

CHAPTER 13.2

COLLECTIONS

1. INTRODUCTION

a. PURPOSE AND SCOPE

This chapter provides requirements for collections made by the Department. This chapter excludes collections made for reimbursable work (see Chapter 13.1) and receivables and debt collection (see Chapter 8).

The chapter provides specific requirements for the following collection activities:

- (1) Collection and Deposit Mechanisms (see Section 3);
- (2) Refunds to the Department (see Section 4);
- (3) Department Administration Collections (see Section 5);
- (4) Administrative Offset for Amounts Due from DOE Contractors (see Section 6);
- (5) Contractor Collections (see Section 7);
- (6) Donations and Gifts (see Section 8);
- (7) Proceeds of Personal Property Sales (see Section 9);
- (8) Deposit Funds (see Section 10);
- (9) Unclaimed Moneys Owed to the Public (see section 11);
- (10) Repayments from Projects under the Clean Coal Technology (CCT) Program and Clean Coal Power Initiative (see Section 12);
- (11) Collections for Proprietary Use of User Facilities (see Section 13);
- (12) Nuclear Material Removal Program for Nuclear Nonproliferation (see Section 14); and,
- (13) Laboratory Directed Research and Development for the National Energy Technology Laboratory (see Section 15).

b. APPLICABILITY

Unless noted by each individual section, this chapter applies to all Departmental Elements, including contractors.

Chapters 13.1 and 8 provides policy for collections and receivables relating to DOE reimbursable work that are processed by contractors.

2. GENERAL REQUIREMENTS

- a. **MISCELLANEOUS RECEIPTS.** As a general rule, all collections received by DOE shall be deposited as miscellaneous receipts into the General Fund of the Department of the Treasury (Treasury) unless otherwise authorized by statute or authorized to be retained by the Department Administration Account. Retaining and using collections that DOE should have deposited as miscellaneous receipts may be an inappropriate augmentation of DOE's appropriations, as defined by 31 U.S.C. 3302.
- b. **COLLECTIONS DIRECTED BY STATUTE.** Statutory provisions may provide specific provisions relating to collections. When applicable, collections should be deposited consistent with statutory direction.
- c. **OTHER COLLECTIONS.** Disposition of collections received by DOE that cannot be classified appropriately under the requirements of this chapter must be determined on a case-by-case basis in consultation with the Office of the Chief Financial Officer.
- d. **ACCOUNTING CONSIDERATIONS.** When depositing collections, use the appropriate standard general ledger set of accounts as provided by the Office of Finance and Accounting. Attachment 13.2-1 provides a list of the disposition of common Department collections discussed in this chapter. Information related to accounts used for depositing collections involving the Federal Government's financial operations is provided for under Treasury Financial Manual, Volume I, Part 2, Chapter 1500 (I TFM 2-1500) and Treasury's Federal Account Symbols and Titles (FAST Book) supplement to volume I.

Procedures for accounting for collections from receipt to final disposition will include safeguards and internal controls.

3. COLLECTION AND DEPOSIT MECHANISMS

A principal objective of control over collections is to verify collection of federal government receipts at the lowest cost. Detailed deposit requirements can be found in Treasury Financial Manual, Volume I, Part 5.

- a. Funds are to be collected by Electronic Funds Transfer (EFT) consistent with current statutory authority. Treasury establishes several EFT collection mechanisms. Enrollment forms and additional details are available on the Treasury's Bureau of the Fiscal Service website.
- b. The mechanisms DOE uses for collecting funds for credit into the Federal government account(s) must minimize the total cost to the Government as a whole, including DOE direct costs, the cost of purchased services, and the float cost of the money involved in the collection system.

- c. DOE entities will consider collection mechanisms in order of preference:
 - (1) Automated Clearing House (ACH)
 - (2) Fedwire (for deposits requiring same-day settlement)
 - (3) Debit and Credit Card (when cost effective)
 - (4) Lockbox
 - (5) Treasury's Over the Counter Channel Application (OTCnet)
 - (6) Treasury's General Account (TGA)
- d. DOE entities will adhere to Treasury deposit requirements, including thresholds, to reduce processing float and to improve funds availability pursuant to I TFM Part 5, Chapter 2000, Section 2055. Collections held within a DOE finance organization will be handled and safeguarded as cash. At a minimum, the items noted above will be kept in a fire-resistant combination safe or lock-safe cabinet.

4. REFUNDS TO THE DEPARTMENT

Refunds are the repayments of excess payments that the Department made to others. Examples of refunds, include overpayments; payments made in error; or adjustments for previous amounts disbursed, including returns of authorized advances and rebates. The amounts are directly related to previous obligations incurred and outlays made against the appropriation. Refunds received are deposited to the credit of the appropriation or fund account charged with the original obligations. Specific instructions for depositing refunds are provided in Office of Management and Budget (OMB) Circular A-11, Section 20.9.

When a refund cannot be clearly associated with one or more specific appropriation or fund accounts, the refund may be deposited as miscellaneous receipts.

5. DEPARTMENT ADMINISTRATION COLLECTIONS.

The annual appropriations for Department Administration provide authority for DOE to retain and use certain collections, consistent with the provisions of each annual appropriation. Collections for items specified in the Departmental Administration budget request should be deposited to the Departmental Administration Account. Examples of these include collections for Freedom of Information Act (FOIA) fees, Savannah River timber sales collections, and Federal Administrative Charge collections.

6. ADMINISTRATIVE OFFSET FOR AMOUNTS DUE FROM DOE CONTRACTORS

As defined by 31 U.S.C. 3701, administrative offset means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to (or held by the United States for) a person to satisfy a claim. Administrative offsets may be used to resolve debts due to DOE from a contractor, when permitted by applicable procurement regulations (FAR 32.6 and DEAR 942.803).

Administrative offsets to resolve contract debts do not result in a collection; the offset reduces the amount otherwise due to the contractor. Receivables relating to debts resolved through administrative offset should be cancelled by creating a credit receivable.

7. **CONTRACTOR COLLECTIONS.** The guidance in this section applies to contractors that are (1) authorized to receive checks-paid letter(s) of credit financing (see Section 2.f of Chapter 6 of the *Financial Management Handbook*) and (2) receive collections relating to performance of the DOE contract.

Chapters 13.1 and 8 provides policy for collections and receivables relating to DOE reimbursable work that are processed by contractors.

- a. **Reductions of Cost.** Collections relating to allowable contract costs shall be accounted for as reductions of cost. Such collections may be deposited into the contractor's DOE special financial institution account. Collections that may be accounted for as reductions of cost include:
- (1) Collections relating to items furnished as a convenience to individuals, including collections received for housing, bus, food, and cafeteria services. If collections of this nature are not budgeted as cost offsets or are in excess of the amount that was budgeted, they must be returned to DOE for reallocation or deposited into Treasury as General Fund miscellaneous receipts.
 - (2) Proceeds of personal property sales, if authorized by the contract (see Section 9).
 - (3) Refunds resulting from overpayments; disallowed subcontract costs; refunds of payments made in error; or adjustments for amounts previously disbursed, such as returns of authorized advances.
 - (4) Rebates (such as commissions or rebates from travel agents, utilities, and the General Services Administration (GSA) for gasoline) shall be deposited to the DOE special financial institution account, subject to the following conditions:
 - (a) The rebate must be credited as a refund to the same account(s) initially charged with the payment.
 - (b) The rebate must be used to offset costs related to the same general purpose for which the initial payment(s) was made.
- b. **Departmental Administration and General Fund Treasury Receipts.**
- Collections received that are related to performance of the DOE contract but are not related to specific contract costs such as interest or penalties on delinquent receivables will be deposited into the appropriate Departmental Administration or General Fund miscellaneous receipt accounts. These include:
- (1) Departmental Administration – 089 5228

- (2) Interest. Account 089 1435, General Fund Proprietary Interest, Not Otherwise Classified.
- (3) Administrative Charges and Penalties. Account 089 1099, Fines, Penalties, and Forfeitures Not Otherwise Classified.

8. DONATIONS AND GIFTS

- a. **General Requirements.** Donations and gifts are defined as unsolicited collections of funds or other items of value received by the Department from the public that are neither attributable to nor associated with any contractual or other binding devices for performing work or services.
- b. **Authorities**
 - (1) **ERDA Authority.** The Secretary of Energy is authorized to “accept, hold, administer, and utilize” donations and gifts under 42 U.S.C. 5817(f). The authority applies only to Departmental Elements established under the Energy Research Development Administration (ERDA).

The authority states that donations and gifts of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator (Secretary).
 - (2) **Laboratory Cooperative Science Centers.** The Secretary of Energy has the authority to accept non-Federal funds to finance activities as provided for by 42 U.S.C. 7381b, “Laboratory Cooperative Science Centers and Other Authorized Educational Activities.”
- c. **Acceptance.** Donations and gifts accepted by Departmental Elements and contractors (on behalf of the Department) must be reviewed by the Office of the General Counsel prior to acceptance to ensure that DOE has appropriate authority to accept and retain the gift or donation. When donations authorized under 42 U.S.C. 7381b are approved, the Office of the General Counsel might not require further review of each individual donations under the authorized activity, such as, the Southwestern Pennsylvania Science Bowl. Consult with the Office of the General Counsel when needed.

Donations and gifts must be accepted by the Secretary unless authority is specifically delegated. Current delegations include authority to accept gifts under \$25,000 for the American Museum of Science and Energy, which is delegated to the Director of Science per REDELEGATION ORDER NO. S4-DEL-SC1-2021.

d. Use of Donations, Gifts, and Bequests

- (1) Donations and gifts received per Section 8.b.(1) [under the authority of 42 U.S.C. 5817(f)] can only be used in furtherance of authorized Departmental purposes. Gifts made under the express condition that they be used for some unauthorized purpose cannot be accepted.
- (2) Funds received per Section 8.b.(2) (under the authority of 42 U.S.C. 7381b) can only be used to finance the educational activities specified by the donor.
- (3) Under 42 U.S.C. 5817(f) and 42 U.S.C. 7381b, only the Secretary can approve the subsequent use and expenditure of donated funds.

e. Execution and Control of Work

- (1) The Department shall deposit monetary donations and gifts into Treasury Account Symbol 089 8576.
- (2) Donations and gifts should be recorded at the estimated fair value of the contribution.
- (3) Budgetary authority to obligate and expend donated funds must be provided by an allotment issued by the Office of the Chief Financial Officer.

9. PROCEEDS OF PERSONAL PROPERTY SALES

- a. Disposal by the General Services Administration (GSA).** Proceeds received by DOE offices from the sale of property, plant, and equipment shall be handled generally as miscellaneous receipts unless authority exists to retain the collections as detailed by this section or other authoritative policy or statute.
- b. Use of Proceeds for Replacement of Personal Property.** Proceeds received by DOE offices from sales of personal property disposed of pursuant to exchange and sale authority will be available during the fiscal year in which the property was exchanged or sold and for one fiscal year thereafter for the purchase of replacement property. This rule may be applied in either of the two following instances described below, either of which will require reapportionment from the Office of Management and Budget as amounts collected are required to be reported on the SF 133, Report on Budget Execution and Budgetary Resources as “Spending Authority from Offsetting Collections”:
 - (1) If the sales proceeds are received before an obligation for replacement property has been incurred but an administrative determination has been made and documented that such proceeds will be used as an appropriation reimbursement to apply against an obligation which will be incurred within the prescribed time limit, the proceeds will be deposited in the clearing account 089F3845, Proceeds of Sales, Personal Property; or

- (2) If the sales proceeds are received after an obligation for replacement property has been incurred and during the fiscal year in which the property was exchanged or sold and for one fiscal year thereafter, the proceeds may be credited as a direct reimbursement to the appropriation account charged or chargeable for the replacement property.
 - (3) Sales proceeds that are not applied to the purchase of the replacement property within the time limits specified shall be deposited into miscellaneous receipts as prescribed in GSA Federal Management Regulation 102-39.80
- c. **Collections from the Sale of Personal Property.** GSA Federal Management Regulation 102-38.295 provides rules for the use of proceeds from the sale of personal property. Under this regulation, GSA provides that entities may retain sale proceeds for their direct costs and reasonably related indirect costs incurred in selling personal property. Additionally, GSA stipulates certain provisions where entities are allowed to retain the entire balance of proceeds from the sale of its personal property. One of these provisions is when, “The property sold was surplus Government property that was in the custody of a contractor or subcontractor, and the contract or subcontract provisions authorize the proceeds of sale to be credited to the price or cost of the contract or subcontract.”
- d. **Sale of Surplus DOE Personal Property by Contractors.** For contracts containing DEAR Clause 970.5245-1, proceeds from the sales of surplus personal property shall be handled as reductions to contract cost in accordance with applicable provisions in their contracts and credited to the Operating Expense or Plant and Capital Equipment appropriation account as appropriate. Proceeds applied in whole or in part as payment for similar replacement property shall be documented. When personal property is transferred from a DOE office to a contractor solely for the purpose of disposal, the contractor shall return the proceeds to the DOE office, which handles them as miscellaneous receipts and returns them to Treasury.
- e. **Nuclear Waste Fund.** Proceeds from the sale of property owned by the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund rather than submitted to the Treasury General Fund as miscellaneous receipts. Additional financial policy relating to the Nuclear Waste Fund is provided in Chapter 19 of the *Financial Management Handbook*.

10. DEPOSIT FUNDS

Deposit fund accounts are a special account classification established for receipt and subsequent expenditure of money held on deposit and later returned to the payor or paid to another upon determination of proper disposition. Deposit funds, unlike appropriated funds or special receipt accounts, are outside the budget. They are classified in the 6000 series of Treasury Deposit Accounts and represent a liability for any of the following: moneys withheld by the Government from payments for goods and services, including

payroll deductions for State taxes; moneys received from outside sources for which the Government is acting solely as a banker, fiscal agent, or custodian; money held by the Government awaiting distribution on the basis of a legal determination, including disputes where ownership is in doubt and there is no present basis for estimating ultimate distribution; and unidentified remittances credited as suspense items not associated with a fund (special receipt) account (See Treasury Financial Manual (I TFM 2-1535).

- a. **Disposition.** Once proper disposition of a deposit is determined, it shall be removed from the deposit fund account and credited to the proper receipt, appropriation, or fund account, or remitted to the proper authority/party. See Section 11 and the Treasury Financial Manual, Volume I, Part 6, Chapter 3000 (I TFM 6-3000) for guidance on proper disposition of unclaimed moneys held in deposit fund accounts.
- b. **Reviews.** Deposit funds shall be analyzed each quarter to determine whether they are holding unclaimed moneys for rightful owners.

11. UNCLAIMED MONEYS OWED TO THE PUBLIC

Unclaimed moneys are moneys held by DOE for rightful owners whose whereabouts are unknown. On a quarterly basis, DOE must review any uninvested trust, revolving, and deposit fund accounts to determine whether the accounts contain unclaimed moneys. DOE must initiate action to clear unclaimed moneys held for more than a year.

Detailed requirements for identifying and resolving unclaimed moneys is contained in Treasury Financial Manual Volume I, Part 6, Chapter 3000.

Contractors are responsible for clearing unclaimed moneys in their possession and taking actions necessary to return the funds to the rightful owners consistent with applicable state law. Contractors shall not provide unclaimed moneys to DOE for disposition

12. REPAYMENTS FROM PROJECTS UNDER THE CLEAN COAL TECHNOLOGY PROGRAM AND THE CLEAN COAL POWER INITIATIVE

- a. **Background.** The Clean Coal Technology (CCT) Program was originally authorized by Public Law 98-473, “Joint Resolution Making Continuing Appropriations for Fiscal Year 1985 and for Other Purposes.” The CCT Program became divided into five rounds of demonstration projects (CCT-I through CCT-V). Cost-shared projects for the various rounds were selected through competitive solicitations funded by a succession of Department of the Interior and related Agencies’ Appropriations Acts. CCT was a precursor to the Clean Coal Power Initiative (CCPI). CCPI was originally authorized by Public Law 107-63. The CCPI Program became divided into three rounds of demonstration projects (CCPI-1 through CCPI-3). Only CCPI-1 and CCPI-2 had repayment provisions.
- b. **Authority for DOE to Retain Moneys Received.** Each of the following Appropriations Acts for the Interior and related Agencies contains a provision under the caption “Administrative Provisions, Department of Energy,” which creates an exception to the Miscellaneous Receipts Act (31 U.S.C. 3302) for the

Department to retain repayments received as a result of repayment provisions for the various CCT projects appropriated under them: Public Law 99-190, of December 19, 1985; Public Law 100-202, of December 22, 1987; Public Law 100-446 of September 27, 1988; and Public Law 101-121 of October 23, 1989. Repayments received as a result of CCT projects appropriated under the aforementioned Appropriations Acts may be retained and made available until expended on costs associated with appropriate cooperative agreements, with any remainder to go into the Treasury.

- c. **Use of Moneys Received.** The “Administrative Provisions, Department of Energy,” contained in the aforementioned Appropriations Acts, provide that the moneys received are to be expended only on “plant construction, operation, costs, and payments to cost sharing entities,” as provided for in the appropriate cooperative agreements. Administrative costs associated with the CCT projects may be funded under the “necessary expense” doctrine of Appropriations Law. Moneys obtained from a project in one round may be used for costs related to a project in another round.
- d. **Account for Deposit of Moneys Received.** Moneys received shall be deposited directly to the Clean Coal Technology Appropriations Account (089X0235) using Revenue Budget and Reporting Code (B&R) ZN0300000, “Repayments from Clean Coal Technology Projects.” For detailed accounting transaction, appropriation account, and B&R information, please contact the Office of Finance and Accounting.
- e. **Availability for Reapportionment and Reallocation.** Moneys received are available for reapportionment by the Office of Management and Budget and subsequently for reallocation to the CCT/CCPI Program in the next fiscal year after receipt.
- f. **Obligations of Moneys Received.** Moneys received from the various CCT projects under the repayment provisions of the cooperative agreements may be obligated to any ongoing CCPI project for payment of DOE’s share of costs in accordance with the cost-sharing terms of the cooperative agreements for those projects until those moneys are fully expended, or until all DOE cost-sharing payments on the various projects have been made. In the latter case, any remaining or future moneys received must be returned to the Treasury as miscellaneous receipts.

13. COLLECTIONS FOR PROPRIETARY USE OF USER FACILITIES

Proprietary users of DOE user facilities are required to pay the full cost of facility use, consistent with the provisions of DOE Order 522.1A, *Pricing of Departmental Materials and Services*. Reimbursable agreements for proprietary use of DOE user facilities shall conform to the requirements for non-Federal reimbursable agreements specified in Chapter 13.1 of the *Financial Management Handbook*.

Collections for proprietary use of user facilities offset the cost of operating the facility and shall be credited to the appropriation account that provides funding for facility operations. DOE may retain user facility collections consistent with the authority specified in 42 U.S.C. 7259(b).

14. NUCLEAR MATERIAL REMOVAL PROGRAM FOR NUCLEAR NONPROLIFERATION

a. Description

The purpose of the Nuclear Material Removal Program is to support a longstanding United States nuclear weapons non-proliferation policy calling for the reduction and eventual elimination of the use of weapons-usable nuclear material in civil programs worldwide. The Nuclear Material Removal Program was also known as the Foreign Research Reactor Spent Nuclear Fuel Acceptance Program. To support this policy, DOE accepts and manages nuclear materials from foreign countries.

b. Authority

Authorities include 50 U.S.C. 2569, “Acceleration of Removal or Security of Fissile Materials, Radiological Materials, and Related Equipment at Vulnerable Sites Worldwide,” and Presidential Decision Directive 13, dated September 27, 1993.

c. Financing

High-income countries are required to pay the established fee associated with managing, storing, and disposing the material. As specified in the Fee Record of Decision included in 61 FR 26507, fees are due and payable upon DOE acceptance of the spent nuclear fuel at the DOE management site.

The Office of Environmental Management (EM) receives appropriation funding from Defense Environmental Cleanup (089X0251) to finance costs for the receipt of nuclear material. Fee revenue collected may also be used for program costs. For the National Nuclear Security Administration (NNSA) appropriation, funding is provided for under Defense Nuclear Nonproliferation (089X0309).

For both EM and NNSA programs, work funded in whole or in part through the assessment of fees from high-income countries is accounted for as reimbursable work under Treasury account 089X0319 utilizing reimbursable work authority.

d. Funds Contributed by Foreign Countries

- (1) Retention and use of amounts. Notwithstanding Section 3302 of Title 31, the Secretary of Energy may retain and use amounts contributed under an agreement with foreign countries and organizations. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available for use without further appropriation and without fiscal year limitation.

- (2) The use of funds contributed by foreign countries for the program include activities cited under 50 U.S.C. 2569(c).
- (3) If an amount contributed under an agreement with a foreign country or organization is not used within five years after it was contributed, DOE shall return that amount to the foreign country or organization that contributed it.
- (4) The authority to accept, retain, and use contributions by foreign countries and organizations for the Nuclear Material Removal Program for Nuclear Nonproliferation expires on December 31, 2023, as specified in 50 U.S.C. 2569. Extension of the expiration date requires legislation. This provision applies to contributions only and does not apply to the fees collected for receiving nuclear materials and performance of nonproliferation projects provided by annual appropriations.

15. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT FOR THE NATIONAL ENERGY TECHNOLOGY LABORATORY

The National Energy Technology Laboratory (NETL) is authorized under Public Law 116-260, Section 4006, 134 STAT 2545 to collect and retain funds for use as Laboratory Directed Research and Development (LDRD). Collections for the NETL LDRD program are deposited in Treasury Account symbol 089X2298.

Attachment 13.2-1 Disposition of Common Department Collections

Receipt Type	Treasury Symbol	Title
Civil Penalty	089 1099	Fines, Penalties, Forfeitures, Not Otherwise Classified
Interest, including interest received from grant recipients	089 1435	General Fund Proprietary Interest, Not Otherwise Classified
Freedom of Information Act	089 5228.1	Miscellaneous Revenues for Departmental Administration
Federal Administrative Charge		
Timber Proceeds, Savannah River		
DOE Reimbursable Work for Others (Federal & Non-Federal)	DOE Program Account	DOE Program Account
Overpayments (Federal) - DOE Reimbursable Work for Others	Federal Agency	For funds that can be returned to sponsoring agency
	089 3220	For funds that can't be returned to sponsoring agency (account closed or other information unavailable)
Overpayments (Non-Federal) - DOE Reimbursable Work for Others	Non-Federal Sponsor	For funds that can be returned to non-Federal sponsor
	020X6133 or 020 1060	See I TFM 6-3000, "Unclaimed Monies"
Rebates	DOE Program Account	DOE Program Account
Unallowable Costs, Restitution	Varies	DOE Program Account if meets Appropriation Refund Conditions OMB Circular No A-11 Section 20.9. Closed program appropriation 89 3200, "Collections of Receivable from Cancelled Accounts."
Restitution		
Filing Fees for applications for Import/Export authorizations	020 3220	Miscellaneous Receipts as 10 CFR 590.207 provides that application fees be made out to Department of the Treasury
Sale of Personal Property - scrap metal, vehicles, or equipment	Varies	See GSA Federal Management Regulation 102-39.80, "Miscellaneous Receipts - Exceptions Proceeds on Personal Property Sales"