



U.S. Immigration and Customs Enforcement

Interim ICE Firearms Policy

July 7, 2004

Foreword

I have signed and authorized the release of the interim U.S. Immigration and Customs Enforcement (ICE) Firearms Policy. This document shall serve as an interim firearms policy for ICE and shall supersede all legacy agency firearms policies, becoming effective on July 7, 2004. This policy was the result of a great amount of dedication, effort and work by many representatives from each ICE operational component and the ICE National Firearms and Tactical Training Unit (NFTTU). The interim ICE Firearms Policy retains the best of each legacy agency's policy and national firearms program. It is intended to create a strong and comprehensive policy to unify our many operational elements in the critical area of firearms and the related disciplines.

The NFTTU shall electronically distribute this interim policy to all of the ICE Senior Firearms Instructors (SFIs) and post it on the NFTTU intranet website (<http://10.49.25.40>) for immediate access and distribution to all ICE armed officers. The NFTTU has provided interim policy training to over two hundred and fifty (250) ICE SFIs as of the release of this important interim policy. All ICE armed officers are required to fully read and understand the new policy prior to the July 7, 2004 implementation date.

Program offices should commence familiarization to the new course of fire beginning with the qualification period in July of 2004. ICE armed officers shall have two (2) quarters to transition to the new course of fire. Effective January 1, 2005, this new course of fire will become mandatory for all ICE armed officers. The new ICE QT targets may be ordered from Speedwell International (800-243-8274 or www.speedwelltargets.com) for practice and preparation for the transition. It is anticipated that in the future these targets will be available through (b) (7)(E) @dhs.gov. The NFTTU will provide additional guidance to the SFIs and field to assist in the implementation of this policy.

The implementation of this interim policy is a significant undertaking and is a milestone in the progress ICE is making in the establishment of our new agency. If you have any questions or require assistance in implementing this new policy in any way, please contact the NFTTU at (b) (7)(E)@dhs.gov.



Michael J. Garcia
Assistant Secretary

Table of Contents

Part 1	Authority to Carry Firearms.....	1
A.	Statutory and Regulatory Authority.....	1
B.	Authorized Officers	1
C.	Carriage of Firearms	2
D.	Flying Armed on a Commercial Aircraft.....	4
E.	Private Citizens	5
F.	Alcohol and Medication.....	5
G.	Restriction of Authority to Carry a Firearm	5
H.	Revocation of Authorization to Carry Firearms and Retrieval of a Firearm.....	6
I.	Temporary Retrieval of an ICE-Issued Firearm.....	7
J.	Lautenberg Amendment.....	8
Part 2	Firearms Officials.....	9
A.	Responsible Officials.....	9
B.	The National Firearms and Tactical Training Unit.....	10
C.	The Firearms and Use of Force Incident Review Committee.....	11
Part 3	Firearms Proficiency and Training.....	13
A.	Demonstration of Proficiency.....	13
B.	Use of Force Training.....	16
C.	Firearms Instructors.....	16
D.	Defensive Tactics Instructors.....	18
Part 4	Special Operational Requirements.....	20
A.	Training and Testing	20
B.	Specialized Operations.....	20
C.	Honor Guards.....	20
Part 5	Foreign Travel and Assignments	21
A.	Foreign Travel.....	21
B.	Foreign Assignments	21

Part 6	Firearms Accountability.....	23
A.	Control of Firearms.....	23
B.	Control of Ammunition.....	24
C.	Storage of Firearms and Ammunition.....	24
D.	Lost or Stolen Firearms.....	26
E.	Damaged Non-Repairable Firearms	27
F.	Firearms Board of Survey Action.....	28
G.	Firearms Reserves.....	28
H.	Flash and Undercover Firearms	29
I.	Confiscated or Abandoned Firearms	29
J.	Firearms and Ammunition Acquisitions.....	30
K.	Sale or Transfer of Authorized Personally Owned Firearms.....	30
Part 7	Firearms Maintenance, Inspection and Repair.....	31
A.	Firearm Accountability Review Program	31
B.	Armory Operations	31
C.	Inspections of All Firearms.....	31
D.	Maintenance.....	32
E.	Repair of Firearms	32
F.	Firearm Shipping and Transfer.....	33
G.	Firearm Replacement	33
H.	Destruction.....	33
Part 8	Intermediate Force Devices	35
A.	Chemical Munitions and Agents.....	35
B.	Procurement of Chemical Munitions and Agents.....	35
C.	Storage, Transportation and Issuance of Chemical Munitions and Agents	35
D.	Batons	36
E.	Procurement of Specialty Impact Munitions	36
F.	Storage and Issuance of Specialty Impact Munitions.....	36
G.	Training in Intermediate Force Techniques, Tactics and Devices.....	36
Part 9	Range Operations.....	37
A.	Range Conduct.....	37
B.	Range Operation and Safety	37
Appendix 1	- ICE Approved Firearms and Intermediate Force Devices.....	40
Appendix 2	- ICE Courses of Fire for Demonstration of Proficiency	42
Appendix 3	- Authorization to Carry an ICE-Approved Personally Owned Handgun	49

Part 1 Authority to Carry Firearms

A. Statutory and Regulatory Authority

The statutory and regulatory authority to carry a U.S. Immigration and Customs Enforcement (ICE) issued firearm or approved personally owned handgun is provided by:

1. 6 U.S.C. § 101, et seq;
2. 8 U.S.C. § 1357, 8 C.F.R. Part 287;
3. 19 U.S.C. § 1589a;
4. 40 U.S.C. § 1315; and
5. 49 U.S.C. § 44903.

B. Authorized Officers

To carry firearms in the performance of their official duties, ICE officers must:

1. Be involved in daily, routine or recurring law enforcement activities and operations in support of the ICE mission;
2. Be issued a badge and credentials to bear firearms;
3. Have successfully completed the mandatory basic law enforcement training, including basic firearms training, required for their ICE specific job series and title or successfully completed a substantially equivalent training program approved by the Assistant Secretary through the Director of the National Firearms and Tactical Training Unit (NFTTU);
4. Maintain proficiency in the use of firearms they are permitted to carry and adhere to the provisions of the policy governing the use of force; and
5. Meet all other requirements and standards set forth in this policy.
6. Exceptions to this criteria will require that a written justification be submitted to the Assistant Secretary by the respective Director of the operational component. The justification must be forwarded through the Director of the NFTTU for comment prior to submission to the Assistant Secretary. The Assistant Secretary may grant authorization for additional classes of positions or individual positions at any time.

C. Carriage of Firearms

Firearms shall be carried only by an ICE officer, who meets the requirements in Part 1.B.

1. ICE officers, when carrying an ICE-issued firearm(s) or an approved personally owned handgun(s), are required to carry their ICE badge and credentials authorizing them to bear firearms, except for officers involved in an undercover operation or other operational activities where the possession of a badge and credentials could compromise officer safety or the operation. Armed non-uniformed personnel should carry their handgun concealed from view unless operationally necessary whenever practicable.
2. During duty hours in the performance of their official duties, ICE officers who are carrying a firearm are required to carry only their ICE-issued firearm(s) or an approved personally owned handgun(s) loaded with ICE-approved ammunition, unless operational circumstances preclude use of these firearms, such as when engaged in certain undercover activities or when operating in a restricted area. Only those firearms listed in Appendix 1, *ICE Approved Firearms and Intermediate Force Devices*, and specifically approved by the respective operational component Director may be carried by ICE officers.
3. ICE officers may be required to carry shoulder-fired and other specialized weapons as determined necessary by the respective operational component Director. Only the firearms listed in Appendix 1 and approved by the respective operational component Director may be carried by ICE officers.
4. The Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry an ICE-issued firearm(s) or approved personally owned handgun(s) during duty hours.
5. The following Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry an ICE-issued or approved personally owned handgun(s) during non-duty hours:
 - a. Director of Air and Marine Operations;
 - b. Director of Detention and Removal Operations;
 - c. Director of Federal Air Marshal Service;
 - d. Director of Office of Investigations;
 - e. Director of Office of Intelligence;

- f. Director of Office of Professional Responsibility; and
 - g. Director of Operations.
6. The authorization to carry firearms while in a non-duty status does not confer any additional legal authority or rights upon the ICE officer. Circumstances that may affect the ICE officer's ability to safely intervene in situation while off-duty may be affected by their equipment or other support available. An officer in this capacity must always carefully consider his or her authority to act, legal jurisdiction and internal ICE policy.
 7. ICE Officers are not authorized to carry any personally owned shoulder-fired firearms or special weapons for official use.
 8. The Director of the respective operational component, with the NFTTU recommendation, may approve requests from a Responsible Official for a non-standard firearm during an approved undercover operation or operational activity. With this approval, the Senior Firearms Instructor (SFI) may issue for carry an NFTTU supplied non-standard firearm to an ICE officer designated to act in an undercover capacity, for the term of the approved undercover operation or until revoked by the Responsible Official or the Director of the NFTTU. A non-standard firearm is one not specified in Appendix 1.
 9. The Director of the NFTTU may issue a non-standard firearm to ICE officers in foreign countries as per the request of the Director of International Affairs\Foreign Operations.
 10. The Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry a secondary ICE-issued or approved personally owned handgun(s) listed in Appendix 1.
 11. ICE officers will carry their ICE-issued handgun(s) or approved personally owned handgun(s) fully loaded (hammer de-cocked, if applicable). Semiautomatic pistols will be carried with a round in the chamber, the magazine loaded to capacity. Revolvers will be carried with all cylinders loaded. ICE officers are only authorized to use ICE-issued ammunition for duty carry, whether on or off-duty.
 12. Handguns must be carried in a holster provided by ICE or in one that meets the same minimum standards as prescribed by the NFTTU. Officers with ICE approved, personally owned handguns must provide their own holsters and related leather gear for the personally owned weapon.
 13. For the purpose of this policy, the term "ICE issued" includes firearms, weapons, ammunition, ordnance, badges, credentials and other items or devices that were issued by a legacy agency now in ICE.

14. ICE officers should properly secure their weapon(s) from unauthorized access during the processing of prisoners\detainees where close proximity exists such as fingerprinting. For enhanced officer safety, another armed officer should be present during prisoner\detainee processing when possible.

D. Flying Armed on a Commercial Aircraft

1. ICE officers will abide by Transportation Security Administration (TSA) and Federal Aviation Administration (FAA) regulations when flying armed or transporting firearms in their luggage. It is mandatory that ICE officers comply with all TSA/FAA regulations. Each officer who carries a firearm while traveling on board a commercial aircraft must successfully complete the "Law Enforcement Officers Flying Armed" course prior to travel.
2. ICE officers, as designated by the ICE Assistant Secretary, are authorized to carry firearms in the cabin of a commercial aircraft in the performance of their official duties in accordance with TSA/FAA regulations.
3. ICE Special Agents and other ICE law enforcement officers that are authorized to carry firearms while in a non-duty status includes the carrying of a firearm while traveling on a commercial aircraft while on non-official travel. This authority may be restricted by the Director of the respective operational component pursuant to Part 1.G.
4. When flying on a commercial aircraft, an ICE officer must keep the ICE-issued firearm(s) or an approved personally owned handgun(s) concealed and out of view, either on his or her person or in his or her immediate reach while flying on commercial aircraft. If in uniform, the ICE officer must carry the firearm on his or her person. At no time may a firearm be placed in an overhead storage bin.
5. Under no circumstances shall an ICE-issued firearm or authorized personally owned firearm be surrendered to the Pilot in Command, a flight crew member or other airline employee except as required when checking their firearm as checked baggage as defined in item 8 below.
6. TSA/FAA does not permit any chemical agents in the cabin of a commercial aircraft. As provided by 49 C.F.R § 175.10, self-defense spray (mace or pepper spray) may be carried in checked baggage, provided the container does not exceed four (4) fluid ounces and has a positive means to prevent accidental discharge. In addition, chemical agents are prohibited aboard ICE aircraft, except when specifically authorized by Air and Marine Operations (AMO).
7. Only in exigent circumstances may an ICE officer place a handgun in checked baggage in accordance with TSA/FAA regulation. Each situation must be reported, in writing, to the Director of the NFTTU through the Responsible Official. This

requirement does not include the transportation of long-guns in ICE approved storage devices, which may be transported as checked baggage in accordance with TSA/FAA regulation.

8. In cases that necessitate transporting multiple firearms or shoulder-fire firearms on commercial aircraft, ICE officers will follow regulations provided by TSA/FAA and the guidelines provided by the NFFTU.

E. Private Citizens

Nothing in this policy shall be construed as interfering with the right of ICE officers as private citizens to carry a privately owned firearm for personal use. ICE officers are expected to comply with all applicable Federal, state and local laws when exercising this right. ICE officers, unless otherwise approved or during an emergency situation, Part 6.D., will carry only ICE-issued firearm(s) or an approved personally owned handgun(s) in their capacity as ICE officers.

F. Alcohol and Medication

1. ICE officers are prohibited from consuming alcoholic beverages while carrying any firearms, except when engaged in operational activities necessitating the consumption of alcoholic beverages. In these cases, the consumption of alcoholic beverages will be limited to an amount that does not impair the officer's judgment and ability to safely control a firearm.
2. ICE officers are further prohibited from carrying a firearm after consumption of alcoholic beverages when their judgment and ability to safely use and control a firearm is impaired.
3. ICE officers in the performance of their official duties shall not carry a firearm while taking medication that may impair their judgment and/or ability to safely control a firearm.

G. Restriction of Authority to Carry a Firearm

1. Within their area of responsibility, the Directors of operational components may restrict ICE officer(s) in carrying firearms by identifying, in writing, those assignments, functions, and locations at which, individuals may not be permitted to bear firearms. These officers will retain their credentials authorizing them to bear firearms, but they will not be issued firearms, permitted to carry firearms, or qualify with firearms unless the respective Directors of operational components authorizes them, in writing, to carry a firearm for specific duty assignments.
2. Designated ICE armed officers are the only ICE employees authorized to carry or possess firearms on ICE controlled property or in the performance of official duty.

This restriction applies to all other ICE employees including those licensed to carry firearms as private citizens under appropriate state or local statutes.

H. Revocation of Authorization to Carry Firearms and Retrieval of a Firearm

1. In order to carry a firearm, an ICE officer must be issued and carry credentials signed by the Secretary of the Department of Homeland Security (DHS) or his/her designee authorizing the ICE officer to carry firearms. Until such time as new ICE badges and credentials are issued to authorized ICE officers, authorized legacy agency badges and credentials shall remain valid for the purposes of this policy. Credentials may be denied, suspended, restricted, revoked, or reinstated, by the Assistant Secretary; the Director of Operations; the Director of the operational component or the Responsible Officials.
2. Situations or unacceptable conduct that may warrant the denial, suspension or revocation of credentials include, but are not limited to:
 - a. The failure to demonstrate proficiency with firearm(s) or other mandatory training requirements;
 - b. Medical conditions that would impede the safe and effective use of a firearm;
 - c. Evidence of substance abuse;
 - d. Evidence of the consumption of alcoholic beverages in violation of Part 1.F.;
 - e. Evidence of the taking of medication that impairs judgment and/or ability to safely control a firearm in violation of Part 1.F.;
 - f. Evidence of the commission of a felony;
 - g. Evidence of the commission of an act of domestic violence;
 - h. Evidence of inappropriate violent behavior;
 - i. Evidence of the misuse of a firearm;
 - j. Evidence of serious breaches of integrity or security; and/or
 - k. Any conduct which would be in violation of applicable Federal laws.
3. In addition, the appropriate Responsible Official may restrict or revoke the authority to carry a firearm during duty and/or non-duty hours when the restriction or revocation is in the best interests of ICE and/or the officer. When an individual's

authority to carry a firearm is restricted or revoked, the Responsible Official must provide the officer with a written notification explaining the reason(s) for the restriction or revocation and any limitations on the performance of duties.

4. When the authority to carry firearms is permanently or temporarily denied, suspended, restricted, or revoked, officers will not perform assignments for which ICE has determined that they must be armed. Permanent denial or revocation of firearms credentials may be grounds for reduction in grade, reassignment or removal, as determined appropriate by ICE.
5. Supervisors shall immediately remove the ICE-issued firearm(s) and/or withdraw the authorization to carry an approved personally owned firearm(s) from an officer if any of the circumstances listed in Part 1.H.2. apply.
 - a. When an ICE-issued firearm(s) is removed or the authorization to carry an approved personally owned handgun(s) is withdrawn from an ICE officer, the supervisor will inform, in writing, the Responsible Official within twenty-four (24) hours of such action, identifying the ICE officer involved and explaining the reason(s) for the removal or the withdrawal.
 - b. The Responsible Official shall provide written notification to the affected ICE officer, explaining the reason(s) for the removal of an ICE-issued firearm(s) or the authorization to carry an approved personally owned handgun(s) and any limitations on the performance of duties.
 - c. If the removal of an ICE-issued firearm(s) or the withdrawal of an authorization to carry an approved personally owned handgun(s) extends beyond seventy-two (72) hours, the Responsible Official shall provide written notification to the respective operational component Director, identifying the ICE officer involved and explaining the reason(s) for the removal. When either the Director of Operations or the Director of an operational component is the Responsible Official, notification to the next level of management is not required, only a permanent record of the action must be maintained.
 - d. If the removal of an ICE-issued firearm(s) or the withdrawal of an authorization to carry an approved personally owned handgun(s) extends beyond seventy-two (72) hours, the Responsible Official shall formally suspend the authorization to carry any firearm in accordance with Part 1.H. and record in the ICE automated firearms inventory system.

I. Temporary Retrieval of an ICE-Issued Firearm

1. Except as allowed in Part 3.A.9., an officer who will be on authorized sick leave, military leave or leave without pay status for an entire quarter qualification period, and who will therefore be unable to meet the ICE requirements to demonstrate proficiency, must turn in all ICE-issued firearms and/or relinquish any authorization

to carry a personally owned handgun(s) in the performance of their official duties to the Senior Firearms Instructor (SFI). The SFI will immediately transfer the firearm(s) from the officer to the reserve and record the withdrawal of any authorization to carry a personally owned handgun(s) in the ICE automated firearms inventory system. This entire action should occur prior to commencement of the leave.

2. Officers whose authority to carry a firearm has been temporarily withdrawn due to any of the circumstances listed in Part 1.H. or any officer suspended due to a disciplinary action, regardless of the number of days, must immediately turn in all ICE-issued firearms and/or relinquish any authorization to carry a personally owned handgun(s) in the performance of their official duties. The SFI must complete the transfer of the firearm(s) or the withdrawal of the authority for a personally owned handgun(s) in the ICE automated firearms inventory system.

J. Lautenberg Amendment

1. Pursuant to 18 U.S.C. § 922(g)(9), it is illegal for anyone, including federal law enforcement officers, who have been convicted of a misdemeanor crime of domestic violence to possess any firearm or ammunition.
2. It is the responsibility of any ICE officer arrested for a felony or misdemeanor crime of domestic violence to promptly report this information to his\her immediate supervisor. During the period pending disposition of the case, ICE officers are not permitted to possess or carry firearms or ammunition and are subject to suspension from ICE LEO duties.
3. The supervisor is responsible to ensure that all ICE firearm(s), weapon(s), ammunition and other related items are immediately turned over to the SFI for storage pending final disposition of the incident, to include any internal ICE inquiry or investigation.

Part 2 Firearms Officials

A. Responsible Officials

1. Responsible Officials are responsible for all aspects of the ICE firearms program as it relates to offices and personnel under his or her supervision, and for ensuring compliance with the ICE Firearms Policy and ICE Use of Force Policy by all officers within his or her area of responsibility.
2. Each Responsible Official has primary responsibility for inventory control, maintenance and security of all ICE firearms and ammunition within his or her area of responsibility.
3. Each Responsible Official shall designate, in writing, a SFI to manage the firearms and ammunition program within his or her area of responsibility. The SFI is responsible for overseeing the shipment, receipt and issuance and the periodic inventory of firearms and ammunition and other use of force equipment.
4. The Responsible Officials are:
 - a. Director of Operations;
 - b. Directors of Investigations, Intelligence, Air and Marine Operations, Detention and Removal, Federal Protective Service and Federal Air Marshal Service (collectively referred to as the operational components);
 - c. Assistant Director of International Affairs;
 - d. Deputy Assistant Director of International Affairs;
 - e. Federal Air Marshal Service Assistant Directors;
 - f. Federal Air Marshal Service Deputy Assistant Directors;
 - g. Special Agents in Charge;
 - h. Regional Special Agents in Charge;
 - i. Federal Protective Service Regional Directors;
 - j. Detention and Removal Field Office Directors;
 - k. Air and Marine Operations Field Directors;
 - l. Field Intelligence Unit Directors;

- m. Director of Training;
- n. Director of the NFTTU;
- o. Director of the Office of Professional Responsibility (OPR);
- p. International Affairs Attachés (where applicable); and
- q. Other officials designated, in writing, by the ICE Assistant Secretary.

B. The National Firearms and Tactical Training Unit

- 1. The Director of the NFTTU has primary responsibility to:
 - a. Direct all aspects of the ICE firearms and use of force program, including less-lethal force equipment and devices;
 - b. Direct the development and implementation of ICE firearms policies and procedures;
 - c. Direct the technical and evaluation aspects of the ICE firearms and use of force program;
 - d. Direct the development of training curriculum and delivery of the training of ICE Firearms Instructors, armorers, Defensive Tactics Instructors, intermediate force instructors, and other related training;
 - e. Direct the development and implementation of tactical doctrine;
 - f. Direct the development and presentation of training for ICE special response teams and other related training;
 - g. Direct collection and storage of qualification records;
 - h. Establish the procedures for the selection and certification of Firearms Instructors, Defensive Tactics Instructors, intermediate force instructors and other advanced firearms and force instructors, and maintain the record of these instructors' qualifications and certifications;
 - i. Operate and oversee all ICE national, field and academy armories, and direct the maintenance, repair, and alteration of all ICE-owned firearms and approved personally owned handguns; and

- j. Oversee the control and accountability of all firearms, ammunition, ordnance, less-lethal devices, intermediate force devices and other designated equipment or items.
 - 2. The Director of the NFTTU is responsible for acquiring all ICE-issued firearms, ammunition, ordnance, less-lethal devices and intermediate force devices for ICE. No ICE component or individual officer or employee, other than the Director of the NFTTU, is authorized to solicit, accept or otherwise acquire ICE issued firearms, ammunition, ordnance and/or intermediate force devices for any ICE purpose or operation. The NFTTU is the only entry or exit point for all ICE firearms, ammunition, ordnance and intermediate force devices in the ICE inventory.
 - 3. The Director of the NFTTU is responsible for processing all personally owned handguns. No more than one (1) primary personally owned handgun or one (1) secondary personally owned handgun will be approved in a one (1) year period. A record of all personally owned handguns authorized for carry in the performance of duties must be maintained in the ICE automated firearms inventory system. An approved form as shown in Appendix 3, *Authorization to Carry a Personally Owned, ICE-Approved Handgun*, must be retained by the NFTTU.
 - 4. The Director of the NFTTU is responsible for coordinating, directing and overseeing the legacy firearms, weapons, armory, ordnance and related functions of the legacy agencies that are now in ICE to ensure proper and comprehensive inventory management, control and accountability. These functions shall include procurement, issuance, shipping, receiving, modification, repair, maintenance, transfer, inventory, destruction and other related duties and responsibilities.
- C. The Firearms and Use of Force Incident Review Committee
- 1. The Firearms and Use of Force Incident Review Committee is responsible for:
 - a. Reviewing reports of all incidents involving firearms, certain and/or specified use of force events and enforcement related officer safety issues;
 - b. Reviewing all use of force incident reports to determine if tactics, training or policy is sufficient to deal with the incident; and
 - c. Establishing a permanent ICE Firearms Board of Survey at headquarters that is authorized to effect the relief of the firearms inventory and accountability.
 - 2. The Firearms and Use of Force Incident Review Committee members are:
 - a. The Director of the NFTTU, who serves as committee chair;
 - b. The Director of each operational component or his or her designee;

- c. The Director of the Office of Professional Responsibility (OPR) or his or her designee; and
 - d. The Principal Legal Advisor or his or her designee.
- 3. The Firearms and Use of Force Incident Review Committee shall meet quarterly, or more frequently if required, to review shooting and use of force incidents.
- 4. The use of force reporting requirements are contained within the ICE Use of Force Policy.

Part 3 Firearms Proficiency and Use of Force Training

A. Demonstration of Proficiency

1. All officers who are authorized and carry an ICE-issued firearm(s) or an approved personally owned handgun(s) must maintain an acceptable level of proficiency and are required, on a quarterly basis, to demonstrate their proficiency in the use of their firearm(s).
2. ICE officers shall be authorized at least eight (8) hours each quarter to participate in approved instruction delivered and/or coordinated by ICE Firearms Instructors and/or Defensive Tactics Instructors to meet NFTTU training requirements.
3. An acceptable level of proficiency, pursuant to guidelines established by the Director of the NFTTU, is based on all of the following:
 - a. Successfully completing the approved ICE qualification course of fire (see Appendix 2, *ICE Courses of Fire*), achieving at least the minimum numerical score as determined by the Director of the NFTTU;
 - b. Demonstrating proper handling techniques and manual dexterity required to safely holster and draw (if applicable), load, unload, and operate the firearm;
 - c. Demonstrating safe handling of the firearm and ammunition;
 - d. Successfully completing the advanced firearms training exercises, pursuant to guidelines established by the Director of the NFTTU;
 - e. Demonstrating appropriate responses to the failure or malfunction of firearms or ammunition, including immediate action drills and safe unloading procedures; and
 - f. To demonstrate proficiency with the firearm(s), the officer must successfully complete one (1) qualification course of fire in no more than two (2) consecutive attempts as well as satisfactorily demonstrate all other requirements.
3. Each quarter, officers must demonstrate proficiency with each ICE-issued firearm(s) and/or each approved personally owned handgun(s) that he or she carries whether on or off-duty. The Responsible Official may require officers to carry and demonstrate proficiency with additional firearms to meet operational requirements or needs.
4. Officers must demonstrate proficiency with each ICE-issued firearm(s) and/or each approved personally owned handgun(s) once each quarter and that successful demonstration of proficiency satisfies the requirements to carry that firearm for the

next quarter. Note: When officers are issued or otherwise obtain an approved handgun listed in Appendix 1 that has significantly different operating characteristics from one previously issued (i.e., trigger operation, decocker, magazine release, etc.), the officer must be certified as proficient with the new weapon by an ICE approved Firearms Instructor, following guidelines prescribed by the NFTTU, before the weapon is carried by the officer on or off-duty.

5. The quarters are:
 - a. First quarter - October through December;
 - b. Second quarter - January through March;
 - c. Third quarter - April through June; and
 - d. Fourth quarter - July through September.
6. When an officer did not demonstrate proficiency in the preceding quarter for any firearm, the officer must satisfactorily demonstrate proficiency before he or she is authorized to carry that firearm. This demonstration of proficiency will enable the officer to carry the firearm for the remainder of the quarter and will satisfy the requirements to carry that firearm for the next quarter until the next attended range date.
7. Annually, each officer should complete the familiarization course of fire, approved by the Director of the NFTTU, for all primary shoulder-fired firearms approved by the Director of the operational component that are located in that local office.
8. An officer who is unavailable to participate in the quarterly demonstration of firearm(s) proficiency (Did Not Fire) is still qualified to the last day of that quarter. However, he or she is not qualified, nor permitted to carry any firearm (ICE-issued firearm or approved personally owned handgun) after the last day of that quarter until he or she successfully demonstrates proficiency.
9. ICE officers unable to participate in the quarterly demonstration of firearm(s) proficiency due to exigent circumstances may be excused based on the written recommendation of the Responsible Official with the approval of the Director of the operational component and concurrence of the Director of the NFTTU. This should be limited to disasters or other significant incidents that are unforeseeable. Case workload is not an exemption from the quarterly requirement to demonstrate proficiency. The officer must qualify during the next available range date. Nevertheless, ICE officers are responsible for planning their schedules to ensure that they participate in required training and proficiency demonstration as early possible in the quarter to ensure adherence to policy.

10. An officer who is unable to participate in the quarterly demonstration of firearm(s) proficiency due to a temporary physical condition may be granted an exception:
 - a. The Responsible Official, with the concurrence of the Director of the NFFTU, may excuse an officer from participating in the quarterly demonstration of firearm(s) proficiency for the period not to exceed one hundred and eighty (180) days. A temporary physical condition may be caused by injury, surgery, illness or pregnancy. On a case-by-case basis, the Responsible Official may grant additional extensions. Under no circumstances will an exception be granted for more than two hundred and seventy (270) days.
 - b. The officer requesting this exception must provide the Responsible Official with a licensed physician's written recommendation. The recommendation must describe the nature of the temporary physical condition and the anticipated duration of the condition. However, the ICE officer requesting this exception must still be able to meet his or her specific operational and tactical requirements for their personal safety and the safety of others. This includes actions such as intermediate force devices, defensive tactics and weapon retention.
 - c. Officers granted this exception will receive a written authorization from the Responsible Official to continue carrying any ICE-issued firearm(s) and/or approved personally owned handgun(s), stating the expiration date of the exception and the serial number of each handgun the officer is authorized to continue to carry.
 - d. At the next firearms proficiency range day, but within thirty (30) days of the expiration of their exception, officers must demonstrate proficiency with each handgun(s) or all other firearm(s) he or she is authorized to carry.
11. An officer who fails to demonstrate proficiency will immediately relinquish that ICE-issued firearm(s) to the Firearms Instructor conducting the quarterly demonstration of firearm(s) proficiency. An officer who fails to demonstrate proficiency (Did Not Qualify) with an approved personally owned handgun(s) will immediately have their authorization to carry that personally owned handgun suspended. The removal of that ICE-issued firearm(s) or the suspension of the authorization to carry that personally owned handgun(s) will be recorded immediately in the ICE automated inventory system. The officer will be directed to attend remedial firearms training. The relinquished ICE-issued firearm(s) and/or suspended authorization to carry that approved personally owned handgun(s) will be reinstated when the officer successfully demonstrates proficiency with each firearm(s).

12. Any officer who fails to demonstrate proficiency as required in Part 3.A., will not be allowed to perform law enforcement duties requiring the carrying of a firearm until the officer demonstrates proficiency.
13. An ICE certified Firearms Instructor shall conduct remedial firearms training and direct the demonstration of proficiency. Reasonable effort and time will be made to assist the officer during remedial training. This remedial training should focus on the shooter's problem(s) and may include a review of basic marksmanship principles, dry and live fire techniques and live fire practice. To demonstrate proficiency with the firearm(s), the officer must successfully complete one (1) qualification course of fire in no more than two (2) consecutive attempts as well as satisfactorily demonstrate all other requirements listed in Part 3.A.
14. An officer who, following remedial training, is unable to demonstrate proficiency with the firearm may be subject to reassignment or removal.
15. All additional, specific advanced firearms, defensive tactics and use of force training must be coordinated and approved by the Director of the NFTTU or his designee.

B. Use of Force Training

1. ICE officers shall be authorized at least eight (8) hours each quarter to participate in approved instruction delivered and/or coordinated by ICE Firearms Instructors and/or Defensive Tactics Instructors to meet NFTTU training requirements (see 3.A.2).
2. This training includes a review of the ICE and DHS policies on the use of force, reporting procedures and the ICE use of force continuum.
3. Failure to comply with mandatory training requirements may result in the revocation of an ICE officer's authorization to carry a firearm and any subsequent ramifications.

C. Firearms Instructors

1. Each Responsible Official shall designate an SFI to:
 - a. Manage the field office firearms and use of force training, practice or qualification programs;
 - b. Schedule and direct the other Firearms Instructors;
 - c. Ensure all qualification scores are recorded in the ICE automated firearms inventory system;

- d. Ensure that all advanced firearms training exercises and use of force training are recorded in the ICE training recording system;
 - d. Maintain sufficient quantities of supplies to conduct the firearms program;
 - e. Coordinate the scheduling of officers to participate in the required firearms qualifications and all applicable training, including use of force, tactical exercises, and special response team training;
 - f. Make final determinations regarding proficiency; and
 - g. Manage the overall firearms and related use of force program within his or her area of responsibility.
2. Each Responsible Official shall designate officers to perform full-time or collateral duties as Firearms Instructors for a minimum of five (5) years in duration, if the officer remains assigned to that duty location.
 3. The Director of the NFTTU shall establish the criteria for the selection and certification of Firearms Instructors. The Director of the NFTTU will maintain a record of all certified Firearms Instructors.
 4. All Firearms Instructors must successfully complete the ICE firearms instructor training conducted by the NFTTU or the Firearms Instructor Training Program (FITP) conducted by the Federal Law Enforcement Training Center (FLETC). In addition, ICE officers who have successfully completed, and have retained certification, from the U.S. Customs Firearms Instructor Training Program, Immigration Officer Academy Firearms Instructor Training Program or other federal training program as approved by the Director of the NFTTU may be ICE Firearms Instructors.
 5. Firearms Instructors are required to be recertified at least once every five (5) years through a recertification program approved by the Director of the NFTTU. The Director of the NFTTU may extend a Firearms Instructor's certification period due to training or resource limitations.
 6. Only ICE Firearms Instructors, meeting the training and certification requirements outlined in Part 3.C., are authorized to perform Firearms Instructor duties.
 7. During firearms training, practice or qualification sessions, Firearms Instructors are responsible for taking all reasonable steps to ensure the safety and security of all involved ICE personnel and property. They are also authorized to remove any person from the range who refuses to comply with safety instructions or otherwise poses a safety risk.

D. Defensive Tactics Instructors

1. Each Responsible Official shall designate officers to perform full-time or collateral duties as Defensive Tactics Instructors for a minimum of five (5) years in duration, if the officer remains assigned to that duty location.
3. Responsible Official will designate one (1) Defensive Tactics Instructor as the Senior Defensive Tactics Instructor. His or her responsibilities are as follows:
 - a. Provide instruction for ICE officers in defensive tactics and intermediate force weapons, through the use of integrated scenario based training as well as classroom and training room exercises, in accordance with Part 10.H of this issuance and with the training and frequency parameters set for by the Director of the NFFTU;
 - b. Manage the field office defensive tactics and intermediate force weapons training programs;
 - c. Schedule and direct the other Defensive Tactics Instructors;
 - d. Ensure that all defensive tactics, intermediate force weapons and related use of force training is recorded in the ICE training recordation system;
 - e. Maintain sufficient quantities of supplies and equipment to conduct the defensive tactics training;
 - f. Coordinate the scheduling of ICE officers to participate in the required defensive tactics, intermediate force weapons and related use of force training; and
 - g. Manage the overall defensive tactics, intermediate force weapons and related use of force program within his or her area of responsibility.
3. Director of the NFFTU shall establish the criteria for the selection and certification of Defensive Tactics Instructors. The Director of the NFFTU will maintain a record of all certified Defensive Tactics Instructors.
4. Defensive Tactic Instructors must successfully complete the training specified by the Director of the NFFTU.
5. Defensive Tactics Instructors are required to be recertified at least once every five (5) years through a recertification program approved by the Director of the NFFTU.
6. Only ICE Defensive Tactics Instructors, meeting the training and certification requirements outlined in Part 3.D., are authorized to perform Defensive Tactics Instructor duties.

7. During defensive tactics training, practice or certification sessions, Defensive Tactics Instructors are responsible for taking all reasonable steps to ensure the safety and security of all involved ICE personnel and property. They are also authorized to remove any person from the training area who refuses to comply with safety instructions or otherwise poses a safety risk.

Part 4 Special Operational Requirements

A. Training and Testing

As directed by the Director of the NFFTU, selected ICE officers, Firearms Instructors or officers assigned to approved Special Response Teams (including detailed assignments), may transport and use any firearm in the ICE inventory, any firearm selected by the Director of the NFFTU for training or operational purposes, or any firearm under consideration by the ICE for acquisition for the purpose of conducting:

1. Basic training approved by the Director of Training;
2. Advanced firearms training approved by the Director of the NFFTU;
3. Testing and evaluation of weapons directed by the Director of the NFFTU; or
4. Operational activities approved by a Director of an operational component.

B. Specialized Operations

1. A Special Response Team (SRT) may be established consistent with the guidelines and procedures established by the Director of the NFFTU and approved by the appropriate Director of an operational component.
2. SRT officers and specifically designated officers of AMO may use specialized firearms, not otherwise listed in Appendix 1, which are specifically approved for the SRT or AMO by the appropriate Director of an operational component with the concurrence of the Director of the NFFTU.
3. Only SRT officers and specifically designated AMO officers who have successfully completed the required training, as mandated by the Director of the NFFTU, will be authorized to utilize special weapons. Every quarter, these officers must demonstrate proficiency with each special weapon.
4. The standard issued SRT and AMO firearms are listed on Appendix 1.

C. Honor Guards

Officers assigned to an authorized honor guard unit may use specialized firearms specifically approved by the appropriate Director of an operational component with the concurrence of the Director of the NFFTU. If the specialized firearms are carried loaded, the officers must successfully complete the required training and certification for each specialized firearm(s) and demonstrate proficiency quarterly with these specialized firearm(s).

Part 5 Foreign Travel and Assignments

A. Foreign Travel

1. ICE officers, except officers assigned to OPR, who carry firearms into a foreign country on official business must notify and receive approval from the Director of the respective operational component, the Director of Foreign Operations, the U.S. Embassy and the transit country or countries prior to travel.
2. Officers assigned to the OPR who carry firearms into a foreign country on official business must receive approval from the Director of OPR, who will ensure that all U.S. Embassy requirements and notifications are effected, as appropriate.
3. At no time will any employee of ICE or OPR travel into or through a foreign country without obtaining country clearance prior to the commencement of their travel.

B. Foreign Assignments

The following procedures are for ICE officers who are assigned or will be assigned to an overseas post of duty:

1. Import and export of firearms, as well as carriage of a firearm in a foreign country, require concurrence from the U.S. Embassy and the Director of Foreign Operations. When approval is granted, the ICE officer will be issued a firearm from permanent inventory of firearms at the post of duty. Each Attaché office may have one (1) spare primary firearm if available. These firearms will be assigned to the ICE Attaché who will act as the Responsible Official in the ICE automated firearms inventory system and who will ensure compliance with all appropriate national policies and appropriate foreign laws. Request for other weapons will be considered on a case-by-case basis with the approval of the appropriate Director of an operational component and the concurrence of the Director of the NFTTU.
2. An ICE officer going to a foreign post of duty will turn in his or her domestic ICE-issued firearms(s) to their SFI.
3. An ICE officer newly assigned to an Attaché office will be issued a firearm from their foreign post of duty inventory. This firearm will be his or her assigned firearm for the duration of the foreign tour. Upon completion of a foreign tour, the firearm will be transferred back to the ICE Attaché. Any excess firearms shall be returned to the Director of the NFTTU.
4. Any ICE armed officer permanently assigned to a foreign office and authorized by that foreign office to carry a firearm should attempt to meet the training requirements with the same make and model firearm(s) at least once a year when returning to the United States or any other location where an ICE Firearms

Instructor can conduct proficiency training. Any ICE armed officer exempted from the quarterly demonstration of proficiency requirements while permanently assigned to a foreign office must meet all ICE training requirements should they wish to carry a firearm while on temporary duty in the United States. Where appropriate, Attaches are encouraged to maintain proficiency with firearms through participation with other law enforcement agencies at the post of duty.

5. An ICE officer returning from overseas assignments will be issued another firearm. However, the ICE officer must demonstrate proficiency with the firearm before carrying it whether on or off-duty.
6. Any request for a long gun or special weapon must be forwarded through the appropriate channels in Foreign Operations prior to the Director of the NFFTU for consideration and authorization.

Part 6 Firearms Accountability

A. Control of Firearms

1. The Director of the NFFTU will maintain a complete inventory of all ICE owned firearms in the ICE automated firearms inventory system. In addition, all approved personally owned handguns shall be recorded and specifically identified in the ICE automated firearms inventory system.
2. The Director of the NFFTU is responsible for coordinating, directing and overseeing the legacy firearms, weapons, armory, ordnance and related functions of all the legacy agencies that are now in ICE to ensure proper and comprehensive inventory management, control and accountability. These functions shall include procurement, issuance, shipping, receiving, modification, repair, maintenance, transfer, inventory, destruction and other related duties and responsibilities.
3. Every firearm issued to an officer must be recorded and maintained in the ICE automated firearms inventory system.
4. All managers and supervisors will be responsible for the accuracy of firearms inventories and records of their organizational components.
5. Each Responsible Official shall conduct an annual inventory of all firearms, ammunition, and related equipment, as prescribed by the Director of the NFFTU.
6. All firearms issued to an officer shall be immediately recorded in the ICE automated firearms inventory system, identifying the officer and the serial number of each firearm.
7. The Director of the NFFTU is responsible for establishing and overseeing the procedures regarding requests for and authorizations of personally owned handguns for ICE officers. Officers authorized to carry a personally owned handgun shall have the handgun recorded in the ICE automated firearms inventory system. The SFI is responsible for sending to the Director of the NFFTU each approved authorization, which is found at Appendix 3, *Authorization to Carry a Personally Owned, ICE-Approved Handgun*. The Director of the NFFTU will maintain a record of all authorized personally owned handguns.
8. ICE officers approved to participate in competitive shooting events will be issued competition shooting firearms and equipment when available. When competition-shooting firearms and equipment are received at an ICE office, the SFI shall immediately issue the firearm(s) to the approved ICE competitive shooter in the ICE automated firearms inventory system.

B. Control of Ammunition

1. Only ICE supplied ammunition will be used in ICE approved firearms. This ammunition will be managed and maintained in the ICE automated firearms inventory system. Ammunition must be issued, received and accounted for on an ammunition inventory control sheet prescribed by the NFFTU, or an equivalent inventory form where local requirements mandate it. The Firearms Instructor responsible for the issue and receipt of ammunition will maintain the ammunition control sheet at the storage site. Ordering of ammunition will be based on ammunition usage and available inventory.
2. The SFI may issue each officer authorized to carry a handgun a minimum of fifty (50) rounds of approved ammunition for each issued or approved handgun. ICE officers shall rotate ammunition by expending, during quarterly qualifications, those rounds carried on duty. Following the successful completion of the quarterly qualification(s), up to one hundred and fifty (150) rounds of replacement ICE ammunition, for each quarter, may be issued to each officer for carry or practice, whether on or off-duty, depending on the office inventory level and the request of the armed officer.
3. Based on the Firearms Instructor's assessment and with the concurrence of the SFI, additional handgun ammunition may be issued for practice to ICE officers who fail to qualify or desire additional practice to maintain or improve their proficiency. This should be a reasonable amount, sufficient to qualify or improve proficiency.

C. Storage of Firearms and Ammunition

1. All unissued, unattended ICE firearms shall be stored separately from ammunition in locked firearms storage vaults or safes in an ICE secure area. Unissued ICE ammunition shall be kept in a cool, dry environment, and be rotated periodically. Unissued firearms shall be stored in a dry environment and shall not be stored in wall lockers, closets, or in other unsecured, unattended areas of ICE facilities.
2. Each ICE officer is personally responsible for all issued and approved personally owned firearm(s), weapon(s), and ammunition, and must ensure the safe storage, general care and maintenance of the firearm(s), weapon(s), and ammunition.
3. A safety-locking device (cable lock, trigger lock and/or lock box) will be issued for each ICE-issued firearm and personally owned firearm to be used when storing a firearm in a residence, temporary residence or lodging. All firearms, weapons and ammunition will be stored out of plain view and in a location that will afford protection against theft or unauthorized use and/or access by anyone, to include children.
4. ICE-issued firearms or approved personally owned handguns stored in a government office will be placed in a safe and secure location that can be locked

and prevent unauthorized access or theft of the firearms.

5. If needs require that a firearm be left in an unattended vehicle, vessel or aircraft, the firearm must be concealed from view and secured to the vehicle, vessel or aircraft by a locked chain, a cable, or an ICE approved safety-locking device, to prevent unauthorized access or theft of the firearm. In addition to the proper storage of the firearm(s), holsters and other related items should also be concealed from view. Firearms may only be left unattended when there is no other available reasonable alternative. The NFTTU strongly encourages the installation and/or use of an alarm\security system to supplement the security of the firearm(s) to prevent theft, loss or damage.
6. Firearms shall not be stored in vehicles overnight unless there is a justified operational purpose and it is approved, in writing, by the first line supervisor. The firearms must be secured in an ICE approved safety-locking device properly and securely affixed to the vehicle, as approved by the Director of the NFTTU and allowed in Part 6.C.5.
7. Issued shoulder-fired firearms will be stored in a secure location at an ICE office, except as following:
 - a. With the prior approval of the first line supervisor, shoulder-fired firearm may be stored in a vehicle pursuant to Part 6.C.6., or
 - b. With the prior approval of a second line supervisor, shoulder-fired firearm may be stored in a residence and must be secured by the use of an approved safety-locking device. The firearm will be stored in a location that will afford protection against theft or unauthorized use.
8. On a military installation, when a firearm must be left unattended for an extended period of time in a vehicle, on a vessel or on an aircraft, the Provost Marshal, the Master-at-Arms or the Commanding Officer shall be notified.
9. When officers are on extended leave or on a foreign assignment that is expected to exceed ninety (90) days, their ICE-issued firearm(s) must be returned to the SFI and any authorization to carry an approved personally owned firearm will be suspended until they return to "regular" duty and demonstrate proficiency with the firearm before carrying it whether on or off-duty. If this extended leave or foreign assignment period occurs during the annual inventory process, the officer must also turn in his/her body armor and any other NFTTU inventoried item(s).
10. When in foreign countries as Federal Air Marshals (FAMs), ICE-issued firearms shall be secured in accordance with established procedures prescribed by FAMS International Operations, normally in a locked firearms box secured by host country law enforcement officials at the airport. There are some foreign countries identified by the Department of State where recommended alternate procedures should be

implemented as is appropriate.

11. Officers are expected to exercise good judgment in providing sufficient security for all ICE-issued and approved personally owned firearm(s), weapon(s) and ammunition to protect against theft or unauthorized use.
12. Officers may be subject to disciplinary action if the firearm is stolen or lost and a subsequent determination is made that the officers were negligent or used poor judgment in safeguarding the firearm.

D. Lost or Stolen Firearms

1. Below are the procedures that must be followed when an ICE-issued firearm or approved personally owned handgun is lost or stolen.
 - a. The ICE officer that has a firearm lost or stolen must report it immediately to a supervisor, and then the supervisor must report it to the Responsible Official as soon as practical. FAMs shall also immediately advise Mission Operations Center (MOC).
 - b. The supervisor must immediately report the lost or stolen firearm to the ICE Headquarters Reporting Center (HRC) via the designated ICE incident reporting format.
 - c. The HRC in turn will notify the ICE OPR.
 - d. The supervisor must also report the lost or stolen firearm to the NFTTU.
 - e. The Director of the NFTTU will ensure that the lost or stolen firearm was entered into the National Crime Information Center (NCIC) and recorded in the ICE firearms inventory management system.
 - f. Within forty-eight (48) hours of the discovery, the officer reporting the lost or stolen firearm must submit a report through channels to the Responsible Official, describing the circumstances surrounding the loss. The Responsible Official must send copies of the report to the Director of the operational component and the Director of the NFTTU. When the Responsible Official is the Director of Operations or the Director of an operational component, a copy of the officer's report of a lost or stolen firearm must be sent directly to the Director of the NFTTU.

2. Firearms Lost or Stolen at Airport

- a. If the loss or theft took place within the sterile area of an airport, in addition to the preceding notifications, the TSA Federal Security Director or their representative must be also be notified as a first priority.
- b. An ICE officer who loses a firearm in the sterile area of an airport should remain within that area and conduct an immediate and thorough search for the firearm. Assistance should be sought from any other available ICE officers.
- c. If there is a possibility that the firearm was lost on an aircraft, the ICE officer shall report the loss to the airline's Ground Security Coordinator (GSC) or their representative.

3. The Responsible Official, or a designated senior officer, must ensure:

- a. Notification of local law enforcement authorities immediately upon notification of a lost or stolen firearm;
- b. A designated ICE incident report for the lost or stolen firearm is submitted to the HRC immediately upon being notified of the firearm loss or theft; and
- c. Initiation of an administrative inquiry into the loss or theft of the ICE-owned firearm as directed by the ICE OPR.

4. In addition, the Responsible Official is responsible for the following specific actions:

- a. Ensure that procedures relating to lost or stolen firearms are in compliance with all relevant Federal regulations and ICE procedures; and
- b. Ensure that a Report of Survey is completed, signed, and sent through channels to the Director of the NFTTU.

E. Damaged Non-Repairable Firearms

- 1. The ICE officer that has a damaged non-repairable firearm must report the damaged non-repairable firearm immediately to a supervisor, who will report it to the Responsible Official.
- 2. Within forty-eight (48) hours of the discovery, the officer reporting the damaged non-repairable firearm must submit a report through channels to the Responsible Official, describing the circumstances surrounding the loss. The Responsible Official must send the report to the Director of the NFTTU.

3. Within ten (10) days, the Responsible Official must submit a completed, signed Report of Survey through channels to the Director of the NFTTU.

F. Firearms Board of Survey Action

1. The Firearms Board of Survey (BOS) is required to meet within thirty (30) days of receipt of a Report of Survey for every lost, stolen or damaged non-repairable firearm, and promptly report the Board's findings to the respective Responsible Official.
2. Only the Firearms BOS can authorize inventory relief of accountability for firearms. The Director of the NFTTU shall maintain a record of all BOS results and will provide a copy of the results retained by the organizational component having accountability for the lost, stolen or damaged non-repairable firearm.

G. Firearms Reserves

1. For handguns, each Responsible Official may maintain in reserve no more than one (1) standard unissued handgun for every ten (10) officers. An office with six (6) armed officers will be allowed one (1) unissued handgun; an office with fourteen (14) officers will be allowed two (2) unissued handguns. No more than five (5) unissued handguns may be maintained at any office unless requested by the Director of the operational component and coordinated with the Director of the NFTTU. Authorized offices with more than two hundred and fifty (250) armed officers may maintain a ratio of one (1) unissued firearm to fifty (50) armed officers.
2. For shotguns, the number of shotguns issued to each office will be determined by each respective operational component Director. This reserve does not include those issued to SRT members.
3. For rifles, the number of rifles issued to each office will be determined by each respective operational component Director. This reserve does not include those issued to SRT members.
4. For submachine guns, the number of submachine guns issued to each office will be determined by each respective operational component Director. This reserve does not include those issued to SRT members.
5. For special weapons in support of specific mission, the type, number and deployment will be determined by the appropriate operational component Director.
6. Based on justified operational needs and requirements, exceptions to the above limitations may be granted on a case-by-case basis. The Responsible Official with the concurrence of the appropriate operational component Director must submit the

written justification to the Director of the NFTTU for an approved exception.

H. Flash and Undercover Firearms

1. Requests for flash and/or undercover firearms will be approved by Responsible Officials to ensure that they are consistent with operational requirements.
 - a. Flash Firearms: Flash firearms, weapons and ordnance are those items that are used in furtherance of an undercover or operational activity, often in the area of strategic and outbound investigations. Requests for these firearms will be initiated in accordance with the procedures provided in this subpart, Part 6.H. A case number is required for this request.
 - b. Undercover Firearms: Undercover firearms are those, which are used by officers in an undercover or operational activity instead of the standard ICE-issued firearms described in Appendix 1 of this policy. Requests for these firearms will be initiated in accordance with the procedures provided in this subpart, Part 6.H. A case number is required for this request.
2. Responsible Officials must ensure that the officers using undercover firearm(s) have qualified with the firearm(s) in accordance with this policy and any applicable ICE policy. The SFI will receive and inspect each flash and undercover firearm prior to the firearm being issued to an ICE officer.
3. Requests for nonstandard firearms as well as the use of flash and undercover firearms may be made through the operational component Director. These requests must articulate the specific need for this issuance, including a case number, and must receive the concurrence of the Director of the NFTTU.
4. The Director of the NFTTU will issue flash and undercover firearms for a period not to exceed one hundred and eighty (180) days. If additional time is needed, the Responsible Official must make the request, in writing, through the operational component Director and with the concurrence of the Director of the NFTTU.

I. Confiscated or Abandoned Firearms

1. When a confiscated\seized or abandoned firearm (other than an ICE-issued firearm) comes into the custody of an ICE officer that firearm must be immediately reported by the responsible ICE officer to the SFI and a record of that firearm entered into the ICE automated firearms inventory system, ensuring compliance with Federal property control regulations. During all subsequent legal proceedings the confiscated\seized or abandoned firearm will be controlled by the ICE evidence system.
2. All firearms confiscated\seized or acquired by abandonment by ICE must be immediately checked in NCIC to determine whether or not the firearm is lost or

stolen. The seizing office is responsible for ensuring the initial inquiry in NCIC is completed and documented.

3. Upon completion of any pending litigation or vesting title in the United States, all seized or abandoned firearms must be sent to the ICE Armory Operations Branch. The transfer document must be marked "confiscated" and must identify the previous owner/bearer of the firearm, case number, and any other pertinent information.
4. When confiscated or abandoned firearms are acknowledged as received by the Director of the NFFTU, accountability is transferred. The Director must then determine serviceability. Serviceable firearms may be placed into use if they comply with the ICE Firearms Policy as an authorized firearm.

J. Firearms and Ammunition Acquisitions

The Director of the NFFTU will direct the acquisition of all firearms and ammunition and oversee all forfeited firearms. The NFFTU is the only entry or exit point for all firearms in ICE and the inventory control point for all confiscated or abandoned firearms.

K. Sale or Transfer of Authorized Personally Owned Firearms

If an ICE officer sells, trades or otherwise disposes of an authorized personally owned firearm, the ICE officer is required to submit a memorandum to their Responsible Official and SFI documenting the fact that the firearm is no longer in the ICE officer's possession and FIS record(s) shall be updated by the SFI.

Part 7 Firearms Maintenance, Inspection and Repair

A. Firearm Accountability Review Program

1. The Director of the NFTTU, through the Firearm Accountability Review program, shall review field office practices relating to the ICE policy on firearms, quarterly proficiency and qualifications, the storage, transfer, and safekeeping of firearms and ammunition, maintenance and repair of firearms, and compliance with other requirements described in this policy.
2. The Director of the NFTTU will manage the annual firearms and related equipment inventory.

B. Armory Operations

1. The Director of the NFTTU is responsible for directing all ICE armories and the Field Armorer program.
2. The Director of the NFTTU shall direct the repair or modification of all ICE-owned or approved personally owned firearms.
3. Only NFTTU Training Specialists/Armorers and Field Armorers assigned or detailed to the ICE Training Academies shall conduct repairs to firearms assigned to the academies, handguns issued to basic trainee officers at the Academies, and approved handguns issued to detailed instructors or academy staff.
4. The Director of the NFTTU shall direct the Field Armorers and manage the Field Armorers training program. This program will provide armorer training and certification of proficiency to Firearms Instructors to perform certain repairs on ICE-issued firearm(s) and ICE-approved personally owned handgun(s). The field armorer training will identify repairs that field armorers are authorized to perform. Only certified Firearms Instructors will be trained as Field Armorers.

C. Inspections of All Firearms

1. Only the NFTTU shall receive new ICE-owned firearms from vendors. The NFTTU will inspect each new ICE-owned firearm to ensure proper functioning and compliance with ICE specifications and standards. The NFTTU shall immediately take appropriate action to have any deficiency corrected. Firearms purchased for official use with personal funds will be inspected by field armorers, who will ensure proper functioning and compliance with ICE specifications and standards.
2. Prior to issuance or after authorized repair or modification, NFTTU Armorers or Field Armorers shall inspect all firearms that have been repaired to ensure proper functioning and compliance with ICE specifications and standards. NFTTU Armorers or Field Armorers shall inspect all firearms held in reserve prior to re-

issuance. All inspections shall be performed according to NFTTU approved standards and practices.

3. All firearms shall be inspected periodically, at least annually, by a Field Armorer to ensure proper and safe functioning.
4. The NFTTU Armorer or Field Armorer will document all inspections in the ICE automated firearms inventory system.
5. ICE vessel commanders will ensure that long guns carried on board ICE vessels must be inspected daily for cleanliness and proper functioning.
6. The NFTTU has the authority to recall or inspect any ICE-owned or approved firearm, as necessary.

D. Maintenance

1. All ICE officers are responsible for normal cleaning and preventive maintenance of the firearms they use. Maintenance should only be done in accordance with the instructions provided by the NFTTU or as described in the user manual for that particular firearm. User manuals shall be provided to all ICE officers for each ICE-issued firearm.
2. Firearms Instructors shall ensure that all firearms used in training, practice or qualification sessions are cleaned prior to returning the firearms to storage, as well as ensure that all required preventive maintenance is completed.
3. Firearms will be cleaned as soon as possible after being fired.
4. When a firearm is turned in, a Field Armorer will inspect the firearm. The officer will clean the firearm prior to being accepted by the Field Armorer and the SFI.

NOTE: Firearms should not be cleaned in the case of a shooting incident or an unintentional discharge.

E. Repair of Firearms

1. Firearms Instructors and ICE officers are permitted to adjust sights, requiring the use of an adjustment tool and replace grips as authorized.
2. ICE officers are prohibited from making or having any other repairs and/or modifications to ICE owned or approved firearms unless expressly authorized by the Director of the NFTTU.
3. Field Armorer, who are certified by the NFTTU, are authorized to make certain repairs and/or modifications as provided in the Field Armorer training and

subsequent NFTTU directed repairs and/or modifications.

4. NFTTU Training Specialists/Armorsers are authorized to make all other repairs and/or modifications.
5. Only NFTTU Training Specialists/Armorsers are authorized to determine whether or not a firearm should be removed from service and destroyed.
6. The NFTTU Armorsers or Field Armorsers will document all repairs to firearms in the ICE automated firearms inventory system.
7. The NFTTU Armorsers or Field Armorsers are authorized to repair an ICE-approved, personally owned firearm that is documented with an approved Appendix 3. Such repairs shall be provided at no cost to the ICE officer. ICE, however, will not replace a damaged non-repairable ICE-approved, personally owned firearm.

F. Firearm Shipping and Transfer

1. The SFI is responsible for the receipt and shipment of firearms under the control of the Responsible Official.
2. The shipping or transfer of any ICE-owned or approved personally owned firearm must be documented and controlled in the ICE automated firearms inventory system.
3. The shipment of any firearm shall be done as prescribed by the NFTTU and either sent by a commercial carrier (i.e. FEDEX, UPS and DHL) that can control and track secure packages or directly hand-carried by an ICE officer.

G. Firearm Replacement

1. An officer must immediately notify a Field Armorer when any ICE-owned or approved personally owned firearms becomes inoperable or appears unsafe to use. Based on Field Armorer's inspection, the SFI will immediately issue the officer a replacement firearm, if the Field Armorer cannot make an immediate repair.
2. The NFTTU Armorsers or Field Armorsers will document each inoperable or unsafe firearm in the ICE automated firearms inventory system.

H. Destruction

1. The NFTTU is the only ICE operational component that is authorized to destroy firearms.
2. Each firearm destroyed must be documented in the ICE automated firearms inventory system and the record permanently maintained.

3. All destructions must conform to Federal property regulations.

Part 8 Intermediate Force Devices

A. Chemical Munitions and Agents

1. Must be flameless.
2. May be fired from an authorized device, 12 gauge, 37mm or 40mm weapon.
3. May be Orthochlorobenzylidenemalononitrile (CS) gas or oleoresin capsicum (OC).
4. May be used only by ICE officers who have received NFTTU approved training in their use.
5. Should be fired to impact on structures, except for specifically authorized devices (such as the PepperBall System). Chemical munitions fired for 12 gauge, 37mm or 40mm weapons will be considered deadly force if fired at a person. Chemical munitions fired from a PepperBall or similar device will be considered non-deadly force if fired at a person.

B. Procurement of Chemical Munitions and Agents

1. Responsible officials will only purchase chemical agents through contracts and procedures established by the NFTTU.
2. ICE officers may not use personally owned chemical agents for official use whether on or off-duty.

C. Storage, Transportation and Issuance of Chemical Munitions and Agents

1. Unissued chemical agents should be stored in a secure room with limited access, and shall be stored in a secure safe or container separate from firearms and ammunition. In addition, chemical agents shall be kept in a cool, dry environment, and be rotated periodically.
2. TSA/FAA does not permit any chemical agents in the cabin of a commercial aircraft. As provided by 49 C.F.R § 175.10, self-defense spray (mace or pepper spray) may be carried in checked baggage, provided the container does not exceed four (4) fluid ounces and has a positive means to prevent accidental discharge. Chemical agents are prohibited aboard ICE aircraft, except when specifically authorized by AMO.
3. The issuance of a chemical agent must be documented in the ICE automated firearm inventory system. Responsible Officials must ensure that the SFI keep a record of all chemical agents that are issued.

4. Ensuring that chemical agents are controlled in the inventory control is the responsibility of the Responsible Official, and this duty may be delegated to the SFI. Unissued chemical agents will be accounted for on a chemical agent inventory control sheet.
5. Officers are responsible for ensuring that chemical agents issued to them are replaced prior to their expiration date.
6. Officers will ensure that all ICE-issued chemical agents are securely stored in a manner that prevents unauthorized access or use.
7. Officers will be required to turn in expired or damaged OC spray canisters to the SFI for proper disposal.

D. Batons

1. Only batons approved by the Director of the NFFTU will be identified for issue as appropriate.
2. ICE officers may not use personally owned batons for official use whether on or off-duty.

E. Procurement of Specialty Impact Munitions

1. Responsible officials will only purchase specialty impact munitions through contracts and procedures established by the NFFTU.
2. ICE officers may not use personally owned specialty impact munitions for official use whether on or off-duty.

F. Storage and Issuance of Specialty Impact Munitions

Specialty impact munitions and launchers shall be stored in accordance with the provisions outlined in Part 8 of this issuance for the storage and issuance of firearms and ammunition.

G. Training in Intermediate Force Techniques, Tactics and Devices

As directed by the Director of an operational component, ICE officers will periodically participate in intermediate force techniques, tactic and device training by Defensive Tactics Instructors and/or Firearms Instructors. The Director of the NFFTU will prescribe the training to meet operational needs or to update skills or knowledge.

Part 9 Range Operations

A. Range Conduct

1. All personnel participating in firearms qualifications will conduct themselves in a safe and professional manner at all times. Failure of any officer to comply with safety practices, procedures or instructions may result in the removal of the officer from the range by a Firearms Instructor.
2. When conducting firearms training, the Firearms Instructor has the absolute and final word on matters of range operation and safety.

B. Range Operation and Safety

1. Prior to commencing range activities, Firearms Instructors will ensure that the following safety precautions are adhered to:
 - a. Designate an emergency transport vehicle;
 - b. Have a telephone, a wireless telephone and/or radio available;
 - c. Have emergency numbers available;
 - d. Have a trauma kit available; and
 - e. Have a contingency plan in place for the possibility of employee injuries. This plan should be designed for the specific range location and will include the location of appropriate medical facilities and access to local emergency medical services (EMS).
2. The Firearms Instructor will ensure that all personnel on or near the firing line use appropriate eye and ear protection.
3. The minimum ratios of instructors to officers on the firing line are:
 - a. For practice and demonstration of firearms proficiency sessions, one (1) Firearms Instructor per every five (5) shooters;
 - b. For advanced firearms training exercises, one (1) Firearms Instructor per every two (2) shooters; and
 - c. For transition to a new or different handgun, one (1) Firearms Instructor per every two (2) shooters.
4. Material Safety Data Sheet

- a. The Firearms Instructor will ensure that the Occupational Safety and Health Administration (OSHA), Lead Standard, 29 CFR 1910.1025 document, and a Material Safety Data Sheet for the following materials are available for review by employees at the training areas as appropriate for:
 - (1) Lead;
 - (2) Cleaning solvents;
 - (3) Chemical agents and propellants;
 - (4) Diversionary devices; and
 - (5) Smoke.
 - b. The manufacturer or distributor of the hazardous material provides Material Safety Data Sheets. For further assistance involving Material Safety Data Sheets, contact the ICE HQ Health and Safety Program.
5. Metal Reactive Targets
- a. When possible, frangible ammunition should be used when firing at metal reactive targets at close range.
 - b. Firearms Instructors will ensure that metal reactive targets are used in compliance with all manufacturer-recommended safety precautions.
 - c. The minimum safe distances authorized for use of metal reactive targets by ICE are as follows:
 - (1) Handgun or submachine gun
 - (a) When firing frangible ammunition, no metal reactive target may be placed closer than three (3) yards from the shooter.
 - (b) When firing all other types of ammunition, no metal reactive target may be placed closer than ten (10) yards from the shooter.
 - (2) Shotgun
 - (a) When firing buck or birdshot, no metal reactive target will be placed closer than ten (10) yards from the shooter.
 - (b) Rifled slugs should not be fired on metal reactive targets placed closer than fifty (50) yards from the shooter.

NOTE: Steel shot is prohibited from being used on any metal reactive target.

(3) Rifle

- (a) When firing frangible ammunition, no metal reactive target may be placed closer than twenty-five (25) yards from the shooter.
- (b) When firing all other types of ammunition, no metal reactive target may be placed closer than fifty (50) yards from the shooter.

NOTE: Should the manufacturer recommended safety distances be greater than those specified above, those recommendations must be observed.

6. Force-On-Force Training

When conducting Force-on-Force Training, Defensive Tactics Instructors and/or Firearms Instructors must at all times adhere to the following safety precautions.

- a. Safety Equipment. Full face, throat, groin protection, gloves and coveralls or long sleeve shirts are mandatory when using paint balls or paint cartridges.
- b. Paint cartridges. Paint cartridges may be used only in firearms authorized by the NFFTU. The NFFTU will compile a list of authorized brands and types of paint cartridges. This list will be updated as necessary and made available to the field by the NFFTU.
- c. Oversight. Have adequate instructional staff and clearly delineate the safe, semi-safe and unsafe zones within the exercise area.
- d. Prior to conducting Force-On-Force Training, Defensive Tactics Instructors and/or Firearms Instructors must have attended training as approved by the Director of the NFFTU.

**ICE Approved Firearms and Intermediate Force Devices
(As Amended August 26, 2004)**

(b) (7)(E)



(b) (7)(E)



Appendix 2

ICE Courses of Fire for Demonstration of Proficiency (As amended December 1, 2004)

**Please contact the NFTTU, Tactical Operations Branch
in Fort Benning, Georgia
for any questions or additional information
at 706-649-7892.**

Handgun Qualification Course
(As amended December 1, 2004)

(b) (7)(E)



(b) (7)(E)



Five Shot Handgun Qualification Course

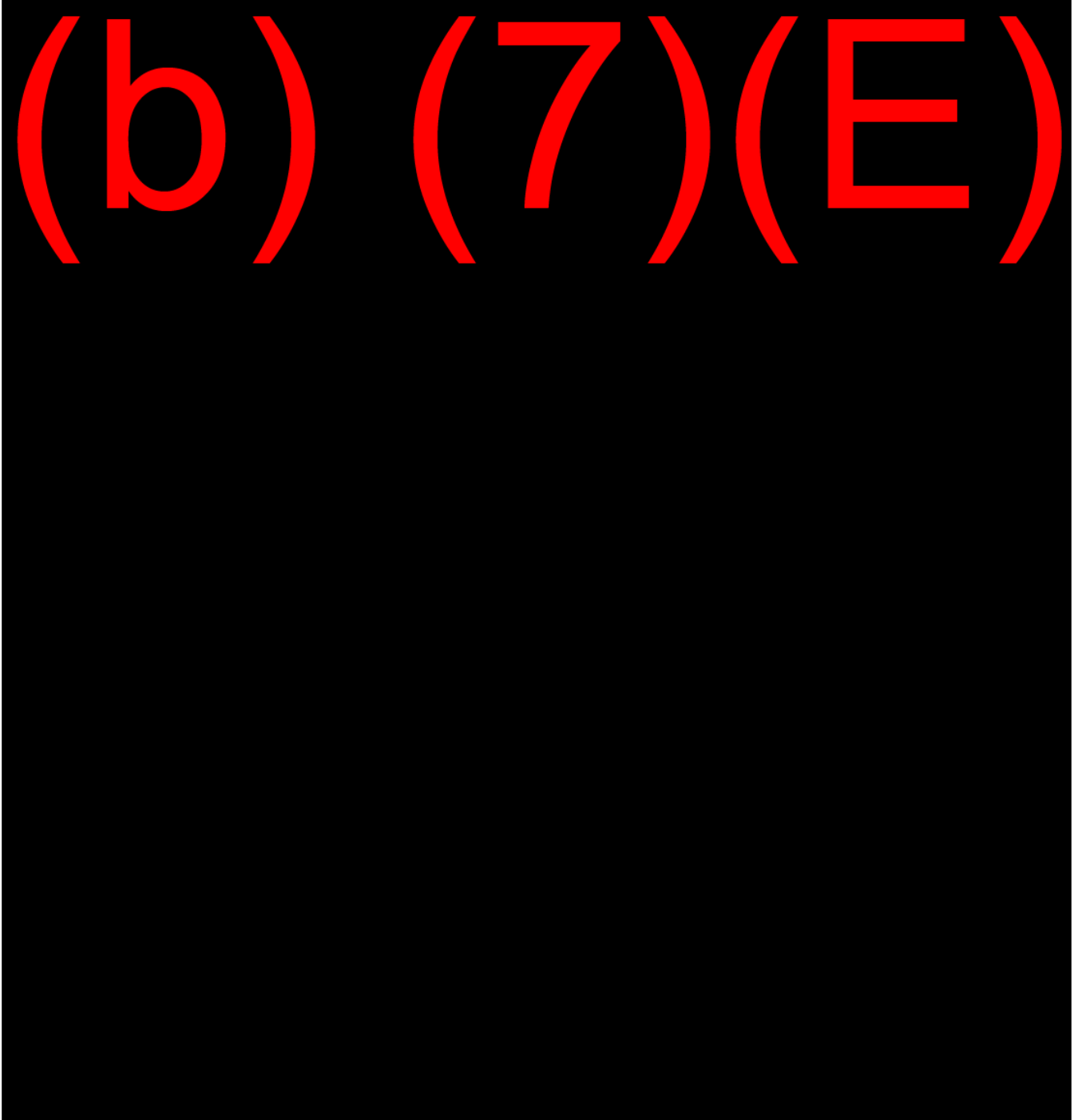
(b) (7)(E)



(b) (7)(E)

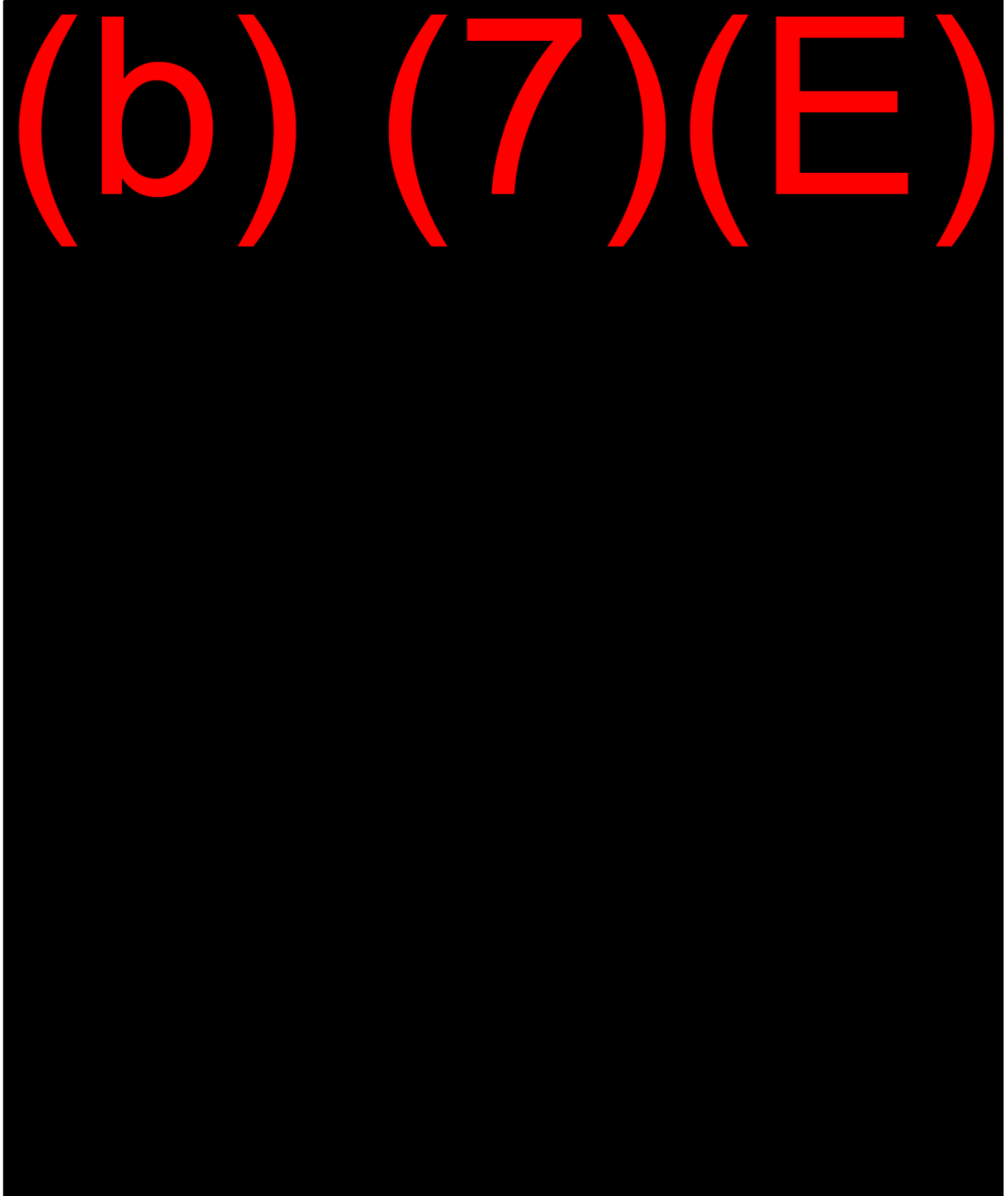


Shotgun Qualification Course
(As amended December 1, 2004)



(b) (7)(E)

Rifle Qualification Course
(As amended December 1, 2004)



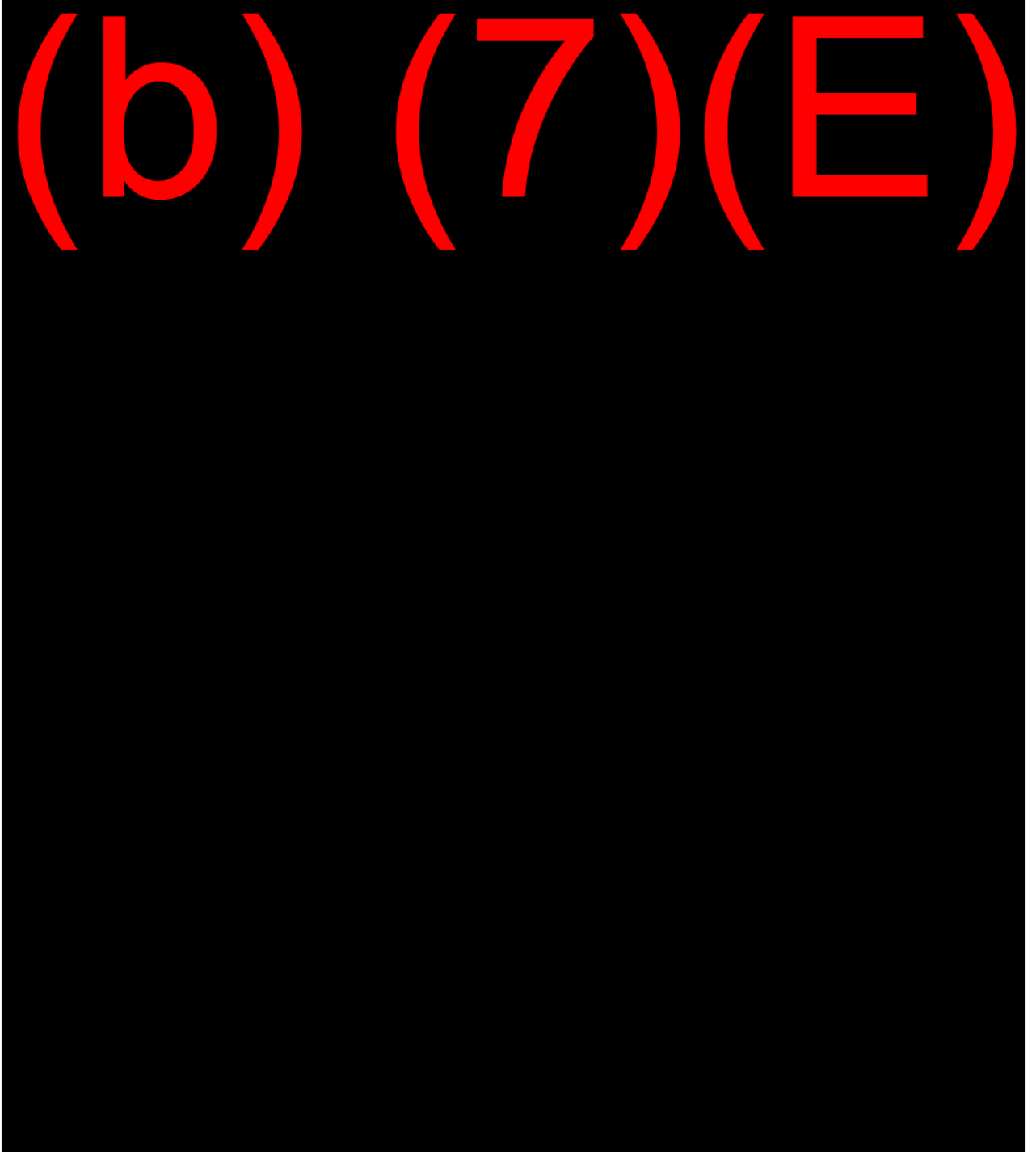
(b) (7)(E)

(b) (7)(E)



Submachine Gun Qualification Course
(As amended December 1, 2004)

(b) (7)(E)



(b) (7)(E)



**Authorization to Carry an ICE-Approved Personally Owned Handgun
(As Amended August 26, 2004)**

Date: _____

To: Responsible Official: _____
(Enter name and duty station)

From: Requesting Officer's Name: _____

Requesting Officer's Title: _____

Requesting Officer's Location: _____

I request authorization to carry the below listed ICE-approved, personally owned handgun in conjunction with my official duties as an authorized armed law enforcement officer with U.S. Immigration and Customs Enforcement (ICE). I certify the following: I am the legal owner of this handgun; it meets the requirements for personally owned handguns in the interim ICE Firearms Policy as specified by the NFFTU; it is listed in Appendix 1 or as amended by the NFFTU; and it has not been modified from the original factory condition except as allowed under the interim ICE Firearms Policy as specified by the NFFTU.

Make: _____ Model: _____ Caliber: _____

Serial Number: _____ Trigger Configuration: DAO/SAFE _____ or DA-SA _____

IMPORTANT NOTE: ICE armed officers' primary and secondary pistols (semi-automatic) must be in the same trigger configuration (double action only/safe action or double-single).

I understand that this authorization may be revoked at any time in accordance with the interim ICE Firearms Policy.

Requesting Officer's Signature: _____

Certification of the Senior Firearms Instructor

Date: _____

I certify that the above-described handgun has been inspected by an authorized ICE Armorer who determined that the firearm and magazines are in proper working condition; complies with all requirements of the interim ICE Firearms Policy; and that the description of the firearm is correct. I also certify that the requesting officer has successfully completed any required ICE approved handgun training and will qualify with this handgun prior to carrying it on or off-duty. I recommend this request be approved.

Signature: _____ Printed Name: _____

Action of Responsible Official

Date: _____ This request is: _____ Approved _____ Denied

Signature: _____

Printed Name: _____

Title: _____

Dist: **Original - Official Personnel File of Requesting Officer for permanent retention**
 Copy - Responsible Official for retention
 Copy - Senior Firearms Instructor for retention
 Copy - Requesting Officer for retention
 Copy - NFFTU, Armory Operations Branch for record purposes

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

DISTRIBUTION:	ICE
DIRECTIVE NO.:	6-8.0
ISSUE DATE:	May 29, 2008
EFFECTIVE DATE:	May 29, 2008
REVIEW DATE:	May 29, 2011
SUPERSEDES:	See Section 3 Below.

**DIRECTIVE TITLE: ICE SUITABILITY SCREENING REQUIREMENTS FOR
CONTRACTOR PERSONNEL**

1. **PURPOSE and SCOPE.** This Directive establishes policy and procedures used to determine a person's suitability to work for contractors providing services to U.S. Immigration and Customs Enforcement (ICE). This Directive applies to all ICE contractor personnel.
2. **AUTHORITIES/REFERENCES.**
 - 2.1. Office of Management and Budget (OMB) Circular No. A-130, App. III, "Security of Federal Automated Information Resources," November 28, 2000.
 - 2.2. Department of Homeland Security (DHS) Management Directive (MD) 11080, "Security Line of Business Integration and Management," January 3, 2006.
 - 2.3. DHS Sensitive Systems Handbook 4300A, Version 5.5. September 30, 2007, or latest version. (See also Attachment J to 4300A, "Requesting Exceptions to Citizenship Requirement.")
 - 2.4. DHS Sensitive Systems Policy Directive 4300A, Version 5.5. September 30, 2007, or latest version.
 - 2.5. DHS MD 11042.1, "Safeguarding Sensitive but Unclassified (For Official Use Only) Information," January 6, 2005.
 - 2.6. Executive Order (E.O.) 12829, "National Industrial Security Program (NISP)."
 - 2.7. DHS Acquisition Regulation (HSAR), Section 3052.204-71 (codified at 48 CFR § 3052.204-71).
 - 2.8. Department of Defense (DOD) 5220.22-M, "National Industrial Security Program Operating Manual (NISPOM)," January 1995, with supplements, dated July 1997 and February 2001. NISPOM replaces DOD Industrial Security Manual for Safeguarding Classified Information, January 1991.
 - 2.9. DHS MD 11035, "Industrial Security Program (ISP)," dated February 10, 2005.

- 2.10. Title 5, United States Code (U.S.C), § 552, "The Freedom of Information Act," as amended.
- 2.11. 5 U.S.C. § 552(a), "The Privacy Act of 1974," as amended.
- 2.12. Title 5, Code of Federal Regulations (CFR), Part 736, "Personnel Investigations."
- 2.13. Homeland Security Presidential Directive-12 (HSPD-12) "Policy for a Common Identification Standard for Federal Employees and Contractors," dated August 27, 2004.
- 2.14. Office of Personnel Management (OPM)," Investigations Service, Investigator's Handbook," July 2007.
- 2.15. ICE Directive 5-2.0, "Safeguarding Law Enforcement Sensitive Information," March 23, 2007.
- 3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive is the originating and establishing directive for Suitability Screening Requirements for Contractors.
- 4. **BACKGROUND.** The provisions of this Directive define the suitability screening standards for contractor personnel requiring regular, ongoing, and unescorted access to ICE-owned facilities; access to ICE-controlled facilities, or commercial facilities operating on behalf of ICE; access to ICE information technology (IT) systems and the systems' data; and access to Sensitive Information.
- 5. **DEFINITIONS.** The following definitions are provided for the purposes of this Directive.
 - 5.1. **Access.** The ability to enter and/or pass through an area or a facility; or the ability or authority to obtain information, monetary or material resources. In relation to classified information, it means the ability, authority, and/or opportunity to obtain knowledge of classified information.
 - 5.2. **Adjudication.** An examination of a person's conduct over a sufficient period of their life designed to make an affirmative determination as to their suitability for employment, eligibility for access to classified information, materials and areas, or for their retention in Federal employment.
 - 5.3. **Background Investigation.** A term generically used to describe various types of investigations into an applicant's or employee's personal history that are used to determine the individual's suitability for Federal employment and/or to make a determination as to whether an individual is eligible for access to classified information at the appropriate level for the position. These investigations are conducted using a variety of methods, which include completion of questionnaires, electronic inquiries,

written or telephone inquiries, or through personal contact with references. See Section 5.13 below for the various types of background investigations and their scope.

- 5.4. **Contract.** As defined in the Federal Acquisition Regulations, a contract is a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments (undertaken by or affecting two sides equally or binding on both parties), contracts include, but are not limited to, awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. § 6301, *et seq.*
- 5.5. **Contracting Officer (CO).** A person with the authority to enter into, administer, and/or terminate contracts, and make related determinations and findings. The CO maintains a strong relationship with the COTR.
- 5.6. **Contracting Officer's Technical Representative (COTR).** A person who has been delegated authority by a contracting officer to perform specific functions in managing a contract and/or business arrangement. The COTR provides technical direction within the confines of the agreement, monitoring performance, ensuring requirements are met within the terms of the contract, and maintaining a strong relationship with the CO. The CO and COTR work together to ensure the contract requirements are clearly communicated to the contractor.
- 5.7. **Contractor Personnel.** An agent or employee of an entity that provides supplies or services to ICE pursuant to a contract.
- 5.8. **Entry on Duty Determination (EOD).** All contractor personnel assigned to work in positions requiring access to ICE facilities, information or IT positions are required to undergo a pre-employment background check to determine their suitability for employment. If the completed pre-employment background check results are favorable, prospective contractor personnel are allowed to enter on duty prior to completion and adjudication of the more in-depth personnel security investigation.
- 5.9. **Electronic-Questionnaire for Investigations Processing (e-QIP).** A web-based automated system that allows individuals to electronically enter, update, and transmit their personal investigative data over a secure Internet connection.
- 5.10. **ICE Facility.** ICE-owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, any portion of which or all are under the jurisdiction, custody or control of ICE; ICE-controlled commercial space shared with non-government tenants; ICE-owned contractor-operated facilities; and facilities under a management and operating contract such as for the operation, maintenance, or support of

a Government-owned or controlled research, development, special production, or testing establishment.

- 5.11. **Information Technology (IT).** As defined by 40 U.S.C. § 11101(6) (“Clinger-Cohen Act”), any equipment, or interconnected system or subsystem of equipment used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by ICE.
- 5.12. **IT Systems.** Information technology systems that are (1) owned, leased, or operated by ICE; (2) operated by a contractor on behalf of ICE; or (3) operated by another Federal, state or local government agency on behalf of ICE.
- 5.13. **Personnel Security Investigations (PSI) for Contractor Personnel at ICE.** Investigations conducted on contractor personnel that serve as the basis for determinations of suitability for employment and eligibility for access to ICE facilities and sensitive information. These investigations focus on an individual’s character and past conduct that may have an impact on the integrity and efficiency of ICE. Types of investigations are as follows.
 - 1) **Background Investigation (BI):** Coverage period is 10 years. Consists of a National Agency Check (NAC) (see Section 5.13(5) below); a personal Subject Interview and source interviews; employment (5 years); education (5 years and most recent degree); residence (3 years); law enforcement agency checks (5 years); and a credit check (5 years).
 - 2) **Child Care National Agency Check and (written) Inquiries:** An enhanced National Agency Check with Inquiries (NACI) (see Section 5.13(6) below) that, to meet special investigation requirements for those in child care provider positions, searches records of State Criminal History repositories of the state where the subject resides.
 - 3) **Limited Background Investigation (LBI):** Coverage period is 10 years. Consists of a NAC (see Section 5.13(5) below); a personal Subject Interview and source interviews; employment, education and residence (3 years); law enforcement agency checks (5 years); and credit check (5 years).
 - 4) **Minimum Background Investigation (MBI):** Coverage period is 5 years. Consists of a NAC (see Section 5.13(5) below), a personal Subject Interview, employment, education and degree(s) (5 years); residence (3 years); law enforcement agency checks (5 years); and credit check (5 years). Other than the subject interview, there are no source interviews conducted during this investigation.
 - 5) **National Agency Check (NAC):** Consists of records searches in the OPM Security/Suitability Investigations Index (SII); Federal Bureau of Investigation (FBI) Identification Files; FBI National Criminal History Fingerprint File; Defense

Clearance and Investigations Index (DCII); and other sources, as necessary, to cover specific areas of a subject's background. It is an integral part of all investigations.

- 6) **National Agency Check with Inquiries (NACI):** Coverage period is 5 years. Consists of a NAC, employment checks (5 years); education checks and degrees (5 years); residence checks (3 years); law enforcement agency checks (5 years); and personal reference checks. Pursuant to the requirements of the HSPD-12, a NACI must be initiated and a favorable fingerprint check completed prior to the issuance of a Personal Identity Verification (PIV) Card.
- 7) **Single Scope Background Investigation (SSBI):** Consists of a NAC (Section 5.13(5) above), a spouse or cohabitant NAC, a personal Subject Interview, and citizenship, education, employment, residence, law enforcement, and record searches covering the most recent ten (10) years or since the 18th birthday, whichever is shorter.
- 8) **Investigation Exception:** An exception to the above investigations may be granted for contractor personnel requiring physical access to ICE facilities for short-term periods of time. A fingerprint-based criminal history check and a citizenship check are required for building access only and will be handled on a case-by-case basis.

5.14. Personnel Investigations Processing System (PIPS). A database used by OPM to manage its investigations program.

5.15. Public Trust Positions. Positions defined under 5 CFR 731 that may involve policy-making, major program responsibility, public safety and health, law enforcement duties, fiduciary responsibilities, or other duties demanding a significant degree of public trust; and positions involving access to, operation of, or control of financial records with a significant risk for causing damage or realizing personal gain.

5.16. Risk Levels Applied to Contractor and Public Trust Positions.

- 1) **Low Risk:** Positions have the potential for limited impact on the integrity and efficiency of ICE. The positions involve duties and responsibilities of limited relation to an agency or program mission.
- 2) **Moderate Risk:** Positions have the potential for moderate to serious impact on the integrity and efficiency of the service. These positions involve duties that are considerably important to the agency or program mission with significant program responsibility or delivery of service.
- 3) **High Risk:** Positions have the potential for exceptionally serious impact on the integrity and efficiency of the service. These positions involve duties that are especially critical to the agency or program mission with a broad scope of responsibility and authority.

- 5.17. Sensitive Information.** Any information the loss, misuse, disclosure, or unauthorized access to or modification of which could adversely affect the national or homeland security interest, or the conduct of Federal programs, or the privacy to which individuals are entitled under 5 U.S.C. § 552(a), The Privacy Act of 1974, as amended, but which has not been specifically authorized under criteria by an Executive Order or an Act of Congress to be kept secret in the interests of national defense, homeland security, or foreign policy. This definition includes the following categories of information.
- 1) Protected Critical Infrastructure Information (PCII) as described in the Critical Infrastructure Information Act of 2002, 6 U.S.C. § 211-224; its implementing regulations, 6 CFR 29; or the applicable PCII Procedures Manual.
 - 2) Sensitive Security Information (SSI) as described in 49 CFR 1520.
 - 3) Sensitive But Unclassified Information (SBU) consists of any other information, which, if provided by the government to the contractor and/or contractor personnel is marked in such a way as to place a reasonable person on notice of its sensitive nature and is designated "sensitive" in accordance with subsequently adopted homeland security information handling requirements.
- 5.18. Staff-like Access.** Unescorted or unaccompanied access by contractor personnel in a manner similar to access by a Federal employee to ICE-owned or controlled facilities, information systems, security systems, or products containing SSI or SBU.
- 5.19. Standard Form 85P (SF 85P), Questionnaire for Public Trust Positions.** Used to collect information for public trust positions.
- 5.20. Standard Form 86 (SF 86), Questionnaire for National Security Positions.** Used to collect information for national security positions.
- 5.21. Suitability.** A determination based on an individual's character and/or conduct that may have an impact on the integrity and/or efficiency of the individual's employment. A suitability determination is required for all positions and is a process separate and distinct from a security determination which determines an individual's eligibility for assignment to, or retention in, a sensitive national security position.
- 5.22. Suitability Screening.** The process of determining a person's suitability for employment to work or provide services as a contractor or contractor personnel to ICE.
- 6. POLICY.** All contractor personnel positions within ICE shall be screened for suitability to ensure organizational integrity and efficiency throughout the ICE workforce. All ICE contractors, subcontractors, consultants, licensees, and grantees requiring access to classified information shall be investigated commensurate with the risk levels as described in the OPM Public Trust Designation Model or pursuant to E.O. 12829, NISP, and DHS MD 11035, ISP.

7. RESPONSIBILITIES.

- 7.1. The Office of Professional Responsibility (OPR) Director** is also the designated ICE Chief Security Officer (CSO) and is responsible for administering the Personnel Security and Suitability Program.
- 7.2. The OPR Personnel Security Unit (PSU), Unit Chief,** under the direction of the ICE CSO, is responsible for implementing the minimum standards required by this Directive. These requirements are to ensure and maintain integrity in the workforce. The PSU is responsible for the following actions:
- 1) Working with ICE program offices to develop specific procedures for incorporating contractor personnel suitability screening requirements into the procurement and contract oversight process;
 - 2) Documenting the process by which a risk-level assessment is made;
 - 3) Receiving and processing security forms to initiate required suitability investigations of contractor personnel;
 - 4) Adjudicating the results of pre-employment and suitability investigations and advising the COTR and other offices on a need-to-know basis of the adjudication;
 - 5) Conducting or arranging for additional investigation, when necessary, to resolve suitability issues;
 - 6) Providing contractor personnel an opportunity to respond to unfavorable information developed during an investigation prior to taking any unfavorable action based on that information;
 - 7) Notifying the COTR (or if none assigned, the CO), as appropriate, in writing to deny access to contractor personnel who are found unsuitable for access to ICE facilities, sensitive information, or IT systems;
 - 8) Tracking suitability screening investigations and maintaining security files on contractor personnel;
 - 9) Determining, in consultation with the Program/Project Manager or COTR (if assigned), which contracts require security investigations of contractor personnel;
 - 10) Developing, in coordination with the Office of Acquisition (OAQ) Management, the appropriate language for inclusion in solicitations, contracts, and agreements; and
 - 11) Coordinating, as appropriate, with the COTR (if assigned) or the CO on actions to take whenever reasonably credible information is received that appears to raise a question concerning the suitability of contractor personnel.

7.3. The Office of Acquisition Management and ICE Program Offices are responsible for the following:

- 1) The Program/Project Manager or originator of the procurement request is responsible for coordinating with the OAQ Management and PSU to ensure that all proposed solicitations and contracts are reviewed to determine whether contractor personnel will require access to ICE facilities, and/or sensitive IT systems;
- 2) The OAQ Management is responsible for ensuring that whenever a solicitation, contract, or agreement requires investigation of any contractor personnel, the document contains language sufficient to achieve this objective in an orderly and expeditious manner. The document shall also contain language to allow ICE to deny contractor personnel access to ICE facilities, sensitive information, or IT systems if the PSU determines the contractor personnel is unsuitable;
- 3) The OAQ Management and the Program/Project Manager are responsible for ensuring that the PSU and the COTR are notified whenever there is a change in the status (e.g., replaced, extended, defaulted, terminated, etc.) of an existing contract that makes contractor personnel subject to investigation;
- 4) The Program/Project Manager is responsible for notifying the COTR and OAQ of any reasonably credible information received that may raise a question about the suitability of any contractor personnel;
- 5) The COTR or (if none assigned) the Contracting Officer is responsible for notifying PSU of any reasonably credible information received that may raise a question about the suitability of any contractor personnel;
- 6) The Program/Project Manager is responsible for ensuring that the PSU is advised of any contracts in which access to ICE facilities, sensitive information, or IT systems will be completed in 90 days or less;
- 7) The Program/Project Manager is responsible for coordinating with the security office to establish risk levels for all positions;
- 8) The COTR or (if none is assigned) the Contracting Officer is responsible for notifying the PSU if the status of contractor personnel changes in any way; and
- 9) The Program/Project Manager is responsible for ensuring the contracting company is notified of the results of the suitability screening for individual contractor personnel.

7.4. The Office of the Chief Information Officer (OCIO) is responsible for ensuring that all IT systems acquisition documents, including existing contracts, include appropriate IT security requirements and comply with DHS and ICE IT security policies.

- 7.5. The Program/Project Manager** is responsible for coordinating with the OPR PSU to determine the applicable contractor personnel suitability and security investigative requirements needed under a particular contract prior to the Contracting Officer's issuance of the solicitation prospective. This requirement applies to any proposed agreements with outside parties that could result in non-ICE personnel having access to ICE facilities, sensitive information, or IT systems.
- 7.6. The COTR is responsible for the following:**
- 1) Ensuring that the contract company submits completed security forms and information on behalf of each of its contractor personnel (including prospective subcontract employees) subject to a security investigation as required by the applicable contract;
 - 2) Ensuring that the PSU is notified whenever contractor personnel have completed the work as required under the contract or leave their position with the contractor;
 - 3) Ensuring the forms required for investigations of contractor personnel are completed and submitted to the PSU prior to granting contractor personnel or subcontractor personnel access to ICE facilities, sensitive information, or IT systems;
 - 4) Coordinating with the Contracting Officer to ensure, at the direction of the PSU, that appropriate actions are taken to address any questions that arise regarding the suitability of any contractor personnel. Appropriate actions may include, but are not limited to, temporarily denying the contractor personnel access to ICE facilities, sensitive information, or IT systems pending resolution of the issue(s) raising a question of suitability;
 - 5) Ensuring, at the direction of the PSU, that appropriate action which may involve excluding the contractor personnel from working on any aspect of the ICE contract is taken when contractor personnel are found unsuitable for access to ICE facilities, sensitive information, or IT systems; and
 - 6) Ensuring the OPR PSU is notified when derogatory information which may affect the status of any contractor personnel is revealed, discovered, or reported.

8. PROCEDURES.

8.1. General Investigative Standard for Contractor Personnel.

- 1) Prior to commencement of any work under a contract with ICE, all contractor personnel will be evaluated for suitability for access to ICE facilities, sensitive information, and IT resources. This screening process is required for every position; is conducted by personnel security specialists; and serves to protect the interests of ICE. The type of PSI necessary under this process will be commensurate with the nature and the risk level of the positions as described in the *Investigations Matrix*

(see attachment). ICE reserves the right to restrict contractor personnel access to ICE facilities, sensitive information, and IT systems.

- 2) A security clearance determination of whether contractor personnel should be eligible for access to classified information is a process separate and distinct from the suitability determination and is conducted in accordance with DHS MD 11035, ISP.
- 3) ICE will afford fair, impartial, and equitable treatment to all contractor personnel through the consistent application of suitability standards, criteria, and procedures as specified in applicable laws, regulations, and orders.
- 4) The minimum investigation standard for ICE contractor personnel requiring unescorted facility access on a recurring basis will be the NACI. This investigative standard will meet the requirements of HSPD-12. Prior to being given access to ICE facilities, sensitive information, or IT systems, contractor personnel must first have received a favorably adjudicated suitability determination as described in Section 8.1.1 above. The suitability determination may be conducted prior to or concurrently with a NACI investigation.
- 5) For contractor personnel processed in accordance with DHS MD 11035, ISP, the investigative standard for access to secret classified information will be an MBI. The minimum investigative standard for access to top secret classified information will be an SSBI.
- 6) Exception: An exception may be granted for contractors, subcontractors, vendors and others who do not require access to IT systems, but require temporary (less than 6 months), unescorted facility access, in which case they shall undergo a fingerprint-based criminal history records check and a citizenship check. This is considered the only exception to HSPD-12 investigative requirements.

8.2. EOD Determinations. A favorable EOD determination allows contractor personnel to commence work before the required personnel security investigation is completed. The EOD determination does not substitute for the required personnel security investigation. In addition, if contractor personnel for a High Risk IT position (for example, system administrator, programmer, hardware technician, or firewall manager) receive a favorable EOD determination, the contractor personnel may only perform duties equivalent to Moderate Risk positions until the required background investigation is completed.

8.3. Risk Assessment.

- 1) The PSU and the Program/Project Manager shall determine the risk level for each contractor personnel position. The risk level is based on an overall assessment of the damage an untrustworthy contractor personnel could cause to the efficiency and/or integrity of ICE operations. When determining risk levels, the duties of contractor personnel may be compared to those of ICE employees in similar positions.

- 2) Contractor personnel having access to ICE facilities, IT systems, or Sensitive Information will receive an appropriate suitability screening based on the risk level of the position. See Section 5.16 above for descriptions of Risk Levels.

8.4. Adjudication Criteria. Suitability determinations are to be made in accordance with the following criteria:

- 1) Specific factors. When making a suitability determination, the following may be considered a basis for finding contractor personnel unsuitable:
 - a) Misconduct or negligence in employment;
 - b) Criminal or dishonest conduct;
 - c) Material, intentional false statement or deception, or fraud in examination or appointment;
 - d) Refusal to furnish testimony;
 - e) Alcohol abuse of a nature and duration which suggests that the contractor personnel would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of others;
 - f) Illegal use of narcotics, drugs, or other controlled substances, without evidence of substantial rehabilitation;
 - g) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; and/or
 - h) Any statutory or regulatory bar which prevents the lawful employment of the contractor personnel involved in the position in question.
- 2) Additional considerations. In making a suitability determination, ICE shall consider the following additional considerations to the extent OPR PSU deems them pertinent to the individual case:
 - a) The nature of the position for which contract personnel are applying or are employed;
 - b) The nature and seriousness of the conduct;
 - c) The circumstances surrounding the conduct;
 - d) The recency of the conduct;
 - e) The age at the time of the conduct;

- f) The contributing societal conditions; and/or
 - g) The absence or presence of rehabilitation or efforts toward rehabilitation.
- 3) A contractor personnel's eligibility may be cancelled or they may be denied employment or removed if there is an unsuitability determination.

8.5. Citizenship and Residency Requirements.

- 1) Only U.S. citizens are eligible for employment on contracts requiring access to ICE IT systems or involvement in the development, operation, or management of ICE IT systems, unless an exception is granted in accordance with the procedures set forth in section 8.10 (2) of this directive. Exceptions to this policy must be obtained for any non-U.S. citizens, including Foreign Nationals (FN's) and Foreign Service Nationals (FSN's) for whom access to ICE or DHS systems is needed. Lawful permanent residents are not U.S. citizens.
- 2) Any contractor personnel who has resided outside of the United States for more than two of the last five years preceding their employment with ICE, must provide ICE with references, all of whom must be U.S. citizens, who can verify her or his reportable activities (for example, places of residence, educational institutions attended, etc.) outside the United States during this period. Sufficient information must be available to permit an investigation to be conducted to the same standard as would be required if the contractor personnel resided within the United States or the contractor personnel will be ineligible to work on the contract. Exceptions to the residency requirement may be made if the contractor personnel work or worked for the United States overseas in a Federal or Military capacity or was a dependent of a Federal or Military employee serving overseas during the period in question.

8.6. Retroactive Effect.

- 1) Contractor personnel who have been investigated and approved by ICE prior to the issuance of this Directive, but whose investigation is not commensurate with the risk level indicated in the "Investigations Matrix" (see attachment), must be scheduled for an updated investigation not later than twelve (12) months after the issuance of this Directive. Such contractor personnel are eligible to maintain access for one (1) year or less provided performance is under the existing contract (to include exercise of options) and the risk-level of the assigned position does not change.
 - a) These contractor personnel cannot perform work under a different contract or at a different risk level when performing under the same contract until the investigative requirements set forth in the "Investigations Matrix" (see attachment) are met.
 - b) After a re-compete and award on the same contract, contractor personnel must meet the required background investigation standards as set forth in the

Investigations Matrix (see attachment) that is commensurate with the risk level of their position.

- 2) Contractor personnel currently working on an ICE contract who have not been investigated prior to the issuance of this Directive must meet the investigative standard. The required personnel security investigation on these individuals must be scheduled not later than six months after issuance of this Directive. Contractor personnel may continue to work while the investigation is in process.
- 3) Lawful permanent residents who have been investigated and approved by ICE prior to the issuance of this Directive to work on unclassified contracts that involve access to or assisting in the development, operation, management, or maintenance of ICE IT systems may remain in the present position. However, they are not eligible to (1) transfer between contracts; (2) transfer to another position at a higher risk level; or (3) remain on a contract after a re-compete and award unless a waiver is granted in accordance with Section 8.10.

8.7. Reinvestigations. Contractor personnel in High Risk positions will be reinvestigated every 5 years or more frequently as circumstances warrant. Contractor personnel in Moderate or Low Risk positions are required to be reinvestigated every 10 years, unless specific derogatory information is received that would warrant an earlier reinvestigation.

8.8. Standards for Using Previous Investigations. Whenever practical, ICE will use previous investigations conducted by DHS components to reduce the number of investigation requests, associated costs, and unnecessary delays.

- 1) ICE will use previous investigations conducted at the same risk levels, subject to the 5-year and 10-year reinvestigation requirements, by other DHS components with appropriate updates to documentation on file for transfers within DHS. Previous investigations will be obtained and/or reviewed in conjunction with other appropriate checks to make a suitability decision for employment. If the investigation is unavailable for review, a new and appropriate investigation will be completed.
- 2) Any investigation conducted by or for another Federal agency on a contractor that is of the same or higher type and scope as the one required is sufficient to meet the investigative requirements if it was conducted within the past 5 years. The investigation will be obtained and/or reviewed in conjunction with pre-employment checks to make a suitability decision for employment. If that investigation is unavailable, new security forms will be obtained, preliminary checks will be completed and a new and appropriate investigation will be completed.

8.9. Adverse Information and Revocation of Access.

- 1) When adverse information is uncovered in the course of an investigation, the scope of the inquiry will normally be expanded to the extent necessary to obtain such additional information as may be required to determine whether the contractor's

personnel may be granted unescorted access to ICE facilities and/or sensitive information.

- 2) Contractor personnel on whom unfavorable or derogatory information has been uncovered must be presented with the information and offered an opportunity to refute, explain, clarify, or mitigate the information in question. If a determination of ineligibility is made, the individual will be formally notified and informed of the reason(s).
- 3) Adverse information may not be disclosed to the employer of the contractor personnel. When a final determination has been made, the employer shall be informed, simultaneously with notification to the affected individual, that the contractor personnel is ineligible to render services or otherwise perform under the contract.

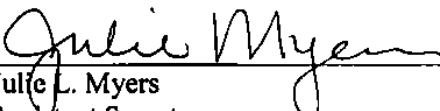
8.10. Waivers and Exceptions.

- 1) Operational, physical, or unforeseen circumstances may prevent or preclude the implementation in a timely manner of some of the requirements of this Directive. In such cases a waiver or exception to the stated requirements may be requested. The waiver or exception request must be in writing and addressed to the ICE Chief Security Officer (CSO) and identify a compelling reason for issuance of a waiver or exception. Access will not be granted under the waiver or exception process until the waiver or exception is approved by the ICE CSO.
- 2) Exceptions to the U.S. citizenship requirement noted in section 8.5 (1) of this directive are treated separately from standard exceptions and waivers. Since access for foreign nationals is normally a long-term commitment, citizenship exceptions may only be granted by the Assistant Secretary or their designee, with the concurrence of both the DHS CSO and DHS CIO or their designees. In order for the exception to be granted:
 - a) The individual must be either a Lawful Permanent Resident of the United States or a citizen of any nation on the Allied Nations List maintained by the Department of State.
 - b) All required security forms specified by DHS and any necessary background check must be satisfactorily completed.
 - c) There must be a compelling reason for using the individual as opposed to a U.S. citizen.
 - d) The exception must be in the best interest of DHS.

Requests for exceptions must be in writing utilizing Attachment J of the DHS 4300A Sensitive Systems Handbook.

- 3) Requests for waivers or exceptions to any other requirement set forth herein, to include surge support and resource issues, must be submitted in writing to the ICE CSO. Waiver or exception requests must include a justification and will be considered on a case-by-case basis.
9. **ATTACHMENT.** Investigations Matrix.
10. **NO PRIVACY RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved:


Julie L. Myers
Assistant Secretary
U.S. Immigration and Customs Enforcement

ATTACHMENT
Investigations Matrix

RISK LEVEL	SECURITY FORMS REQUIRED	TYPE OF INVESTIGATION REQUIRED		PRELIMINARY CHECKS REQUIRED FOR EOD DETERMINATION	
		IT Positions	Non-IT Positions	IT Positions	Non-IT Positions
HIGH	-SF 85P -FD 258 -Credit Release Form -SF 85P-S ¹ -OF 306	Background Investigation (BI) ²	Background Investigation (BI)	Favorable Review of Forms Favorable fingerprint & credit Scheduling of the BI <i>(Only eligible for access to the Moderate Risk Level)</i>	Favorable Review of Forms Favorable fingerprint & credit Submission of the BI
MODERATE		Minimum Background Investigation (MBI)	Minimum Background Investigation (MBI)	Favorable Review of Forms Favorable fingerprint & credit Scheduling of the MBI	Favorable Review of Forms Favorable fingerprint & credit Submission of MBI
LOW ³	-SF-85P -FD-258 -Credit Release Form -OF 306	Not applicable No IT positions are "Low Risk"	NACI Favorable Review of Forms Fingerprint and Name Check	Not applicable No IT positions are "Low Risk"	Favorable Review of Forms Favorable fingerprint & credit Submission of NACI ³

¹ Only Weapons-Carrying Contract Guards must complete the SF 85P-S in addition to SF 85P.

² IT Positions or detail assignments that require access to Sensitive But Unclassified information or Law Enforcement Sensitive Information, i.e. TECS.

³ NACI must be initiated and a favorable fingerprint check completed prior to the issuance of a DHS Personal Identity Verification (PIV) Card.

Office of the Chief Financial Officer

***Office of Asset Administration,
Property Branch***

Personal Property Operations Handbook

March 2011



**U.S. Immigration
and Customs
Enforcement**

Table of Contents

INTRODUCTION	5
1.1 The Purpose of this Handbook	5
1.2 Procedural Authority	5
1.3 Scope	6
1.4 Authorities	8
2. ROLES AND RESPONSIBILITIES	9
2.1 Property Management Officer (PMO)	9
2.2 Property Branch.....	9
2.3 Accountable Property Officer (APO).....	11
2.4 National Utilization Officer (NUO)	11
2.5 Boards of Survey (BOS).....	12
2.6 Headquarters Program Property Manager (HPPM)	13
2.7 Property Custodian (PC)	14
2.8 Local Property Custodian (LPC)	15
2.9 ICE Employees/Contract Employees	15
3. HQ ACQUISITION PLANNING.....	16
3.1 Spend Plan Reviews	16
3.2 Budget Execution and Monitoring	16
4. ACQUIRING PERSONAL PROPERTY	18
4.1 Determination of Need for an Asset.....	18
4.1.1 Acquiring Excess Property	18
4.1.2 Screening for Excess within ICE or DHS.....	19
4.1.3 Acquiring Excess Assets from within ICE	19
4.1.4 Acquiring Excess Assets from Other DHS Components.....	20
4.1.5 Acquiring Excess Property from other Federal Agencies.....	21
4.2 Purchasing	22
4.2.1 Acquiring Property through Procurement.....	22
4.2.2 Acquiring Property Using a Purchase Card (PCard)	23
4.3 Leasing Property.....	23
4.4 Acquiring Property by Pre-Arranged Transfer from Another Agency	24
4.5 Acquiring Property through Forfeiture.....	25
5. RECEIVING AND BARCODE LABELING PROPERTY	27
5.1 Initial Inspection.....	27
5.1.1 Damaged Packaging or Property	28
5.1.2 Partial Orders.....	28

5.2	Receipt Acceptance	28
5.3	Barcode Labeling	29
5.4	Receipt of Laptops.....	29
5.5	Receipt of Fleet Assets	30
6.	CREATING PROPERTY RECORDS	31
6.1	Creating a Record.....	31
6.2	Assets Requiring Encryption.....	33
7.	ACQUISITION COSTS AND VALUES	34
7.1	Determining Acquisition Costs	34
7.1.1	Acquisition Costs for Purchases	34
7.1.2	Acquisition Costs for Transfers from Outside of ICE	34
7.1.3	Acquisition Costs for Assets Acquired through Forfeiture.....	35
7.1.4	Estimating Fair Value	35
7.1.5	Acquisition Costs for Leases	35
7.1.6	Determining Whether a Lease Is Capital or Operating.....	35
7.1.7	Acquisition Costs for Upgrades or Improvements.....	36
7.2	Recording Costs Based on Acquisition Documentation	36
7.3	When Source Documentation Is Not Available	37
7.4	Determining the Acquisition Date.....	37
7.5	Capitalized Assets	38
7.6	Fleet Assets.....	38
8.	RECORDS MAINTENANCE.....	39
8.1	Location Reassignment (Move)	39
8.2	Steward Code Changes (Internal transfer)	39
8.3	PC Changeover.....	40
8.4	Asset Maintenance.....	41
9.	INVENTORY	42
9.1	Annual Inventory.....	42
9.2	Resolving Inventory Discrepancies.....	43
10.	WAREHOUSING AND STORAGE.....	45
10.1	Local Storage.....	45
10.2	Remote Storage	45
10.3	Transferring Accountability for Assets in Storage.....	46
11.	DISPOSAL	47
11.1	Screening Excess Property Within Program Office (7 Days)	47
11.2	Designating Idle Property as Excess	48
11.3	Excessing ICE Headquarters Property	49
11.4	Internal Screening (21 Days).....	50

11.4.1	Excess Property Needed Within ICE.....	50
11.4.2	Excess Property Needed Within DHS	51
11.5	External Screening (21 Days).....	52
11.5.1	Computers For Learning Program	52
11.5.2	Pre-selected CFL Recipient	53
11.5.3	Non Pre-selected CFL Recipient	54
11.5.4	Excess Property Re-Utilized by Other Federal Agencies	56
11.6	Donating Property	57
11.7	Disposing of Property through Sales.....	58
11.7.1	GSA Auctions®	59
11.7.2	MySales.....	59
11.7.3	Sales Process.....	59
11.7.4	Exchange/Sale of Property.....	60
11.7.5	Sales Proceeds.....	62
11.8	Abandonment or Destruction	62
11.8.1	Abandonment.....	63
11.8.2	Destruction.....	64
12.	REPORTING REQUIREMENTS	65
12.1	Monthly Reports.....	65
12.2	Annual Report of Lost, Damaged, or Destroyed Property	65
12.3	Government Property Furnished to Contractors	66
12.4	Annual Inventory Plan.....	67
12.5	Excess Property Furnished to Non-Federal Recipients	67
12.6	Exchange / Sale Transactions.....	67
12.7	Computers for Learning Donations.....	67
13.	MONITORING AND OVERSIGHT FUNCTIONS	69
13.1	Acquisition Reviews.....	69
13.2	Inventory Reviews.....	69
13.3	Excessing Reviews	70
13.4	Disposal Reviews	70
	Glossary	71
	Appendix A: PC Designation Letter	79
	Appendix B: Headquarters Program Property Manager (HPPM) Designation Letter	80
	Appendix C: Forms.....	80
	Appendix D: Acronym List	94
	Appendix E: Process Flows with Key Control Matrices	95

Foreword

The issuance of this Personal Property Operations Handbook (PPOH) is to provide procedures, guidelines, and instructions for the management of personal property into a single operating handbook. The Office of Asset Administration (OAA) and the Property Branch, in conjunction with Program Office personnel, reviewed property management activities at ICE and other organizations in an effort to bring forth best practices in property management.

The objectives of this handbook are two-fold:

1. Document the standard processes and procedures for the management of personal property.
2. Provide guidance and instruction to individuals who work with personal property directly, indirectly, or collaterally. Personnel working with personal property need access to this handbook, and it is anticipated that this guidebook will improve accountability and control of personal property organization-wide.

In order to keep this handbook current and up-to-date, comments and recommendations are encouraged to be forwarded to the OAA, Property Branch.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), PMP

Director (Acting), Office of Asset Administration
Property Management Officer

16 March 2011

Date

Chapter 1

1. INTRODUCTION

U.S. Immigration and Customs Enforcement (ICE) currently accounts for tens of thousands of individual items of personal property which are deployed throughout five continents. For ICE to effectively perform its mission, this property must be readily available to ICE personnel when needed, while at the same time providing the government and the taxpayer with the best possible return on investment. Successfully accomplishing this twofold goal requires a robust property management program that coordinates people, procedural guidance, and systems throughout the property's lifecycle. The lifecycle, which can be broken into many components, can be broadly summarized into three primary phases: acquisition, utilization, and disposal. This handbook provides procedural guidance and personnel responsibilities for the components of the lifecycle.

1.1 The Purpose of this Handbook

This document establishes the processes and procedures for the ICE Property Management Program. These procedures are designed to provide guidance for activities related to the physical and financial control of personal property and are intended to:

- Provide standard guidance for asset management activities throughout the property lifecycle
- Clarify responsibilities for personnel regarding asset management duties
- Outline the authorizing guidance and documents for personal property

All existing and future handbooks and standard operating procedures (SOPs) related to personal property must comply with the procedures set forth in this document and related authorities. Programs may issue additional handbooks and SOPs that provide more detailed guidance for the management of personal property as long as they are in keeping with the purpose and structure of the procedural steps defined in this document.

1.2 Procedural Authority

The management of ICE property is subject to an authoritative hierarchy. All subordinate guidance must conform to those above it. Subordinate guidance can be more restrictive and detailed than those above it, but cannot detract from or contradict superior authority. If there is conflict, the higher level of guidance takes precedence. The hierarchy includes:

- Federal laws, statutes, and regulations
- Executive orders and OMB circulars
- Government-wide policies
- DHS management directives
- ICE procedures and instructions including this handbook
- ICE department specific policies and procedures

1.3 Scope

The procedures provided in this document apply to ICE employees, contractors, and all personnel who handle or have responsibility for personal property. All personal property meeting the criteria below must be tracked in the Sunflower Asset Management System (Sunflower), the official personal property management system for ICE. All property not meeting the following criteria must be recorded and tracked in an appropriate system, and must be reported to the OAA Property Branch for accountability purposes. An example of an appropriate tracking system is an Excel spreadsheet documenting the asset's Serial Number, Make, Model, etc.

Assets that must be recorded in Sunflower:

- Automated data processing equipment (ADPE) with non-volatile memory (i.e. computer equipment that can store data) or contains removable data storage device
- Vehicles
- Sensitive equipment
- Leased assets where the lease term is 6 months or longer and the asset meets another criteria for entry into Sunflower
- Other personal property with an initial acquisition value of \$5,000 and above
- Additional asset types may be added to meet changing requirements

Exceptions are provided for the following equipment meeting above criteria:

- The National Firearms and Tactical Training Unit (NFTTU) is responsible for body armor, firearms, other weapons, credentials, and like assets. These assets will be recorded and tracked in the Firearms, Armor and Credential Tracking System (FACTS) database.
- The Homeland Security Investigations (HSI) is responsible for Technical Operations (TechOps) assets. These assets will be recorded and tracked in the Electronic Surveillance Operations Tracking System (ESOTS) database. However, TechOps assets that are capitalized must also be recorded in Sunflower.
- The Office of Professional Responsibility (OPR) is responsible for Technical Investigative Equipment (TIE). These assets will be recorded and tracked in the TIE system.

Regardless of the property's cost or whether it meets Sunflower criteria, ICE Program Offices must develop and maintain internal controls that provide reasonable assurance that ***all property*** is managed in accordance with federal laws, regulations, and DHS and ICE policy. All asset records must be maintained by the responsible Programs and reports must be provided to the ICE Property Branch when requested. Examples of such reports may include annual inventory reports, monthly reports of survey, and property in the hands of contractors. Every Program must have procedures in place to ensure that all property is properly acquired, recorded, maintained, disposed of, and reported regardless of whether the asset must be recorded in Sunflower. ICE personnel and contractors are to exercise personal initiative and sound business judgment in ensuring that ICE property is managed in a manner that is in accordance with the

best interest of the Federal Government, ICE, and the taxpayer. Specific guidance is provided in the chapter regarding the disposition of personal property.

While most of the information contained in this handbook can be applied to all personal property, its primary focus is on those assets meeting the criteria for adding to Sunflower as stated above. For guidance concerning personal property not meeting the above criteria, please see the following:

Furniture	CFR 41 101-25.404
Small office equipment and supplies	CFR 41 101-25.302
Software	Federal Accounting Standards Advisory Board, Statement of Federal Financial Accounting Standards (SFFAS) No. 10, <i>Accounting for Internal Use Software</i>

1.4 Authorities

- Public Law 101-576, Chief Financial Officers Act of 1990, as amended
- Public Law 102-393, Treasury, Postal Service and General Government Appropriations Act
- 5 United States Code (U.S.C.) § 7342, Receipt and Disposition of Foreign Gifts and Decorations
- 31 Code of Federal Regulations (C.F.R.) § 0.203, Gifts or Gratuities from Foreign Governments
- 41 C.F.R. Chapter 101, Federal Property Management Regulations (FPMR)
- 41 C.F.R. Chapter 102, Federal Management Regulation (FMR)
- 41 C.F.R. Chapter 102-34 Motor Vehicle Management
- Statement of Federal Financial Accounting Standards (SFFAS) # 3, Accounting for Inventory and Related Property
- Statement of Federal Financial Accounting Standards (SFFAS) # 6, Accounting for Property, Plant and Equipment
- DHS MD 0550.1, Records Management Handbook, Version 2 January 2005
- DHS MD 0560, Real Property Management Program
- DHS MD 0565, Personal Property Management Directive
- DHS MD 1120, Capitalization and Inventory of Personal Property
- National Archives and Records Administration General Records Schedules at <http://www.archives.gov/records-mgmt/ardor/>
- U.S. Department of Treasury Financial Manual (TFM)
- GSA SmartPay® 2 dated October 15, 2008
- OMB Circular A-123, Management's Responsibility for Internal Control
- Executive Order 12999 dated April 17, 1996, entitled "Educational Technology: Ensuring Opportunity for all Children in the Next Century"
- Office of National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA) Program Policy and Budget Guidance, effective date October 1, 2009

Chapter 2

2. ROLES AND RESPONSIBILITIES

2.1 Property Management Officer (PMO):

The ICE PMO is the Director of OAA within the Office of the Chief Financial Officer. The PMO has oversight on all personal property within ICE, and makes the final decision on when and how the annual inventory is conducted. The PMO also certifies and signs off on ICE's overall inventory. The PMO's responsibilities include:

- Ensuring compliance with internal policies and Government-wide regulations regarding the functions of planning for property needs, and the acquisition, receipt, accountability, utilization, distribution, management, and disposal of ICE property.
- Ensuring that Accountable Property Officers (APOs) are designated in writing and are offered proper guidance and/or training to effectively perform personal property management duties.
- Ensuring that all assets are tracked, accounted for, and correctly reported as necessary. This includes assets meeting Sunflower criteria as well as assets that do not meet the Sunflower criteria but fall within the scope of OAA's accountability. Examples include Tech Ops assets, Firearms, and TIE.

2.2 Property Branch:

The Property Branch administers and oversees the management of personal property at ICE. It also establishes ICE property management systems, automation, and policies; and exercises compliance oversight for all ICE personal property, including audits and evaluations. In addition, the Property Branch initiates, monitors, and reconciles ICE inventories of personal property. The responsibilities of the Property Branch include those assets not recorded in Sunflower such as those managed by NFTTU, OPR or HSI (see Section 1.3 Scope). The status of all of these assets must be recorded in an adequate property management system and must be reported to ICE Property Branch. Property Branch responsibilities include:

- Serving as the liaison between DHS and ICE.
- Administering and coordinating personal property management for ICE.
- Establishing ICE property management systems, processes, procedures, and policies.
- Establishing an internal control system to exercise compliance oversight for all ICE personal property.
- Identifying items required to be tracked in property management systems.

- Ensuring the annual physical inventory of all property meeting the criteria set out in Section 1.3 is completed in a timely and accurate manner, and that property records are reconciled. The annual inventory of assets identified as exceptions in Section 1.3 may be completed by the responsible organization but the results must still be submitted to the Property Branch.
- Ensuring annual property reports are prepared in accordance with DHS requirements.
- Coordinating with OPR to provide guidance during inspections to ensure property is being used effectively and is being adequately safeguarded.
- Monitoring the ICE decentralized inventories of personal property, including reconciliation of capitalized assets.
- Providing personal property inventory reports, guidance and assistance to APOs and PCs/LPCs, as required, for the purpose of conducting physical validation.
- Assembling and providing technical assistance to the National Board of Survey, including information pertaining to the acquisition, use, value, age, and accountability of the property involved.
- Evaluating compliance with property policies and procedures and implementing actions to improve property accountability.
- Establishing internal controls and working with local offices to record locally acquired assets meeting the Sunflower thresholds (mandatory tracking requirements) are recorded in the personal property system.
- Ensuring that proper training is available for HPPMs, and PCs/LPC.
- Providing technical advice to personnel to assist them in performing personal property management duties and responsibilities.
- The Property Management Continuous Assessment Program (PMCAP) team provides hands-on customer support on a continuous basis to ensure that ICE's property personnel are provided with the tools and resources needed to enable them to successfully carry out their property management duties through monthly site assessment visits. The program is focused on working with the local office's Property Custodian, including the Vehicle Control Officer/Fleet personnel and Inventory Takers (if needed) to assess the location's current state of property management, and provide support and recommendation on how to improve property management at the site to ensure that:
 - All locations will be prepared for an OPR Management Inspection or financial audit by ICE independent auditors.
 - Improvement of Property Management functions and data.

- All locations will be prepared to successfully complete the Annual Physical Inventory requirements, which includes the reduction or prevention of items reported as missing.
- Overall streamlining and standardization of property management across ICE.

2.3 Accountable Property Officer (APO):

An APO is a Program Management-designated employee whose primary property responsibility is to assure the timely and effective execution of property management programs and operations. This position is assigned based on Program Role/Title. The APO may also be an Executive Associate Director (EAD), Assistant Director (AD), or an Administrative Officer.

The APO is responsible and accountable for personal property within their jurisdiction or office. This includes providing proper documentation on all transactions, assigning personnel to conduct inventories, and submitting ROSs and inventories through their respective HPPM. The APOs ultimate responsibility for personal property may not be delegated. Signature authority can be delegated only when the APO has appointed an official Acting APO due to the APO's approved absence. APO responsibilities include:

- Ensuring that their Program(s) comply with property management regulations.
- Ensuring that Headquarters Program Property Managers (HPPMs), Property Custodians (PCs), and Local Property Custodians (LPCs) are offered proper guidance and/or training to effectively perform personal property management duties.
- Ensuring that PCs, LPCs, and Inventory Takers are assigned in writing and designating employees to conduct physical inventories.
- Creating local processes, procedures, and internal controls for the management of all property and communicating them to HPPMs and PCs/LPCs.
- Notifying the Property Branch of any designated HPPM changes within thirty days in writing.
- Verifying and signing off on inventory accuracy by submitting inventory certification forms and Reports of Survey to their HPPM, who forwards them to the Property Branch.
- Providing technical assistance to the Boards of Survey, including information pertaining to the acquisition, use, value, age, and accountability of the property involved.
- Providing sufficient resources to carry out property management functions.

2.4 National Utilization Officer (NUO):

NUOs represent federal agencies and provide approval for user accessibility to the Federal Disposal System (FEDS). Each DHS component is required to designate a single NUO, whose

duties consist of broad responsibilities related to the utilization of property. ICE NOU is designated by the Property Management Branch Chief and the responsibilities include:

- Monitoring and tracking all excess property leaving ICE.
- Serving as a liaison between ICE and the General Services Administration (GSA).
- Providing approval for user access to GSAXcess.
- Providing guidance on the excess process.
- Tracking the utilization of assets in Sunflower by Program Offices so that underutilized assets are redistributed or excessed.

2.5 Boards of Survey (BOS):

BOSs are convened to review circumstances surrounding lost, stolen, or damaged personal property in order to determine the final disposition of the asset and the degree of responsibility. All Users and PCs are held accountable for lost, damaged, or destroyed property until final recommendations are provided by the BOS.

National Board of Survey (NBOS) representatives are chosen by the NBOS Chairperson (GS-15), and must be a grade of GS-13 or above. The committee investigates incidences when any of the following apply:

- The assets are Capitalized Assets
- The APO is the responsible party
- Cases due to willful intent or negligence
- A significant number of lost, damaged, or stolen assets

All Boards of Survey are responsible for:

- Reviewing ROS, recommending actions to EL&R, and authorizing relief of inventory accountability if the property is on inventory.
 - In cases where relief is not appropriate, issues are referred to the NBOS
- Overseeing the integrity of ICE's asset management with respect to Lost, Damaged, or Destroyed assets.
- Conducting prompt, objective, and comprehensive reviews into the circumstances and root causes involving lost, stolen, or damaged government personal property, including the presentation of all written information and testimony applicable to the incident.
- Submitting recommendations to the APO, consistent with the circumstances and findings of the ROS.

- Overseeing alternative mechanisms, such as an internal review, which when conducted by OPR, may substitute for a BOS investigation provided that the alternative mechanism includes a comprehensive review and a specific finding holding or relieving the party of responsibility.
- Forwarding ROS to OPR and EL&R when appropriate

2.6 Headquarters Program Property Manager (HPPM):

HPPMs, who are designated in writing by ICE Headquarters Program Office EADs or ADs, have oversight for their area of jurisdiction to ensure an accurate accounting of all program property. Serving as liaisons between Programs and the Property Branch, HPPMs coordinate property matters, and shall be the Subject Matter Experts for their respective Programs. HPPM responsibilities include:

- Overseeing and administering property management responsibilities.
- Ensuring that offices comply with established deadlines for inventory, recording property transactions, and reporting.
- Serving as the first-level of property management support to PCs.
- Facilitating, coordinating, and compiling supporting documentation for property transactions upon request.
- Verifying the accuracy of supporting documentation before submission to the Property Branch.
- Submitting monthly ROS, including negative reports (reporting that there are no ROS) to the Property Branch.
- Ensuring that property personnel are aware of and register for required property management training.
- Monitoring and managing their Program's personal property inventory.
- Ensuring timely maintenance of property records for transactions including acquisitions, transfers, and disposals of personal property.
- Performing quality assurance reviews of property records.
- Disseminating property related communications within their program.
- Disseminating and reinforcing all communication sent from the Property Branch to Program Offices.

2.7 Property Custodian (PC):

PCs are appointed by the APO in writing (see Appendix A: Designation Letter). The PC may be delegated certain responsibilities of the APO. However, the APO may not delegate ultimate responsibility for the personal property program or signature authority. PCs are responsible for the accountability and safeguarding of all property, as well as the completeness and accuracy of the information recorded in Sunflower. Because of the organizational size and structure of some Programs, the PC may be required to perform multiple responsibilities, not limited to property management.

Larger Programs may have more than one PC. In these cases, the APO must designate a primary PC as the one ultimately responsible for the property within his/her jurisdiction. This PC must also be specified in the Sunflower record. Responsibilities of the PC include:

- Communicating with other property personnel as required.
- Maintaining current records for property within their assigned custodial area.
- Initiating or processing documents affecting the accountability or custody of equipment.
- Maintaining oversight over the authorized use and proper care and protection of the property.
- Reporting lost, stolen, or damaged property beyond normal wear and tear.
- Disposing of excess property in a timely manner.
- Ensuring complete and accurate data entry into ICE's personal property management system.
- Ensuring federal or local security officials are notified by the involved employee, as appropriate, of adverse incidents relating to the loss or theft of personal property, and preparing related documentation, including the ROS.
- Ensuring the involved employee prepares and coordinates a ROS to document incidents regarding loss, theft, or damage of personal property.
- Serving as a technical advisor to the PMO, APO, and BOS, and providing assistance as required.
- Retaining documentation to support the audit trail for all acquisitions, transfers, and disposition activity.
- Providing instructions and oversight for the Inventory Team and inventory activities.

- Locking and securing all assets not in use but under his/her steward code in a location to which only authorized ICE employees have access.
- Responsible for daily record maintenance of accountable records for their assigned area of accountability

2.8 Local Property Custodian (LPC):

An LPC is appointed by the APO. LPC responsibilities may vary and are based on the structure of the individual Program. The LPC is similar to the PC in that they accomplish day-to-day functions typically associated with the property. The LPC can be delegated most of the PCs responsibilities, but the PC maintains ultimate responsibility for the property and must be listed as the Custodian in Sunflower. Responsibilities of the LPC include:

- Performing the same functions as the PC for a specific geographic segment of a Program Office's inventory.

2.9 ICE Employees/Contract Employees:

Employees must act in a reasonable and prudent manner to properly use, care for, and safeguard all Government property. This applies to all Government property issued to, acquired for, or assigned to the personal custody of an employee with or without a receipt.

- Maintaining security and custody of ICE assets.
- Reporting all lost, stolen, and damaged assets immediately as an event occurs.
 - If an item with Personal Identifiable Information (PII) on it such as a laptop, Blackberry, or thumb drive is lost or stolen, employees or contractors shall immediately report it to the ICE Service Desk at 1-888-347-7762 (303-404-6299 if you are outside the continental United States), to their supervisor and to their Property Custodian.
- Reporting all changes in assets they are assigned to their PC for the specific custodial area the asset resides in, including assets that are no longer needed.
- Reporting all assets in his/her possession for accurate recording on his/her property card.
- Alerting PCs/LPCs when acquiring property with a purchase card.
- Ensuring a signature is present on the G-570 (see Appendix C Forms) listing all the assets assigned.
- Notifying the PC and ensuring that accountability of assets is transferred when leaving an area of accountability.

Chapter 3

3. HQ ACQUISITION PLANNING

OVERVIEW

Having visibility into planned acquisitions will assist personnel with property responsibilities, both at the program and ICE Headquarters (HQ) level, to better record, manage, and report accountable assets. Visibility includes the review of high level plans for property acquisitions during the budgeting process as well as periodic monitoring of how Programs are executing planned acquisitions.

PROCEDURES

3.1 Spend Plan Reviews

- 1) Program Offices determine what acquisition needs they will have for the following fiscal year and create a detailed listing of assets they plan to acquire. The listing should include descriptions of major individual assets and significant bulk purchases of less expensive assets.
- 2) The Headquarters Program Office's designated budget official forwards the Program Office's detailed Spend Plan, broken out for each property class code, to the Office of Budget, Property Branch Chief, and the Program property personnel.
- 3) The Property Branch reviews the finalized Spend Plans' Property, Plant & Equipment (PP&E) line item, 3100 series, for significant property acquisitions and requests additional details from the Program Offices as necessary.
- 4) The Property Branch prepares a planned acquisition report for significant acquisitions based on information provided in the Program Spend Plans.
- 5) APOs review the report and discuss possible areas of integration with OAA to reduce duplicative acquisitions.

3.2 Budget Execution and Monitoring

- 1) The Budget Office notifies OAA of any budget execution meetings that are to take place.
- 2) OAA periodically attends the budget execution meetings to ascertain when significant property acquisitions will occur and requests updates on significant revisions to the spend plans from the Budget Office or Programs.
- 3) The Program's budget personnel disseminate any updates concerning planned acquisition information to the APOs. The report contains information concerning large, similar,

overlapping, and potentially complementary acquisition requests. HPPMs should be informed on managed asset procurements, along with the respective PC/LPCs

- 4) APOs file the planned acquisition information and should ensure the HPPM and the respective PC/LPC has incoming asset information when needed.
- 5) The OCFO Office of Budget and Payroll (OBP) monitors significant discrepancies between planned and actual acquisitions and reviews when necessary.

Chapter 4

4. ACQUIRING PERSONAL PROPERTY

OVERVIEW

ICE personnel acquire assets through several methods, including excess, procurement, purchase cards, leasing, forfeitures, and exchange/sale or trade-in. When acquiring property, program personnel should consider the method most advantageous to ICE and the taxpayer. Whenever possible, acquiring excess property should be considered the preferred method as it allows the government to obtain the best return on investment. Following the acquisition process is critical for making ICE's property records and reports complete, accurate, and supportable.

PROCEDURES

4.1 Determination of Need for an Asset

- 1) Upon recognizing the need for an asset, the Requestor, any employee who needs a particular item of property, provides the Approving Official, an individual within a program office designated with the authority to approve property requests, with a clearly defined statement or description of the item(s) needed as well as a justification for the acquisition. The justification includes:
 - A statement of whether or not the items are for replacement;
 - The impact the acquisition will have on program efficiency;
 - The date by which items must be acquired; and
 - The grade of the employee for whom the item is being acquired if the asset is furniture. For more information see GSA Federal Supply Schedule (71, Part II, Section K) offering services to support agencies with furnishing service needs.
- 2) The Approving Official reviews the request description and justification and determines if the acquisition is needed. Once the request is approved, the Approving Official requests that the PC/LPC verify whether excess property is available to fill the need.

4.1.1 Acquiring Excess Property

Once the need for a personal property item has been identified, the first source of acquisition that will be considered is excess property within ICE and DHS. Whenever possible, user needs shall be satisfied through idle, inactive, or excess assets redistributed within ICE or between other agencies to eliminate unnecessary costs. Verification of an excess search is satisfied by completing the Certificate of Excess Screening (see Appendix C Forms). (**Note: This form is currently under review from ICE OPLA and Privacy for formal forms approval process**)

In acquiring inactive or excess assets, consideration must be given to a variety of factors including:

- Transportation costs
- Age

- Condition
- Compatibility with existing ICE standards for use
- Rehabilitation costs
- The degree and duration of the need

4.1.2 Screening for Excess within ICE or DHS

- 1) The Requestor, through their respective PC/LPC, searches first for excess property available within ICE and then DHS.
- 2) The Requestor, through their respective PC/LPC, uses the Asset Search screen in Sunflower Management module to search for property designated as “Excess” within ICE or DHS.
- 3) The Requestor, through their respective PC/LPC, also coordinates with the ICE NUO through their HPPM to locate excess property at other DHS components that is not recorded in Sunflower.
- 4) When selecting a suitable excess asset, preference should be given to property available within ICE.

4.1.3 Acquiring Excess Assets from within ICE

- 1) If excess assets are available within ICE, the PC/LPC for the requesting office (Receiving PC/LPC) contacts the PC/LPC currently responsible for the asset (Transferring PC/LPC).
- 2) The Receiving PC/LPC provides the Transferring PC/LPC with the appropriate contact and shipping information.
- 3) The Transferring PC/LPC initiates the transfer in Sunflower, updating the PC/LPC, Location, and Steward Code in Sunflower.
- 4) The Transferring PC/LPC fills out the “G-504: Report of Property Shipped/Received” which can be found in the Property Branch Forms section of ICE intranet at <https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb>. The following information is necessary to complete the G-504 (see Appendix C Forms):
 - Contact information for both the receiving and transferring offices
 - Type of transfer
 - Date transfer approved
 - Signature of Authorized Official
 - Asset details
 - Item Number: This is the number of each item as listed on the G-504 when multiple assets are listed. The first asset listed would have an item number of ‘1.’, the second asset would have an item number of ‘2.’, etc.

- Description: This is a description of the type of item being transferred. It includes information on the manufacturer and model of the item.
 - Barcode Number: This is the ICE identification number assigned to the asset and used to track the asset within the agency.
 - Serial Number: This is the vendor identification number assigned to the asset upon creation.
 - Unit of Issue: This is the quantity of assets being transferred.
 - Original Cost: This is the initial cost of the asset to the present owner; and
 - Date: This is the date the asset was shipped and includes the signature and title of the shipping officer.
- 5) The Transferring PC/LPC sends the G-504 to the Receiving PC/LPC for signature along with the asset. The requesting office pays any costs associated with transferring the asset including any shipping and handling fees.
 - 6) The Receiving PC/LPC follows procedures for receiving the asset before accepting the transfer (see Chapter 5 Receiving and Barcode Labeling).
 - 7) After receiving the asset, the Receiving PC/LPC:
 - Signs the G-504 and returns the original copy to the Transferring PC/LPC within 5 days; and maintains a copy for his/her documentation
 - Accepts the transfer in Sunflower when appropriate.
 - Updates the location, User, PC, etc. in Sunflower.
 - Scans and uploads the signed G-504 to the record in Sunflower.

4.1.4 Acquiring Excess Assets from Other DHS Components

- 1) If excess assets are available within DHS, the Transferring PC/LPC prepares a DHS 560-3 Property Receipt (see Appendix C Forms) and forwards it, along with the asset, to the Receiving PC/LPC for signature. The requesting office pays any costs associated with transferring the asset including any shipping and/or handling fees.
- 2) The Receiving PC/LPC signs the DHS 560-3, retains a copy, and returns the original to the Transferring PC/LPC within 5 days.
- 3) The Receiving PC/LPC follows procedures for receiving the asset before placing the property into service (see Chapter 5 Receiving and Barcode Labeling).
- 4) If the transferring component uses Sunflower, the ICE Property Branch transfers the asset in Sunflower (see Chapter 11 Disposal). Program Offices cannot accept Sunflower records transferred from other DHS components. The ICE Property Branch must accept the DHS component Sunflower record transfer on behalf of the ICE Program Office. Once accepted, the Program Office PC/LPC must review and update the record as necessary.

- 5) If the transferring component does not use Sunflower, the Transferring PC/LPC final events the record in the component's respective asset management system to conclude the transfer. The Receiving PC/LPC creates a new record to enter the asset in Sunflower (see Chapter 6 Creating Property Records).

4.1.5 Acquiring Excess Property from Other Federal Agencies

If suitable excess property is not available within ICE or DHS, the PC/LPC initiates a search for excess assets at Federal agencies outside of DHS by searching GSAXcess (www.gsaxcess.gov).

- GSAXcess is the General Services Administration's (GSA) electronic information system that can be accessed by customers 24 hours a day. It offers an on-line inquiry capability into GSA's nationwide inventory of excess/surplus property by national stock number (NSN) or Federal Supply Class (FSC) to determine availability of specific items of property. For access to GSAXcess, contact the ICE NUO as listed on the OCFO/OAA/Property Branch Website at <https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb>.
- 1) If the PC/LPC locates a suitable excess asset at another Federal agency, the PC/LPC notifies the APO and requests approval to request the property.
 - 2) Upon APO approval, the PC/LPC requests the property through GSAXcess.
 - 3) The GSA Area Property Officer (APO), in the region where the property is located, reviews and allocates the property normally on a first come, first serve basis.
 - 4) If the GSA APO approves the transaction, the GSA APO emails or faxes an electronic SF-122 GSA Transfer Order Excess Personal Property form (see Appendix C Forms) to the Receiving PC/LPC for approval.
 - 5) The Receiving PC/LPC signs the SF-122 and returns the form to the GSA APO.
 - 6) The GSA APO requisitions the property and faxes an approved SF-122 to the PC/LPC at both the receiving and transferring agency.
 - 7) The Receiving PC/LPC contacts the Transferring PC/LPC to coordinate the transfer.
 - 8) The Transferring PC/LPC sends the asset to the Receiving PC/LPC. The receiving agency pays any costs associated with transferring the asset, including any shipping and/or handling fees.
 - 9) The Receiving PC/LPC follows proper procedures for receiving the asset before placing the property into service (see Chapter 5 Receiving and Barcode Labeling Property).
 - 10) The Receiving PC/LPC records the acquisition in Sunflower as appropriate (see Chapter 11 Disposal).

- 11) If the PC/LPC cannot find suitable excess assets at another Federal agency, the receiving agency determines what other means should be used to acquire the asset (*e.g.*, procurement purchase, PCard purchase, rental/lease, transfer, loan, etc.).

4.2 Purchasing

Upon determining that excess property cannot fill the requirement to obtain property, the requesting office completes a Certificate of Excess Screening form, and assesses which other method of acquisition is most appropriate. If the requesting office determines purchasing is the best means of acquisition, it completes the purchase via procurement or purchase card (PCard). Please note that personal computers and laptops are not to be acquired through PCards. Both methods require a demonstration or certification that both authority and funds exist to acquire the property.

4.2.1 Acquiring Property through Procurement

- 1) The requestor shall require the vendor to complete a listing of assets provided in the contract for orders of more than 25 assets. This listing, preferably an excel spreadsheet, will contain descriptions, serial numbers, costs, steward codes, shipping dates, physical addresses, obligation numbers, and any other pertinent information such as the delivery address and name of recipient. Program Offices must forward a copy of this spreadsheet to OAA and the PC.
- 2) The Program Office requesting the asset prepares a G-514 (see Appendix C Forms) requisition in the Federal Financial Management System (FFMS), certifies that funds are available for the proposed acquisition, and approves the G-514. For additional information on the requisition process, please review ICECAP.08.03 Preparing a Request to Purchase Supplies and Services available on the Office of Acquisition's (OAQ) intranet page at <http://intranet.ice.dhs.gov/sites/oaq/resource-center/>.
- 3) Once the G-514 is approved, the OAQ Obligation Team will enter the requisition/commitment into PRISM and FFMS then prepare an obligation for entry into FFMS. This involves coordinating with the Contracting Officer (CO) to prepare a contract for the acquisition and generating a purchase order, or any documentation of purchase. For additional information on the obligation process, please review ICECAP.08.13 Preparing a request to Purchase Supplies and Services available on OAQ's intranet page at <http://intranet.ice.dhs.gov/sites/oaq/resource-center/>.
- 4) The CO forwards the purchase order from OAQ to the designated point of contact in the requesting Program Office (the Requestor), and the PC/LPC. The Requestor receives and maintains the purchase order as acquisition documentation and provides the Approving Official and PC/LPC with a copy prior to receipt of the property.
- 5) Upon receipt of the asset(s), the PC/LPC follows proper procedures for receiving before placing the property into use (see Chapter 5 Receiving and Barcode Labeling Property).

- 6) The PC/LPC follows proper procedures for recording the asset(s) in Sunflower when appropriate (see Chapter 6 Creating Property Records).
- 7) The PC/LPC ensures that the property receives an appropriate acquisition cost and date before recording the asset(s) in Sunflower when appropriate (see Chapter 7 Acquisition Costs and Values).

4.2.2 Acquiring Property Using a Purchase Card (PCard)

The government-wide commercial PCard is authorized for use in making and/or paying for purchases of supplies, services, or construction. The PCard shall not be used to purchase IT equipment including PCs and laptops. For information on PCard purchase limits, please review the DHS Purchase Card Program Manual and ICECAP 09.18 ICE National Purchase Card Program available at <http://dhsconnect.dhs.gov>. All PCard purchases must comply with ICE and DHS regulations, policies, and procedures governing PCard use.

- 1) The PCard Holder confirms the existence of a miscellaneous obligation in FFMS for PCard purchases.
- 2) The PCard Holder orders the asset from a vendor using the PCard and provides a copy of the purchase statement as acquisition documentation to the PC/LPC.
- 3) Upon receipt of the property, the PC/LPC follows proper procedures for receiving before placing the property into use (see Chapter 5 Receiving and Barcode Labeling).
- 4) The PC/LPC follows proper procedures for recording the property in Sunflower when appropriate (see Chapter 6 Creating Property Records).
- 5) The PC/LPC ensures that the property receives an appropriate acquisition cost and date before recording the property in Sunflower when appropriate (see Chapter 7 Acquisition Costs and Values).

4.3 Leasing Property

Renting and leasing personal property should be considered and may be advantageous in some instances. Two types of leases exist – capital and operating leases. It is important to note the difference when recording the asset in Sunflower if it meets the criteria for entry. Capital leases are leases that transfer substantially all the benefits and risks of ownership to the lessee and must be entered in Sunflower if the asset meets the criteria. Operating leases are more similar to renting an asset for a specific period of time and must be recorded in Sunflower only if the lease term is more than 6 months and the asset meets additional Sunflower criteria. For additional information see the GSA FMR Subchapter B on Personal Property. For information on the difference between capital and operational leases, please see Chapter 7 Acquisition Costs and Values.

(Note: All future leases of multi function devices (MFD), copiers and printers with removable memory chips or cards, optional removable hard drives with locks, and optional physical locks to secure internal parts capable of storing DHS information shall be surrendered to an appropriate DHS security official as determined by the Ordering Activity for destruction, upon request.)

The procedures for completing renting and/or leasing property are as follows:

- 1) The requesting Program Office prepares a G-514 requisition in the Federal Financial Management System (FFMS), certifies that funds are available for the proposed rental/lease, and approves the G-514. For additional information on the requisition process, please review ICECAP.08.03 Preparing a Request to Purchase Supplies and Services.
- 2) Once the G-514 is approved, the OAQ Obligation Team will enter the requisition/commitment into PRISM and FFMS then prepare an obligation for entry into FFMS. This involves coordinating with the CO to prepare a contract for the rental/lease and generating a purchase order. For additional information on the obligation process, please review ICECAP.08.13 Obligations Processing.
- 3) The CO forwards the purchase order from OAQ to the designated point of contact in the requesting Program Office (the Requestor). The Requestor receives and maintains the purchase order as acquisition documentation and provides the Approving Official and PC/LPC with a copy prior to receipt of the property.
- 4) Upon receipt of the property the PC/LPC follows proper procedures for receiving before placing the property into use (see Chapter 5 Receiving and Barcode Labeling Property).
- 5) The PC/LPC follows proper procedures for recording the asset(s) in Sunflower when appropriate (see Chapter 6 Creating Property Records).
- 6) The PC/LPC ensures that the property receives an appropriate acquisition cost and date. (see Chapter 7 Acquisition Costs and Values).

4.4 Acquiring Property by Pre-Arranged Transfer from Another Agency

Property can be acquired through pre-arranged transfers from other DHS Components or Federal agencies. A direct transfer may happen between Components; however, notification must be approved through GSA for any transfers involving assets in excess of ten thousand dollars (\$10,000.00). Approval may be given verbally and a record of the conversation, date, time, approver, etc. is written on the SF-122.

- 1) The PC/LPC at the receiving ICE office coordinates the transfer with the PC/LPC at the transferring entity.
- 2) The Receiving PC/LPC receives the property from the Transferring PC/LPC along with the documentation needed to support the transfer:

- DHS 560-3 for transfers within DHS
 - SF-122 for transfers from other Federal agencies
- 3) The Receiving PC/LPC signs the appropriate transfer order (DHS 560-3 for DHS transfers or SF-122 for transfers from other agencies), uploads documentation, retains copies, and returns the originals to the Transferring PC/LPC within 5 days.
 - 4) Upon receipt of the property the PC/LPC follows proper procedures for receiving before placing the property into use (see Chapter 5 Receiving and Barcode Labeling Property).
 - 5) The PC/LPC follows proper procedures for recording the asset(s) in Sunflower when appropriate (see Chapter 6 Creating Property Records).
 - 6) The Receiving PC/LPC ensures that the property receives an appropriate acquisition cost and date (see Chapter 7 Acquisition Costs and Values).
 - 7) If the transferring component uses Sunflower, the Transferring Property Branch records the transfer in Sunflower. Program Offices cannot accept Sunflower records transferred from outside of ICE. The ICE Property Branch must accept the DHS component Sunflower record transfer on behalf of the ICE Program Office. Once accepted, the Program Office PC/LPC must review and update the record as necessary. All documentation supporting the transfer must be scanned and uploaded into Sunflower (i.e., DHS 560-3 and SF-122).
 - 8) If the transferring component does not use Sunflower, the Transferring PC/LPC final events the record in the component's respective asset management system to conclude the transfer. The Receiving PC/LPC creates a new record to enter the asset in Sunflower (see Chapter 6 Creating Property Records).

4.5 Acquiring Property through Forfeiture

HSI and OPR are the only Programs authorized to seize assets. Seized assets are not available for official use by ICE until they have been legally forfeited to the government through either a criminal or civil forfeiture process. Legally forfeited assets may, upon approved request, be returned to the seizing agency for official government use. HSI and OPR are currently the only Programs within ICE able to request retention of forfeited assets for official use. The Federal Accounting Standards Advisory Board and HSI Directive 05-008, Retention of Forfeited Property for Official Use, dated July 30, 2005 provide more information on this process.

- 1) When forfeited assets are retained for official use by ICE, the receiving party notifies the appropriate PC/LPC and APO of the acquisition of the asset.
- 2) Upon receipt of the property the PC/LPC follows proper procedures for receiving before placing the property into use (see Chapter 5 Receiving and Barcode Labeling Property).

- 3) The PC/LPC follows proper procedures for recording the asset(s) in Sunflower when appropriate (see Chapter 6 Creating Property Records).
- 4) The Receiving PC/LPC ensures that the property receives an appropriate acquisition cost and date (see Chapter 7 Acquisition Costs and Values).
- 5) Assets not meeting the Sunflower criteria will be recorded and monitored in accordance with Program Office guidance.

Chapter 5

5. RECEIVING AND BARCODE LABELING PROPERTY

OVERVIEW

ICE takes physical custody of an asset during receipt, from either a purchase or transfer, ICE personnel who are authorized to receive assets must ensure assets are properly inspected, verified against shipping documentation, and that the appropriate PC/LPC is notified.

PROCEDURES

5.1 Initial Inspection

- 1) All materials, equipment, and supplies received must be inspected by an ICE employee authorized to receive property (i.e., Receiving Clerk). The inspection must be made in accordance with the particular terms of the contract, purchase order, or other procurement documentation. The Receiving Clerk inspects the property upon arrival for damage, and compares the shipment against the documentation that came with the assets.
- 2) If the asset is technical in nature, a qualified person with the necessary expertise must inspect the asset, for example: Laptops and IT equipment must be inspected by IT personnel.
- 3) If the shipment is acceptable, the Receiving Clerk signs the shipping documents. (A G-504 Form must be completed upon acceptance of each asset either purchased or transferred (see Appendix C Forms)). (Note: Receiving procedures for Forfeitures must adhere to CFR regulations).

The following qualify as shipping documents, and should contain information regarding the shipping date/arrival date, contents, and quantity:

- Signed delivery confirmation
 - Packing slip
 - Any other identifying information received from the asset's arrival
 - Receiving Logbook
 - IT Tracking System (ITTS) report for assets shipped from the ICE East Coast Staging Facility (ECSF)
 - G-504
- 4) The Receiving Clerk notifies the PC/LPC, listed on the Purchase Order or G-514 (see Appendix C Forms), that the asset has arrived and is available for pick up.
 - 5) If the PC/LPC does not have any of the original procurement documents, or a "Due In" list, the PC/LPC must reach out to the Purchaser for this documentation before the asset is entered into Sunflower.

5.1.1 Damaged Packaging or Property

- 1) If the freight container is damaged, the Receiving Officer notes the damage and the characteristics on the receiving document and has the carrier initial the document prior to accepting the shipment. In high volume receiving areas a stamp or sticker may be used to indicate that acceptance is pending a more detailed inspection of the shipment contents.
- 2) If the asset itself is damaged, or if the quality of the item does not match the specifications of the acquisition terms, the asset is returned to the vendor in its original packaging. In addition, if the quantity differs, the PC/LPC can reject the shipment or accept it as a partial order (see Section 5.1.2).
- 3) The PC/LPC completes and signs the G-504, and accepts the asset.

5.1.2 Partial Orders

In some cases, a vendor may deliver only a portion of an order at a particular time, with the intent to deliver the remainder at a later date.

- 1) The PC/LPC completes a Form G-504 to indicate the delivery of a portion of an order. The order document must be annotated to reflect the exact quantity (by location) received and the date entered for each separate line item affected. Serial number, model, barcode label, and manufacturer must be written next to the correct line item. The PC must initial next to the items that were received and cross through the items that were not received.
- 2) The PC/LPC completes the partial receipt by either writing or stamping, "Approved for Payment -- Partial Receiving Report" on the original G-504.
- 3) The PC/LPC repeats this procedure, noting the shipments received on the original G-504, for each partial shipment received until all items ordered are delivered or outstanding items are canceled.
- 4) Upon receipt of the final portion of the order, the item which is noted as completed on previous partial receiving report (e.g., Form G-504), must be lined through on the actual order copy and must reflect only the item delivered with final shipment.

5.2 Receipt Acceptance

- 1) The PC/LPC inspects the asset itself to ensure the correct type and quantity have been shipped and that the asset is in expected condition.

The PC/LPC completes a G-504, Receipt of Property Shipped/Received, for assets meeting the criteria for entry into Sunflower, to document the date and time the asset was received, and the barcode and serial numbers for each asset received. The PC/LPC retains all the documentation to scan and upload to Sunflower for assets that meet Sunflower entry criteria.

- For assets sent from ECSF the ITTS report can be used in lieu of the G-504.
- 2) The PC/LPC scans documentation and uploads it into the appropriate Sunflower record within 5 days of receipt (see Chapter 6 Creating Property Records).

5.3 Barcode Labeling

Only assets that are expected and have been formally accepted into the organization should be barcoded.

- 1) The HPPM, PC/LPC opens a Service Desk ticket to request the appropriate amount and type of barcode labels (i.e., vehicle versus non-vehicle asset, or miniature labels for small assets). Miniature labels are requested by the HPPM who will issue them to the PC/LPC.
- 2) Assets are labeled with barcodes at the point of establishing initial accountability and must remain with the asset until the asset is final evented and out of ICE's control/responsibility. Exceptions to barcode labels include:
 - Property used for undercover operations (the associated barcode is kept on file)
 - Dell computers that arrive already barcoded by the manufacturer with a pre-approved ICE barcode label in sequenced numbers
 - Legacy INS and Customs barcodes that were already affixed to assets prior to the creation of ICE
 - Thumb drives and miniature digital handheld voice recorders which utilize the serial number as a unique identifier due to size, are not barcoded
 - Leased, loaned, or rented assets (does not include leased vehicles)
 - Capitalized software (label is placed on supporting documents' folder)
- 3) When the label is provided, the PC/LPC must affix it in a conspicuous position to ensure access for barcode label reading devices. Labels should NOT be placed on the back of items that require great effort to view the label. For vehicles that are not undercover, the barcode should be placed on the driver's side doorjamb, or in cases of extreme condition, the glove box.
- 4) If the new asset is a replacement due to a warranty issue, the PC/LPC places a new barcode label on the asset and creates a new record in Sunflower. The PC must then reference the barcode label of the asset being replaced in the comments section of the new assets record. (see Chapter 6 Creating Property Records).

5.4 Receipt of Laptops

The East Coast Staging Facility (ECSF) receives all laptop computers regardless of who purchases the asset, and encrypts them prior to issuance. ECSF personnel encrypt and disseminate assets as directed by the Program Office. The receiving process for laptops is the same as outlined above, and is conducted by the ECSF PC/LPC or Receiving Officer. If a laptop

is received by a PC/LPC, and is unencrypted but requires encryption, it must be turned over to the OCIO's Information Technology Field Operations (ITFO) for encryption immediately. Upon receipt of a new laptop, the PC/LPC must validate the laptops encryption status in Sunflower.

5.5 Receipt of Fleet Assets

Fleet assets are personal property and must be acquired, recorded, utilized, and disposed of according to the guidelines included in this handbook. However, there are several specific requirements for receiving fleet assets that are unique and are not discussed in this document. For more detail on fleet property, see the ICE Fleet Management Handbook.

Chapter 6

6. CREATING PROPERTY RECORDS

OVERVIEW

All personal property meeting the criteria for entry into the Sunflower Asset Management System must be tracked and entered into the system within one week of arrival. After an asset is received, inspected, and barcoded with an ICE label, the PC/LPC records the asset in Sunflower.

PROCEDURES

6.1 Creating a Record

- 1) Upon receipt of personal property, the PC/LPC creates a Sunflower record for assets meeting the criteria for entry. If the asset is initially received at the ECSF, the Sunflower record is created by a warehouse representative, but the PC/LPC should check to verify the record upon receipt of the asset.

The Sunflower record must include (but is not limited to) the following data elements:

- Barcode Number
 - When entering thumb drives and miniature digital handheld voice recorders into Sunflower, the serial number is used in place of the barcode number. It is easier to read the number from the original box since the numbers on the actual thumb drive are very small and can be difficult to read.
- Manufacturer
- Model Number
- Official Name (Description)
- Model Name
- Serial Number/VIN Number
- Initial Event
- Acquisition Cost
- Acquisition Date
- Responsibility Date
- Effective Date
- Organization Code (Steward Code)
- Custodian name
- User name
- Location
 - Site (City, State) (e.g. Washington, DC)
 - Building (Structure Level 1/Street Address) (e.g. 500 12th Street) (NOT PC/LPC)
 - Room Number/Cube Number
- User Fields (Acquisition Document Number and Blanket Purchase Agreement)

(BPA) number where applicable)

- Condition Code

Additional vehicle information required in Sunflower includes:

- Model Year
- Color
- Body Style
- Number of Cylinders
- Fuel Type
- Armor Level
- Law Enforcement
- GSA Vehicle Type

Note: For additional information and step-by-step instructions for using Sunflower, please refer to the ICE OAA Property Management Training Manual located on the Property Branch's intranet page at <https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb>.

- 2) If the asset is a replacement, meaning there was an issue with the asset and the warranty provides a new asset to replace it, the PC/LPC enters the asset into Sunflower with an initial event of "Replacement," and ensures the barcode in the previous record is final evented.
 - Replacement assets are to be assigned a new barcode, if available, the previous barcode should be removed and affixed to documentation prior to returning the asset to the vendor and the previous barcode should be maintained with the original documentation for a period of 3 years.
- 3) The PC/LPC compiles the purchase order, invoice, and all relevant delivery documents.
- 4) The PC/LPC scans and uploads the documentation into Sunflower. This documentation must include support for the Sunflower acquisition cost and date. The PC/LPC retains the physical documentation in an asset profile folder, containing all asset documentation.
- 5) The PC/LPC places the asset into service and updates the Sunflower record with the user name.
 - If an asset is not assigned to a user immediately, the PC/LPC becomes the default user in the Sunflower record, and retains ownership of the asset until it is assigned to an individual
- 6) The PC/LPC updates the user's G-570 Property Card form (see Appendix C Forms), a record of all assets in a user's possession, to reflect the new asset(s)
- 7) Users notify PCs/LPCs of any changes to asset custody that need to be updated in Sunflower.

Note: Pooled assets must be assigned to the person who is responsible for checking the asset in and out.

6.2 Assets Requiring Encryption

On the occasion that an information technology (IT) device has not been previously encrypted and therefore requires encryption, the following additional steps are completed when creating a record.

- 1) The PC/LPC creates a help desk ticket through ITFO so the asset can be encrypted prior to being distributed to the user.
- 2) The PC/LPC annotates the asset record as “Encryption Pending” in Sunflower and surrenders the asset to ITFO for encryption.
- 3) The PC/LPC obtains a G-574 (see Appendix C Forms) for temporary issues before surrendering the asset for encryption. Assets should never be handed over or surrendered without a documented receipt.
- 4) ITFO returns the asset to the PC/LPC after encryption is complete and signs the G-574 (see Appendix C Forms) indicating return of the asset.
- 5) When the asset has been encrypted, the PC/LPC updates the Sunflower record with the following information:
 - The encryption date
 - The encryption location
 - The name of the person who encrypted the computer
 - Encryption status (i.e., “Encrypted” or “Waived”)

Note: Laptops that cannot be encrypted do require an OCIO/Information Assurance Division (IAD) waiver to be signed, scanned and uploaded to the Sunflower record.

Chapter 7

7. ACQUISITION COSTS AND VALUES

OVERVIEW

The acquisition cost is the total amount of money it takes to acquire an asset and put it into use, including upgrades, shipping, and/or construction costs. Assigning the correct acquisition cost and date to an asset in Sunflower is critical to ICE's reporting requirements. The assignment typically occurs when the asset is acquired but can also take place if an asset is found during the physical inventory. Documentation that supports both the acquisition cost and date must be included in each asset's Sunflower record.

PROCEDURES

7.1 Determining Acquisition Costs

- 1) The PC/LPC enters the correct acquisition cost while creating the Sunflower record.

The asset's acquisition cost includes all costs required to bring the asset into use. These costs may include:

- Amounts paid to vendors to acquire the asset (often referred to as the base cost)
- Shipping and transportation charges
- Retrofit charges
- Installation charges
- Engineering fees

To the extent possible, all costs that are included in an acquisition cost should be itemized in the Sunflower record. Retrofit, shipping, and installation costs should be entered into the available cost fields provided in Sunflower. See the [ICE OAA Property Management Training Manual](#) for detailed instructions on how to itemize costs in Sunflower.

Maintenance is not a cost required to put the asset into use and therefore should not be included in the acquisition cost.

While the acquisition cost will always include the costs required to bring an asset into service, the method by which the cost is determined can change depending on how the asset is acquired.

7.1.1 Acquisition Costs for Purchases

Acquisition costs for assets acquired through procurement or PCard purchase are recorded at cost and should include all relevant costs listed above.

7.1.2 Acquisition Costs for Transfers from Outside of ICE

The cost of property transferred from other DHS or Federal entities should be the acquisition cost recorded by the transferring entity less any accumulated depreciation or amortization (net book value). The transferring entity should provide the historical cost on transfer documentation.

$$\text{Net Book Value} = \text{Acquisition Cost} - ((\text{Acquisition Cost} / \text{Useful Life}) \times \text{Elapsed Life})$$

If the receiving entity cannot reasonably ascertain the above values, the acquisition cost of the property should be recorded at its fair value at the time ICE takes ownership.

7.1.3 Acquisition Costs for Assets Acquired Through Forfeiture

The acquisition costs for assets acquired through forfeiture are recorded at the fair value at the time that ICE takes ownership of the asset. (Note: This is not when the asset is seized but when ICE receives approval to retain the forfeited asset for official use).

“Fair value” is the price for which an asset could be bought or sold in an arm’s-length transaction between unrelated parties (e.g., between a willing buyer and a willing seller).

7.1.4 Estimating Fair Value

This estimate is used for assets that do not have original source documentation. To estimate an asset’s fair value at the time of acquisition:

- 1) Identify three recent purchases of similar assets in similar conditions.
- 2) Average the three sales and retain documentation.
- 3) Scan and upload copies of the sales listings into Sunflower to support the estimate.

7.1.5 Acquisition Costs for Leases

The acquisition cost of an asset that is a capital lease should be equal to the amount recognized as a liability for the capital lease at its inception.

$$\text{Acquisition Cost} = (\text{Initial Down Payment} + (\text{Monthly Payment} \times \text{Months in Lease Term}))$$

The acquisition cost of an operating lease or rental should be zero if the term is longer than 6 months. If the term is less than 6 months the asset does not need to be recorded in Sunflower.

7.1.6 Determining Whether a Lease is Capital or Operating

There are two kinds of leases – capital and operating leases. It is important to note the difference when recording the asset in Sunflower if it meets the criteria for entry. Capital leases are leases that transfer substantially all the benefits and risks of ownership to the lessee and must be entered in Sunflower if the asset meets the criteria. Operating leases are more similar to renting an asset for a specific period of time and must only be recorded in Sunflower if the lease term is more

than 6 months and the asset meets additional Sunflower criteria. If the lease meets one or more of the following criteria, the asset is a capital lease:

- ICE takes ownership of the property at the end of the lease term.
- The lease contains an option for ICE to purchase the property at a bargain price.
- The lease term is equal to or greater than 75 percent of the estimated economic life of the property.
- The present value of rental and other minimum lease payments, excluding that portion of the payments representing executor cost, equals or exceeds 90 percent of the fair value of the leased property.

The last two criteria are not applicable when the beginning of the lease term falls within the last 25 percent of the total estimated economic life, or for vehicles, in the last year of its economic life.

Contact the OAA Property Branch for clarification whether the lease should be classified as capital or operating.

7.1.7 Acquisition Costs for Upgrades or Improvements

When an asset is improved or upgraded, the cost of the improvement is added to the asset's original acquisition cost if it increases the asset's capacity, value, or useful life to a significant degree. An example of such an improvement is a vehicle retrofit.

If the components comprising the improvement are transferred to another asset when the property is being disposed of, the cost of the improvements should be subtracted from the retired asset, and added to the asset gaining the improvement.

Note: Maintenance costs are not added to the asset's cost.

7.2 Recording Costs Based on Acquisition Documentation

- 1) The PC/LPC identifies the need for the acquisition cost to be recorded in Sunflower.
- 2) The PC/LPC determines whether any supporting documentation is available that indicates the asset's acquisition cost and date. If the PC/LPC does not have the required documentation he/she should request the documentation from the requestor. Source documentation can include:
 - Invoice
 - Contract details
 - Requisition order
 - Purchase order
 - Shipping/handling invoice
 - Receiving report (G-504 (see Appendix C Forms))
 - Payment voucher

Although there are several forms of acquisition documentation, some are better than others. For example, an invoice is preferable to a purchase order or contract because it displays the actual amount paid rather than an anticipated amount that will be paid.

Note: As described in Section 7.1, the total cost of the asset includes any costs spent to bring the asset into the form and location of its intended use. This means that the costs that make up the full acquisition cost may be located on several different documents.

- 3) When supporting documentation does not accompany the asset, the PC/LPC contacts the person who ordered the asset to obtain it.
- 4) The PC/LPC records the total cost and scans and uploads the supporting acquisition documentation into Sunflower.

7.3 When Source Documentation Is Not Available

After an exhaustive search, in certain cases (such as when an asset is found during inventory), source documentation may not be available. A cost and date must be assigned to these assets.

- 1) PC/LPC or party responsible for the asset conducts an exhaustive search for documentation.
- 2) If none is found, the PC/LPC conducts a like-kind analysis to estimate the cost and date. In conducting this analysis the PC/LPC:
 - Reviews existing Sunflower records of similar assets. Vendor price lists, contracts and other price sources can also serve as a source for like-kind analysis.
 - Identifies a range of acquisition costs and dates.
 - Chooses a cost and date in the middle of the range.
 - Documents the process by which the cost and date were estimated, completes a G-504, and loads the documentation into Sunflower.
- 3) If the asset is unique and no like-kind comparisons are available, the PC/LPC:
 - Identifies the current cost of a similar asset through catalog or web search.
 - Discounts for inflation since the time of estimated acquisition (*i.e.*, deflating current costs to costs at the time of acquisition by a general price index).
 - Documents the process by which the cost and date were estimated and loads the documentation into Sunflower.
 - Contacts their HPPM or the Property Branch if assistance is needed with this estimate.

7.4 Determining the Acquisition Date

Along with the acquisition cost, the acquisition date is a critical factor in the reported value of an asset. For most acquisitions, the acquisition date will be the date that ICE takes physical receipt of the asset. For forfeitures, the acquisition date is when ICE receives approval to retain the asset for official use.

If the date must be estimated, and is not located on the asset from the manufacturer, determine a likely range of dates, using similar assets, and select a point in the middle of the range of those assets. The analysis done to estimate the date must be documented and scanned into Sunflower.

7.5 Capitalized Assets

Some assets are “Capitalized Assets.” Due to additional reporting requirements for capitalized assets, it is especially critical that their acquisition costs and dates are recorded correctly. Capitalized assets at ICE are assets with an acquisition cost of \$50,000 or greater and all vehicles, regardless of their cost.

7.6 Fleet Assets

Fleet assets are personal property and must be acquired, recorded, utilized, and disposed of according to the guidelines included in this handbook. However, there are several specific requirements for managing fleet assets that are unique and are not discussed in this document. For more detail on managing fleet property, see the OAA Fleet Management Handbook.

Chapter 8

8. RECORDS MAINTENANCE

OVERVIEW

The transfer and reassignment of assets is a normal part of business operations. ICE personnel must ensure that Sunflower is accurately updated and that reassignment or transfer transactions are fully completed and documented. Reassignments include updating Sunflower records to reflect a user or location change, whereas transfers consist of assets leaving or entering a steward code, including assets leaving the organization. When reassignments and internal transfers occur, the activity must be documented and the corresponding asset record(s) updated in Sunflower within five days of the transfer.

PROCEDURES

8.1 Location Reassignment (Move)

When an asset moves locations without a change in PC, either permanently or for five or more business days:

- 1) The user or supervisor arranges for the shipment or movement to the new location.
- 2) The user or supervisor notifies PC/LPC of an asset's move or the asset being moved.
- 3) The PC/LPC updates the record in Sunflower with the new location.
- 4) If the new location is unavailable in Sunflower the PC/LPC must submit a Remedy Help Desk ticket and request to add the new location to the system.

8.2 Steward Code Changes (Internal transfer)

This section addresses accountability for property transfers from one steward code to another within ICE. All Programs must use a G-504 (see Appendix C Forms) form to transfer assets within ICE, except ECSF. ECSF utilizes the ITTS report which serves as the transfer documentation.

- 1) The PC/LPC currently accountable for the property (Transferring PC/LPC) recognizes the need to transfer the asset due to the receipt of a transfer request or the identification of a discrepancy between the steward code information and asset user.
- 2) The Transferring PC/LPC prepares a G-504 for the Receiving PC/LPC to sign.
- 3) The Transferring PC/LPC performs an inventory of asset(s) to be transferred.

- 4) The Transferring PC/LPC initiates a record transfer in Sunflower and sends the property with an approved G-504 to the Receiving PC/LPC.

Note: The correct Receiving PC information must be present in Sunflower in order to generate the auto-email reminder after a record transfer.

- 5) The Transferring PC/LPC sends a courtesy email to the Receiving PC/LPC notifying them the asset has been sent.
- 6) The Receiving PC/LPC confirms receipt of the property and verifies the asset is in good, working condition, and matches it against the accuracy on the Sunflower records, remembering to update the condition code if needed.
- 7) The Receiving PC/LPC signs the G-504 to verify receipt of the asset and accepts the transfer in Sunflower.

- Note: The PC/LPC (on behalf of the user) has 5 days from receipt of the property to accept the transfer in Sunflower.

For additional information and step-by-step instructions for using Sunflower, please refer to the ICE OAA Property Management Training Manual.

- 8) The Receiving PC/LPC collects and retains any and all shipping documentation.
- 9) The Transferring PC/LPC confirms the asset was received by the Receiving PC/LPC and that the Sunflower record has been accepted.
- 10) The Receiving PC/LPC verifies that the location, user, and accountability information is accurate and scans and uploads the fully executed G-504 in Sunflower, and all shipping documentation.

8.3 PC Changeover

- 1) The Outgoing and Incoming PC performs an inventory of all the assets in their area of accountability, performs any necessary tasks in reporting discrepancies, certifies the inventory, transfers the accountable record in Sunflower, and forwards results to the HPPM and APO for certification by completing the PC changeover forms located on the Property Branch's intranet forms page at <http://intranet.ice.dhs.gov/cfo/sites/OAA/pmb/pmbforms.htm>
- 2) New PC/LPC notifies HPPM and corrects any discrepancies. All records should be updated and, if necessary, any new records should be created.
- 3) New PC/LPC then certifies both inventories and forwards a copy to the HPPM and APO, and accepts the area of accountability in Sunflower.

8.4 Asset Maintenance

- 1) PC/LPC updates the accountable property record if an asset is out for maintenance.
- 2) PC/LPC updates the accountable property record when a capital improvement is performed on an asset that enhances its usefulness, or extends the useful life of an asset.
- 3) PC/LPC performs quality checks of the accountable record in Sunflower on a daily, weekly, and monthly basis to ensure completeness and accuracy.
- 4) NUO identifies assets in Sunflower that have been idle, underutilized, or in storage for more than six months, and contacts the responsible PC for further information. If the asset is not needed or not in use longer than six months the asset should be excessed (see Chapter 11, Disposal).

Chapter 9

9. INVENTORY

OVERVIEW

The inventory process provides a snapshot of the effectiveness of property management by ICE. It also provides insight into the degree of compliance with property processes and procedures. The Property Branch is responsible for planning, organizing, and directing the annual inventory of personal property within ICE. These particular inventory instructions exclude assets identified as exceptions in Section 1.3. However, all of these assets must still be recorded in an appropriate property management system, be physically inventoried at least annually, and reported to ICE Property Branch according to DHS Chief Administrative Officer (CAO), Asset & Logistics Management (ALM), Personal Property Management Branch. For more detailed information on the steps included in the inventory see the [Annual OAA Property Branch Inventory Plan](https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb), which is posted on the Property Branch intranet site at <https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb>.

PROCEDURES

9.1 Annual Inventory

- 1) The Property Branch develops the Inventory Plan, and develops and delivers training to appropriate personnel.
- 2) The Property Branch distributes the Inventory Plan to program APOs, HPPMs, and PCs/LPCs via the Property Branch website.
- 3) The Property Branch selects sites to receive targeted inventory assistance site visits before and/or after the inventory.
- 4) The APO's role is to ensure completion of the inventory. To this end, the APO appoints an inventory team composed of PC/LPCs, who oversee the inventory and reconcile records, and Inventory Takers, who conduct the inventory and report the results. These individuals complete the required training to fully execute inventory responsibilities.
- 5) The HPPM develops the Site Plan in accordance with objectives of the Inventory Plan. Site plans are oversight activities at various locations during the inventory to gauge the effectiveness of property management at ICE.
- 6) Inventory Takers conduct the inventory to account for items listed within a particular steward code, and document items in the location being inventoried on the Asset Data Collection Form if it is not listed-but meet the criteria for entry into Sunflower. Reconciling both lists establishes completeness of records and existence of assets that need records created.

Note: The PC/LPC is NOT to conduct the physical inventory for assets in his/her jurisdiction. This is a conflict of interest.

- 7) The PC/LPC connects the barcode scanner to the docking station and synchronizes it according to the Inventory Plan and books inventory resolutions in Sunflower. If scanners are not available, the PC/LPC manually resolves all inventory discrepancies and books inventory resolutions in accordance with the Inventory Plan and instructions for manual inventory.
- 8) The Property Branch performs additional data cleanup activities to assist Programs in identifying and resolving inventory discrepancies.
- 9) The PC/LPC resolves all inventory discrepancies in accordance with inventory procedures and scheduled deadlines.

9.2 Resolving Inventory Discrepancies

The Property Branch is responsible for monitoring and directing the reconciliation of the inventory of personal property that meets the criteria for entry into Sunflower. For more detailed information on the steps included in resolving discrepancies, see the Annual OAA Property Branch Inventory Plan.

- 1) The PC/LPC resolves all inventory discrepancies daily.
- 2) The PC/LPC applies a barcode label to assets without an agency approved barcode label, searches Sunflower for an existing record and updates or creates a record accordingly.
- 3) The APO reviews and certifies the inventory results and returns the signed certification to the PC/LPC.
- 4) The APO closes out the physical inventory through a signed inventory closeout certification form.
- 5) The PC/LPC closes out the physical inventory through signed inventory closeout certification form.
- 6) The PC/LPC reviews and forwards the certified inventory documentation to the HPPM who will review the results and forward it to the Property Branch.
- 7) In the event that a ROS is necessary, the APO requests corrective actions, reviews the methodologies for corrective actions, and signs the ROS.
 - Capitalized assets and negligent and egregious errors are adjudicated by the NBOS.

- 8) Once the ROS has been adjudicated, the HPPM forwards the ROS to the PC who scans and uploads the ROS with supporting documentation into Sunflower.
- 9) The PC/LPC presents the ROS for adjudication and forwards ROS and adjudication information through the HPPM who then forwards to the Property Branch.
- 10) The PC/LPC final events the asset accordingly.
- 11) The Property Branch performs quality assurance reviews of inventory results throughout the annual inventory process and provides feedback to Program Offices as needed.

Chapter 10

10. WAREHOUSING AND STORAGE

OVERVIEW

There are times when it is appropriate to store idle assets for future use. Instances include assets that a Program Office will need again in a short time, or prior to the on-boarding of a new employee. Accurate records for stored assets must be maintained in Sunflower. In addition, property must be stored in a secure location that only authorized personnel can access. ICE personnel must make every effort to use all ICE assets to the fullest extent possible. When assets are idle or no longer required for use, they should be excessed or disposed of in accordance with federal regulations and the procedures in Chapter 11.

PROCEDURES

The PC/LPC for the asset determines when an asset should be stored, updates the asset's activity status in Sunflower to inactive, and, depending on available space, whether to store the asset locally or at another location.

10.1 Local Storage

- 1) If the asset is to be stored locally, the PC/LPC identifies him/herself as the asset's user, updates the G-570 property card (see Appendix B Forms) and updates the asset's activity status in Sunflower to "Inactive." The location field must also be changed in Sunflower.
- 2) The PC/LPC stores the asset locally in a secure locked area where unauthorized personnel will not have access.
 - Note: A locked, secure area is one that allows limited or no access to individuals outside of those accountable for the asset. A closet, drawer, storage facility, or cabinet may all qualify as secure if they are lockable.
- 3) NUO identifies assets in Sunflower that have been idle, underutilized, or in storage for more than six months, and contacts the responsible PC for further information. If the asset is not needed or not in use longer than six months the asset should be excessed (see Chapter 11, Disposal).

10.2 Remote Storage

- 1) The PC/LPC changes the asset status to "Inactive," in the assets activity status field in Sunflower, prepares a G-574 (see Appendix C Forms) to move the asset without changing the PC/LPC steward code, and updates the asset's location in Sunflower.
- 2) The PC/LPC ships the asset to an off-site storage facility.

- 3) The Storing PC/LPC signs the G-574 and returns the original to the original Owning PC/LPC.
- 4) The original Owning PC/LPC scans and uploads the completed G-574 into the Sunflower record.
- 5) The Storing PC/LPC receives and inspects the asset according to the receiving procedures (see Chapter 5 Receiving and Barcode Labeling Property).
- 6) The Storing PC/LPC accepts the asset and stores the asset in a locked, secure area.
 - Note: A locked, secure area is one that allows limited or no access to individuals outside of those accountable for the asset. A closet, drawer, storage facility, or cabinet may all qualify as secure if they are lockable.
- 7) NUO identifies assets in Sunflower that have been idle, underutilized, or in storage for more than six months, and contacts the responsible PC for further information. If the asset is not needed or not in use longer than six months, the asset should be excessed (see Chapter 11, Disposal).

10.3 Transferring Accountability for Assets in Storage

- 1) The original Owning PC/LPC notifies the Storing PC/LPC when the asset is needed for use and provides the Storing PC/LPC with shipping information.
- 2) The Storing PC/LPC receives the contact information, completes a G-574, and ships the asset to the original Owning PC/LPC.
- 3) The original Owning PC/LPC verifies the asset is correct, signs the G-574, updates Sunflower with the new user and location information, and changes the asset status to “In Service,” relieving the storing PC/LPC of accountability.
- 4) The owning PC/LPC scans and uploads all relevant documentation.

Chapter 11

11. DISPOSAL

OVERVIEW

The disposal process ends ICE's ownership interest and liability for property. Concurrent with the physical disposal of the asset, the asset's record should be "Final Evented" in Sunflower. Ways to dispose of assets include: excessing, transfer to other agencies, donation, sale, destruction, and abandonment.

Title 40 U.S.C. and the Federal Management Regulations require executive agencies to fill requirements for personal property to the extent possible with excess property. Therefore, agencies with excess property should allow the assets to be screened for use by other agencies prior to proceeding with other means of disposal.

Process flows outlining the Excess Screening and Disposal processes are available in Appendix E.

Note: Only HSI International Affairs (IA) overseas locations may dispose of property through the International Cooperative Administrative Support Services (ICASS) in accordance with the Memorandum of Understanding between the Secretaries of State and Homeland Security signed in September of 2003 Concerning Implementation of Section 428 of the Homeland Security Act of 2002.

PROCEDURES

11.1 Screening Excess Property Within Program Office (7 Days)

- 1) The PC/LPC identifies an asset that is no longer needed by the user as idle property. Idle property is defined as personal property that is no longer needed by the user and/or ICE program to which it is assigned.
- 2) The PC/LPC screens idle property within his/her Program Office for 7 days to determine if the asset is needed elsewhere internally before reporting it as excess.
- 3) If the asset is needed within the ICE Program, the PC/LPC prepares a G-504 (see Appendix B Forms) for the Receiving PC/LPC to sign.
- 4) For any IT assets with the capability to store, process or transmit data (including handheld PDA, Blackberry, photocopiers, printers and facsimile machines), the PC/LPC requests OCIO approval to transfer the asset and coordinates with OCIO to ensure that the asset is sanitized before shipping, transferring, or turning in as excess.

- a. The PC/LPC completes a G-574 (see Appendix C Forms) to temporarily transfer custody of the asset to the OCIO for sanitizing.
 - b. OCIO sanitizes the asset and returns it to the ICE PC/LPC along with a Certificate of HD Clean (see Appendix C Forms).
 - c. The PC/LPC scans and uploads the Certificate of HD Clean into Sunflower.
- 5) The Transferring PC/LPC sends the G-504 to the Receiving PC/LPC along with the asset.
- a. The receiving office pays any costs associated with transferring the asset, including any shipping and/or handling fees.
- 6) The Transferring PC/LPC must initiate the transfer in Sunflower
- 7) The Receiving PC/LPC signs the G-504 and returns it to the Transferring PC/LPC.
- 8) The Receiving PC/LPC scans and uploads the signed G-504 and any other supporting documents into Sunflower.
- 9) The Receiving PC/LPC accepts the transfer in Sunflower and verifies the correct steward code, user's name and location are listed.
- 10) The Receiving PC/LPC maintains a copy of the signed G-504 and any other supporting documentation for no less than three years after the asset has been transferred.

11.2 Designating Idle Property as Excess

- 1) If the asset is not needed within the Area of Responsibility (AOR), the PC/LPC requests APO approval for reporting the property as excess by preparing a SF-120 Report of Excess Personal Property (see Appendix C Forms).
 - The SF-120 includes a description of Federal Stock Class (FSC), SIM card statement (if applicable), and condition code for the asset.
- 2) For assets tracked in Sunflower, the PC initiates an excess request in Sunflower.
- 3) The PC/LPC submits the SF-120 to the APO for approval.
 - Persons authorized to approve excessing on behalf of the APO must be designated in writing.
 - For IT assets with data storage capability, OCIO certification of the SF-120 is necessary in addition to APO approval before authorization to excess the item can be granted.
- 4) Upon APO approval, and receipt of the signed SF-120, the Excess Clerk PC processes the approved excess property in Sunflower.

- Designation of property as “Excess” in Sunflower and submittal of the corresponding SF-120 to the ICE NUO through the HPPM. This initiates the 21 day internal screening period within DHS/ICE. Please refer to Section 11.4 for more information on the excess internal screening process.
- 5) The PC/LPC submits the signed SF-120 to the ICE NUO through his or her HPPM for distribution to DHS Component NUOs and ICE HPPMs.

11.3 Excessing ICE Headquarters Property

Excess screening and disposal of assets owned directly by ICE HQ as well as those located at certain field offices in the Washington, DC metropolitan area¹ is managed by the ICE Office of Asset Administration – Administrative Services Branch (OAA-ASB). These assets are not subject to the normal internal and external screening procedures described in sections 11.4 through 11.8. This process is governed instead by an inter-agency agreement. Contact your respective Program’s HPPM to clarify eligibility in this process.

- 1) The PC/LPC notifies OAA-ASB that asset(s) have been identified as excess. OAA-ASB inventories the asset(s) and initiates a transfer in Sunflower to the ASB steward code.
- 2) For IT assets with data storage capability, the PC/LPC coordinates with the OCIO or their Information System Security Officer (ISSO) to ensure that the asset is sanitized before shipping.
 - a. The PC/LPC completes a G-574 to temporarily transfer custody of the asset to the OCIO for sanitizing.
 - b. OCIO sanitizes the asset and returns it to the ICE PC/LPC along with a Certificate of HD Clean.
 - c. PC/LPC scans and uploads the Certificate of HD Clean into Sunflower.
- 3) OAA-ASB confirms that the correct asset is received, accepts the transfer in Sunflower.
- 4) OAA-ASB screens the asset in accordance with the inter-agency agreement.
- 5) OAA-ASB prepares a Certificate of Disposal (see Appendix C Forms) and sends it to the receiving entity with the asset after removing and storing the ICE barcode label with the property documentation.

The Certificate of Disposal is a standard form available in the Property Management Forms section of the Property Branch intranet page at <https://intranet.ice.dhs.gov/cfo/sites/OAA/pmb> and must include the signatures of two witnesses to the disposal. *(Note: This form is currently under review from ICE OPLA and Privacy for formal forms approval process)*

¹ Procedures for excessing and/or disposing of ICE HQ asset apply to Washington, DC metropolitan area field offices that have paid into the support agreement between OAA ASB and its partner agency.

- a. The ICE PC/LPC signs the Certificate of Disposal with two witnesses present.
 - b. If the barcode is destroyed during removal, the OAA-ASB must make sure the full barcode has been removed from the asset, and must mark the barcode number and the incidence of destruction in the asset Sunflower record and/or documentation folder.
 - c. The receiving entity pays any costs associated with transferring the asset, including any shipping and/or handling fees.
- 6) The receiving entity signs and returns the Certificate of Disposal to OAA-ASB.
 - 7) OAA-ASB scans and uploads the signed Certificate of Disposal and any other supporting documentation into Sunflower and records the Final Event as “Transfer Out To Another Federal Agency.”
 - 8) OAA-ASB maintains the signed Certificate of Disposal and any other supporting documentation for no less than three years after the transfer of the asset.

11.4 Internal Screening (21 Days)

Once designated as “Excess,” property is screened within ICE for 7 days and then throughout DHS for 14 days, totaling 21 days. However, ICE will not award property to a requesting DHS component until the conclusion of the 21 day internal screening period so as to give ICE priority in requesting excess assets.

11.4.1 Excess Property Needed Within ICE

- 1) The PC/LPC identifies a need for the asset within ICE, either verbally or via email, and prepares a G-504 for the Receiving PC/LPC’s signature.
- 2) For IT assets with data storage capability, the PC/LPC confirms OCIO approval of the SF-120 and coordinates with the OCIO to ensure that the asset is sanitized before transferring.
 - a. The PC/LPC completes a G-574 to temporarily transfer custody of the asset to the OCIO for sanitizing.
 - b. OCIO sanitizes the asset and returns it to the ICE PC/LPC along with a Certificate of HD Clean.
 - c. The PC/LPC scans and uploads the Certificate of HD Clean into Sunflower.
- 3) The PC/LPC sends the G-504 to the Receiving PC/LPC along with the asset.
 - The receiving office pays any costs associated with transferring the asset, including any shipping and/or handling fees.