture and Interior under provisions of 31 USC 1535; or (For State agency ACP participants) Weapons may be leased to State agencies under provisions of 10 USC 2667. In addition to recoupment of costs, the lessee is required to pay a "fair monetary rental fee."
- e. (For Federal agencies) 31 USC 1535 permits sales of ammunition to Federal departments and agencies; or (For domestic (State) organizations) 10 USC 4657 permits sales of ammunition to State agencies or entities licensed by the State for avalanche control purposes.

9. Understandings, Agreements, Support, and Resource Requirements.

- a. The Department of the Army (HQDA) recognizes the importance of avalanche control to the public safety and will, within capabilities, provide weapons and ammunition in support of the ACP.
- b. HQ, AMC, ATTN: AMCSM-PDP, will monitor logistics support for the ACP and review and recommend approval for loan/lease of weapons in accordance with AR 725-20.
- c. HQ, AMCCOM, Rock Island, IL 61299-6000, has general responsibility for providing logistics support to ACP participants in accordance with AR 725-20 and AR 5-16. Specific offices are identified with functions. AMCCOM has responsibility for ammunition surveillance. Where ammunition surveillance is required, this category of support will be included on DD Form 1144 for all Federal agencies, and will be provided on a reimbursable basis as agreed to in writing by State agency ACP participants.
- d. ACP participants will follow procedures outlined in Appendix B, AR 725-20, for maintenance. Maintenance responsibilities for avalanche weapons are as follows:
  - (1) ACP participants will contact HQ AMCCOM, ATTN: AMSMC-MML, Rock Island, IL 61299-6000, Comm (309) 782-6454, for assistance in scheduling maintenance for weapons.
  - (2) ACP participants will contact HQ AMCCOM, ATTN: AMSMC-MAG-S, Rock Island, IL 61299-6000, Comm (309) 782-8303, to obtain advice and assistance for resolving operating problems related to operation of ACP weapons.
  - (3) ACP participants will write to HQ AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000, to formally request performance of maintenance.
  - (4) HQ AMCCOM, ATTN: AMSMC-MAF-MW, Rock Island, IL 61299-6000, Comm (309) 782-4287, AV 793-4287, will receive approved requests for maintenance support from AMCCOM (AMSMC-MMD) and will conduct all required coordination for actual performance of maintenance with HQ DESCOM.
  - (5) HQ DESCOM, ATTN: AMSDS-SM-MTA, Chambersburg, PA 17201-4170, Comm (717) 263-7946, AV 238-7941, will direct maintenance of avalanche weapons at Tooele Army Depot.
  - (6) Commander, Tooele Army Depot, ATTN: SDSTE-MEP-TA, Tooele, UT 84074-5006, Comm (801) 833-2918, AV 790-2918, will perform maintenance on weapons used for avalanche control.
- e. HQ, FORSCOM, ATTN: AFOP-OCE, Ft McPherson, GA 30330-6000, Comm (404) 752-3193/3998, AV 588-3998, is responsible for explosive ordnance disposal (EOD) support required by ACP participants.
- f. The Army agrees to perform routine surveillance and reliability testing of ammunition, on a lot basis, prior to issue at no cost to ACP participants. The Army will not certify ammunition for overhead fire. Where overhead fire is required, the (Receiver) will assume full responsibility.
- g. The (Receiver) may request surveillance support on a reimbursable basis from HQ, AMCCOM, ATTN: AMSMC-QAS, Rock Island, IL 61299-6000. AMSMC-QAS will coordinate the request with the appropriate Army headquarters and installation to assure prompt support. Include location of inspection and the lot and type of ammunition to be inspected. Cite this agreement and AR 725-20 as authority.
- h. The (Receiver) agrees to notify HQ, AMCCOM, ATTN: AMSMC-QAS, commercial (309) 782-2421, extension 82, or AUTOVON 793-2421, extension 82, immediately of any ammunition malfunction involving death, injury, or property damage. Other malfunctions must be reported within 24 hours. Notification shall include type of ammunition, lot number, and the conditions under which the malfunction occurred. The Army is to notify the (Receiver) at (message address of ACP participant) of ammunition suspensions or other ammunition data. The Army will provide disposition instructions for any ammunition permanently suspended and still within control of the (Receiver). A like quantity of nonsuspended ammunition may or may not be provided without cost to the (Receiver) as replacement. Determination will be on a case-by-case basis by HQ, AMCCOM.

Figure 8-1. Sample memorandum of agreement—Continued



i. The (Receiver) is responsible for training all personnel who handle or use munitions furnished under this program with particular attention to safety and security. The Army may, on the basis of local arrangements not within the scope of this agreement, assist in the training of such personnel on a reimbursable basis.

j. The (Receiver) assumes responsibility for the security, safe handling, and use of munitions furnished pursuant to this agreement in a manner consistent with common practice, public law, local ordinances, and this MOA. The Army recommends that security procedures identified in DODI 5220.30 and ammunition storage procedures in DOD 4145.19-R-1, extracted copies of which are attached to this agreement, be followed. As a minimum, the following mandatory security requirements are agreed to by the (Receiver):

(1) Safeguard weapons and ammunition from loss or theft and ensure that provisions as set forth in this agreement are followed.

(a) Accountability. The (Receiver) is required to have or establish an accountability system for both weapons and ammunition. Records kept shall reflect nomenclature, serial numbers, quantities, lot numbers, and locations of weapons and ammunition.

(b) Security. The (Receiver) is required to--

1. Provide storage area exterior lighting of sufficient intensity for personnel in the area to recognize illegal or unauthorized activities.

2. Establish a key and lock control system that provides for the appointment of a custodian, maintenance of a key and lock register, maintenance of a list of personnel authorized to use/issue keys, and secure keys in a locked container.

3. Physically remove the firing device from the weapon and store the firing device under lock at a location removed from the weapon storage or firing area.

4. Comply with the Gun Control Act of 1968 (PL 90-618) and any other applicable Federal, State, or local laws to the extent they apply to the ACP. The (Receiver) is responsible for preventing misuse of the munitions or their use by unauthorized persons.

(c) Storage and Storage Areas. Ammunition will be stored under lock and key. An inventory will be conducted of all ammunition monthly. The result of the monthly inventory will be reported in writing to HQ, AMCCOM, ATTN: AMSMC-DSD, Rock Island, IL 61299-6000. (Telephone commercial (309) 782-3261/5206 or AUTOVON 793-3261/5206.) The (Receiver) is required to ensure that storage areas are constructed in accordance with requirements established by the Bureau of Alcohol, Tobacco, and Firearms in 18 USC 342 (DODI 5220.30). Storage areas will be protected with a central alarm system to be installed in accordance with UL Standard 681, Extent No 3. Storage areas not under constant surveillance, or protected by an intrusion alarm system, will be checked during nonworking hours at least once every 4 hours.

(d) Standing Operating Procedures. The (Receiver) is required to prepare written procedures designed to ensure compliance with the security standards as outlined in this agreement. These procedures shall be made available for review and approval by HQDA (DALO-SMS).

(2) The (Receiver) will report any loss, theft, or attempted theft of Government property with physical evidence of the attempt; any evidence of terrorist involvement or trafficking of weapons and/or munitions to local law enforcement agencies and to the Federal Bureau of Investigation. Losses or theft and the circumstances thereof will also be reported in writing to HQ, AMCCOM, AMSMC-MMD, Rock Island, IL 61299-6000. (Telephone commercial (309) 782-6494 or AUTOVON 793-6494.) Army claims for losses or damage to Government-owned property will be processed in accordance with existing Army regulations. The (Receiver) agrees to reimburse the Army for loss or damage to materiel loaned or leased in support of the ACP.

(3) ACP participants may enter into a separate support agreement (MOA/DD Form 1144) for storage of weapons and ammunition with an Army installation/depot, local National Guard, or Army Reserve activity with the capability and facilities to store the weapons or ammunition. Services provided will be on a reimbursable basis. Where existing rates/costs have not been established, rates may be negotiated.

k. The (Receiver) will not mortgage, pledge, assign, transfer, sublet, or part with possession of any munitions in any manner to any third party either directly or indirectly (except as provided in this paragraph) without the written permission of the Assistant Secretary of the Army (Installation and Logistics). The munitions will be utilized by the (Receiver) under this agreement. At all times, the Army shall have free access to all munitions for the purpose of inspection or inventory.

1. The (Receiver) will return all materiel furnished when no longer required for the ACP upon termination of this agreement. Materiel will be returned to a location designated by HQ, AMCCOM(AMSMC-MMD) with credits and charges calculated under applicable Army regulations.

Figure 8-1. Sample memorandum of agreement—Continued

m. The (Receiver) agrees to reimburse the Army for all costs incurred in conjunction with the ACP. Monies collected as reimbursement will be deposited to the account used to provide the materiel. Ammunition will be priced as prescribed by AR 725-20, paragraph 4-5. The Army will provide the price of each ammunition item to ACP participants by 1 April each year.

n. Responsibility for weapons and responsibility and accountability for ammunition will be transferred to the (Receiver) upon receipt.

(For U.S. Forest Service)

(1) USFS weapon assets stored at Tooele Army Depot will be accounted for using ownership/purpose code 9 within the Commodity Command Standard System. Specific written instructions from the owning participant will be required for release of weapon assets stored at Tooele Army Depot, ATTN: SDSTE-SUI, AV 790-2507 by HQ, AMCCOM, Rock Island, IL 61299-6000.

(2) Storage and control of assets will require reimbursement from the participant on an annual basis. HQ, DESCOM will compile the charges for which participants will be billed. Any significant change in these costs will require an update of the DD Form 1144.

(For all ACP participants) Assets leased to State agencies and loaned to Federal agencies will be returned to HQ, AMCCOM's accountability in accordance with provisions of the loan/lease agreement upon determination of being unserviceable or no longer required. Replacement for unserviceable assets will occur as required; credit for unserviceable returned assets will be determined on a case-by-case basis by HQ, AMCCOM.

o. The (Receiver) will assume all responsibility for any claims arising from the possession, use, or transportation of the munitions items and agrees to hold the Army harmless from any such claims and liability.

(For all ACP Participants) Specifically, the (Receiver) agrees to hold the Army harmless for damage to property of the (Receiver) or property of others or for personal injuries to the officers, agents, servants, or employees of the (Receiver), or to any other persons arising from an incident related to the (Receiver)'s continued retention and use of munitions materiel incident to this agreement.

(For Federal ACPs) The (Receiver) assumes the responsibility for receiving, processing, and payment of claims made against the Department of Defense and its subordinate departments arising from incidents relating to munitions supplies furnished to the (Receiver). In the event suit is filed, the (Receiver) will be the lead agency in supporting the Department of Justice in litigation.

(For State agency ACPs) The (Receiver) agrees to indemnify the Army for any costs incurred as a result of any claims or civil actions brought by any third person arising from or incident to the (Receiver)'s retention and use of munitions materiel. The (Receiver), in addition, agrees to file no claim for administrative settlement with any Federal agency or institute any action or suit for money damages in any court of the United States or any State for loss of property, personal injury, or death arising from or incident to the (Receiver)'s continued retention and use of munitions.

p. The (Receiver) agrees by 15 May annually to provide an updated 5-year forecast of requirements to enable the Army to plan for ammunition supply, surveillance, and other inspections, and maintenance planning for parts and repair of weapons and accouterments.

(1) Forward repair parts and maintenance forecast to Commander, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000.

(2) Forward ammunition requirements forecast to Commander, AMCCOM, ATTN: AMSMC-DSD, Rock Island, IL 61299-6000.

q. The (Receiver) is responsible for care and maintenance of loaned or leased materiel during the term of this agreement. The (Receiver) will maintain the materiel in serviceable condition and ensure it is returned to the Army in as good a condition as when loaned or leased (fair wear and tear excepted). Records of maintenance performed will be kept, and returned to the Army with the materiel. The Army agrees to provide repair parts, maintenance, and overhaul repair services for weapons provided under this agreement on a reimbursable basis. Requests for maintenance agreements should be addressed to Commander, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000.

(1) The (Receiver) will neither make nor permit any modifications or alterations of any borrowed or leased materiel except with written permission of HQ, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000.

(2) AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000, Comm (309) 782-6454 or AV 793-6454, will, in coordination with HQ, DESCOM, arrange for depot maintenance of weapons used for ACP purposes to be accomplished at Tooele Army Depot, UT.

(3) AMCCOM(AMSMC-MMD) will provide the cost of repair parts, maintenance, and overhaul to ACP participants at the beginning of each fiscal year. These costs will remain fixed for the following fiscal year and will enable participants to plan for maintenance of assigned equipment.

(4) Upon determination of maintenance requirements, the participant will submit a purchase order/ written request with fund cite to Commander, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000.

(5) Maintenance will be scheduled, insofar as possible, during the summer season. Participant requirements for maintenance and repair parts should be forwarded to Commander, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000, not later than 15 May annually to allow for sufficient time for scheduling maintenance and procurement of parts.

Figure 8-1. Sample memorandum of agreement—Continued

r. Requisitioning of ammunition will be accomplished in accordance with AR 725-20, chapter 4. In all cases, the stockpiling of ordnance for greater than one year's expenditure is prohibited by this agreement. HQ, AMCCOM will accept requisitions from authorized participants for ammunition considered applicable to the ACP, subject to the terms and conditions of this agreement. Ammunition requisitions will be submitted as follows:

(1) *(For Federal agency ACP participants)* The *(Receiver)* will direct SF 344 in triplicate, one line (NSN) per order, to Commander, AMCCOM, ATTN: AMSMC-DSD, Rock Island, IL 61299-6000; or *(For State agency ACP participants)* The *(Receiver)* will utilize SF 344 or similar form when submitting requisitions. Blank forms are available through the Baltimore AG Publications Center, Customer Assistance, telephone (301) 962-2533. *(Cite AR 725-20 and this agreement when requesting forms.)* The order will be in the format outlined in AR 725-20, figure 4-1, and will be directed to Commander, AMCCOM, ATTN: AMSMC-CPB-CB, Rock Island, IL 61299-6000, who will forward the requisition for appropriate supply action. Reimbursement for munitions will be accomplished in accordance with AR 725-20, chapter 4, and this MOA.

(2) Authorized priority for requisitioning munitions for the purpose of this agreement is 03 (emergency), 06 (immediate), and 15 (routine replenishment).

(3) HQ, AMCCOM (AMSMC-CPB-CB) will bill the participant at *(Receiver)* (designated address) on SF 1080, and the participant will reimburse the Army at the rate or prices specified in the annual pricing supplement issued by the ICP in accordance with the MOA.

(4) Upon receipt of ammunition, the ACP participant will be responsible for completing DD Form 1348-1, which will accompany the shipment. Upon receipt of supplies, the ACP participant will sign and date the document signifying actual receipt for the item and quantity ordered. The original copy will be mailed to Commander, AMCCOM, ATTN: AMSMC-DSD, Rock Island, IL 61299-6000.

s. Participants may submit reports of discrepancy (ROD) involving receipt of ammunition or weapons to the Commander, AMCCOM, ATTN: AMSMC-MMD, Rock Island, IL 61299-6000, telephone comm (309) 782-6494, or AV 793-6494.

t. The EOD support will be provided upon request and without charge. EOD support will be provided in accordance with AR 725-20, paragraphs 4-8 and 4-9. Requests must be forwarded or telephoned to the geographic area EOD Control Centers as follows:

(1) For California, Utah, Washington, and Wyoming: Commander, 548th Ordnance Detachment (EODCC), Presidio of San Francisco, CA 94129, telephone: (415) 561-4203/4312.

(2) For Colorado: Commander, 543d Ordnance Detachment (EODCC), Fort Leonard Wood, MO 65473, telephone: (314) 368-3814/4313.

(3) For Alaska: Commander, 176th Ordnance Detachment (EOD), Fort Richardson, AK 99505, telephone: (907) 862-2198/8114.

u. *(For State agency ACP participants)* The *(Receiver)* agrees to provide a surety bond to HQ, AMCCOM, Rock Island, IL 61299-6000, in the form of a certified bank check, a cash deposit, U.S. treasury bond, or bonding company bond in the amount of the total value of borrowed or leased material.

10. Effective Date, Modifications, and Termination.

a. This agreement becomes effective upon signature of all parties.

b. This MOA will be reviewed annually, during the fourth quarter of the fiscal year. The agreement may be modified at any time by mutual agreement of the Army and the *(Receiver)*, and may be terminated upon the mutual agreement of all signatories, or 90 days following the receipt of written notice of withdrawal by either party.

(Signature)	(Signature)
(Name)	(Name)
(Title)	Executive Director Avalanche Control
(Organization)	Headquarters, Department of the Army
(Date)	(Date)

Note.

Material that is to be included in this memorandum exactly as shown is printed as if typewritten (typewritten). Material that is to be included in this memorandum exactly as shown but only by certain users is printed in bold (bold print). Information to be provided by the user and instructions for this memorandum are printed in bold italic (bold italic print).

Figure 8-1. Sample memorandum of agreement—Continued

DOCUMENT IDENTIFICATION															SIGNATURE (If required)	
1. DOC. IDEN.	2. ROUTING IDEN.	3. 9-10 REQUISITIONER	11. DATE	13. DES.	14-15F. SUPPLEMENTARY ADDRESS	17. FUND.	18F. DISTRI-BUTION	19. PROJECT	20. PRI-ORITY	21. REQ. O. DELIVERY DATE						
1-3	4-6	7	30-35	36-39	44	45-50	51	52-53	54-56	57-59	60-61	62-64				
											TELEPHONE NUMBER					
REQUISITION DATA																
STOCK NUMBER				7. 6. ADD. T'NL	8. UNIT OF ISSUE	12. QUANTITY	13. SERIAL	14-15V. SUPPLEMENTARY ADDRESS	16V. 9. 5.	18V. DISTRI-BUTION	19V. PROJECT	22. ADVISE				
4. FSC	5. NIIN	21-22	23-24	25-29	40-43	45-50	51	54-56	57-59	65-66	23. REMARKS					
8-11	12-20															
SAMPLE												26 Appropriation(s) for ammunition and transportation where applicable				
												27 Ship-to address: District Ranger (exact location—no post office box numbers) U.S. Forest Service 8 miles east of Absarokee, MT 12345				
												28 Bill to: Jackson National F. (complete address) PO Box 578 Randolph, MT 12345				
												29 Contact Name and Phone Number: Jean Gannar 760-766-4321				
												30 Other Special Instructions				
												31 Mark For: Forest Service Avalanche Control				

MULTIUSE STANDARD REQUISITIONING/ISSUE SYSTEM DOCUMENT

NSN 7540-00-965-2379

STANDARD FORM 344 (REV. 2-93)  
Prescribed by GSA, FPMR (41 CFR) 101-26.2

Figure 8-2. Sample SF 344, with instructions for completing the form

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Authorized signature (head of organization or his or her designee) must appear on original order copy. Only one line item (NSN) should be used per order.

1. DOC. IDEN. (1–3). Always enter AOE.
2. ROUTING IDEN. (4–6) Always enter B14.
3. M & S (7). Always enter A.

DOCUMENT NUMBER

9–10. REQUISITIONER (30–35). For all Federal agencies, enter DODAAC for the officer ordering the ammunition.

11. DATE (36–39). Enter Julian date.

13. DEM (44). Leave Blank.

14–15F. SUPPLEMENTARY ADDRESS (45–50). Enter DODAAC of receiving location. If the receiving location does not have a DODAAC, enter complete receiving address, point of contact (name), and phone number in Item 23, REMARKS. See entries 26 through 31.

16F. SIG (51). Always enter J. This indicates the requisitioner (block 7) will receive the bill and the receiving location (block 7) is to receive the ammunition.

17. FUND (52–56). For USFS, enter FS; all other participants will use XP.

18F. DISTRIBUTION (54–56). Leave blank.

19. PROJECT (57–59). Leave blank.

20. PRIORITY (60–61). Enter authorized priority as indicated in MOA.

21. REQ'D DELIVERY DATE (62–64). Enter Julian date for required delivery.

4. FSC (8–11). Enter Federal supply class (FSC) number (1315).

5. NIIN (12–20). Enter the appropriate Department of Defense Identification Code (DODIC) (for ammunition orders only) from those shown below:

- a. C027 for 75 mm P/H HE.
- b. C051 for 75mm R/R HE.
- c. C053 for 75MM R/R HEP-T.
- d. C464 for 105mm R/R HE.
- e. C498for 105mm R/R HEP-T.

6. ADDT'N'L (21–22). Leave blank.

7. UNIT OF ISSUE (23–24). Enter EA (each).

8. QUANTITY (25–29). Enter quantity.

12. SERIAL (40–43). Enter serial number.

14–14V. SUPPLEMENTARY ADDRESS (45–50). Leave blank.

16V. SIG (51). Leave blank.

18V. DISTRIBUTION (54–56). Leave blank.

19V. PROJECT (57–59). Leave blank.

22. ADVICE (65–66). Leave blank.

SIGNATURE (*If required*). Signature of approving official described in paragraphs 8–1*b* and 8–1*c*.

TELEPHONE NUMBER. Enter commercial and DSN telephone number.

23. REMARKS.

- a. Enter appropriation(s) for ammunition and transportation where applicable.
- b. Enter ship-to address. Give the exact location.
- c. Enter the bill-to address
- d. Provide the contact name and phone number including the area code.
- e. Provide other special instructions.
- f. Enter "MARK FOR:" then list the receiving and purpose.

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Figure 8–2. Sample SF 344, with instructions for completing the form—Continued

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## **Appendix A References**

### **Section I Required Publications**

#### **AR 71-32**

Force Development and Documentation Consolidation Policies. (Cited in para 2-2.)

#### **AR 75-1**

Malfunctions Involving Ammunition and Explosives. (Cited in para C-7.)

#### **AR 75-14**

Interservice Responsibilities for Explosives Ordnance Disposal. (Cited in para 8-30.)

#### **AR 75-15**

Responsibilities and Procedures for Explosive Ordnance (Cited in para 8-30.)

#### **AR 190-11**

Physical Security of Arms, Ammunition, and Explosives. (Cited in paras 4-2 and 6-2.)

#### **AR 220-1**

Unit Status Reporting. (Cited in para 2-2.)

#### **AR 335-15**

Management Information Control System. (Cited in para 7-2.)

#### **AR 360-1**

The Army Public Affairs Program. (Cited in para 2-5.)

#### **AR 385-40**

Accident Reporting and Records. (Cited in DA Form 4881.)

#### **AR 500-1**

Aircraft Piracy Emergencies. (Cited in para 2-2.)

#### **AR 700-128**

Prime Power Program. (Cited in para 2-1.)

#### **AR 702-6**

Ammunition Stockpile Reliability Program (Cited in para 8-11.)

#### **AR 710-1**

Centralized Inventory Management of the Army Supply System. (Cited in para 2-2.)

#### **AR 710-2**

Inventory Management Supply Policy Below the National Level. (Cited in paras 2-2, 2-10b, 4-1f, 8-4, and 8-12.)

#### **AR 710-3**

Asset and Transaction Reporting System. (Cited in para 3-1.)

#### **AR 725-50**

Requisition, Receipt, and Issue System. (Cited in paras 4-2c and 8-23.)

#### **AR 735-5**

Policies and Procedures for Property Accountability. (Cited in paras 3-8, 5-1, 5-5, and 8-22.)

#### **AR 735-11-2**

Reporting of Supply Discrepancies. (Cited in para 3-3.)

**AR 740–26**

Physical Inventory Control (Cited in para 8–12.)

**DA PAM 710–2–1**

Using Unit Supply System Manual Procedures. (Cited in in para 2–2.)

**DA PAM 710–2–2**

Supply Support Activity Supply System Manual Procedures. (Cited in para 2–2.)

**DA PAM 738–750**

Functional Users Manual for the Army Maintenance Management System (TAMMS). (Cited in para 2–2.)

**SB 742–1**

Inspection of Supplies and Equipment Ammunition Surveillance Procedures (Cited in para 8–7.) (Available at [http://www.logsa.army.mil/etms/find\\_etm.cfm](http://www.logsa.army.mil/etms/find_etm.cfm).)

**TB 43–0116**

Identification of Radioactive Items in the Army. (Cited in para 8–13.) (Available at [http://www.logsa.army.mil/etms/find\\_etm.cfm](http://www.logsa.army.mil/etms/find_etm.cfm).)

**TB 380–41**

Procedures for Safeguarding, Accounting and Supply Control of COMSEC Materiel. (Cited in para 3–2*b*.) (Available at [http://www.logsa.army.mil/etms/find\\_etm.cfm](http://www.logsa.army.mil/etms/find_etm.cfm).)

**DFAS–IN Regulation 37–1**

Defense Finance and Accounting Service (Cited in 8–8*a*(3). (Available from <http://www.asafm.army.mil/budget/di/di.asp>.)

**DOD 4145.19–R–1**

Storage and Materials Handling (Cited in para 8–13.) (Available at [www.dtic.mil/whs/directives](http://www.dtic.mil/whs/directives).)

**DODD 2030.8**

Trade Security Controls on DoD Excess and Surplus Personal Property, November 17, 1997 (Cited in para 6–2*a*.) (Available at [www.dtic.mil/whs/directives](http://www.dtic.mil/whs/directives).)

**DODI 5220.30**

Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities (Cited in para 8–13.) (Available at [www.dtic.mil/whs/directives](http://www.dtic.mil/whs/directives).)

**FAR**

Federal Acquisition Regulation. (Cited in table 2–1.) (Available at <http://www.arnet.gov/far>.)

**Section II****Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this regulation.

**AR 5–9**

Area Support Responsibilities

**AR 11–2**

Management Control

**AR 11–9**

The Army Radiation Safety Program

**AR 12–1**

Security Assistance, International Logistics, Training, and Technical Assistance Support and Responsibilities

**AR 12–8**

Security Assistance Operations and Procedures. Administration Regional Field Boards in Crisis Management Operations.

**AR 40–61**

Medical Logistics Policies and Procedures

**AR 58–1**

Management, Acquisition and Use of Administrative Use Motor Vehicles

**AR 75–1**

Malfunctions Involving Ammunition and Explosives (RCS CSGLD–1961(MI))

**AR 130–400**

Logistical Policies for Support.

**AR 215–1**

Morale, Welfare, and Recreation Activities and Unappropriated Fund Instrumentalities

**AR 525–90**

Wartime Search and Rescue (SAR) Procedures

**AR 700–49**

Loan of DLA Stock Fund Materiel

**AR 700–90**

Army Industrial Base Program

**AR 710–1**

Centralized Inventory Management of the Army Supply System

**AR 725–1**

Special Authorization and Procedures for Issues, Sales, and Loans

**AR 870–20**

Historical Activities: Museums, Historical Artifacts, and Art

**AR 930–5**

American National Red Cross Service Program and Army Utilization

**CTA 50–900**

Clothing and Individual Equipment. (Available from local supply channels.)

**DA PAM 25–380–2**

Security Procedures for Controlled Cryptographic Items (CCI)

**DOD 4160.21–M**

Defense Materiel Disposition Manual, August 1997. (Available at [www.dtic.mil/whs/directives.](http://www.dtic.mil/whs/directives/))

**DOD 5105.38M**

Security Assistance Management Manual. (Available at [www.dtic.mil/whs/directives.](http://www.dtic.mil/whs/directives/))

**DOD 7000.14–R**

Financial Management Regulations. (Available at [www.dtic.mil/whs/directives.](http://www.dtic.mil/whs/directives/))

**DODD 1225.6**

Equipping the Reserve Forces. (Available at [www.dtic.mil/whs/directives.](http://www.dtic.mil/whs/directives/))

**DODD 3025.1**

Military Support to Civil Authorities (MSCA). (Available at [www.dtic.mil/whs/directives.](http://www.dtic.mil/whs/directives/))



**DODD 5525.5**

DOD Cooperation with Civilian Law Enforcement Officials. (Available at [www.dtic.mil/whs/directives/](http://www.dtic.mil/whs/directives/).)

**DODI 5410.16**

DOD Assistance to Non–Government, Entertainment–Oriented Motion Picture, Television, and Video Productions. (Available at [www.dtic.mil/whs/directives/](http://www.dtic.mil/whs/directives/).)

**DODD 7230.8**

Leases and Demonstrations of DOD Equipment. (Available at [www.dtic.mil/whs/directives/](http://www.dtic.mil/whs/directives/).)

**10 CFR**

Energy

**49 CFR**

Transportation

**10 USC 372**

Use of Military Equipment and Facilities

**10 USC 2541**

Establishment of Loan Guarantee Program

**10 USC 2571**

Interchange of Property and Services

**10 USC 2572**

Documents, Historical Artifacts, and Condemned or Obsolete Combat Materiel: Loan, Gift, or Exchange

**10 USC 2667**

Leases: Non-Excess Property of Military Departments

**10 USC 4651**

Arms, Tentage, and Equipment: Educational Institutions Not Maintaining Units of ROTC

**10 USC 4653**

Ordnance and Ordnance Stores: District of Columbia

**10 USC 4655**

Arms and Ammunition: Agencies and Departments of the United States

**10 USC 4656**

Aircraft and Equipment: Civilian Aviation Schools

**10 USC 4683**

Excess M-1 Rifles: Loan or Donation for Funeral and Other Ceremonial Purposes

**10 USC 4685**

Obsolete Ordnance: Loan to Educational Institutions

**10 USC 4686**

Obsolete Ordnance: Gift to State Homes for Soldier And Sailors

**18 USC 3056**

Powers, Authorities, and Duties of United States Secret Service

**20 USC 60**

Army Articles Furnished to National Museum

**31 USC 1535**

Agency Agreements

**32 USC 109(c)**

Maintenance of Other Troops

**32 USC 702**

Issue of Supplies to State National Guard

**33 USC 575**

Availability of Appropriations for Expenses Incident to Operation of Power Boats or Vessels; Expenses Defined; Certification of Expenditures

**33 USC 701**

Flood Control Generally

**33 USC 1251**

Chapter 26: Congressional Declaration of Goals and Policy

**42 USC 5121**

Chapter 68: Disaster Relief

**Section III**

**Prescribed Forms**

The following forms are available on the Army Electronic Library CD-Rom and the APD Web site ([www.apd-army.mil](http://www.apd-army.mil)) unless otherwise stated. DD forms are available from the Office of the Secretary of Defense Web site ([www.dior.whs.mil](http://www.dior.whs.mil)).

**DA Form 4881**

Agreement for Loan of U.S. Army Materiel. (Prescribed in paras 2-9*b*, 2-17*b*, 8-16, and E-4.)

**DA Form 4881-1**

Certificate for Signature by an Alternate. (Prescribed in paras 2-9*b* and *d* and E-4.)

**DA Form 4881-2**

Military Property of the United States—Exhibit 1. (Prescribed in para 2-9*b*.)

**DA Form 4881-3**

Surety Bond for Safekeeping of Public Property and Guaranteeing Reimbursement to the Government for Expenses Incident to the Loan of Army Materiel—Exhibit II). (Prescribed in para 2-10*c*.)

**DA Form 4881-4**

Power of Attorney. (Prescribed in paras 2-10*c* and 2-10*h*.)

**DA Form 4881-5**

Agreement for Lease of U.S. Army Materiel. (Prescribed in paras 2-9*b* and 8-16.)

**DA Form 4881-6**

Request and Approval for Loan or Lease and Loan or Lease Agreement. (Prescribed in paras 2-9*b*, 2-15, 2-18, 2-19, and 8-9.)

**Section IV**

**Referenced Forms**

**DA Form 11-2-R**

Management Control Evaluation Certification Statement

**DA Form 1857**

Statement of Account

**DA Form 2404**

Equipment Inspection and Maintenance Worksheet

**DA Form 2407**  
Maintenance Request

**DA Form 4610**  
Equipment Changes in MTOE/TDA

**DD Form 448**  
Military Interdepartmental Purchase Request.

**DD Form 1144**  
Supply Support Agreement.

**DD Form 1348-1A**  
DOD Single Line Item Release/Receipt Document.

**DD Form 1486**  
DOD Materiel Receipt Document.

**SF 153**  
COMSEC Materiel Report. (Available at [www.gsa.gov](http://www.gsa.gov).)

**SF 344**  
Multiuse Standard Requisitioning/Issue System Document. (Available at [www.gsa.gov](http://www.gsa.gov).)

**SF 364**  
Report of Discrepancy (ROD). (Available at [www.gsa.gov](http://www.gsa.gov).)

**SF 1080**  
Voucher for Transfer between Appropriations and/or Funds. (Available at [www.gsa.gov](http://www.gsa.gov).)

## **Appendix B**

### **Avalanche Control**

#### **B-1. General**

This appendix prescribes procedures for obtaining repair parts or maintenance support of weapons loaned or leased for ACP purposes.

#### **B-2. Weapons**

- a.* The following weapons are used for avalanche control:
  - (1) NSN 1015-00-322-9770, M116 75mm pack howitzer.
  - (2) NSN 1015-00-322-9742, M27A1 105mm recoilless rifle.
  - (3) NSN 1015-00-691-1289, M20 75mm recoilless rifle.
- b.* Repair parts for these weapons are generally available. Those not readily available are replenished through cannibalization and disassembly programs or procurement.

#### **B-3. Maintenance support**

- a.* Depot maintenance will be on a reimbursable basis to all participants in the ACP. The participant will submit DD Form 448 or provide a purchase order to Commander, TACOM, ATTN: AMSTA-LC-LEAC, Rock Island, IL 61299-6000, to fund depot maintenance. Depot maintenance will be accomplished under direction of HQ, DESCOM at Tooele Army Depot, UT.
- b.* Maintenance will be scheduled, so far as possible, during the summer months. Participant requirements will be provided to the ICP not later than 15 May each year to allow sufficient time and planning for maintenance.

#### **B-4. Support data**

Upon request, HQ, TACOM will furnish, at no cost, copies of drawings, specifications, or instructions as the participant may require for the operation or field repair of the weapon. It is the participant's responsibility to maintain the weapon in good (serviceable) condition.

## **B-5. Field maintenance support**

ACP participants may arrange for field service maintenance support from local Active Army, U.S. Army Reserve, or National Guard units on a reimbursable basis. These maintenance support agreements may be locally negotiated.

## **Appendix C**

### **Ammunition Surveillance and Suspension Procedures**

#### **C-1. General**

This appendix prescribes procedures for obtaining ammunition surveillance support and actions required to address suspensions.

#### **C-2. Ammunition surveillance**

Ammunition surveillance includes—

- a.* Quality assurance and logistics functions related to inspecting, testing, and rating ammunition.
- b.* Functions that affect explosive safety during handling, storage, transportation, maintenance, use, and disposal of munitions.

#### **C-3. Ammunition surveillance inspections**

Ammunition surveillance inspections are structured to assure that materiel in storage meets established safety and reliability criteria and is properly classified.

#### **C-4. Types of surveillance inspections**

Types of surveillance inspections are:

- a.* Inspection of receipts.
- b.* Periodic inspection.
- c.* Storage monitoring inspection.
- d.* Special inspections.

#### **C-5. Participants**

ACP participants may request special inspections of their ammunition assets citing this regulation and applicable MOA. Requests will be forwarded to the addresses cited in paragraph C-9.

- a.* Federal agencies will submit surveillance requests using DD Form 448 with funds cite for reimbursement of costs and travel of QASAS personnel to inspection site.
- b.* Domestic (State) organizations will submit a written request with the funds to cover reimbursement of costs and travel of QASAS personnel to inspection site.
- c.* Inspections initiated by Army will be accomplished at no cost to ACP participants.

#### **C-6. Inspection results**

The QASAS personnel will provide written results of each inspection and investigation performed upon request of the ACP participant.

#### **C-7. Suspensions**

Ammunition suspensions occur when ammunition items are suspected of being unsafe for use, storage, or handling.

- a.* Ammunition suspension notices are issued in accordance with AR 75-1 to prohibit issue and use of potentially dangerous ammunition items.
- b.* Suspension actions are based on malfunction, accident, and surveillance inspection reports.
- c.* An investigation is conducted to determine necessary actions, and disposition instructions are issued accordingly. Based on the results of the investigation, disposition instructions will be issued.

#### **C-8. Suspension notices**

Ammunition suspension notices are disseminated worldwide and published in technical bulletins. The ACP participants will be provided copies of suspension notices involving items issued for avalanche control.

## **C-9. Information sources**

Any questions regarding ammunition surveillance or suspensions or requests for special inspections can be sent to the Commander, JMC, ATTN: SFSJM-QAS, Rock Island, IL 61299-6000.

## **Appendix D Management Control Evaluation Checklist**

### **D-1. Function**

The function covered by this checklist is loan and lease of Army materiel.

### **D-2. Purpose**

To assist the borrower and the lender in evaluating their key management controls. It is not intended to cover all controls.

### **D-3. Instructions**

Answers must be based on the actual testing of key management controls (for example, document analysis, direct observation, interviewing, or sampling). Answers which indicate control problems must be explained (and corrective action indicated) in supporting documentation. These controls must be evaluated in accordance with the schedule in the Management Control Plan. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2 (Management Control Evaluation Certification Statement).

### **D-4. Test questions**

- a.* Does the operating staff have access to and have been trained in the requirements of AR 700-131?
- b.* Are periodic reviews conducted to ensure the presence of responsible signatories on all loan/lease actions and are the DA forms (for example, DA Forms 4881 and 4881-1 through 4881-6) being utilized?
- c.* Does a current standard operating procedure for processing loan/lease request exist and is it closely followed?
- d.* Does a system exist whereby operating personnel review extension requests for appropriate justification and possible TDA change?
- e.* Does a procedure exist that will permit the lending agency leadership to resolve loan/lease delinquency cases?
- f.* Is a suspense system followed in order to ensure issuance of timely disposition instructions?
- g.* Have standard operating procedures been developed detailing the actions that must be taken upon the return of loan/lease equipment?
- h.* Is there a procedure established that provides for inspection of equipment during the term of the lease?
- i.* Has the lessee obtained a surety bond or insurance to cover any loss or damage to equipment while in lessee possession?
- j.* Does a current standard operating procedure exist for the collection of loan/lease reimbursable costs?

### **D-5. Supersession**

This checklist supersedes the checklist for AR 700-131, previously published in DA Circular 11-88-6. For assistance in responding to questions, contact the functional proponent.

### **D-6. Comments**

Help make this a better tool for evaluating the loan/lease processes. Submit comments to HQDA functional proponent: Deputy Chief of Staff, G-4 (DALO-SMP), 500 Army Pentagon, Washington, DC 20310-0500.

## **Glossary**

### **Section I Abbreviations**

**ACP**

Avalanche Control Program

**AG**

Adjutant General

**ALTS**

Army Loan Tracking System

**AMC**

U.S. Army Materiel Command

**AMCOM**

U.S. Army Aviation and Missile Command

**AMDF**

Army Master Data File

**ANRC**

American National Red Cross

**APO**

accountable property officer

**ARC**

accounting requirements code

**ARNG**

Army National Guard

**ASA (ALT)**

Assistant Secretary of the Army (Installations, Logistics, and Environment)

**ASL**

Authorized Stockage List

**AWCF**

Army Working Capital Fund

**CBL**

commercial bill of lading

**CCI**

controlled cryptographic items

**CG**

commanding general

**CMH**

Center for Military History

**COMSEC**

communications security

**CONUS**

continental United States

**DA**

Department of the Army

**DAMPL**

Department of the Army Master Priority List

**DCO**

defense coordinating officer

**DFAS**

Defense Finance and Accounting Service

**DLA**

Defense Logistics Agency

**DOD**

Department of Defense

**DODAAC**

DOD activity address code

**DSN**

Defense Switched Network

**DUSA(IA)**

Deputy Under Secretary of the Army for International Affairs

**EO**

explosive ordnance

**EOD**

explosive ordnance disposal

**EODCC**

Explosive Ordnance Detachment Control Center

**FAO**

Finance and Accounting Office(r)

**FAR**

Federal Acquisition Regulation

**FBI**

Federal Bureau of Investigation

**FEMA**

Federal Emergency Management Agency

**FORSCOM**

Forces Command

**FSC**

Federal supply classification

**GBL**

Government bill of lading

**GFE**

Government-furnished equipment

**HQDA**

Headquarters, Department of the Army

**IL**

international logistics

**ICP**

inventory control point

**ISR**

installation supply representative

**JMC**

Joint Munitions Command

**LIN**

line item number

**MACOM**

major Army command

**MEDCEN**

U.S. Army Medical Center

**MEDDAC**

medical department activity

**MILSTRIP**

military standard requisitioning and issue procedures

**MOA**

Memorandum of Agreement

**MSC**

major subordinate command

**MSCA**

military support to civil authorities

**MTOE**

modification table of organization and equipment

**MUSARC**

Major United States Army Reserve Command

**NGB**

National Guard Bureau

**NICP**

national inventory control point

**NRC**

Nuclear Regulatory Commission

**NSN**

national stock number

**OCAR**

Office of the Chief, Army Reserve



**OCIE**

organizational clothing and individual equipment

**OCONUS**

outside continental United States

**OSD**

Office of the Secretary of Defense

**OTSG**

Office of The Surgeon General

**PBO**

property book officer

**PM**

program manager

**QASAS**

quality assurance specialist ammunition surveillance

**RC**

Reserve Components

**RDTE**

research, development, test, and evaluation

**ROTC**

Reserve Officers' Training Corps

**RSC**

Regional Support Command

**SA**

Secretary of the Army

**SECDEF**

Secretary of Defense

**SMA**

Supply Management Army

**SSF**

single stock fund

**TAADS**

The Army Authorization Documents System

**TACOM**

U.S. Army Tank-automotive and Armaments Command

**TDA**

tables of distribution and allowances

**TF**

task force

**USACCSLA**

U.S. Army Communications-Electronics Command, Communications Security Logistics Activity

**USACE**

U.S. Army Corps of Engineers

**USAMMA**

U.S. Army Medical Materiel Agency

**USAR**

U.S. Army Reserve

**USARC**

U.S. Army Reserve Command

**USC**

United States Code

**USDA FS**

USDA Forest Service

**USPFO**

U.S. Property and Fiscal Officer

**Section II****Terms****Accessorial charges**

Expenses incidental to issue, packaging, handling, and crating, and transfer of materiel.

**Accouterments**

Equipment that is associated with small arms characterized as personal and individual that is available from Army stocks.

**Administrative charges**

General management and administrative expenses for supply and procurement.

**Approving authority**

The person (or designee) authorized to approve specific types of loans or leases of Army materiel (see table 2–1 and app B).

**Arms**

Weapons for use in war.

**Army COMSEC Account**

An administrative entity, identified by a six-character alphanumeric number, responsible for maintaining custody and control of COMSEC material.

**Avalanche control**

Those actions required to protect users of land under the control of States or Federal agencies by permit or authorization from foreseeable hazards relating to avalanches. Measures necessary to ensure safe conditions on roads, other public areas, and ski areas.

**Avalanche control program (ACP)**

An Army program for providing munitions and weapons to Federal and State agencies for use in avalanche control.

**Bond**

A written instrument executed by a bidder or contractor (the principal), and a second party (the surety or sureties), to assure fulfillment of the principal's obligations to a third party (the obligee or Government), identified in the bond.

**Civil authorities**

Those elected and appointed public officials and employees who govern the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, and governmental subdivisions thereof.

**Civil defense**

All those activities and measures designed or undertaken to—

- a. Minimize the effects upon the civilian population caused, or which would be caused, by an enemy attack upon the United States.
- b. Deal with immediate emergency conditions which would be created by any such attack.
- c. Implement emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack.

**Civil disturbance**

Group acts of violence and disorders prejudiced to public law and order.

**Civilian law enforcement officials**

An officer or employee of a civilian agency with responsibility for enforcement of the law within the jurisdiction of the agency.

**Community Relations Program**

A program of action, to earn public understanding and acceptance, conducted at all levels of military command wherever stationed. The program includes participation in public events, humane acts, and cooperation with public officials and civil leaders.

**Communications Security (COMSEC)**

The protection resulting from the application of cryptosecurity, transmission security and emission security measures to telecommunications, and from the application of physical security measures to COMSEC information. These measures are taken to deny unauthorized persons information of value which might be derived from the possession and study of such telecommunications.

**COMSEC equipment**

End items (major items), major assemblies, components, tools, test equipment, and support equipment managed, controlled, stocked, and distributed exclusively by the U.S. Army Communications-Electronics Command, Communications Security Logistics Activity (USACCSLA) SOS/RIC B56.

**Delinquent loan**

A loan is considered delinquent when the loan/lease expiration date has passed beyond 60 days and the equipment has not been returned or has not been posted to the applicable accountable records. The loan remains delinquent unless an extension has been requested by the borrower and approved. This does not include those cases when a 90-day extension has been granted to allow the using organization to initiate TDA action.

**Domestic Action Program**

A program of assistance to local, State, and Federal agencies for the continued improvement and development of society.

**DOD Activity Address Code (DODAAC)**

A directory of activity address codes and corresponding organization addresses to which materiel, documentation, or billing is directed.

**Domestic organization**

Any non-Federal organization or private firm.

**Emergency**

Any catastrophe in any part of the United States that in the determination of the President requires Federal supplementary emergency assistance.

**Emergency medical treatment**

The immediate application of medical procedures to wounded, injured, or sick, by trained professional medical personnel.

**Excess items**

Items identified for reduced pricing purposes.

**Executive agent**

A term used to indicate a delegation of authority by the Secretary of Defense to a subordinate to act on the Secretary's behalf.

**Expendable item**

An item of Army property coded with an accounting requirements code of 'X' in the Army Master Data File (AMDF). An expendable item requires no formal accountability after issue from a stock record account. Commercial and fabricated items similar to items coded 'X' in the AMDF are considered expendable items. Note: This category consists of those items that are consumed during normal usage such as ammunition, paint, rations, gasoline, office supplies, etc., or are merged into another entity when used for their intended purpose such as nuts and bolts, construction material, repair parts, components and assemblies, etc. This includes all class 1, 3, 5 (except 5L), and 9 items, and those class 2, 4, and 10 items that are not end items or have a unit price of less than \$100. Organizational clothing and individual equipment authorized by CTA 50-900 will be accounted for in the same manner as nonexpendable property regardless of the (ARC) reflected in the AMDF.

**Explosive ordnance (EO)**

Includes bombs and warheads, missiles, artillery, small arms ammunition, mines, torpedoes and depth charges, grenades, demolition charges, improvised explosive devices, and all similar or related items

**Explosive ordnance disposal (EOD)**

The detection, identification, evaluation, rendering-safe, recovery, and final disposal of unexploded EO.

**EOD incident**

The suspected or detected presence of unexploded EO or damaged EO that constitutes a hazard to personnel, facilities, or equipment.

**Fair value**

A reduced price established as a percent of standard or replacement price based upon condition and age of the item.

**Federal agency**

Any department, independent establishment, Government agency, or other agency of the executive branch of the Federal Government, except the American National Red Cross.

**Federal coordinating officer**

The person appointed by the President to operate under the HUD Regional Director for FEMA to coordinate Federal assistance in presidentially-declared emergency or major disaster.

**Federal Emergency Management Agency (FEMA)**

The agency delegated the disaster relief responsibilities previously assigned to the Federal Disaster Assistance Administration.

**Federal function**

Any function, operation, or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

**Federal property**

Property that is owned, leased, possessed, or occupied by the Federal Government.

**Firing position**

Location of the weapon set for use.

**Government property**

All property owned by or leased to the Government or acquired by the Government under the terms of the contract. It includes both Government-furnished property and contractor-acquired property as defined in this regulation.

**ICP**

The Army organization responsible for wholesale inventory management of assigned items.

**Imminent serious condition**

Any disaster or civil disturbance that is of such severity that immediate assistance is required to save human life, prevent immediate human suffering, or reduce destruction or damage to property.

**Inventory control point**

The Army organization responsible for wholesale inventory management of assigned items.

**Lease**

The granting of temporary possession or use of property or materiel for which payment of a lease fee is required.

**Loan**

The granting of temporary possession or use of non-excess property or materiel for which payment of a lease fee is not required.

**Local government**

Any county, parish, city, village, town, district, Indian tribe or authorized tribal organization, Alaskan native village or organization, or other political subdivision of any State.

**Major disaster**

Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. This assistance supplements the efforts and available resources of States, local governments, and relief organization in alleviating the damage, loss, hardship, or suffering caused thereby.

**Malfunction**

The failure of an ammunition item to function as expected when fired, launched, or when explosive components function during a nonfunctional test. Malfunctions do not include accidents or incidents that result from negligence, malpractice, or situations such as vehicle accidents or fires. However, malfunctions do include hang fires, as well as abnormal or premature functioning of explosive ammunition items, warheads, missiles, and rockets (under normal handling, maintenance, storage, transportation, and tactical deployment).

*a.* Class A malfunctions are those that endanger life, material, or both (class A malfunctions are capable of causing fatalities, serious injury, and destruction of or serious damage to the weapon or launcher under normal training of combat conditions).

*b.* Class B malfunctions are those other than class A.

**Munitions**

Munitions as used in this regulation also include ordnance, ammunition, and accouterments that are available within the Army supply system and which, consistent with DOD and Army regulations governing sensitive or closely controlled material, may be loaned, leased, or sold as appropriate without undue impact on Army missions or programs.

**Museum**

A non-profit organization operated and maintained for educational purposes, incorporated under applicable state law, and certified tax exempt by the IRS. It must be operated by a full-time, paid or unpaid staff (minimum one) who cares for tangible objects and exhibits them to the public for a minimum of 180 full days per year, either for free or a nominal charge. An institution that exhibits objects by appointment only may qualify provided they can demonstrate the objects were available for viewing for 180 or more days for two consecutive years.

**Nonexpendable item**

An item of Army property coded with an ARC of 'N' in the AMDF. A nonexpendable item requires property book accountability after issue from the stock record account. Commercial and fabricated items, similar to items coded 'N' in the AMDF, are considered nonexpendable items. Note: This category consists of end items of equipment that are separately identified. OCIE authorized by CTA 50-900 will be accounted for in the same manner as nonexpendable supplies regardless of the ARC reflected in the AMDF.

**Non-surplus ammunition**

Ammunition in which the existing requirement equals or exceeds available assets.

**Objective area**

A specific geographical location where a civil disturbance, disaster, or counterdrug operation is occurring or is anticipated.

**Ordnance**

Military weapon, associated equipment, and ammunition.

**Other loan requesters**

Other loan requesters not listed in table 2–1 include: Junior and Senior ROTC, tribal (Indian) organizations, and the Alaska Native Corporation.

**Overhead fire**

Fire (firing of ammunition) that is delivered over the heads of unprotected personnel and materiel objects( public roads and buildings) occupying an area between the firing position and the target area.

**Purchase order**

Request for supplies, equipment, or services.

**Requisition**

Order for supplies and/or equipment.

**Routine requests**

Requests resulting from situations that are reasonably predictable or do not require immediate action to prevent or reduce loss of life, property, or essential services. Reduced efficiency of the requester's operation is not in itself grounds for classifying a request higher than routine.

**Similar activity (to a museum)**

Educational institution, local or state government agency, or historical society that provides public access to established displays maintained on their property. Displays may be incidental to the primary function of the organization.

**Small arms**

Hand and shoulder weapons for use in war.

**Supplies**

Each item for which the Army has inventory management responsibilities under the DOD supply system, which has an assigned Federal stock number, and which is centrally managed and procured by one of the Army ICPs.

**Surety**

An individual or corporation legally liable for the debt, default, or failure of a principal to satisfy a contractual obligation.

**Surety bond**

A bond, including dollar deposit, guaranteeing performance of a contract or obligations.

**Suspended munitions**

A munitions item withdrawn from issue, movement, or use, with or without qualification, due to a suspected or confirmed unsafe condition.

*a.* Temporary suspension. An interim order prohibiting issue, movement, or use of a munitions item, with or without qualification, due to an unsafe or defective condition that is unconfirmed.

*b.* Permanent Suspension. A permanent order prohibiting issue, movement, or use of a munitions item. Munitions are permanently suspended when an investigation confirms that they are unsafe or otherwise defective.

**Terrorist incident**

A form of civil disturbance that is a distinct criminal act committed or threatened to be committed by a group or single individual in order to advance a political or other objective, thus endangering safety of individuals or property. This definition does not include aircraft piracy emergencies.

**Threatened major disaster**

Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe which, in the determination of the Administrator, FEMA threatens to be of severity and magnitude

sufficient to warrant disaster assistance by the Federal Government. This assistance will be used to avert or lessen the effects of such disaster before its actual occurrence.

**Urgent requests**

Those resulting from unforeseeable circumstances, civil disturbances, civil defense needs, aircraft piracy, secret service requirements, and disasters when immediate action is necessary to prevent loss of life, physical injury, destruction of property, or disruption of essential functions.

**Winter sports permittee**

Authorized operator of a winter sports site.

**Winter sports site**

An area of national forest land commercially operated and authorized by USDA. Forest Service special use permit for winter recreation.

**Youth groups**

Groups such as the Boy Scouts and Girl Scouts of the United States of America; Civil Air Patrol; Camp Fire Girls, Incorporated; the Boy's Club of America; Young Men's Christian Association; Young Women's Christian Association; Four-H Clubs; and similar groups.

**Section III****Special Abbreviations and Terms**

This section contains no entries.

**UNCLASSIFIED**

**PIN 046198-000**





**Legal Services**

# **Intellectual Property**

**Headquarters  
Department of the Army  
Washington, DC  
1 June 1993**

**Unclassified**

# ***SUMMARY of CHANGE***

AR 27-60

Intellectual Property

This revision--

- o Specifies the duties of the Intellectual Property Counsel of the Army. A new position established in June 1987 (paras 1-4 and 1-5).
- o Updates the procedure for keeping and maintaining laboratory notebooks (paras 1-8 and 2-3).
- o Establishes policy for the payment of maintenance fees on Army owned U.S. and foreign patents (paras 2-8 and 2-10).
- o Provides for the filing of patent applications in foreign countries (para 2-9).
- o Updates invention rights determination procedures (paras 2-12 and 2-14 to 2-15).
- o Updates policy and procedure on copyrights including use of copyrighted software (paras 4-1 to 4-6).
- o Updates Army trademark procedures (paras 4-7 to 4-9).
- o Updates patent and copyright litigation procedures, including new litigation report procedures (chap 5).
- o Revises administrative claim (paras 6-1 to 6-10) and license proffer procedures (paras 6-11 and 6-12).
- o Updates the delegation of authority to purchase intellectual property rights (paras 6-13 to 6-15).
- o Updates the licensing of Army owned patents including procedures under the Technology Transfer Act of 1986 (chap 7).
- o Updates invention awards to reflect the increase in the amount of the awards (chap 8).
- o Provides for the contracting for the preparation and prosecution of patent applications (chap 9).
- o Deletes chapter 3, Inventive Proposals, and related forms: DA Form 2875, January 1965; DA Form 4226-R, May 1974; and DA Form 4227-R, 1 May 1974. DA Form 2875, DA Form 4226-R, and DA Form 4227-R are now obsolete.

Effective 1 July 1993

Legal Services

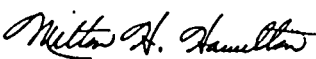
**Intellectual Property**

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By Order of the Secretary of the Army:

GORDON R. SULLIVAN  
General, United States Army  
Chief of Staff

Official:



MILTON H. HAMILTON  
Administrative Assistant to the  
Secretary of the Army

**History.** This UPDATE printing publishes a revision of the publication. Because the publication has been extensively revised, the changed portions have not been highlighted. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

**Summary.** This regulation prescribes policy and procedures with regard to the acquisition,

protection, transfer and use of patents, copyrights, trademarks, and other intellectual property by the Department of the Army.

**Applicability.** This regulation applies to the Active Army and to all Department of the Army civilian employees, and during partial and full mobilization.

**Proponent and exception authority.** The proponent of this regulation is The Judge Advocate General. The Judge Advocate General has the authority to approve exceptions to this regulation which are consistent with controlling law and regulation. The Judge Advocate General may delegate this authority in writing to a division chief within the proponent agency who holds the rank of colonel or the civilian equivalent. The approval authority will coordinate all questions regarding the scope of authority to approve exceptions with HQDA (DAJA-AL), WASH DC 20310-2200.

**Army management control process.** This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

**Supplementation.** Supplementation of this regulation and the establishment of command

or local forms are prohibited without prior approval from the Intellectual Property Counsel of the Army, Office of The Judge Advocate General.

**Interim changes.** Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Intellectual Property Counsel of the Army, Office of The Judge Advocate General, Department of the Army, 901 N. Stuart Street, Arlington, VA 22203-1837.

**Distribution.** Distribution of this publication is made in accordance with DA Form 12-09-E, block number 3234, intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard, and the U.S. Army Reserve.

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\* This regulation supersedes AR 27-60, 15 May 1974.

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## **Chapter 1**

### **General Provisions**

#### **Section I**

##### **General**

##### **1-1. Purpose**

This regulation pertains to the legal aspects of intellectual property, involving such matters as the creation, acquisition, use, control, transfer, and disposition of intellectual property and the rights to such property.

##### **1-2. References**

Required and related publications and prescribed and referenced forms are listed in appendix A.

##### **1-3. Explanation of abbreviations and terms**

Abbreviations and special terms used in this regulation are explained in the glossary.

#### **Section II**

##### **Responsibilities**

##### **1-4. The Judge Advocate General**

The Judge Advocate General (TJAG), Department of the Army (DA) is responsible for the control, management and supervision of the Army's intellectual property law program. This responsibility has been delegated to the Intellectual Property Counsel of the Army (IPCA). The IPCA also serves as the Chief of the Intellectual Property Law Division (JALS-IP) within the Office of The Judge Advocate General (OTJAG).

##### **1-5. The Intellectual Property Counsel of the Army**

The IPCA will perform the following duties and responsibilities:

- a. Control, manage, and supervise the Army's intellectual property law program.
- b. Provide technical supervision of all the intellectual property personnel of the Army.
- c. Establish Army policies, regulations, and guidelines relating to intellectual property law.
- d. Provide legal advice concerning intellectual property to the Army's Acquisition Executive.
- e. Perform, on behalf of the Secretary of the Army, duties imposed by Executive Orders (EO) 10096 and 10930 and Government wide implementing regulations issued pursuant thereto. (Determinations of rights in inventions made by Army employees).
- f. Grant nonexclusive licenses, on behalf of the Secretary of the Army, in Army-owned patents and patent applications.
- g. Sign, by the direction of the Secretary of the Army, letters requesting that patent applications be placed under 35 USC 267, letters requesting that patent application be placed under 37 CFR 1.102 of the United States Patent and Trademark Office (USPTO), and letters requesting that applications be placed under 37 CFR 1.103 of the USPTO.
- h. Sign, by direction of the Secretary of the Army, powers of attorney or authorizations of agents to represent the Army before the USPTO, and to revoke existing powers of attorney or authorizations of agents.
- i. Sign, by direction of the Secretary of the Army, applications for foreign letters patent when title is in the United States Government, as represented by the Secretary of the Army.
- j. Appoint DA members to the Patents, Data, and Copyright Committee of the Defense Acquisition Regulation (DAR) Council.
- k. Appoint DA members to the Armed Services Patent Advisory Board (ASPAB).
- l. Serve as Chief of the Intellectual Property Law Division and supervise activities of that Division.
- m. Represent the United States on the technical property committees provided for in the bilateral agreements for the "Interchange of Patent Rights and Technical Information for Defense Purposes"

by appointment of the Department of State upon recommendation of Department of Defense (DOD).

n. Review, endorse, and forward through The Judge Advocate General to the Assistant Secretary of the Army for Research Development and Acquisition (ASA(RD&A)) for signature those documents cited in paragraph 1-6 below.

o. Represent the DA in litigation matters pertaining to patents, copyrights, and trademarks.

p. Sole authority for settlement of patent, copyright, and trademark litigation on behalf of the DA.

q. Execute, on behalf of the Army, a terminal disclaimer in a patent application pending before the USPTO.

##### **1-6. The Assistant Secretary of the Army (Research, Development, and Acquisition)**

The ASA(RD&A) is delegated the authority to—

a. Grant exclusive licenses on behalf of the Secretary of the Army in Army-owned patents and patent applications.

b. Sign, on behalf of the Army, agreements to settle interference proceedings pending before the USPTO and other instruments acknowledging a disclaimer or concession of priority or abandonment of the invention.

c. Execute, on behalf of the Army, documents relating to change of inventors in an application pending before the USPTO.

d. Authority and functions of the ASA(RD&A) related to Cooperative Research and Development Agreements and laboratory patent license agreements are addressed in AR 70-57 and chapter 7 herein.

##### **1-7. Duties of the Intellectual Property Law Division**

The Chief of the JALS-IP Division, and the attorneys or agents assigned to that division are designated and authorized to perform the following functions involving the legal aspects of intellectual property:

a. Represent the Army in legal proceedings relating to intellectual property including liaison with the Department of Justice (DOJ).

b. Process and assign for action administrative claims alleging patent or copyright infringement.

c. Provide legal advice at all levels on Army cooperative research and development agreements, and advise the ASA(RD&A) concerning such agreements.

d. Negotiate licenses on Army-owned patents.

e. Prosecute and maintain trademark registrations for the Army and selected DOD agencies.

f. Represent the Army on the Patents, Data, and Copyrights Committee of the DAR Council.

g. Negotiate and approve settlement of claims alleging patent or copyright infringement by the Army and assist the DOJ in negotiations of settlement of court suits alleging patent or copyright infringement by the Army.

h. Prepare and prosecute applications for those Army activities not assigned patent attorneys or agents.

i. By delegation from DOD, administratively support and manage the ASPAB.

j. Maintain a record of all patents, copyrights, and trademarks licensed or assigned to the Army.

k. Supervise patent secrecy review for the Army.

l. Advise Army staff and Army activities not assigned intellectual property attorneys or agents.

m. Develop special expertise in copyright matters and provide copyright assistance upon request to servicing legal offices and in appropriate cases directly to individuals.

n. Advise Army field intellectual property personnel on matters within scope of assigned duties.

o. Provide liaison with other U.S. Government agencies and foreign agencies on intellectual property matters.

##### **1-8. Laboratory notebooks**

The commanding officer of each Army laboratory is responsible for

assuring that every research and development investigation is properly recorded in a laboratory notebook.

## **1-9. Standards of Conduct for Intellectual Property Law Personnel**

*a.* Officers and employees of the Government who are registered patent attorneys or agents must comply with USPTO rules relating to practice by Government employees found in 37 CFR, Part 10. Government employees whose status is affected by changes in their employment should notify the Commissioner accordingly.

*b.* Government employees are proscribed from participation for compensation on behalf of private parties in proceedings before the USPTO, under the provisions of 18 USC 203, as the predecessor of that section has been interpreted (41 Op. Att'y Gen. 21(1949)).

*c.* All civilian and military personnel whose official duties relate to intellectual property activities of the Government should scrupulously refrain from any activities which might conflict in any way with the above rules or with official duties or which might otherwise give rise to a conflict of interest.

## **Chapter 2 Inventions, Patents, and Invention Rights**

### **Section I Inventions**

#### **2-1. General**

Inventions are conceived under varying circumstances. Government employees engaged in scientific, technological, or engineering activities may make inventions in the course of their work. An employee may conceive of an invention while off duty and work on it with or without a contribution by the Government toward the making of the invention. Employees engaged in liaison with research and development contractors are likely to discuss project problems with contractor representatives and, as a result of such discussion, make a patentable contribution toward development of the project. In all such cases, the Government employee should make accurate records to ensure that his or her contribution is recognized. Such records should be dated and signed by two or more competent witnesses who should attest that they have read and understood the invention. If the invention has been built and operated, it should be shown to witnesses who should sign a statement that they saw the device work successfully on a certain date. Such witnessed documents should be carefully preserved.

#### **2-2. State-of-the-art patent searches**

A considerable savings in time, money and effort of research personnel may be realized if a state-of-the-art patent search is made at the start of a research and development project. When personnel, time, and money permit, patent counsel of the related activity are encouraged to conduct searches and should encourage research personnel to conduct such searches. When research personnel are going to conduct the search, local patent counsel will assist the researcher in developing the field of search in the USPTO. When available, automated state-of-the-art patent searches should be conducted by patent personnel or by research personnel with the assistance of patent personnel. Data banks at the Defense Documentation Center should also be consulted to determine whether similar research has been conducted or is being conducted by any DOD agencies.

#### **2-3. Laboratory notebooks procedures**

*a. Policy.* Maximum procedural flexibility will be left to subordinate command elements. All instructions should be coordinated with supporting patent counsel to assure the legal adequacy of the recorded data. Implementing guidance may be in the form of a supplement to this regulation if approved in accordance with current procedures. Implementing guidance should reflect the minimum requirements set forth below:

(1) Personnel in research and development laboratories are required to use individually issued notebooks to record their own research work.

(2) Laboratory notebook entries will be classified and handled in accordance with AR 380-5. Notebooks will be classified and controlled in accordance with the most highly classified information recorded thereon. Disposition of laboratory notebooks will be in accordance with AR 25-400-2.

(3) Laboratory notebooks will be documented in a manner that will satisfy the requirements for evidence in legal proceedings to establish the dates of conception and reduction to practice of inventions.

(4) Laboratory notebooks should be reviewed on a continuing basis by local counsel in order to identify potentially patentable inventions. Inventions having sufficient interest to the agency should be disclosed in accordance with paragraph 2-5.

*b. Format.* A research and development laboratory notebook may be any suitable commercially available notebook with a permanent binding. All pages must be numbered consecutively prior to issue. If copies of entries are desired, the notebook may include interleaved second sheets. Numbering of second sheets is not mandatory.

*c. Maintenance.* Laboratory notebooks will be maintained in accordance with recognized laboratory practice, and the following procedures will be followed so far as practicable:

(1) Entries should be made daily or weekly. They should be brief and concise but include all pertinent facts. Where extensive remarks are required, reports or memoranda may be used for such purposes. The notebook entry should, however, make reference to such reports or memoranda.

(2) All entries, except graphs and sketches, will be made in ink. No erasures will be made, and mistakes and changes will be indicated by crossing out. The crossing out will be initialled.

(3) Each sheet will be signed and dated by the person entering the data, and each sheet containing potentially patentable material, including any supplementary reports or memoranda, will also be signed by two witnesses who understand the entry. Co-inventors should not be used as witnesses. More than one entry may be made per sheet, provided each such entry is dated and signed.

(4) Original pages will not be removed from any Army laboratory notebook. Carbon copies, if desired, may be made on interleaved second sheets which may be removed from the notebook.

#### **2-4. Untimely publication of inventions**

Disclosure of an invention to others before a patent application is filed can jeopardize the patent rights of the employee and the Government. Employees wishing to publish information about their inventions or make a disclosure to persons outside the Government should discuss the matter with supporting patent counsel or JALS-IP.

### **Section II Patent Applications**

#### **2-5. Submission of inventions by Government employees**

*a. Requirement to submit invention disclosures.* Employees who make inventions as part of their official duties must submit invention disclosures for patent consideration. Employees who make inventions which are unrelated or only indirectly related to their official duties may submit invention disclosures for patent consideration, but patent counsel should be consulted for advice on the relationship of the invention to their duties when any Government facilities have been used in the making of the invention. In either case, the employee must submit a rights determination, DA Form 2871-R (Invention Rights Questionnaire), in accordance with section IV, below.

*b. Form for submission.* Invention disclosures should be submitted on DA Form 4734-R (Invention Disclosure Form). A copy of this form is included in DA Pam 27-11.

*c. Direct submission.* Employees may submit their invention

disclosure directly to the patent counsel supporting the Army activity to which the invention relates unless local directives provide for special routing. If the activity is not supported by patent counsel, the invention disclosure will be submitted to JALS-IP.

*d. Correspondence.*

(1) Direct correspondence between the employee and patent counsel is authorized, provided that such correspondence pertains solely to unpatented inventions and the patenting thereof. No invention that has been previously rejected by any activity shall be submitted for evaluation to another Army activity without an accompanying explanation of the former rejection.

(2) If the subject matter of an invention disclosure requires classification, correspondence will be marked and handled in accordance with DOD 5200.1-R and AR 380-5.

## **2-6. Preliminary patentability searches**

Prior to selection of an invention for filing of a patent application, a preliminary patentability search should be conducted by supporting patent counsel. Counsel will review the invention disclosure submitted by the inventor and examine prior patents and literature on related technology to determine whether the invention appears to be patentable. The inventor will be advised of the results of the search and determination.

## **2-7. Government filing of domestic patent applications**

*a.* All Government agencies are required to pay fees to the USPTO to obtain patents and for services in connection with a patent application. Before the Army can take action to obtain a patent on inventions submitted by Government employees or, subject inventions submitted by a contractor (where the contractor has decided not to file a patent application), a DA activity must express an interest in the invention. This interest must be based upon an evaluation that the invention will be or is likely to be used by or for that activity or has commercial potential that may cause it to be included in a cooperative research and development agreement or be the subject of a patent license.

*b.* If the Army decides to file a patent application on an invention submitted by a Government employee which was not made in the course of the employee's official duties, it is the policy of the DA to file and prosecute the application at no expense to the employee if the employee has granted to the Government a royalty-free license, DA Form 2873-R (License of Invention). Patent counsel should advise Government employees at the time a license is executed that the DA reserves the right to discontinue patent prosecution when it appears that further prosecution is not warranted; every effort will be made in those cases to notify the inventor in sufficient time to permit continuation of patent prosecution by the inventor at no expense to the DA. In no case shall an Army patent attorney or agent prepare and prosecute a patent application unless the employee has executed an unconditional license or assignment of the invention to the United States of America as represented by the Secretary of the Army.

## **2-8. Maintenance fees**

*a. In general.* Under the provisions of 35 USC 41(b), three separate fees must be paid over the 17-year life of a patent to maintain the patent in force. The fees are due 3 years and 6 months, 7 years and 6 months, and 11 years and 6 months, respectively, from the date of issuance of the patent for all utility patents issued from applications filed on or after 12 December 1980. Failure to pay any maintenance fee results in the expiration of the patent.

*b. Policy.* It is the DA policy to maintain in force only those Army-owned patents in which an Army agency or activity has expressed a substantial interest and for which a clear commercial potential can be demonstrated. The DA will not maintain a patent for which it has only a license except upon a determination that there exists an overriding Government interest for doing so.

*c. Army-owned patents.* The head of an Army agency or activity may maintain an Army-owned patent in force by paying the fees required by law upon a determination of continued Army interest

and commercial potential. However, the fees due at 7 years and 6 months, and 11 years and 6 months may not be paid without the approval of the IPCA, unless, at the time the fees are due, a viable license exists or a license is being negotiated on the patent to be maintained.

*d. Army-licensed patents.* No maintenance fee will be paid on a patent for which the Army has only a license without the approval of the IPCA. All agreements licensing patents to the Army which require the Army to pay maintenance fees must also be approved by the IPCA.

*e. Notification.* When the Army decides not to pay the maintenance fee on a patent it owns, all licensees will be informed of that decision when notification is required by the terms of their respective licenses. Every effort will be made to notify licensees whose license terms do not require notification by the Army and to notify all inventor(s) named in the patent. In all cases, notification should be given in sufficient time to permit payment of the maintenance fee by a licensee or inventor by the due date.

## **2-9. Filing of foreign patent applications**

*a.* By agreement with foreign defense agencies, Army-owned inventions may be offered for filing by those agencies in their countries. In return for the effort and expense of such filing, the foreign government receives a royalty-free, nonexclusive license to practice the invention under the foreign patent.

*b.* Custody of the Government's rights in an Army-owned invention may be transferred to another Government agency, such as the National Technical Information Service (NTIS) of the Department of Commerce, for filing foreign patent applications in one or more countries and assuming management responsibility for the resulting patents.

*c.* The DA may also file foreign patent applications directly, upon coordination with JALS-IP and approval by the IPCA.

*d.* When the Government is entitled to an assignment of the foreign rights in an invention, foreign filing should be considered in conjunction with preparation of the domestic patent application. If the defense needs of the Government would be furthered by foreign patent filing or if the invention has strong commercial potential which would be transferable in the public interest, a recommendation concerning foreign filing with supporting reasons will be forwarded to JALS-IP, as soon as practicable.

## **2-10. Maintenance fees on Army-owned foreign patents**

No maintenance fees will be paid by the Army on Army-owned foreign patents unless approved by the IPCA.

# **Section III Rights In Employee Inventions**

## **2-11. Ownership of domestic rights**

Depending on the circumstances surrounding the making of an invention by one or more Government employees, the Government may own all domestic rights in the invention; the employee may own title to the invention, subject to a royalty-free license to the Government; or the employee may own all rights to the invention, subject only to such rights in the Government as the employee has conveyed voluntarily. EO 10096 dated 23 January 1953 as amended and as implemented by 37 CFR, Part 501, requires that a determination of the respective rights of the Government and the employee be made whenever a Government employee makes an invention.

## **2-12. Criteria for determination of domestic rights**

The EO 10096 provides that:

*a.* The Government shall obtain (except as herein otherwise provided), the entire domestic right, title, and interest in and to any invention made by any Government employee—

(1) During working hours.

(2) With a contribution by the Government of facilities, equipment, materials, funds, or information, or of the time or services of other Government employees on official duty.



(3) Which bears a direct relation to or is made in consequence of the official duties of the inventor.

(4) On assignment. (Assignments may be prepared on DA Form 2874-R (Assignment of Invention)).

*b.* In any case where the Government contribution to the invention, as measured by any one or more the criteria set forth in *a* above, is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under *a* above), the Government agency concerned shall leave title to such invention in the employee, subject to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes. Licenses may be prepared on DA Form 2873-R.

*c.* In applying the provisions of *a* and *b* above to the facts and circumstances relating to the making of an invention, it shall be presumed that an invention made by an employee who is employed or assigned:

(1) To invent or improve or perfect any art, machine, design, manufacture, or composition of matter.

(2) To conduct or perform research or developmental work or both.

(3) To supervise, direct, coordinate, or review Government financed or conducted research or developmental work or both.

(4) To act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4(b), EO 10096, falls within the provisions of *a* above, and it shall be presumed that any invention made by any other employee falls within the provisions of *b* above. Either presumption may be rebutted by a showing of relevant facts.

*d.* Neither of the above presumptions will preclude a determination that the facts justify leaving the entire right, title, and interest in the invention with the employee, subject to law. Such a determination is appropriate when none of the factors in *a* above are present. When the entire right, title, and interest is left with the employee, the Government may otherwise obtain rights in the invention, such as the royalty-free license discussed in paragraph 2-7, a royalty-free license obtained in return for an incentive award, or an interest acquired by purchase of rights from the inventor.

### 2-13. Foreign rights

*a.* When the Government is entitled to obtain the entire domestic rights in an invention, it is also entitled to obtain all foreign rights in the invention. The Government has an exclusive option to file a foreign or international patent application for such invention at any time prior to the expiration of 8 months after a domestic patent application is filed or 6 months after a classified domestic application becomes unclassified, whichever is later. The Government's option may be exercised by actual filing of a foreign or international patent application, by notifying the employee of an intent to exercise the option, or by undertaking through a patent attorney, patent agent, or governmental agency to have a foreign or international patent application filed. The Government may exercise its option for any one or more foreign countries. The Government may also elect to eliminate the need for filing a foreign patent application by making a publication of the invention which would constitute a bar to foreign patenting by another.

*b.* If the Government does not exercise its option prior to the end of the option period, the employee may file a foreign or international patent application for any one or more countries in which the Government is not filing a patent application. The employee may file such foreign applications individually or may arrange by contract or license with another party for that party to file the patent application.

(1) If the Government is not entitled to obtain the entire domestic

and foreign rights in the invention but is entitled to reserve a license under the criteria of paragraph 2-12*b*, the employee may file a foreign or international patent application at any time. Such filing is subject to the restrictions of 35 USC 184.

(2) If the employee or another acting on behalf of the employee files a foreign or international patent application under *a* or *b* above, the Government is entitled to and retains a nonexclusive, irrevocable, royalty-free license throughout the world in any patent which may issue on the invention in any foreign country, including the power to issue sublicenses in furtherance of the foreign policies of the Government.

(3) If the entire right, title, and interest in the invention is left with the employee under the criteria of paragraph 2-12*d*, foreign patent filing is within the discretion of the employee. Such filing is subject to the restriction of 35 USC 184.

## Section IV

### Procedures For Determining Rights

#### 2-14. Reporting of inventions

*a.* All inventions made by employees, whether made as part of their official duties or on their own, will be reported through the employee's supervisor on DA Form 2871-R (Invention Rights Questionnaire). DA Form 2871-R will be locally reproduced on 8½ by 11 inch paper. A copy for reproduction is located at the back of this regulation. Additionally, DA Form 2871-R may be electronically generated. The electronically generated form must contain all data elements and follow the exact format of the existing printed form. The form number of the electronically generated form will be shown as DA Form 2871R-E and the date will be the same as the date of the current edition of the printed form.

*b.* If the employee worked under a different supervisor at the time the invention was made, the DA Form 2871-R should be forwarded through that earlier supervisor, if practicable. If there are joint employee-inventors, a separate DA Form 2871-R must be completed for each employee. If the joint inventors are not Government employees, the DA Form 2871-R should be accompanied by sufficient information to establish the identity of the other inventors and the relative contributions of each inventor. When completing the items indicating how much of the inventor's own time and how much Government time was spent in making the invention, the employee should exclude time involved in preparation of a proposal for Government adoption of the invention or consideration by patent counsel, for example: invention disclosure forms and DA Form 2871-R. If the employee signs the statement of DA Form 2871-R indicating a desire to assign the invention rights to the Government, the subsequent portions of the form need not be completed; an assignment form (as provided in para 2-21) will be executed by the employee, and no further determination of invention rights is required.

*c.* If the employee does not desire to assign the invention rights to the Government, patent counsel supporting the activity to which the employee is assigned will determine if the subject matter of the invention disclosure constitutes an invention. If no invention is found to exist, the activity will not request a determination of rights unless requested to do so by the inventor.

*d.* If invention is found to exist and the inventor does not desire to assign the invention to the Government, or if no invention is found, but a determination is requested by the inventor, the inventor will prepare the DA Form 2871-R, and the patent counsel will forward the DA Form 2871-R and related papers, through channels to JALS-IP. The transmittal will include determination request form DA Form 2872-R (Request for Determination of Invention Rights) and copies of the inventor's job description or, for military personnel, the inventor's duty military occupation specialty (MOS) at the time the invention was made.

*e.* If the activity receiving the invention disclosure contemplates filing a patent application, the case will be forwarded to JALS-IP before an application is prepared for a determination of rights when the employee inventor refuses to execute either a license or an assignment to the Government. The execution of an assignment or a

license shall not be contingent upon the outcome of the rights determination. If no Government patent application is contemplated, the case should be forwarded to JALS-IP as soon as practicable.

f. If the DA Form 2871-R is received by an activity which is not supported by patent counsel, the form and job description or MOS will be forwarded in duplicate directly to JALS-IP. No DA Form 2872-R will be prepared by the agency in that case.

#### **2-15. Preparation of DA Form 2872-R**

a. DA Form 2872-R (Determination of Invention Rights) will be locally reproduced on 8½ by 11 inch paper. A copy for reproduction is located at the back of this regulation. Additionally, DA Form 2871-R may be electronically generated. The electronically generated form must contain all data elements and follow the exact format of the existing printed form. The form number of the electronically generated form will be shown as DA Form 2872-R-E and the date will be the same as the date of the current edition of the printed form.

b. The GPB case number will be completed by JALS-IP upon receipt of DA Form 2872-R.

c. Only blocks 1 through 11 should be completed for submission to JALS-IP.

d. The recommendation in item 11 should be justified and supported by applicable reasons such as the relationship of the invention to the employee's official duties or the contribution of any Government time, money, or material to the making of the invention. Any apparent conflict between the answers by an employee and the supervisor on DA 2871-R will be resolved before submission to JALS-IP, if possible. If irreconcilable differences exist, the supporting patent counsel will indicate which statement is believed to be correct with supporting documentation.

e. If the invention is classified, the form will be prepared in the normal manner, except that the description of the invention will be omitted and in its place will be a statement that the invention is classified. A brief description of the invention, properly classified, will be enclosed with the form, and the form will be marked "REGRADED UNCLASSIFIED when separated from classified enclosures."

#### **2-16. Determination of rights**

The IPCA will make the determination of invention rights on behalf of the DA, applying the criteria of EO 10096 as amended and 37 CFR, Part 501. The determination will be recorded on DA Form 2872-R. Depending on the nature of the determination, JALS-IP will take one of the following actions:

a. If it is determined that the Government is entitled to all rights in the invention, the employee will be notified of the determination and right to appeal under 37 CFR, section 501.8. If the employee files an appeal with the Under Secretary of Commerce for Technology (the Secretary), JALS-IP will forward a report concerning the case to the Secretary upon notice of the appeal. In the absence of an appeal, no further review is required.

b. If it is determined that title to the invention remains with the employee, subject to reservation of a license to the Government, and no such license is recited in item 9 of DA Form 2872-R, the employee will be notified of the determination and right to appeal under 37 CFR, section 501.8. As in *a* above, in the absence of an appeal, no further review is required.

c. If it is determined that title to the invention remains with the employee subject to reservation of a license to the Government and if item 9 of DA Form 2872-R recites that the employee has executed a license to the Government, the employee will be notified of the decision and that the decision is final. An employee may only appeal an agency determination if he or she is aggrieved by the decision. An employee who has already executed a license is not aggrieved by a determination that the Army is entitled to such a license since the employee would not gain any right by a successful appeal.

d. If it is determined that all rights in the invention are to be left

with the employee subject to law, the employee will be notified of the decision and that the decision is final.

#### **2-17. Appeal**

a. If an aggrieved employee is dissatisfied with a Department of the Army's determination, the employee may appeal the determination. To exercise the right of appeal, the employee must file two copies of the appeal with the Secretary within 30 days of actual receipt of the determination. To preclude loss of appeal rights because of late filing, the appeal should be sent directly to Office of the Under Secretary for Technology, United States Department of Commerce, Room H4824, Herbert C. Hoover Building, Washington, DC 20230.

b. There is no required format for an appeal. The appeal may be accompanied by any documents deemed pertinent. The employee may request that the Secretary hear oral arguments presented by the employee or by an attorney hired by the employee. The employee is not required to retain an attorney or request an oral hearing and may rely exclusively on the written appeal. An appeal should contain the following:

(1) The Government Patent Board (GPB) case number (as shown on DA Form 2872-R).

(2) The name of the employee.

(3) The title of the invention.

(4) An explicit statement that it is an appeal.

(5) The date of actual receipt of the determination.

(6) The basis for the belief that the determination is in error.

c. Upon receipt of a copy of the appeal from the Secretary, JALS-IP will furnish to the Secretary and the employee-inventor a report concerning the invention and determination including a detailed statement of the points of disputes with relevant evidence considered in making the determination.

d. The employee-inventor may, within 25 days after the date of actual receipt of a copy of the report or such longer period as the Secretary may fix, file a reply with the Secretary with a copy thereof to JALS-IP. The employee may expedite the procedure by notifying the Secretary when no reply to the report is intended.

#### **2-18. Time for submitting appeals, petitions, and requests for reconsideration**

The times for submitting appeals, and requests for reconsideration are set out in paragraphs 2-17 and 2-19. These times are prescribed by the Secretary of Commerce under the authority of EO 10930 dated 28 March 1961 and are strictly enforced. Delays due to mailing time or administrative processing will not extend the allowable times. No time in excess of the prescribed time is allowed unless a written request for an extension, supported by reasons for granting the extension, is submitted to and approved by the Secretary prior to the expiration of the prescribed period.

#### **2-19. Request for reconsideration of the Secretary's decision on Appeal of the Army Determination**

a. Either the employee or the IPCA can file a request asking the Secretary to reconsider the Secretary's decision on appeal. To exercise this right, a copy of the request must be filed with the Secretary within 30 days of the date of the Secretary's decision or within such longer time as the Secretary may set before the original period expires. A copy of the request must be furnished to the other party, within the same period. To preclude loss of this right because of late filing, copies of the petition should be sent directly to the appropriate party.

b. There is no required format for a request for reconsideration, but petitions should contain the following:

(1) The GPB case number (as shown on the decision).

(2) The name of the employee.

(3) The title of the invention.

(4) An explicit statement that it is a request for reconsideration of the decision of the Secretary on an employee's appeal.

(5) The date of the decision.

(6) The basis for the belief that the decision is in error.

## Section V

### Conveyance of Rights In Employee Inventions and Contractor Inventions

#### 2-20. Notification to DA of change of rights in patents

All employees of the DA who secure patents under which the Government is licensed must notify JALS-IP and any agency having an interest in the invention of any further licenses or assignments of their patent interest. Contracting officers need this information to protect the Government from being improperly charged with royalties on such patents.

#### 2-21. License and assignment forms

DA Form 2873-R (License of Invention) and DA Form 2874-R (Assignment of Invention) may be used for granting rights in inventions to the Government by Government employees. Supplemental signature form, DA Form 4230-R (Supplemental Signature Sheet), may be used with DA Form 2873-R and DA Form 2874-R, when needed to accommodate the signatures and notarizations. Signatures and notarizations are to be completed in black ink. DA Forms 2873-R, 2874-R, and 4230-R will be locally reproduced on 8½ by 11 inch paper. Copies for reproduction are located at the back of this regulation. Additionally, DA Forms 2873-R, 2874-R, and 4230-R may be electronically generated. The electronically generated forms must contain all data elements and follow the exact format of the existing printed forms. The form numbers of the electronically generated forms will be shown as DA Form 2873-R-E, DA Form 2874-R-E, and DA Form 4230-R-E, and the dates will be the same as the dates of the current editions of the printed forms.

#### 2-22. Contractor employee inventions

a. Patent rights clauses prescribed by the Federal Acquisition Regulation (FAR), 48 CFR Chapter 1, and DOD Federal Acquisition Regulation Supplement (DFARS), 48 CFR Chapter 2, require that a contractor disclose to the Government all inventions made under the contract. Additional requirements and procedures are established in the FAR and DFARS for the administration and follow up of patent rights clauses.

b. The head of each Army activity or agency will establish procedures to protect the Government's contractual patent rights. For all contracts, these procedures should include a review process to ensure adequate disclosure of all inventions made under the contract. For contracts where the contractor has elected to take title, patent section personnel will conduct a review to ensure that a formal licensing instrument has been executed by the contractor and that the specification of the patent application contains an appropriate acknowledgment of the Government's rights. For contracts where the contractor elects not to take title or the Government is entitled to take title, the review should confirm that a formal assignment instrument has been executed by the contractor. Additionally, where the contractor elects not to take title, patent section personnel should ensure that each disclosure is reviewed for Army interest and possible patenting. Where the Army agency concerned does not have a patent section, JALS-IP should be contacted for assistance.

## Chapter 3

### Recording and Reporting

#### 3-1. Recording of assignments, licenses, and other instruments

a. All assignments, licenses, and other instruments evidencing rights and interests of the Government in patents or applications for patent will be recorded in the USPTO by the head of the Army agency concerned. Assignments will be recorded in the Statutory Register 35 USC 261 and licenses and other instruments in the Register of Government Interests in Patents and Applications for Patents established in the USPTO by EO 9424 dated 18 February

1944. Assignments should be notarized to provide prima facie evidence of regular execution. The original (or a duplicate original) of all assignments, licenses, and other instruments, after being recorded in the USPTO, shall be transmitted without delay to JALS-IP.

b. Copies of all recorded instruments and the recording data are available from JALS-IP, upon request.

#### 3-2. Intellectual Property Report (Requirement Control Symbol (RCS): JAG-14))

The Intellectual Property Report will be submitted annually by the head of each Army agency having a patent soliciting section. The report will include the following information: number of invention disclosures received, the number of patent applications filed, the number of SIRS filed and/or applications converted to SIRS, patent applications abandoned and/or lapsed, and patents and SIRS issued. It is recommended that the foregoing information be submitted in two separate categories, employee inventions and contractor inventions. The report will be submitted to JALS-IP to arrive within 30 days after the end of the fiscal year.

## Chapter 4

### Copyrights and Trademarks

#### Section I

##### Copyrights

#### 4-1. Copyright policy

It is DA policy to recognize the rights of copyright owners consistent with the Army's unique mission and worldwide commitments. As a general rule, copyrighted works will not be reproduced, distributed, or performed without the permission of the copyright owner unless such use is within an exception under United States Copyright Law, 17 USC, or such use is required to meet an immediate, mission-essential need for which noninfringing alternatives are either unavailable or unsatisfactory. Use of a copyrighted work by the Army without permission of the owner must be approved by the IPCA.

#### 4-2. Permissions and licenses

a. Copyright owners frequently grant the military departments free permission to use copyrighted material for certain purposes, particularly when the morale and welfare of military personnel are involved. Heads of Army activities and agencies should take care to assure that such permission is not abused by improper use of the material.

b. Authority to acquire a copyright license with appropriated funds arises under 10 USC 2386 and is described in paragraph 7-15. However, the procedures for the acquisition of permissions or licenses for specific uses may be governed by other regulations. See paragraph 4-6 below.

#### 4-3. Government employee works

a. Generally, the copyright in a work belongs to the work's author. An exception is a work of the United States Government in which, by law, no copyright can subsist.

b. A work of the United States Government is defined as a work prepared by an officer or employee of the United States Government as part of that person's official duties. Those duties may be expressed or implied. A Government work results even though the work was prepared using the author-employee's own time, material, or facilities. Two examples of Government works are—

(1) A work the preparation of which is necessary for the proper performance and accomplishment of an employee's duties or responsibilities, as those duties or responsibilities are specifically prescribed in the employee's job description.

(2) A work the preparation of which requested, directed, instructed, or otherwise ordered by an appropriate official.

c. The use of Government time, material, or facilities in creating a work does not necessarily result in that work being a work of the

United States Government. Also, the subject matter of the work, unless the work is prepared as part of the employee's official duties, does not automatically establish the work as a work of the United States Government. This is true even though the subject matter of the work may be directly related to the author-employee's official duties. Thus, the above factors do not preclude the existence of a copyright belonging to the author-employee. However, the use of Government assistance to create an unofficial and, hence, copyrighted work may result in a violation of AR 600-50.

*d.* Where Government time, material, or facilities are used in the preparation of the work, but, based on the principles above, a copyright subsists in the work, 28 USC 1498(b) does not confer a right of action on the Government employee copyright owner or his or her assignee for infringement by the Government. This is interpreted to mean that the Government is entitled to a royalty free license to duplicate, distribute, and use the copyrighted work and to have others do so for its benefit.

*e.* The author of a work of the United States Government has no rights in the work which can be conveyed. If a potential publisher asks the employee to sign an assignment of a copyright, the publisher should be advised that the work is a work of the United States Government. However, if the publisher insists on the employee executing a document as a prerequisite to publishing the work, the employee may sign a statement which indicates he or she is assigning whatever copyright rights may exist in the work. When material subject to a Government license (para *d* above) is submitted to a publisher, the publisher should be advised of the existence of the license to the Government. This will avoid subsequent embarrassment to the author or the publisher if the Government exercises its license.

*f.* If a copyrighted work consists of one or more works of the United States Government, the law requires affirmative or negative identification of the sections which are actually copyrighted, thereby indicating which portions are works of the United States Government.

#### **4-4. Computer software**

*a.* Computer software is copyrightable. Whether a copyright subsists in a particular piece of Government employee developed software depends on the same general principles discussed in paragraph 4-3.

*b.* Generally, Government use of copyrighted software it procures will be governed by the contract clauses used in the acquisition. However, to the extent that standard contract provisions are not applicable to a particular software acquisition, e.g., the purchase of off-the-shelf software products from third party vendors, then the use of the software will be governed by the copyright law, 17 USC. Copying of software under these circumstances is permissible:

(1) When preparing a backup copy to protect against the damage or loss of the original.

(2) When loading a copy of the software into a computer's random access memory or hard disk for more rapid access.

(3) When several computers operate as terminals on a network sharing a hard disk for software, data storage, and rapid retrieval and sharing. However, there must be an original copy of the software for each terminal in the network, or a Government purchased license authorizing the use of the software on a network.

(4) When otherwise authorized by the Vendor's Copyright Statement of Understanding contained in the User's guide or by special agreement with the copyright owner.

#### **4-5. Liability for infringement**

The exclusive remedy for infringement of copyright by the Government is by action against the United States in the U.S. Claims Court or by administrative claim.

#### **4-6. Copyright references**

The following references may be consulted concerning the use of copyrighted materials:

*a.* 17 USC.

*b.* 37 CFR, Chapter II.

*c.* DODD 5535.4, August 31, 1984.

*d.* AR 25-30, section IV.

*e.* AR 25-1.

*f.* DODD 5040.2, 7 December 1987.

*g.* AR 215-2.

*h.* DFARS 227-480.

## **Section II**

### **Trademarks**

#### **4-7. General**

The DA may apply for trademarks and other types of trademarks provided for under the Trademark Act of 1946 (Lanham Act), 15 USC 1051-1127. Trademark Act protection should be considered as a means of preventing unwanted exploitation by commercial entities of trademarks and phrases developed and funded by the Army. (See, e.g., AR 360-81, para 3-5j, which encourages commanders to trademark their newspaper names).

#### **4-8. Applying for trademark act protection**

Heads of Army activities and agencies desiring trademark registration shall submit requests for Trademark Act protection to the IPCA for preparation and filing of applications. All such requests will contain:

*a.* The signature block of the official who will sign the application (normally the activity or agency head).

*b.* The date of first use of the trademark.

*c.* The date of first use of the trademark in commerce.

*d.* A description of how the trademark is affixed to the goods on which it is used.

*e.* Six specimens of the trademark, e.g., the actual label or tag on which it is placed.

#### **4-9. Records**

The JALS-IP maintains a record of all trademarks obtained by the DA in accordance with AR 25-400-2. Copies of registrations and other information pertaining to the Army's trademark portfolio are available upon request from the JALS-IP.

## **Chapter 5 Litigation**

#### **5-1. Litigation policy**

It is the policy of the DA to avoid, whenever practicable, the infringement of privately-owned rights in inventions and copyrighted works.

#### **5-2. Representation**

The IPCA is designated to represent the DA in litigation matters pertaining to patents, copyrights, and trademarks, per AR 27-40, paragraph 1-4a. Sole authority for settlement of such litigation on behalf of the DA is vested in the IPCA. JALS-IP has the responsibility for furnishing a timely response to calls upon the Secretary of the Army from the Court of Federal Claims and from the Attorney General for information and assistance. To fulfill its responsibility for representation, JALS-IP will maintain liaison with the DOJ and other governmental agencies in connection with all litigation concerning patents, copyrights, trademarks and other intellectual property related matters involving the DA.

#### **5-3. Reporting pending or prospective litigation**

Whenever a DA activity becomes aware of any pending or prospective litigation concerning patents, copyrights, trademarks, rights in technical data, trade secrets (18 USC 1905) or computer software involving that activity or one of its contractors, the activity shall promptly notify the IPCA of the details of the litigation as required by AR 27-40, paragraph 2-1c(1).

#### **5-4. Investigative reports**

*a. Requirement.* Whenever a suit for alleged patent or copyright infringement or other cause of action related to intellectual property is filed, which appears to involve the DA, the DOJ issues a call on the Secretary of the Army under the authority of 28 USC 520, requesting all facts, circumstances and evidence within the possession of the DA that touch upon the suit. A copy of the petition or complaint is attached to the DOJ call, and in some cases an addendum is also attached requesting specific information. As the DOJ is required to file an answer to the plaintiff's petition or complaint within 60 days, an initial response must be made to the DOJ Civil Division providing all information available. In order to provide that initial response, JALS-IP may request that the specific Army activity or activities concerned with the subject matter of the litigation, prepare an investigative report covering the subject matter of the litigation. Unless otherwise directed, an activity requested to provide an investigative report shall forward a report containing the information set forth in paragraph *b* within 30 days of receipt of such request. If the time limit cannot be met, an interim report will be submitted to JALS-IP providing as much of the information set forth in paragraph *b* as possible. Such interim report will be supplemented as the additional information becomes available.

*b. Content.* A tabbed and indexed investigative report will be prepared as follows:

(1) *Part I, Statement of Facts.* Include a complete statement of the facts upon which the action and any defenses thereto are predicated. In each instance in which a fact or facts can be supported by documents or statements of witnesses (see (5) below) appropriate parenthetical references to such documents or statements will be inserted into the statement of facts. Include details of any previous administrative action such as the filing of an administrative claim. The statement of facts should include the following:

(a) Any information bearing on the plaintiff and the development and dates of the invention.

(b) Description of all devices manufactured by or for, or used by or for, the Government, which might correspond to the charge of infringement. Where possible, specifications, including drawings, diagrams and operating information must be included.

(c) The names and addresses of contractors with numbers and dates of contracts, contract paragraph numbers containing authorization of consent and patent indemnity clauses, and names and addresses of surety on the contracts.

(d) The amount and costs of procurement under each contract specified in (c) above.

(2) *Part II, Indemnity/Defenses.* Include a statement whether provisions for indemnification for any Government liability has been provided for in the procurement of the alleged infringing items. Additionally, facts setting forth possible defenses, with special reference to the existence of license rights for the Government to use the invention, must be provided. Also include a statement of known, relevant prior art and comments upon the validity of the patents, or copyrights in suit, as well as, any other grounds for asserting legitimate defenses to the suit.

(3) *Part III, Response to Pleadings.* A draft proposed answer should be prepared. The proposed answer should include a statement responding, in order, to each allegation of fact in the complaint (or other pleading) by either admitting or denying the same. Where possible, refer to exhibits to support each response.

(4) *Part IV, Memorandum of Law.* Include a brief statement of the applicable law with citation to legal authority and such argument and comments upon the facts of the case as is necessary to show the applicability of the authority cited. An extensive memorandum of law is not required. The primary purpose of the investigative report is to provide the relevant facts of the case to the DOJ and to point out relevant issues. As such, exhaustive research of the legal issues is neither required nor contemplated.

(5) *Part V, Exhibits and Witnesses.*

(a) Exhibits will include — all pertinent documentary evidence; copies of any pertinent contracts, subcontracts, collateral agreements or assignments, and extracts therefrom which are involved in the

action; copies of all relevant prior art references; and copies of any correspondence which relate to either the subject matter or the parties involved in the litigation.

(b) Include a list of all possible witnesses for the Government with — present or last known home and office addresses; home and office telephone numbers; and social security account numbers. In determining who may be a witness, special consideration should be given to employees of the Army who know engineering and procurement facts relevant to the accused devices.

(c) Where possible, include a statement from each witness reflecting his or her knowledge of the facts upon which he or she may be able to testify. If the witness is unable to furnish a statement, a summary of the testimony he or she might be expected to give, if known, should be substituted for his or her statement. Transmission of investigative reports should not, however, be delayed because a witness is not available. Such statements or a summary thereof, should be forwarded as soon as practicable.

#### **5-5. Additional requirements**

Copies of reports of administrative claims will be used to avoid duplication of effort. Such reports, however, will not be submitted alone in place of an investigative report. Care should be exercised in selecting and compiling the appendices and exhibits attached to the investigative report. Ordinarily, unless otherwise instructed or requested, each exhibit submitted should be tabbed and internally paginated. All references to exhibits in the body of the investigative report should be to the page numbers within the particular exhibit. In-house memorandums if attached to correspondence, should be separated from the correspondence and both forwarded as two exhibits, each paginated. In preparing exhibits to the attachments, care should be taken to safeguard information which is classified or is otherwise subject to restrictions on disclosure. These items should all be separately marked indicating the respective restrictions on their disclosure.

#### **5-6. Distribution of investigative reports**

Investigative reports will be forwarded in duplicate to JALS-IP. The use of expedited mail or courier services is authorized to transmit investigative reports and other documents and items needed to support litigation.

#### **5-7. Release of information and appearance of witnesses**

Requests for the release of official information and the appearance of present and former DA military and civilian personnel in response to subpoenas, litigation related requests and orders for information, interviews or attendance at quasi-judicial proceedings shall be processed in accordance with AR 27-40, chapter 6.

### **Chapter 6**

## **Administrative Claims, Proffers, and Purchases of Rights**

### **Section I**

#### **Administrative Claims**

##### **6-1. Administrative claims policy**

Any patent or copyright owner who believes that the DA has infringed his or her patent or copyright, or has caused him or her damage by imposing a secrecy order may file an administrative claim for compensation or damages instead of filing suit against the United States.

##### **6-2. Initiation of patent infringement and secrecy order claims**

A copy of any written communication received by a DA activity alleging either patent infringement or damages incurred by reason of the imposition of a secrecy order shall be promptly transmitted by such activity's servicing legal office to the JALS-IP in accordance

with DFARS Subpart 227.70 and Army Federal Acquisition Regulation Supplement (AFARS) 27.7006-91, for coordination and review to determine if the claimant is legally entitled to present the claim. The letter of transmittal should include a summary of any pertinent facts known to the activity concerning the claim or allegation. The activity's servicing legal office will provide a written acknowledgment to the claimant that such communication has been received and is being reviewed.

### **6-3. Assignment of the patent or secrecy order claim**

The JALS-IP shall review the communication to determine if it meets the requirements of DFARS 227.7004 for filing an administrative patent infringement claim and whether the claimant is legally entitled to make such a claim. Once the infringement claim is considered to be in proper form, the JALS-IP will docket the claim and assign it for investigation to patent counsel assigned to the alleged infringing DA activity. If there is no patent counsel assigned to the alleged infringing activity or if the claim is solely under 35 USC 183, the JALS-IP shall assign the claim for investigation by patent counsel from the activity with the most expertise in the relevant technology. Before assigning the claim, JALS-IP will review its files and the files in the USPTO for any record of Government rights. JALS-IP will notify all agencies and military departments having a probable interest in the claim and request that they provide assigned Army patent counsel with any pertinent information available to them.

### **6-4. Investigation (Exempt report, AR 335-15, para 5-2e.)**

The assigned patent counsel shall promptly investigate the claim. The investigation will examine every area required to be addressed in the final report (para 6-5). A status report addressing the progress of the investigation will be submitted to JALS-IP every 3 months.

### **6-5. Final report (Exempt report, AR 335-15, para 5-2e.)**

A final report (in duplicate) of the results of the investigation including recommendations and conclusions, will be drafted no later than 18 months after the investigation is assigned to patent counsel. If denial of the claim is recommended, a copy of the final report and a draft denial letter shall be forwarded by the assigned patent counsel to, JALS-IP. A copy of the final report shall also be forwarded by the patent counsel to each interested head of a procuring activity. Each such report shall be signed by the investigating attorney, dated and clearly marked FINAL REPORT and ATTORNEY WORK PRODUCT. If settlement of the claim is recommended, the assigned patent counsel shall negotiate for a settlement agreement. Such agreements are subject to the same approval requirements as set forth in section III concerning the purchase of intellectual property rights. The final report shall include the following information:

- a. The name and address of each contractor and subcontractor, numbers and dates of all contracts and subcontracts for procurement of the item in question, and for all other possibly infringing items which the Government has procured or used.
- b. The text of each contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement.
- c. The extent and dates of the alleged infringement or, when no dates are alleged, the period over which infringement has been investigated.
- d. The text of any contract clause granting (or, if there is no such clause, any other information relating to) authorization and consent by the Government to the manufacture or use of the article, material, design, or process upon which such claim is based.
- e. A copy of each patent alleged to be infringed.
- f. The results of a title search in the USPTO.
- g. A complete disclosure of any device, material, design, or process which is alleged to infringe or which is sufficiently close to the patented item to raise a possible inference of infringement. The disclosure should include a detailed description thereof, together with drawings, sketches, photographs, and specimens in proper cases, sufficient to determine whether infringement is present.

h. An analysis of the independent patent claims in comparison with the alleged infringing item or items which might raise an inference of infringement. The analysis should be in the form of a claims chart.

i. A report of the date and extent of searches, if any, in each of the following categories:

(1) Prior art patents and publications.

(2) Pending patent applications filed by the procuring activity conducting the investigation.

(3) Prior public uses.

j. A copy of each prior art patent and publication, and full and complete description (and where practicable, a drawing, sketch, photograph, or specimen) of any prior uses relied upon by the patent counsel.

k. A statement whether the inventor or patent owner was a Government employee in a position to order, influence, or induce use of the invention by the Government.

l. A statement whether the invention was made during the time the inventor was in employment or service of the Government and if so, a description of the inventor's official functions at the time and a statement whether Government time, materials, or facilities were used.

m. The names and addresses of prospective factual and expert witnesses and, if pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, the interviewing officer shall submit a statement setting forth the facts which the witness may be expected to state if called to testify.

n. Conclusions regarding infringement with respect to all procurement involved and reasons therefor.

o. Conclusions regarding validity and reasons therefor.

p. Conclusions regarding the Government's potential liability, for both past and future procurement and the basis for such conclusions.

q. A statement of the position taken by indemnitor(s) where pertinent.

r. A summary of negotiations for settlement, if any.

s. Any recommendations concerning the disposition of the claims.

### **6-6. Initiation of copyright infringement claims**

Any DA activity which receives correspondence asserting copyright infringement by the DA will forward it to JALS-IP. In addition, the activity should forward such of the following as may be available:

a. Any other correspondence from the claimant which concerns the same matter.

b. Any written consent giving the Government the right to use the material. If such written consent has previously been submitted to the DA, information concerning the disposition will be furnished.

c. A statement disclosing the extent of distribution of the Army publication.

d. A statement disclosing the purpose for which the Army publication was originated.

e. A description of the source material asserted to have been infringed, including the title, author, publisher, date of publication, date and owner of the copyright, and, if disclosed in the work, the Library of Congress catalog card number and International Standard Book Number or International Standard Serial Number to allow further verification of the work.

f. A statement disclosing whether the author of the source material was hired by the Government to produce the source material or if the source material was produced with the use of Government time, material, or facilities.

### **6-7. Assignment of the copyright claim**

If the correspondence contains sufficient information, it will be docketed as a claim and assigned for investigation to patent or legal counsel for the alleged infringing activity. If there is no counsel, JALS-IP will conduct the investigation or assign it to another counsel.

**6-8. Final report of copyright claim if no settlement(Exempt report, AR 335-15, para 5-2e )**

A final report of the results of the investigation(including recommendations, conclusions and, if appropriate, a draft denial letter), shall be submitted by the assigned counsel to JALS-IP. Each such report shall be signed by the investigating attorney, dated and clearly marked FINAL REPORT and ATTORNEY WORK PRODUCT. It shall also include, so far as is practicable, the information required in paragraphs 6-5a through d and m through s, as well as the following information:

- a. The registration number of the copyright alleged to be infringed.
- b. The results of a title investigation.
- c. A copy of any device, work, or publication which is alleged to infringe or which is sufficiently close to the copyrighted work as to raise a possible inference of infringement.
- d. A copy of the work protected by the allegedly infringed copyright.
- e. The extent, if any, to which the claimant has licensed the copyright.
- f. A statement whether the copyrighted work was made during a time when the author of the work was in the employment or service of the Government, and if so, a description of the author's official functions and duties at the time; whether Government time, materials, or facilities were used; and whether the employee was in a position to order, influence, or induce use of the copyrighted work by the Government.
- g. A statement whether the work was produced under a Government contract, and, if so, the contract number.

**6-9. Review and action on all final reports**

JALS-IP shall review each final report and, if the report is approved, deny the claim on behalf of the DA or take other appropriate action leading to the disposition of the claim. JALS-IP will provide copies of any denial letter or other correspondence to the assigned counsel, and other interested military departments. JALS-IP may prepare a concurring memorandum or if the final report is not acceptable, return the report to the assigned legal counsel with a nonconcurring memorandum including appropriate instructions for further actions.

**6-10. Request for reconsideration**

If a claimant files a request for reconsideration from a denial by JALS-IP, the request will be forwarded to the assigned patent counsel for comment and recommendations. The decision whether or not the claim will be reconsidered will be made by the IPCA.

**Section II  
Proffers**

**6-11. Requests for clearance**

Any written proffer of a license or assignment in a patent or patent application received by a DA activity shall be promptly transmitted via its counsel, if any, to the JALS-IP in accordance with AFARS 27.7011-90. The letter of transmittal must state all pertinent facts known to the activity about the proffer and indicate whether or not the activity is interested in pursuing the matter with the proffesor. An interest will be presumed if the activity requests clearance from JALS-IP to consider and procure a license or assignment on behalf of the DA. If the activity is not interested in the proffer, it should so state and provide its reasons. Since there is no obligation on the DA to consider proffers, such reasons may be brief.

- a. Each request for clearance shall include:
  - (1) The name and address of the patent owner.
  - (2) The number and date of each patent, and the serial number and filing date of each patent application involved, and the name of the inventor(s).
  - (3) A copy of any communication from the patent owner (or his or her representative) making the offer.
  - (4) A description of the invention in sufficient detail to permit

other procuring activities to determine whether they may have an interest in the matter.

(5) A summary of the nature and terms of the proposed license or assignment including a copy of the instrument submitted.

(6) The names of any other DA activities which might have an interest, and a statement as to the probable interest of the Departments of Navy and Air Force and the Defense Supply Agency.

(7) Any other pertinent information.

b. JALS-IP, upon receipt of the request for clearance, shall review its files and the files in the USPTO to determine whether the Government has any license or other interest in any patent or patent application involved and grant appropriate clearance in writing.

c. Upon receipt of clearance, the assigned counsel shall consider the proposed license or assignment on behalf of the DA in coordination with any other interested DOD agencies and procure the same in accordance with section III of this chapter.

**6-12. Final report if no license or assignment is procured**

Assigned counsel shall make a final report(in duplicate) (Exempt report, AR 335-15, para 5-2e), to JALS-IP with respect to each proposed license or assignment, the procurement of which is believed to be inadvisable or as to which the counsel has been unable to negotiate terms deemed reasonable. Counsel will forward a copy of the final report to each head of an interested procuring activity. JALS-IP, if it accepts the report, shall send a letter to the patent owner or his or her representative (with copies to the counsel and head of each interested procuring activity) rejecting the proffer.

**Section III  
Purchase of Intellectual Property Rights**

**6-13. Authority and delegations**

The purchase of rights in patents, patent applications, copyrights and in technical data is authorized by 10 USC 2386. Under AFARS 27.7006-90, the Commander, U.S. Army Materiel Command; the Commander, U.S. Army Corps of Engineers; The Surgeon General; the U.S. Army Strategic Defense Command; and their designees may acquire these rights and enter into settlement agreements subject to the limitations in DFARS 227.70. All other DA activities shall forward any proposed agreement for signature by the ASA(RD&A) through the IPCA except for copyright licenses of \$2, 500 or less. Claims asserted under 22 USC 2356, may be settled by the Commander, U.S. Army Materiel Command; the Commander, U.S. Army Corps of Engineers; and the Commander, U.S. Army Information Systems Command.

**6-14. Approval of agreements**

a. Notwithstanding the above authorities to enter into agreements, the approval of TJAG or his designee is required consistent with AFARS 27.7006-94 for the purchase of rights under 10 USC 2386. This applies to technology licenses or options whether or not a specific patent is mentioned.

b. To obtain approval of the agreement, a copy of any proposed agreement shall be submitted in draft to JALS-IP, for review. The draft shall be accompanied by a memorandum of facts setting forth, where pertinent:

- (1) The identification and brief description of the subject matter of the patent, patent application, or technology involved.
- (2) The date of clearance granted, if a claim or proffer.
- (3) A statement of the extent of use by the DA of the patent or technology, and an estimate of the Government's potential liability, if any.
- (4) A statement of the interest of any other Department in the matter with a summary of extent to which coordination has been effected or should be effected.
- (5) A specific reference to the reasons the requested approval is necessary as cited in a above.
- (6) The reasons for any deviation from any prescribed contract clause and a precise statement of such deviation.
- (7) A recommendation, with supporting reasons, that the agreement be approved.

(8) A recommendation that the agreement, if approved, be filed in the public register, departmental register, or the secret register of the USPTO as appropriate.

(9) A statement that the agreement effects settlement of the claim for which clearance was granted.

(10) A statement that the evidence indicates that the licensor has title to the patents or copyrights forming the basis of the agreement.

c. If the IPCA finds the draft acceptable, he or she will notify the assigned counsel that it may be finalized and executed by the parties if it includes, when appropriate, the clause: "Approval of Contract. This contract shall be subject to approval for the Secretary of the Army by or on behalf of The Judge Advocate General, Department of the Army, and shall not be binding until so approved."

d. The DA activity will then forward three executed copies to JALS-IP.

e. After approval, when approval is required by TJAG or his designee, JALS-IP will forward one executed copy to the USPTO for recordation in the recommended register if a specific patent or application is identified in the agreement. One signed copy will be retained in the JALS-IP and one will be returned to the activity.

## 6-15. Gratuitous grants

The IPCA may accept for the DA royalty-free licenses, assignments or releases in patents or patent applications in accordance with AR 1-100. Pursuant to AFARS 27.7011-92, these gratuitous grants will use the standard clauses in DFARS 227.7009-1 to the extent practical except that the words "grant" and "grant or" shall be substituted for "contract" and "contractor."

## Chapter 7 Licensing of Army-Owned Inventions

### 7-1. Licensing policy

It is the policy of the DA to promote the utilization and commercialization of inventions arising from Army supported research and development.

### 7-2. Authority

a. Patent Rights in Inventions made with Federal Assistance, 35 USC 207-209.

b. Licensing of Government Owned Inventions, 37 CFR, Part 404.

c. The Federal Technology Transfer Act of 1986, Public Law 99-502 (codified as amendments to 15 USC 3701-3715) EO 12591, April 10, 1987.

### 7-3. Federal Technology Transfer Act of 1986

a. The authority to enter into cooperative research and development agreements and license, assign or waive rights to intellectual property developed either under such cooperation research and development agreements or from within individual laboratories has been delegated to Commanders and Directors of Army laboratories. The authority to disapprove or require modification of such agreements has been retained by the ASA(RD&A).

b. The Army regulation relating to cooperative research and development agreements and patent license agreements is AR 70-57.

c. When a laboratory commander or director desires to enter into a cooperative research and development agreement or desires to license a laboratory derived invention, the commander or director shall notify the intellectual property counsel assigned to the laboratory before entering into any negotiations for an agreement. If an intellectual property attorney is not assigned to a given laboratory, the laboratory commander or director shall notify the IPCA that the laboratory is planning to enter into a cooperative research and development agreement or planning to grant a license on a laboratory derived invention.

d. A laboratory assigned intellectual property attorney or an attorney from JALS-IP shall assist the laboratory commander or director and laboratory staff in the negotiations and development of all

cooperative research and development agreements and patent license agreements. Further, the intellectual property attorney shall be responsible for drafting the cooperative research and development agreement or patent license agreement. In all cases, the party entering into a cooperative research and development agreement or laboratory patent license with the laboratory shall be put on notice that the ASA(RD&A) may within 30 days disapprove or modify any agreement. The technology transfer manager will acknowledge the receipt of each agreement by a letter to the commander or director of the laboratory stating a control number and log date which officially begins the 30 day period during which the agreement may be disapproved or modified.

e. While the Technology Transfer Act of 1986 does provide for patent license agreements that are not included in a cooperative research and development agreement, such license agreements are granted under the authority of 35 USC 207-209 and shall comply with all the requirements of 35 USC 207-209 and 37 CFR 400 et. seq. However, for all other purposes such patent license agreements will be processed in accordance with the procedures in c above for processing cooperative research and development agreements. The ASA(RD&A) reserves the right to disapprove and modify any laboratory patent license agreement within the 30 day period set forth in c above.

f. A legal review of all cooperative research and development agreements and laboratory patent license agreements will be made by JALS-IP. The JALS-IP will advise the Deputy Assistant Secretary of the Army for Research and Technology, ATTN: SARD-TR, of the findings of the division and may recommend disapproval or modification of an agreement.

g. Before beginning any negotiation for a cooperative research and development agreement that will include a license under an Army-owned patent or patent application or negotiations for a laboratory patent license agreement, the intellectual property attorney assigned to the laboratory will provide JALS-IP with the patent number(s) or the application serial number(s) and request clearance to negotiate such a license from JALS-IP. JALS-IP will check the division records to determine if there has been any prior license activities involving the patent(s) or patent application(s) and will inform the requesting attorney of its findings and will grant clearance to negotiate unless a proposed license conflicts with any earlier granted license or licenses.

h. Immediately after the effective date of a cooperative research and development or laboratory patent license agreement, the laboratory will provide JALS-IP with a copy of the executed agreement. JALS-IP will maintain a record of all Army cooperative research and development agreements and a record of all laboratory patent license agreements.

i. At the end of every calendar year, each Army laboratory will provide JALS-IP with a report setting forth the status of each of the cooperative research and development agreements and patent license agreements of the laboratory and the total amount of royalties, if any, received by the laboratories under of the agreements. The report will also set forth in detail the disposition of any royalties received by the laboratory.

j. For patent license agreements not included as part of cooperative research and development agreements, any royalties received by a laboratory on such patent license agreements shall be divided as provided for in Army regulations and guidelines implementing the Technology Transfer Act of 1986.

### 7-4. Non-laboratory cooperative research and development agreements, and patent license agreements

a. Army employees other than employees assigned to an Army laboratory, may conceive patentable inventions that are assigned to the Army. While patents or patent applications on such inventions do not fall within the delegation authority set forth above in paragraph 7-3, the inventions may have commercial potential and should be made available to the private sector under a patent license agreement or as part of a cooperative research and development agreement.

b. For any patent license agreement or cooperative research and



development agreement not provided for in paragraph 7-3, an intellectual property attorney assigned to JALS-IP will in cooperation with personnel from the cognizant Army activity negotiate and draft such agreements. Such agreements will be processed in the same manner that laboratory derived cooperative research and development agreements and laboratory patent license agreements are processed as set forth in paragraph 7-3 including disapproval or modification by the ASA(RD&A).

## **Chapter 8 Invention Awards**

### **8-1. General**

*a.* Invention awards are cash Incentive Awards under the provisions of AR 672-20, chapter 3, granted to Government civilian employees and military personnel in recognition of their act of invention which has resulted in the filing of a patent application, a request for publication of a statutory invention registration (SIR), the grant of a United States patent, publication of a SIR, or the licensing of a patent application or patent.

*b.* In the event of any discrepancy between the dollar amount indicated for specific awards in this chapter and the amounts authorized in AR 672-20, the figure authorized by AR 672-20 shall govern, and the IPCA shall take appropriate measure to reconcile the discrepancy.

### **8-2. Responsibility of supporting patent counsel**

*a. Initial award.* The supporting patent counsel will notify the Incentive Awards Office of the major Army command (MACOM) or organization on whose behalf a patent application or a SIR was prepared that the inventor is eligible for an initial invention award. The notification is made after the application has been filed in the USPTO, and assigned a serial number by the USPTO.

*b. Final award.* When a patent or SIR covering an invention has been issued or published, the supporting patent counsel will advise the appropriate Incentive Awards Office of that fact. This will establish the inventor's eligibility for the final invention award. When a Notice of Allowability has been issued for an application withheld from issue because of national security interests, it will have the status of an issued patent for final invention award eligibility.

### **8-3. Requirements for eligibility**

*a.* Government civilian employees and military personnel may be considered for an initial award of \$200 if the conditions in paragraph 8-2a have been met. They may be considered for a final award of \$500 if the conditions in paragraph 8-2b have been met.

*b.* Supporting patent counsel may decide to file more than one patent or SIR application on an invention disclosure or to file continuation-in-part or divisional applications. If so, the sole inventor may be considered for the initial award of \$200 for each application and for the final award of \$500 for each patent issued or SIR published, or for each application under a Notice of Allowability, whether or not separate invention disclosures were originally involved. For a continuation-in-part application or a divisional application to qualify for invention awards, it must contain inventions independent and distinct from the invention of the original patent application.

*c.* When two or more eligible persons are co-inventors, each will receive an initial award of \$200. The final award to each eligible co-inventor will be \$250.

*d.* If one or more eligible inventors are joined as co-inventors with one or more persons who are ineligible to receive a cash award under this paragraph, the eligible inventors will be entitled to a pro rata share of the cash award that would be authorized if all co-inventors were eligible.

*e.* If a cash award has been paid for the invention under the Army Suggestion Program, awards under this paragraph are not authorized. An exception may be made if prior awards have totaled

less than that authorized by this chapter, in which case the difference between the two cash awards may be awarded.

*f.* An award paid on issuance of a Notice of Allowability precludes payment of a final award under this paragraph upon issuance of the patent on the same application covered by the Notice of Allowability.

*g.* Incentive awards committees will accept the following as valid evidence on which to approve awards:

(1) *Initial award.* A brief abstract of the invention from the patent application or request for publication of a SIR and a statement from the supporting patent counsel that the conditions set forth in paragraph 8-2a have been met.

(2) *Final award.* A statement from the supporting patent counsel that a patent, a SIR, or a Notice of Allowability has been issued. The statement should include the name of the inventor, title of the invention, and, in the case of a patent or a SIR, the date of issue or publication and the number of the patent or SIR.

### **8-4. Additional awards**

When the actual value of the invention can be determined, an additional award, over and above the initial and final awards, may be made based on the invention's actual value. This award may be granted notwithstanding the granting of an award under a chapter of AR 672-20 other than chapter 3.

*a.* The procedures in AR 672-20 will be used to determine the amount of any additional award. The approval authorities for additional awards will be the same as those specified for a cash award in AR 672-20. An inventor is eligible for an additional award even when the making of the invention is within the inventor's job responsibility.

*b.* When an additional award is granted, the amount of this award will be reduced by the amount of any awards granted under paragraph 8-3a above. Co-inventors who are eligible to receive awards under this chapter will share any additional award equally. If one or more co-inventors are ineligible to receive awards under this chapter, any additional award will be shared as provided in paragraph 8-3d.

## **Chapter 9 Contracting for the Preparation and Prosecution of Patent Applications**

### **9-1. Contracting policy**

It is the policy of the DA not to contract for the preparation and prosecution of patent applications except under unusual circumstances. Every effort will be made to have patent applications prepared and prosecuted by staff attorneys and agents.

### **9-2. Invention evaluation committee**

*a.* Every Army activity that averages more than 12 invention disclosures per year will establish an invention evaluation committee. The invention evaluation committee, with the assistance of patent counsel, will review all invention disclosures from the committee's activity for potential interest by the Army. When no potential Army interest is found, supporting patent counsel will determine whether the subject matter of the disclosure constitutes an invention. If the subject matter of the disclosure does constitute an invention, supporting patent counsel will institute a rights determination in accordance with chapter 2, section IV. Also the inventor(s) will be notified of the fact that the Army will not prepare a patent application on the invention.

*b.* When reviewing an invention disclosure, the invention evaluation committee shall assign a priority to an invention disclosure based on the level of Army interest. Further, the invention evaluation committee will take into account the number of staff attorneys or agents available to prepare patent applications. However, an invention disclosure shall not be assigned a low priority merely because the backlog of invention disclosures awaiting preparation of

patent applications is greater than the capability of the patent staff to timely prepare patent applications.

### **9-3. Patent applications and SIRs**

Patent applications will normally be prepared on invention disclosures in the order in which they are received by the patent attorney. However, if the backlog of disclosures exceeds the capability of the patent staff to timely prepare patent applications on all of the invention disclosures, patent applications will be prepared first on the disclosures having the highest priority. Also, patent applications will be prepared on invention disclosures that may be subject to a statutory bar so that the application will be filed in the USPTO before the bar date. For those invention disclosures assigned a low priority and for which a commercial potential either does not exist or is limited, a SIR will be prepared in lieu of a patent application.

### **9-4. Patent application goals**

The chief patent counsel shall establish a numerical goal of the number of patent applications that shall be prepared per year by each patent attorney or agent under his or her supervision. The numerical goal will be based on the average number of invention disclosures received per year and the overall duties of a given patent attorney or agent. Each chief counsel will provide the IPCA with the goals established for his or her office.

### **9-5. Contracting**

When the backlog of invention disclosures exceeds the annual goals established for a given patent activity, that activity may consider contracting for the preparation and prosecution of patent applications. However, the chief counsel will explore other methods of reducing the backlog before contracting, such as reviewing of the invention disclosures on hand to determine if some of the disclosures should be closed without the preparation of a patent application, increasing the size of the staff, or increasing productivity. Only after the chief counsel has determined that contracting for the preparation and prosecution of patent applications is required to reduce the backlog, will contracting be permitted. Contracting for the preparation and/or the prosecution of patent applications must be approved by the IPCA annually at the beginning of each fiscal year.

### **9-6. Contract reports (RCS-JAG 79 (Contracting for the Preparation and Prosecution of Patent Applications))**

After permission to contract is granted by the IPCA and contracting is initiated, the IPCA will be notified by the chief counsel that his or her office is contracting for the preparation and/or prosecution of patent applications. Thereafter, annually on 1 October of each year during which a patent activity is contracting, each contracting patent activity will submit a report on its contracting activities to the IPCA. Each report will cover the previous 12 months and will include the following:

- a.* The number of patent applications prepared under contract.
- b.* The number of applications for which the contractor is prosecuting an application in addition to preparing the application.
- c.* The dollar amount spent during the reporting period for contracting.
- d.* The number of invention disclosures on hand at the beginning and at the end of the reporting period.
- e.* The number of patent applications prepared by staff patent attorneys and agents during the reporting period.
- f.* A statement of planned contracting activity during the next 12 months.

## **Chapter 10 Patent Secrecy (Reserved)**

## **Appendix A References**

### **Section I Required Publications**

#### **AR 25-1**

The Army Information Resource Management Program. (Cited in para 4-6*e*.)

#### **AR 25-30**

The Army Integrated Publishing and Printing Program. (Cited in para 4-6*d*.)

#### **AR 25-400-2**

The Modern Army Recordkeeping System. (Cited in paras 2-3*a*(2) and 4-9.)

#### **AR 27-40**

Litigation. (Cited in paras 5-2, 5-3, 5-7.)

#### **AR 70-57**

Military-Civilian Technology Transfer. (Cited in para 7-3*b*.)

#### **AR 215-2**

The Management and Operation of Army Morale, Welfare, and Recreation Programs and Nonappropriated Funds Instrumentalities. (Cited in para 4-6*g*.)

#### **AR 380-5**

Department of the Army Information Security Program. (Cited in paras 2-3*b*(2) and 2-5*d*(2).)

#### **AR 600-50**

Standards of Conduct for Department of Army Personnel. (Cited in para 4-3*c*.)

#### **AR 672-20**

Incentive Awards. (Cited in paras 8-1, 8-4, and 8-4*a*.)

#### **AFARS 27.7006-90**

(Cited in para 6-13.)

#### **AFARS 27-7006-91**

(Cited in para 6-2.)

#### **AFARS 27-7006-94**

(Cited in para 6-14.)

#### **AFARS 27-7011-90**

(Cited in para 6-11.)

#### **AFARS 27-7011-92**

(Cited in para 6-15.)

#### **37 CFR, Chapter 11**

(Cited in para 4-6*b*.)

#### **37 CFR, Part 10**

(Cited in para 1-9*a*.)

#### **37 CFR, Part 404**

(Cited in para 7-2*b*.)

#### **37 CFR, Part 501**

(Cited in paras 2-11, 2-16.)

#### **37 CFR 400**

(Cited in para 7-3*e*.)

#### **37 CFR, Section 501.8**

(Cited in paras 2-16*a*, and 2-16*b*.)

#### **37 CFR 1.102**

(Cited in para 1-5*g*.)

#### **37 CFR 1.103**

(Cited in para 1-5*g*.)

#### **DA Pam 27-11**

Army Patents. (Cited in para 2-5*b*.)

#### **DFARS 48 CFR Chapter 2**

(Cited in para 2-22*a*.)

#### **DFARS Subpart 227.70**

(Cited in paras 6-2 and 6-13.)

#### **DFARS 227-480**

(Cited in para 4-6*h*.)

#### **DFARS 227-70**

(Cited in para 6-13.)

#### **DFARS 227.7004**

(Cited in para 6-3.)

#### **DFARS 227.7009-1**

(Cited in para 6-15.)

#### **EO 9424**

(Cited in para 3-1*a*.)

#### **EO 10096**

(Cited in paras 1-5*e*, 2-11.)

#### **EO 10930**

(Cited in paras 1-5*e*, 2-18.)

#### **EO 12591**

(Cited in para 7-2*c*.)

#### **Federal Acquisition Regulation, 48 CFR Chapter 2**

(Cited in para 2-22*a*.)

#### **Public Law 99-502**

(Cited in para 7-2*c*.)

#### **10 USC 2386**

(Cited in paras 4-2*b*, 6-13, and 6-14*a*.)

#### **15 USC 1051-1127**

(Cited in para 4-7.)

#### **15 USC 3701-3715**

(Cited in para 7-2*c*.)

#### **17 USC**

(Cited in paras 4-1 and 4-6*a*.)

#### **18 USC 203**

(Cited in para 1-9*b*.)

#### **18 USC 1905**

(Cited in para 5-3.)

#### **28 USC 520**

(Cited in para 5-4*a*.)

#### **28 USC 1498(b)**

(Cited in para 4-3*d*.)

**35 USC 41(b)**

(Cited in para 2–8*a*.)

**35 USC 183**

(Cited in para 6–3.)

**35 USC 184**

(Cited in paras 2–13*b*(1) and 2–13*b*(3).)

**35 USC 207–209**

(Cited in paras 7–2*a* and 7–3*e*.)

**35 USC 261**

(Cited in para 3–1*a*.)

**35 USC 267**

(Cited in para 1–5*g*.)

**Section II**

**Related Publications**

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

**AR 335–15**

Management Information Control System

**DOD 5200.1–R**

DOD Information Program Regulation

**DODD 5040.2**

Visual Information

**DODD 5535.4**

Copyrighted Sound and Video Recordings

**RCS: JAG–14**

Intellectual Property Report

**RCS: JAG–79**

Contracting for the Preparation and Prosecution of Patent Applications

**Section III**

**Prescribed Forms**

**DA Form 2871–R**

Invention Rights Questionnaire (Prescribed in paras 2–5*a*, 2–14*a*, 2–14*b*, 2–14*d*, 2–14*f*, and 2–15*d*.)

**DA Form 2872–R**

Request for Determination of Invention Rights (Prescribed in paras 2–14*d*, 2–14*f*, 2–15, 2–16*b*, and 2–16*c*.)

**DA Form 2873–R**

License of Invention. (Prescribed in paras 2–7*b*, 2–12*b*, and 2–21.)

**DA Form 2874–R**

Assignment of Invention. (Prescribed in paras 2–12*a*(30), and 2–21.)

**DA Form 4230–R**

Supplemental Signature Sheet. (Prescribed in para 2–21.)

**Section IV**

**Referenced Forms**

**DA Form 4734–R**

Invention Disclosure

## **Glossary**

### **Section I Abbreviations**

#### **AFARS**

Army Federal Acquisition Regulation Supplement

#### **ASA(RD&A)**

Assistant Secretary of the Army (Research, Development, and Acquisition)

#### **ASPAB**

Armed Services Patent Advisory Board

#### **CFR**

Code of Federal Regulations

#### **DAR**

Defense Acquisition Regulation

#### **DFARS**

Department of Defense Federal Acquisition Regulation Supplement

#### **DOD**

Department of Defense

#### **GPB**

Government Patent Board

#### **IPCA**

Intellectual Property Counsel of the Army

#### **JALS-IP**

Intellectual Property Law Division, Office of the Judge Advocate General

#### **MACOM**

major Army command

#### **MOS**

military occupation specialty

#### **USPTO**

United States Patent and Trademark Office

#### **SIR**

Statutory Invention Registration

#### **TJAG**

The Judge Advocate General of the Army

#### **USC**

United States Code

### **Section II Terms**

#### **Army-owned invention**

An invention owned by the United States of America, as represented by the Secretary of the Army.

#### **Claim**

A written demand for a sum of money, received by an activity of the DA, before a court suit is filed, alleging a right to compensation under an "applicable statute," based upon past actions of the DA. Such actions

could include acquisition or use of intellectual property or imposition of a secrecy order. Further actions, such as contemplated acquisition, are not a basis for a claim. Patent infringement claims must comply substantially with the requirements set forth in DFAR 9-404 and a claim must sufficiently identify the intellectual property involved and state the nature of the damages so that the validity of the claim may be properly considered.

#### **Commissioner**

The Commissioner of Patents and Trademarks

#### **Employee**

Any military member or civilian employee of the DA, including any part-time consultant or part-time employee.

#### **Intellectual property**

A product of the human mind which is protected by law. It includes, but is not limited to, patents, inventions, designs, copyrights, works of authorship, trademarks, service marks, technical data, trade secrets, computer software, unsolicited inventive proposals, and technical know-how. The intangible rights in such property are described as intellectual property rights.

#### **Invention**

Any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or any new and original and ornamental design or on article of manufacture, or any variety of plant, which is or may be patentable under the patent laws of the United States or any foreign country.

#### **Practical application**

To manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine; under conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

#### **Assigned patent counsel**

The principal patent attorney, patent advisor, or other legal advisor providing support to an activity, command or installation on intellectual property matters, whether directly employed by that activity, command or installation or acting under a support agreement. For those activities, commands or installations not having assigned patent counsel, JALS-IP provides this support.

#### **Potential Army interest in an invention**

Possible use of the invention by the Army or that the invention has commercial potential or may be included in a cooperative research and development agreement.

#### **Chief Counsel**

The chief or supervisor of an Army intellectual property law or patent law activity.

### **Section III**

#### **Special Abbreviations and Terms**

This section contains no entries.

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## INVENTION RIGHTS QUESTIONNAIRE

For use of this form, see AR 27-60; the proponent agency is OTJAG

### READ THE INSTRUCTIONS BELOW BEFORE COMPLETING THIS FORM

o Under Executive Order 10096, 23 January 1950, and AR 27-60, whenever an invention is made by a military or civilian employee of the Department of the Army, it is necessary to determine the rights in the invention as between the Government and the inventor. There are three ways in which rights may be determined:

- The inventor may be entitled to all rights and the Government to none (and hence the inventor need sign no document giving any rights to the Government);
- The Government may be entitled to a license permitting it to use or practice the invention and the inventor entitled to all other rights (and hence the inventor signs a license to the Government);
- The Government may be entitled to all rights and the inventor to none (and hence the inventor signs an assignment to the Government).

o Separate and distinct from the determination of rights, and even though it may appear that the inventor is entitled to all rights in the invention, the inventor may sign a license permitting the Government to use and practice the invention in return for which the Government will prosecute an application for a patent on the invention at no expense to the inventor, provided the Government is sufficiently interested in the invention.

o If the inventor desires voluntarily to assign all rights in the invention to the Government, he may complete PART A below. The remaining questions need not be answered.

o If the inventor does not desire to voluntarily assign all rights in the invention to the Government, it is necessary that all questions be answered completely. The determination of the rights in the invention depends upon the facts and circumstances under which the invention was made. In almost every case a failure to provide sufficient information works to the disadvantage of the inventor. If additional space is needed to fully answer any question, an attached sheet will be used. Many questions may be answered by a check mark; however, every question must be answered even if the appropriate answer is "No", "None", or "NA"(not applicable). Print or type all answers.

### SECTION I - TO BE COMPLETED BY THE INVENTOR

#### PART A - BASIC DATA

1. BRIEF TITLE OF INVENTION

2. NAME OF INVENTOR

3. GRADE AT TIME INVENTION WAS MADE

4. JOB TITLE AT TIME INVENTION WAS MADE

5. COMPLETE NAME OF ORGANIZATION AT TIME INVENTION WAS MADE (Include, as applicable, unit, section, branch, division, department, laboratory, post, camp, station, branch of Army)

6. I DESIRE TO ASSIGN TO THE UNITED STATES GOVERNMENT THE ENTIRE RIGHT, TITLE AND INTEREST IN AND TO THE ABOVE IDENTIFIED INVENTION. (Signature below is necessary only if assigning rights of invention to the Government. Completion of the remainder of this form is not necessary if you sign below.)

a. SIGNATURE OF INVENTOR

b. DATE





SECTION I - (CONTINUED)					
PART B - MAKING OF THE INVENTION					
<b>NOTE:</b> The making of an invention generally involves its conception or discovery followed by a series of acts which establish the correctness or operativeness of the idea. Depending upon the nature of the invention, these acts may involve the making of sketches, drawings, written descriptions, the making and testing of a model, the carrying out of a process, or the production of a composition of matter.					
7. BEFORE THE INVENTION WAS PHYSICALLY TRIED OUT OR PRODUCED IN MODEL OR WORKING FORM OR A COMPOSITION OF MATTER PRODUCED, WERE THE ESSENTIAL ELEMENTS OF THE INVENTION IN ITS OPERABLE AND PRACTICABLE FORM FULLY DISCLOSED IN WRITTEN DESCRIPTION, SKETCHES OR DRAWINGS IN SUCH A MANNER THAT THE INVENTION COULD BE PRODUCED OR PRACTICED FROM THEM WITHOUT THE EXERCISE OF ANY FURTHER INVENTIVE SKILL BY A PERSON WHO IS SKILLED IN THE FIELD TO WHICH THE INVENTION RELATES? <i>(If the answer is "yes" give the date such description, sketches or drawings were completed.)</i>					
<input type="checkbox"/> NO <input type="checkbox"/> YES	DATE				
8. WAS A MODEL MADE; OR, IF THE INVENTION IS A PROCESS, WAS THE PROCESS TRIED OUT; OR, IF THE INVENTION IS A COMPOSITION OF MATTER, WAS A COMPOSITION PRODUCED? <i>(If the answer is "yes" give the date such action took place.)</i>					
<input type="checkbox"/> NO <input type="checkbox"/> YES	DATE				
9. IF A MODEL WAS MADE AND TESTED, A COMPOSITION PRODUCED OR A PROCESS CARRIED OUT, WAS IT DONE BECAUSE:					
a. IT WAS DESIRED TO TEST THE OPERABILITY OR PRACTICABILITY OF THE INVENTION?	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <th style="padding: 2px;">YES</th> <th style="padding: 2px;">NO</th> </tr> <tr> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px;"></td> </tr> </table>	YES	NO		
YES	NO				
b. IT WAS DESIRED TO TEST THE USEFULNESS OF THE INVENTION TO THE GOVERNMENT?	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <th style="padding: 2px;">YES</th> <th style="padding: 2px;">NO</th> </tr> <tr> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px;"></td> </tr> </table>	YES	NO		
YES	NO				
c. IF IT WAS DONE FOR SOME OTHER REASON STATE THAT REASON:					
10. APPROXIMATELY HOW MUCH TOTAL TIME WAS SPENT BY YOU PERSONALLY IN MAKING THE INVENTION?					
a. PERSONAL TIME <i>(In hours) (Nonduty working hours)</i>	b. GOVERNMENT TIME <i>(In hours) (Duty hours including paid overtime)</i>				
11. EXPLAIN BRIEFLY THE USE, IF ANY, OF THE FOLLOWING ITEMS IN CONNECTION WITH THE MAKING OF THE INVENTION:					
a. THE USE OF GOVERNMENT FACILITIES <i>(Buildings, such as laboratories, shops or office buildings, but not buildings such as barracks or recreation buildings.)</i>					
b. THE USE OF GOVERNMENT EQUIPMENT <i>(Such as instruments, tools or machinery.)</i>					
c. THE USE OF GOVERNMENT MATERIALS <i>(Supplies, reagents, parts or any other materials; if scrap, waste or salvage materials were used, so state; give estimate monetary value of materials consumed.)</i>					
d. THE USE OF GOVERNMENT FUNDS WHICH WERE ACTUALLY OBLIGATED OR EXPENDED FOR THE PURPOSE OF MAKING THE INVENTION. <i>(Other than salaries and wages, and Government contributions covered under other parts of this question.)</i>					



**SECTION I - (CONTINUED)**

**PART B - MAKING OF THE INVENTION (CONTINUED)**

e. CONTRIBUTION OF INFORMATION BY THE GOVERNMENT *(Information which was available to you by reason of your official duties and not otherwise.)*

f. CONTRIBUTION OF TIME OR SERVICES OF OTHER GOVERNMENT EMPLOYEES DURING NORMAL OR OVERTIME WORKING HOURS *(State approximate number of hours and type of assistance.)*

**PART C - RELATIONSHIP BETWEEN THE INVENTION AND THE INVENTOR'S DUTIES**

12. BRIEFLY, WHAT PROMPTED YOU TO MAKE THE INSTANT INVENTION OR HOW DID YOU GET THE IDEA FOR THE INVENTION?

13. BRIEFLY AND IN BROAD TERMS, WHAT IS THE INVENTION SUPPOSED TO ACCOMPLISH?

14. WERE YOU EMPLOYED OR ASSIGNED:

	YES	NO
a. TO INVENT OR IMPROVE OR PERFECT ANY PROCESS, MACHINE, MANUFACTURE, DESIGN, OR COMPOSITION OF MATTER?		
b. TO CONDUCT OR PERFORM RESEARCH OR DEVELOPMENT WORK?		
c. TO SUPERVISE, DIRECT, COORDINATE OR REVIEW GOVERNMENT-FINANCED OR CONDUCTED RESEARCH OR DEVELOPMENT WORK?		
d. TO ACT IN A LIAISON CAPACITY AMONG GOVERNMENT OR NON-GOVERNMENTAL AGENCIES		

15. DESCRIBE THE DUTIES, PROJECT OR AREA OF WORK TO WHICH YOU WERE ASSIGNED AT THE TIME THE INVENTION WAS MADE. STATE IN SUFFICIENT DETAIL TO MAKE THEM UNDERSTANDABLE.



**SECTION I - (CONTINUED)**

**PART C - RELATIONSHIP BETWEEN THE INVENTION AND THE INVENTOR'S DUTIES (CONTINUED)**

16. STATE ANY FACTS OR CIRCUMSTANCES NOT COVERED IN YOUR ANSWERS ABOVE WHICH YOU BELIEVE WOULD HAVE A BEARING ON EITHER THE GOVERNMENT'S OR YOUR RIGHTS IN THE INVENTION.

17. SIGNATURE BELOW IS NECESSARY IF YOU ARE NOT ASSIGNING RIGHTS OF THE INVENTION TO THE GOVERNMENT.

a. SIGNATURE OF INVENTOR

b. DATE

**SECTION II -**

**TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR OF THE INVENTOR AT THE TIME THE INVENTION WAS MADE**

18. AS THE INVENTOR'S SUPERVISOR AT THE TIME OF THE INVENTION, WHAT CONTACT DID YOU HAVE WITH THE INVENTOR AND TO WHAT EXTENT DID YOU HAVE ACTUAL PERSONAL KNOWLEDGE OF THE INVENTOR'S DUTIES AND THE SUBSTANCE OF HIS INVENTION?

19. AT THE TIME THE INVENTION WAS MADE, WHAT WERE THE OFFICIAL DUTIES OF THE INVENTOR? IN ADDITION, SUBMIT A COPY OF THE JOB DESCRIPTION THE INVENTOR WAS WORKING UNDER AT THE TIME THE INVENTION WAS MADE.

20. AT THE TIME THE INVENTION WAS MADE, WHAT WERE THE SPECIFIC JOB OR PROJECT ASSIGNMENTS OF THE INVENTOR WHICH RELATED TO THE INVENTION AND WHAT WERE THEY INTENDED TO ACCOMPLISH?



**SECTION II - (CONTINUED)**

21. TO THE BEST OF YOUR ABILITY, HOW WOULD YOU DESCRIBE THE RELATIONSHIP BETWEEN THE INVENTION AND THE INVENTOR'S SPECIFIC JOB OR PROJECT ASSIGNMENT MOST CLOSELY RELATED TO THE INVENTION AT THE TIME IT WAS MADE.

YES NO

DIRECTLY RELATED

RELATED, BUT NOT DIRECTLY

UNRELATED

22. WAS THE INVENTION THE SET GOAL OF A SPECIFIC TASK ASSIGNED TO THE INVENTOR? *(If the answer is "yes" questions 23 and 24 need not be answered.)*

YES NO

23. ONCE THE INVENTOR HAD THE IDEA FOR THE INVENTION, WOULD HE/SHE HAVE HAD TO OBTAIN THE APPROVAL OF HIS/HER SUPERIORS TO CONTINUE DEVELOPMENT WORK ON IT AS A *GOVERNMENT PROJECT* OR COULD HE/SHE HAVE PROCEEDED UNDER HIS/HER OWN AUTHORITY?

YES NO

NEEDED APPROVAL

COULD PROCEED ON HIS/HER OWN

24. IF THE ANSWER TO QUESTION 23 WAS THAT THE INVENTOR "NEEDED APPROVAL", DO YOU THINK THAT THE INVENTION WAS SO RELATED TO HIS/HER DUTIES THAT HE/SHE WAS UNDER AN OBLIGATION TO REVEAL IT TO HIS/HER SUPERIORS WITH THE IDEA OF OBTAINING AUTHORIZATION OR AN ASSIGNMENT TO PERFORM DEVELOPMENT WORK ON IT?

YES NO

25. ARE YOU IN ACCORD WITH THE REPLIES WHICH THE INVENTOR HAS MADE TO EACH OF THE ITEMS IN SECTION I ABOVE?

YES NO

26. IF THE ANSWER TO QUESTION 25 IS "NO", DISCUSS AND EXPLAIN BELOW.

27. SUPERVISOR'S TITLE AT TIME INVENTION WAS MADE

28. DATE

29. TYPED OR PRINTED NAME OF SUPERVISOR

30. SIGNATURE OF SUPERVISOR





<b>REQUEST FOR DETERMINATION OF INVENTION RIGHTS</b> For use of this form, see AR 27-80; the proponent agency is OTJAG		GPB CASE NO. 10 -
1. TO		2. FROM
3. NAME OF INVENTOR		4. DATE
5. TITLE OF INVENTION		
6. DESCRIPTION OF INVENTION		
7. PATENT APPLICATION NUMBER		8. DATE APPLICATION WAS FILED
9. EXISTING GOVERNMENT RIGHTS  <input type="checkbox"/> EXECUTED LICENSE FOR GOVERNMENT FILING OF PATENT APPLICATION  <input type="checkbox"/> OTHER INSTRUMENT EXECUTED (Specify below)		10. EMPLOYMENT STATUS OF INVENTOR ( <i>Title, grade, office, installation</i> )
11. RECOMMENDATION		
<b>THE INFORMATION BELOW IS TO BE COMPLETED BY THE INTELLECTUAL PROPERTY DIVISION (OTJAG)</b>		
12. DEPARTMENT OF THE ARMY DETERMINATION		
13. TYPED NAME AND TITLE	14. SIGNATURE	15. DATE



## LICENSE OF INVENTION

For use of this form, see AR 27-60; the proponent agency is OTJAG

Title of Invention: \_\_\_\_\_

Inventor(s) Name: \_\_\_\_\_

\* Application Serial No. \_\_\_\_\_

\* Date Oath Executed: \_\_\_\_\_ \* Filing Date: \_\_\_\_\_

(\*Data not known at execution may be added for better identification.)

WHEREAS, the nature of the services or contributions of the Government of the United States are such as to justly and lawfully entitle the Government to the hereinafter recited rights and licenses; and

WHEREAS, the Government of the United States has agreed to prepare a patent application covering the above invention and to file same and prosecute it before the Patent Office at no expense to the inventor(s);

NOW, THEREFORE, in consideration of the premises, the undersigned;

ONE: do(es) hereby grant to the Government of the United States of America as represented by the Secretary of the Army, his successors in office, or designees, a nonexclusive, irrevocable, royalty-free license throughout the world in the above invention and under any patent domestic or foreign which is or may be granted thereon, for the full term thereof and any continuation, continuation-in-part or division of said application and any reissue or extension of any patent granted thereon, to make or have made, to use or have used the invention on behalf of the Government, and to sell or otherwise dispose of in accordance with law any and all articles, machines, or compositions of matter embodying said invention, with power to grant licenses for all governmental purposes including but not limited to power to issue sublicenses in furtherance of the foreign policies of the Government.

TWO: do(es) hereby grant to the United States of America, as represented by the Secretary of the Army, his successors in office, or designees, the irrevocable and exclusive power to prosecute the application for United States patent on said invention, including any continuations, and divisions thereof or substitutions therefore; as well as any applications for reissue of any patents issued thereon, with the power to conduct and make adjustments and settlements of any interferences in which any of said applications or patents resulting therefrom may become involved, said power including the right to grant reciprocal royalty-free, nonexclusive licenses in behalf of the inventor(s) and the Government necessary to accomplish said adjustments and settlements;

THREE: do(es) hereby agree to perform upon request all acts required to obtain the grant of Letters Patent on any application under TWO above, and to render effective all other rights herein granted to the Government; and to provide any further personally known information and available documents and to execute any further documents necessary to the prosecution of said patent applications or to the prosecution and settlement of interferences;

FOUR: do(es) further agree, notwithstanding the provisions of ONE above, to assign to the Government upon its request all right, title and interest in said invention in those foreign countries in which the Government, within eight months of the filing of the United States application for patent, determines to cause an application to be filed.

**NOTE: The inventor(s) may delete paragraph FOUR by crossing it out and initialing in the margin. (This form may be used for applications filed by the inventor(s) by deleting the second WHEREAS, and paragraphs TWO and THREE.)**

Inventor's Signature: \_\_\_\_\_  
(First name) (Middle Initial) (Last name)

Duty Address: \_\_\_\_\_  
(Locality) (County) (State)

Date: \_\_\_\_\_ Inventor's Typed Name: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) SS.  
County of \_\_\_\_\_ )

On the above date \_\_\_\_\_ known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own free act and deed.

(SEAL)

\_\_\_\_\_  
(Signature of notary public)

My Commission expires on \_\_\_\_\_



## ASSIGNMENT OF INVENTION

For use of this form, see AR 27-60; the proponent agency is OTJAG

Title of Invention: \_\_\_\_\_

Inventor(s): \_\_\_\_\_

\*Application Serial No.: \_\_\_\_\_

\*Date Oath Executed: \_\_\_\_\_ \*Filing Date: \_\_\_\_\_

(\*Data not known at execution may be added for better identification.)

I (We), the undersigned inventor(s), in consideration of the rights of the Government of the United States acquired by virtue of the circumstances under which the above-entitled invention was made, hereby:

1. Assign to the Government of the United States, as represented by the Secretary of the Army, the entire right, title and interest throughout the United States, its Territories, Possessions, and Puerto Rico, in and to the above-entitled invention and application for patent and all Letters Patent issuing thereon, and any continuation, continuation-in-part or division of said application and any reissue or extension of said Letters Patent.

2. Agree to assign to the Government upon its request, title and interest in the invention in those foreign countries in which the Government, within eight months of the filing of the United States application for patent, determines to cause an application to be filed; provided that if the Government determines not to cause an application to be filed in any particular foreign country or fails to make such a determination, within the said eight months, all right, title and interest in the invention in such foreign country shall remain in me (us), subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent which may issue on the invention in such foreign country, including the power to issue sublicenses for use in behalf of the Government and/or furtherance of the foreign policies of the Government.

3. Agree to provide any further information within my (our) knowledge and to execute any further documents necessary to the prosecution of patent applications on the invention, the prosecution and settlement of interferences and recording of title to patent applications and patents issuing thereon.

Signature of Inventor: \_\_\_\_\_  
(First name) (Middle Initial) (Last name)

Duty Address: \_\_\_\_\_  
(Locality) (County) (State)

Date: \_\_\_\_\_ Typed Name of Inventor: \_\_\_\_\_

\* \* \* \* \*

State of \_\_\_\_\_ )  
 ) SS.  
County of \_\_\_\_\_ )

On the above date known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that the same as his own free act and deed.

(SEAL)

\_\_\_\_\_  
(Signature of notary public)

My Commission expires on \_\_\_\_\_



## SUPPLEMENTAL SIGNATURE SHEET

For use of this form, see AR 27-60; the proponent agency is OTJAG

Use this form with DA Forms 2873-R and 2874-R when additional signature blocks are needed.

1. ASSIGNOR(s) OR LICENSOR(s) NAME(s)

2. APPLICATION SERIAL NUMBER

3. FILING DATE

4. TITLE OF INVENTION

SIGNATURE OF INVENTOR: \_\_\_\_\_  
(First name) (Middle initial) (Last name)

DUTY ADDRESS: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_ INVENTOR'S TYPED NAME: \_\_\_\_\_

\* \* \* \* \*

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.

On the above date \_\_\_\_\_ known to me to be the individual described in and who  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

(SEAL) \_\_\_\_\_  
(Signature of notary public)

My Commission expires on \_\_\_\_\_

SIGNATURE OF INVENTOR: \_\_\_\_\_  
(First name) (Middle initial) (Last name)

DUTY ADDRESS: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_ INVENTOR'S TYPED NAME: \_\_\_\_\_

\* \* \* \* \*

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.

On the above date \_\_\_\_\_ known to me to be the individual described in and who  
executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own  
free act and deed.

(SEAL) \_\_\_\_\_  
(Signature of notary public)

My Commission expires on \_\_\_\_\_





**Unclassified**

**PIN 000307-000**