

**Forest Service Handbook  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Handbook 3109.12 – Property Acquisition Assistance Handbook  
Chapter 20 - Management And Use Of Federal Excess Personal Property (FEPP)**

**Amendment:** 3109.12-2012-1

**Effective date:** February 24, 2012

**Duration:** This amendment is effective until superseded or removed.

**Approved by:** Robin L. Thompson, Associate Deputy Chief

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**Responsible Staff:**

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**Posting Instructions:** Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document.

**Digest:** Following is an explanation of the changes throughout the directive by section.

**Zero Code:** Makes major editorial changes to fit organizational structure and revises direction for clarity throughout the chapter.

**04:** Clarifies areas of responsibility and adds references to the Federal Excess Property Management Information System (FEPMIS) as a tool developed to assist State cooperators in managing Forest Service personal property.

**05:** Adds definitions for the following terms: "Accountable Officer," "Acquisition Date," "Agency Acquisition Management System (AAMS)," "Change of Status," "Cooperator," "Demilitarization (DEMIL)," "Donee," "Emergency," "Expendable Property," "Federal Excess Property Management Information System (FEPMIS)," "Fire Program," "Flight Safety Critical Aircraft Part (FSCAP)," "GSA Xcess," "Incidental Use," "Inventoried Property," "Modification," "Mutilate," "Negligence," "Ninety/Ten rule," "Non-expendable Property," "Property Management Officer (PMO)," "Public Body," "Reimbursable Property," "Report Number,"

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“Rolling Stock,” “Review,” “Screen,” “Separation of Duties,” “Technical Assistance,” “Transfer,” and “Unsalvageable Aircraft Part.”

Removes obsolete terms: “Exchange/Sale Property,” “Non-accountable Property,” “Non-reportable Excess Personal Property,” “Reportable Excess Personal Property,” and “Standard Price.”

**06:** Updates references to include Web hyperlinks.

**10:** Makes major editorial changes to fit organizational structure throughout the chapter. Revises direction for clarity and adds references to the Federal Excess Property Management Information System (FEPMIS) as the method for processing acquisitions.

**20:** Makes major editorial changes to fit organizational structure throughout the chapter. Revises direction for clarity, adds references to the Federal Excess Property Management Information System (FEPMIS) as the method of processing acquisition, management, and disposal of excess property, and adds direction for use of new form; FS-3100-9; Request for Cannibalization, Modification and Deregistration of Forest Service Owned Property.

**30:** Makes major editorial changes to fit organizational structure and revises direction for clarity throughout the chapter. Adds references to the Federal Excess Property Management Information System (FEPMIS) as the method to facilitate disposition of Federal Excess Personal Property (FEPP) property.

**40:** Makes major editorial changes to fit organizational structure and revises direction for clarity throughout the chapter. Adds references to the Federal Excess Property Management Information System (FEPMIS) as the method to facilitate acquiring, managing, and disposing of excess aviation property. Adds direction for use of the form; FS-3100-9; Request for Cannibalization, Modification and Deregistration of Forest Service Owned Property.

**50:** Makes major editorial changes to fit organizational structure and revises direction for clarity throughout the chapter. Adds references to the Federal Excess Property Management Information System (FEPMIS) as the method of processing acquisition, management, and disposal of excess property. Adds direction for use of form FS-3100-9, Request for Cannibalization, Modification and Deregistration of Forest Service Owned Property.

**60:** Makes major editorial changes to fit organizational structure, revises direction for clarity, and adds references to the Federal Excess Property Management Information System (FEPMIS) as the source for needed forms for Federal Excess Personal Property (FEPP) throughout the chapter.

**62.1:** Updates the requirements for the Annual Non-Federal Recipients report.

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**63.1:** Adds the FEPP Review Checklist exhibit.

**63.2:** Updates the disposal codes for FEPP.

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## **20.2 - Objective**

To outline the requirements and regulations on the management and uses of Federal Excess Personal Property (FEPP).

## **20.3 - Policy**

1. Only property needed for fire protection may be acquired.
2. Limit non-fire protection use of FEPP to no more than 10 percent of total usage. Abuse of the 10 percent non-fire use standard could result in recall of the property on loan, suspension from the program, or other sanctions.
3. Do not issue an SF-97, The United States Government Certificate to Obtain Title to a Motor Vehicle, to State agencies who acquire vehicles through the FEPP program, since this action would appear to transfer title to the State.
4. Exchange/sale to acquire newer equipment is not permitted.

## **20.4 - Responsibility**

1. The accountable officer shall:
  - a. Ensure recipients of FEPP property are aware that FEPP is for official use only and not to be used for personal reasons.
  - b. Report aircraft usage on an annual basis to the Forest Service Washington Office National FEPP Program Manager.
  - c. Justify, in writing, any non-fire use that exceeds allowable limits.
2. The accountable officers and Forest Service Asset Management staff property management officers (PMO) shall monitor usage during inventories and reviews.

## **21 - Use of Federal Excess Personal Property**

### **21.1 - General Requirements**

Accountable officers shall use FEPP primarily for fire protection; however, situations may occur that make this exclusive use impractical. Non-fire emergency use of FEPP is authorized during any emergency situation in which there is a threat to life and/or property, and this period is not considered to be part of the 10 percent rule. The actual use and justification should be documented and retained in the master asset file (FSH 6509.19).

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Acquire FEPP only for activities directly related to fire protection. Nurseries, tree planting, forest management, and administration of parks and recreation areas may contribute indirectly to the fire protection effort, but these activities are not recognized as part of the State fire program.

Accordingly, non-fire protection agencies must not use or receive FEPP through the Cooperative Fire Protection Program.

FEPP shop tools and machinery and FEPP office equipment are not bound by the 10 percent rule if the shop or office is established to provide a fire protection need. Forest Service regional/Area property management officers (PMOs) may not make the 10 percent non-fire use standards less restrictive, but for specific types of property, the standards may be more restrictive.

The accountable officer shall ensure the following property types are acquired to be used within these guidelines:

1. Rolling Stock. Refers to FEPP property that will be driven on public roads when used for its intended purpose. Do not exceed 10 percent of total use during any 12-month period or assign an FEPP vehicle to an employee whose fire protection work is a minor part of the total use of the property. This equipment, when under \$5000, is determined to be accountable by the National FEPP Program Manager, and be identified as accountable under Budget Object Classification code (BOC) 3190 on the U.S. Department of Agriculture (USDA) property management and accounting system.
2. Earth-moving equipment (tractors, graders, dozers). No more than 10 percent of the intended use can be for non-fire related activities within a 12-month period.
3. Small tools and construction materials. Use only to fabricate, modify, or maintain equipment or facilities primarily used for fire protection purposes.
4. Maintenance and repair shop equipment. Acquisition and use of shop equipment that benefit several activities is legitimate if the equipment or supplies are primarily for the maintenance and fabrication of fire protection equipment.
5. Office furniture, devices, and supplies. Use of FEPP is authorized only for items that are essential for the fire protection function at that location.
6. Clothing. Acquire only personal protective clothing that is safe and suitable for fire protection purposes.
7. Household furnishings and food preparation and serving equipment. Authorize only for use in training facilities and deployment staging areas where groups of fire protection personnel attend training or are housed temporarily.

8. Athletic equipment. Weights, weight sets, treadmills, stationary bicycles, and other cardiovascular equipment are permitted to assist in the overall physical fitness of personnel involved in fire protection and may be located at State facilities and fire departments.

9. Aircraft. See chapter 40 of this handbook for aircraft restrictions.

Do not obtain equipment or supplies that are primarily for non-fire activities and only incidentally for fire protection work through the Cooperative Fire Protection FEPP program.

## **21.2 - Protection and Maintenance**

The accountable officer shall protect and maintain all FEPP in the same manner as State-purchased equipment and supplies; implementing maintenance procedures that sustain the property in good operating condition. Use maintenance standards prescribed in military technical manuals or manufacturers' manuals.

## **21.3 - Modification**

Much of the equipment used in this program was not manufactured originally for wildland fire protection. Modifications of FEPP for fire protection purposes is authorized by the accountable officer and the Forest Service regional/Area PMO on form FS-3100-9, Request for Cannibalization, Modification and Deregistration of Forest Service Owned Property, in the Federal Excess Property Management Information System (FEPMIS), prior to any modifications to the property item.

The State agency will report items removed from the original end item as excess which is outlined in chapter 30 of this handbook.

Organizations such as the National Fire Protection Association ([www.nfpa.org](http://www.nfpa.org)) and the Roscommon Equipment Center ([www.roscommonequipmentcenter.com](http://www.roscommonequipmentcenter.com)) may also be able to provide guidance on FEPP modifications.

## **21.4 - Cannibalization**

The practice of disassembling unserviceable equipment for the purpose of using serviceable parts or other similar units is allowed when an item is determined to be uneconomical to repair or if the property is of unusual type or model for which parts are not commercially available.

Parts cannibalized from a FEPP item must be used in another FEPP item. Parts cannot be cannibalized to be used in any property other than FEPP. Cannibalize units that are uneconomical to repair before usable or repairable equipment.

The accountable officer and the Forest Service regional/Area PMO shall approve, prior to the cannibalization of the property item, form FS-3100-9, Request for Cannibalization, Modification and Deregistration of Forest Service Owned Property, in FEPMIS.

If an item is acquired for cannibalization, the State agency notes in FEPMIS on the SF 122, Transfer Order Excess Personal Property, that the item is being acquired for cannibalization. If the request to cannibalize is stated on the SF 122, the accountable officer will list the items to be cannibalized on the receipt of the property item in FEPMIS.

Parts with an estimated acquisition value of \$5,000 or greater will be assigned a Federal property number, inventoried biennially, and entered in FEPMIS and the USDA property management and accounting system.

### **21.5 - Renting Federal Excess Personal Property**

Rental or lease of FEPP to other parties is not permitted. State agencies may collect normal operation and use charges for incidental use or assistance provided to other activities. Consider such charges as recovery of the cost of operation of the equipment and use the receipts to reduce expenditures against the State fire program. Charges for the replacement of the equipment are not permitted. See section 21.1 for limitations on non-fire use.

### **21.6 - Accidents and Lost, Damaged, or Destroyed Property**

See FSM 6414.31, paragraph 2 for instructions on the use of form AD-112, Report of Unserviceable, Lost, Stolen, Damaged or Destroyed Property.

1. When accidents involving FEPP result in death, injury, illness, or property damage (in excess of \$350); the accountable officer shall prepare a Change of Status for the property item in FEPMIS and forward a full accident report to the Forest Service regional/Area PMO within 10 days. The report must contain full details surrounding the damage or destruction of the property item and complete property details; that is, make, model, serial number, year of manufacture, property value, and the current condition of the property.

a. Include the following data for accidents involving motor vehicles or heavy equipment:

- (1) Odometer mileage or hours of service;
- (2) Condition of motor, cab, body, chassis, and transmission assemblies;
- (3) Approximate salvage value of usable parts;
- (4) Estimated scrap or salvage value;



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(5) Any additional information necessary for local use; and

(6) Name and number of insurance policy.

b. The Forest Service regional/Area PMO approves the form AD-112, in FEPMIS and processes the accident report in accordance with FSM 6730 and FSH 6709.12, chapters 30 and 40.

c. The Forest Service regional/Area PMO will recommend the disposal method in block "E", section F, on the form AD-112.

d. Indicate the appraised value of the item (along with the method used to determine the appraised value) and/or insurance proceeds received in block "D" of section F on the form AD-112 and provide a copy to the accountable officer.

(1) A reimbursement value to the USDA Forest Service will be determined and entered in block "D" of section F on the form AD-112, notifying the State agency of their obligation.

(a) A guaranteed instrument of payment (cashier's check, certified check, money order, and so forth) will be prepared for the "U.S. Treasury, General Fund" and will be submitted to the Forest Service regional/Area PMO for the reimbursement value of the equipment.

e. File form AD-112, with original signatures and supporting documentation, in the regional/Area FEPP property master asset file (FSM 6414.31).

2. When FEPP property has been lost, damaged, or destroyed, the accountable officer will notify the Forest Service regional/Area PMO of the situation by creating a "Change of Status" in FEPMIS. When explaining the circumstances concerning property lost, stolen, damaged, or destroyed, answer the basic questions who, what, where, when, and how.

a. When FEPP is lost, damaged, or stolen, the accountable officer makes recommendations to the Forest Service regional/Area PMO as to whether there was negligence (either simple or gross) on the part of a legitimate operator or custodian. Include the recommendations in the comments field in FEPMIS.

b. The Forest Service regional/Area PMO shall request supporting documentation such as law enforcement reports, statements from involved parties, or State agency recommendations.

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c. The Forest Service regional/Area PMO shall make a determination of negligence (none, simple, or gross) after considering all known facts and circumstances.

(1) Simple negligence. The failure to provide a reasonable degree of care to protect the property in one's custody or to abide by Federal rules and regulations.

(2) Gross negligence. The intentional, willful, or wanton failure to exercise a reasonable degree of care to protect the property in one's custody in reckless disregard of the consequences of the actions.

d. If the Forest Service regional/Area PMO determines negligence, the case is returned to the State agency for corrective action. The State or custodial entity should apply the same administrative steps as if dealing with State- or entity-owned property of like value.

e. Employees are subject to the administrative regulations of their State for negligence resulting in stolen FEPP.

3. File the AD-112, with original signatures and supporting documentation, in the regional/Area FEPP property master asset file (FSM 6414.31). File law enforcement reports, custodian statements, and State agency letter of recommendation with the AD-112.

4. The Forest Service may suspend further acquisitions by the State on behalf of any legitimate custodian or custodial entity if repeated instances of negligence to FEPP occur. The suspension must remain in place until the State has identified the reasons for the negligence and taken steps, deemed satisfactory to the Forest Service regional/Area PMO, to prevent further instances.

5. If the Forest Service regional/Area PMO makes a finding of apparent gross negligence on the part of a State employee or a non-State employee, forward the findings plus all supporting documentation to the National FEPP Program Officer in the Washington Office for a final Agency determination.

a. If the final determination is one of gross negligence, the State must either reimburse the Federal Government for the property at no more than 10 percent and no less than 1 percent of its original acquisition cost, or replace the property at the State's expense.

(1) The Forest Service regional/Area PMO shall approve the decision to reimburse the Government, or to repair or replace the property prior to the State agency taking any action.

(2) The Forest Service regional/Area PMO shall advise the State agency of the Forest Service policy on simple negligence and gross negligence in regard to FEPP, and further advise the State agency not to enter into agreements with local fire departments or other entities for sub-loan of FEPP without making the recipient aware of the negligence policy.

b. The Forest Service will prepare the Bill of Collection(s), if deemed necessary in accordance with FSH 6509.11h. All funds collected must be deposited into the U.S. Treasury, General Fund.

### **21.7 - Stolen Property**

Accountable officers shall report stolen FEPP to local law enforcement authorities immediately upon discovery.

Report all stolen property to the Forest Service regional/Area PMO using the FEPMIS “Change of Status” process and provide details of the case, the condition of the item(s), and the actions taken to recover the item(s). Include the name of the person assigned the property, time and date (or approximate date) of theft, and last known location in the comments section.

State employees are subject to the administrative regulations of their State for negligence resulting in stolen FEPP.

### **21.8 - Safety**

Accountable officers shall incorporate a safety and health program into the FEPP program to ensure continuing prevention efforts that improve agency efficiency as well as provide adequate safeguards for the protection of life and property.

## **22 - Accountability of Federal Excess Personal Property**

### **22.1 - Property Accountability**

FEPP is Forest Service-owned property and subject to the accountability standards of the U.S. Department of Agriculture and the Forest Service. All FEPP is accountable.

### **22.2 - Inventoried Personal Property**

Inventoried personal property is:

1. Property that has an original acquisition cost of \$5,000 or greater.
2. A component part with an acquisition value greater than \$5,000 that has not been installed into another FEPP item.
3. Sensitive Property.

### 22.3 - Sensitive Property

The following are determined to be sensitive property by the Washington Office Acquisition Management (AQM) Property branch:

1. All firearms (including handguns, pistols, rifles, shotguns) and weapons (including flame launchers, flare guns, and taser electronic control devices), regardless of cost, and including, but not limited to, those used for law enforcement, cone collection, fire prevention, avalanche control, and bear protection.
2. Specialized Department of Defense (DOD) Global Positioning System (GPS) units. This includes GPS receivers, including Precise Positioning Service GPS receivers capable of receiving the P (Y) code broadcast from the DOD GPS satellite constellation. Commercial-off-the-Shelf (COTS) GPS units are not considered sensitive and are not formally accounted for in the supporting property management system.
3. Radiological equipment having a radioactive source (such as soil moisture gauges).
4. FEPP Rolling Stock. FEPP property that will be driven on public roads when used for its intended purpose. This equipment, when under \$5000, may be determined to be accountable by the National FEPP Program Manager, and be identified as accountable under Budget Object Classification Code (BOC) 3190 on the USDA-mandated property management and accounting system.

### 22.4 - Non-Inventory Property

Non-inventory property is personal property that does not meet the criteria for inventoried or sensitive property (sec. 22.2 and 22.3), and records of accountability by individual item are not necessary. However, control of this property must conform to State agency standards for similar items. As a minimum, State forestry agencies will distribute FEPP in FEPMIS using the "Shipping Document" to identify end users of the property item. Accountable officers shall also protect the property from pilferage, personal use, loss, damage, or theft.

1. Non-expendable Property.
  - a. Property that has an acquisition value of less than \$5,000 and is not determined to be sensitive in section 22.3.
  - b. Expected service life is greater than 2 years.
  - c. Property that does not get "consumed (used up)" with normal use.

2. Expendable Property. Property that has an acquisition cost of less than \$5,000 and is not determined to be sensitive in section 22.3.

- a. Vehicular and aircraft component parts that have been installed into an FEPP inventoried vehicle or aircraft.
- b. Items that are used up with normal use. Examples include, but are not restricted to, gloves, tires, motor oil, textiles, nuts and bolts, and fabricating materials.
- c. Items that cannot be identified by serial number or part number. Examples include, but are not restricted to, tools, food serving equipment, household and office furnishings, and storage containers.
- d. After service life has been exceeded, items that do not have a resale value either as a whole item or as scrap metal.

## 22.5 - Identification of Property

Forest Service regional/Area PMOs will furnish the forms, FS-3100-3, FS-3100-3a, and FS-3100-3b, Federal Property - Fire Use Only, to State forestry agencies to label all FEPP when feasible. These forms are adhesive, but they may not adhere to certain materials or greasy surfaces. It is permissible to attach the form to a wire or metal tag and rivet or tie the form to the property item.

1. Inventoried Property. Mark all inventoried property items in a permanent, visible manner with a Federal property identification number used to identify the property in official property management information database.

Serial number, model, manufacturer, property description, acquisition date, acquisition amount, and physical location must be recorded in the official Federal property management system and FEPMS.

2. Non-Expendable property. Attach the form FS-3100-3.

3. Expendable property. Attach the form FS-3100-3, if feasible.

Mark accountable property with the National Finance Center (NFC) Record Identification (ID) number assigned in the USDA property management and accounting information system. Identify other kinds of property with a "USFS" marking. Additional guidance on identification of property can be found in the FSM 6414.4.

## 22.6 - Records

The accountable officer and the Forest Service regional/Area PMO shall maintain auditable records on all inventoried FEPP property.

1. Records Adjustments. Adjust FEPP accountability records in the official USDA property management and accounting information system and FEPMIS when:

- a. New FEPP acquisitions are made;
- b. FEPP has been disposed of through transfer, donation, sale, destruction, or abandonment; or
- c. Property information records are found to be incorrect or inaccurate when reconciling FEPP inventories.

2. Records Retention Requirements. The accountable officer and the Forest Service regional/Area PMO shall retain acquisition and disposal records for accountable property for 6 years and 3 months after the year designated for the disposal of the property asset in accordance with FSH 6509.19, chapter 10, section 14.4.

If any litigation, claim, or audit begins before the expiration of the specified retention period, retain the records of all litigations, claims, or audit findings involving the records until resolution.

3. State Records. State records for inventoried FEPP must include the following:

- a. A description of the property, manufacturer's serial number;
  - b. The assigned 12-digit Federal property identification number;
  - c. Acquisition date (the date the transfer was approved by the Forest Service regional/Area PMO);
  - d. The original acquisition cost;
  - e. Agency and address where the property was obtained;
  - f. The assigned physical location of the FEPP property;
  - g. Intended use of the property; and
  - h. The ultimate disposal date; including the sale price, if any.
- i. Reports of physical inventories taken and reconciled with the regional/Area property records.

Inventory records must be maintained for a minimum of 6 years and 3 months.

4. Forest Service Records. Use the official Forest Service sanctioned USDA mandated inventory management and accounting system to inventory, control, and reconcile accountable officer records with actual inventories. The Forest Service regional/Area PMO shall enter all inventoried property into the official USDA property management and accounting information system. Each inventoried item of FEPP must have a Federal inventory number assigned to it.

## **23 - Mutual Aid and Other Cooperative Relationships**

### **23.1 - Authorization and Authorities**

Regional foresters and the Area Director may permit accountable officers to loan FEPP to other organizations within the State to protect wildlands from fire or provide rural community fire protection (sec. 21). Such loans must be documented in a written agreement between the accountable officer and the other organization that meets all legal requirements imposed upon the State agency.

Ensure that every agreement providing for the sub-loan of FEPP covers the following points:

1. The accountable officer remains accountable for Federal-owned FEPP property loaned under the agreement.
2. The borrowing agency must return all FEPP property to the accountable officer for disposal or reassignment when it is no longer needed or is worn out. State forestry agencies may not dispose of the property without prior written approval of the accountable officer and the Forest Service regional/Area PMO.
3. State forestry agencies must meet all licensing, insurance, and liability requirements of their State. The Forest Service is not liable for damages resulting from the use of FEPP equipment by rural fire departments or other entities.
4. The State agency will ensure that all FEPP rolling stock carries a minimum of liability insurance.
5. Cite Federal authorities such as the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), and the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) that authorizes the use of the property by the accountable officer or its loan to rural fire departments.
6. State the purpose for the loan of FEPP.
7. Identify any use or modification restrictions placed on the property.

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8. Personal use of FEPP property is prohibited, violates the law and the agreement, and subjects violators to penalties and equipment to recall.
9. State the effective and termination dates of the agreement.

All parties shall comply with Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments, and the Age Discrimination Act of 1975.