

entities not listed in this table could also be affected. The North American Industrial Classification System (NAICS) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the Federal Register listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-300890. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

C. How and to Whom Do I Submit Comments?

As described in Unit I. of the proposed rule published in the **Federal Register** of September 17, 1999 (64 FR 50672) (FRL-5770-6), you may submit your comments through the mail, in person, or electronically. Please follow the instructions that are provided in the proposed rule. Do not submit any information electronically that you

consider to be CBI. To ensure proper receipt by EPA, be sure to identify docket control number OPP-300890 in the subject line on the first page of your response.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under "FOR FURTHER INFORMATION CONTACT."

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the proposed rule or collection activity.
7. Make sure to submit your comments by the deadline in this proposed rule extension.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

EPA is extending the comment period for its proposed rule on antimicrobial pesticide registration procedures and other pesticide regulatory changes. The original comment period would have

closed on November 16, 1999. EPA has received requests from several commenters to extend the comment period. The commenters requested an additional 30–90 days for comment, citing the length and complexity of the proposal as the basis for their requests.

Based upon these requests, EPA has decided to extend the comment period until January 18, 2000.

III. Do Any Regulatory Assessment Requirements Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted to EPA on a proposed rule that previously published in the **Federal Register** of September 17, 1999 (64 FR 50672) (FRL-5770-6). For information about the applicability of the regulatory assessment requirements to that proposed rule, which published in the **Federal Register**, please refer to the discussion in Unit I. of that document.

List of Subjects in 40 CFR Parts 152 and 156

Administrative practice and procedures, Environmental protection, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 8, 1999.

Susan H. Wayland,

Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99-29899 Filed 11-15-99; 8:45 am]

BILLING CODE 6560-50-F

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-43 and 102-36

RIN 3090-AF39

[FPMR Amendment H-]

Transfer of Excess Personal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is revising Federal Property Management Regulations (FPMR) coverage on Government property management policies and moving it into the Federal Management Regulation (FMR). A cross-reference will be added to the FPMR to direct readers to the coverage in the FMR. The FMR coverage is written in plain language and will provide agencies with updated regulatory material that is easy to read and understand.

DATES: Your comments must reach us by December 16, 1999 to be considered in the formulation of a final rule.

ADDRESSES: Send written comments to: Ms. Sharon A. Kiser, Regulatory Secretariat (MVRs), Federal Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

Send comments by e-mail to: RIN.3090-AF39@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3828.

SUPPLEMENTARY INFORMATION:

A. Background

The purpose of this proposed rule is to update, streamline, and clarify FPMR part 101-43 and move the part into the Federal Management Regulation (FMR). The proposed rule is written in a plain language question and answer format. This style uses an active voice, shorter sentences, and pronouns. Unless otherwise indicated in the text, the pronouns "we", "you", and their variants refer to the agency. A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has removed the term "Trust Territory of the Pacific Islands" from the definition of "foreign excess personal property" because there are no longer any entities in the Trust Territory of the Pacific Islands. As of October 1, 1994, Palau, the last remaining entity in the Trust Territory, became a self-governing sovereign state in free association with the United States.

B. Executive Order 12866

GSA has determined that this proposed rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget (OMB).

E. Small Business Regulatory Enforcement Fairness Act

This proposed rule is exempt from Congressional review prescribed under

5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 101-43 and 102-36

Government property management, Surplus Government property.

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR chapters 101 and 102 as follows:

CHAPTER 101—[AMENDED]

1. Part 101-43 is revised to read as follows:

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-43.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102-1 through 102-220).

For information previously contained in this part, see FMR part 36 (41 CFR 102-36).

CHAPTER 102—[AMENDED]

2. Part 102-36 is added to subchapter B to read as follows:

PART 102-36—TRANSFER OF EXCESS PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

102-36.5 What does this part cover?

102-36.10 What is the governing authority for this part?

102-36.15 Who must comply with the provisions of this part?

102-36.20 How do we request a deviation from these requirements and who can approve it?

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102-36.30 What definitions apply to this part?

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102-36.65 Do we pay for excess personal property we acquire under a transfer?

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102-36.135 May we obtain excess personal property directly from another Federal agency without GSA approval?

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Nonappropriated Fund Activities

102-36.155 Do we retain title to excess personal property furnished to a nonappropriated fund activity within our agency?

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102-36.165 What are the requirements for acquiring excess personal property for use by a cost reimbursable contractor?

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Cooperatives

- 102-36.175 Is there any limitation/condition to acquiring excess personal property for use by cooperatives?

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- 102-36.185 What type of excess personal property may we furnish to our project grantees?
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- 102-36.210 When is personal property excess?
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- 102-36.415 May we keep gifts given to us from the public?
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- 102-36.470 Are there special procedures for reporting printing and binding equipment and supplies?

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- 102-36.505 What must we do when disposing of vessels?

Subpart F—Miscellaneous Disposition

- 102-36.510 What is the authority for transfers under "Computers for Learning"?

Authority: 40 U.S.C. 486(c).

Subpart A—General Provisions**§ 102-36.5 What does this part cover?**

This part covers the acquisition, transfer and disposal, by executive agencies, of excess personal property located in the United States, the District of Columbia, the U.S. Virgin Islands,

American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

§ 102–36.10 What is the governing authority for this part?

Section 202 of the Federal Property and Administrative Services Act of 1949, as amended (the Property Act) (40 U.S.C. 483), authorizes the General Services Administration (GSA) to prescribe policies to promote the maximum use of excess Government personal property by executive agencies.

§ 102–36.15 Who must comply with the provisions of this part?

All executive agencies must comply with the provisions of this part. The legislative and judicial branches are encouraged to report and transfer excess personal property and fill their personal property requirements from excess in accordance with these provisions.

§ 102–36.20 How do we request a deviation from these requirements and who can approve it?

See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation from the requirements of this part.

§ 102–36.25 What is the typical process for transfer and disposing of excess personal property?

(a) You must first offer personal property not needed by your activity for use elsewhere within your agency. If the property is no longer needed by any activity within your agency, your agency declares the property excess and reports it to GSA for possible transfer to eligible recipients, including Federal agencies for direct use or for use by their contractors, project grantees, or cooperative agreement recipients. All executive agencies must, to the maximum extent practicable, fill requirements for personal property by using existing agency property or by obtaining excess property from other Federal agencies in lieu of new procurements.

(b) If GSA determines that there are no Federal requirements for your excess property, it becomes surplus property and is available for donation to State and local public agencies and other eligible non-Federal activities. The Property Act requires that surplus personal property be distributed to eligible recipients by an agency established by each State for this purpose, the State Agency for Surplus Property.

(c) Surplus personal property not selected for donation is offered for sale to the public by competitive offerings such as sealed bid sales, spot bid sales

or auctions. You may conduct or contract for the sale of your surplus personal property, or have GSA conduct the sale on behalf of your agency. You must inform GSA at the time the property is reported as excess if you choose to sell your own surplus property or have GSA sell it for you.

(d) If a written determination is made that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, you may dispose of the property by abandonment or destruction, or donate it to public bodies in accordance with §§ 102–36.310 through 102–36.330.

Definitions

§ 102–36.30 What definitions apply to this part?

The following definitions apply to this part:

Cooperative means the organization or entity that has a cooperative agreement with an executive agency.

Cooperative agreement means a legal instrument reflecting a relationship between an executive agency and a non-Federal recipient, made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), under any or all of the following circumstances:

(1) The purpose of the relationship is the transfer of money, property, services, or anything of value to accomplish a public purpose authorized by law, rather than by purchase, lease, or barter, for the direct benefit or use of the Federal Government.

(2) Substantial involvement is anticipated between the executive agency and the cooperative during the performance of the agreed upon activity.

(3) The cooperative is a State or local government entity or any person or organization authorized to receive Federal assistance or procurement contracts.

Cost-reimbursement contract means a contract in which allowable costs incurred by the contractor in the performance of the contract are reimbursed to the contractor.

Excess personal property (excess) means any personal property under the control of any Federal agency which is no longer required for that agency's needs, as determined by the agency head or designee.

Executive agency means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

Fair market value means the best estimate of the gross sales proceeds if

the property were to be sold in a public sale.

Federal agency means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his/her direction).

Federal Disposal System (FEDS) is GSA's automated excess personal property system, accessible at <https://feds.fss.gsa.gov/scripts/ihpsmain.dll?emul>

Grant means a type of assistance award and a legal instrument which permits an executive agency to transfer money, property, services or other things of value to a grantee when no substantial involvement is anticipated between the agency and the recipient during the performance of the contemplated activity.

Holding agency means the Federal agency having accountability for, and generally possession of, the property involved.

Life-limited part means an aircraft part that has a finite service life expressed in either total operating hours, total cycles, and/or calendar time.

Line item means a single line entry, on a reporting form or transfer order, for items of property of the same type having the same description, condition code, and unit cost.

Nonappropriated fund activity means an activity or entity that is not funded by money appropriated from the general fund of the U.S. Treasury, such as post exchanges, ship stores, military officers' clubs, veterans' canteens, and similar activities.

Personal property means any property, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

Project grant means a grant made for a specific purpose and with a specific termination date.

Property Act means the Federal Property and Administrative Services Act of 1949 (63 Stat. 386), as amended.

Public agency means any State, political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

Reimbursable transfer (transfer with reimbursement) means a transfer of excess personal property between Federal agencies where the recipient is required to pay, i.e. reimburse the holding agency, for the cost of the property.

Related personal property means any personal property that is an integral part of real property. It is:

(1) Related to, designed for, or specifically adapted to the functional capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property; or

(2) Determined by the Administrator of General Services to be related to the real property.

Salvage means property that has value greater than its basic material content but for which repair or rehabilitation is clearly impractical and/or uneconomical.

Scrap means property that has no value except for its basic material content.

Screening period means the period in which excess and surplus personal property are made available for excess transfer or surplus donation to eligible recipients.

Surplus personal property (surplus) means excess personal property no longer required by a Federal agency as determined by GSA.

Surplus release date means the date when Federal screening has been completed and the excess property becomes surplus and is available for donation.

Unit cost means the original acquisition cost of a single item of property.

United States means all the 50 States and the District of Columbia.

Vessels means ships, boats and craft designed for navigation in and on the water, propelled by oars or paddles, sail, or power.

Responsibility

§ 102–36.35 What are our responsibilities in the management of excess personal property?

(a) Your senior procurement official must make sure that your agency's procurement policies require consideration of excess personal property before authorizing procurement of new personal property.

(b) You may designate an authorized agency official to promote the use of available excess to the maximum extent practicable by your agency and to review and approve the acquisition and disposition of excess personal property.

(c) When acquiring excess personal property, you must:

(1) Limit the quantity acquired to that which is needed to adequately perform the function necessary to support the mission of the agency.

(2) Establish controls over the processing of transfer orders.

(3) Facilitate the timely pickup of acquired excess personal property from the holding agency.

(d) While personal property is in your custody, or the custody of authorized non-Federal recipients that you sponsor, you must do the following:

(1) Establish and maintain a system for property accountability.

(2) Protect the property against hazards including but not limited to fire, theft, vandalism, and weather.

(3) Perform the care and handling of personal property.

(4) Maintain appropriate inventory levels as set forth in part 101–27 of this title.

(5) Continuously monitor the property under your control to assure maximum use, and develop and maintain a system to prevent and detect nonuse, improper use, unauthorized disposal or destruction of personal property.

(e) When you no longer need personal property to carry out the mission of a program, you must:

(1) Offer the property for reassignment to other activities within the agency.

(2) Promptly report excess personal property to GSA when it is no longer needed by any activity within your agency for further reuse by eligible recipients.

(3) Continue the care and handling of excess personal property while it goes through the disposal process.

(4) Facilitate the timely transfer of excess personal property to other Federal agencies or authorized eligible recipients.

(5) Provide reasonable access to authorized personnel for inspection and removal of excess personal property.

(6) Ensure that final disposition complies with applicable environmental, health, safety and national security regulations.

§ 102–36.40 May we use a contractor to perform the functions of excess personal property disposal?

Yes. You may use service contracts to perform functions that are not inherently Governmental. You are responsible for ensuring that the contractor conforms with the requirements of the Property Act and the FMR and any other applicable statutes when performing these functions.

§ 102–36.45 What is GSA's role in the disposition of excess personal property?

In addition to developing and issuing regulations for the management of excess personal property, GSA:

(a) Screens and offers available excess personal property to Federal agencies and eligible non-Federal recipients.

(b) Approves and processes transfers of excess personal property to eligible activities.

(c) Determines the amount of reimbursement for transfers of excess personal property when appropriate.

(d) Conducts sales of surplus and exchange/sale property when requested by an agency.

(e) Maintains an automated system, FEDS, to facilitate the reporting/transferring of excess personal property.

Subpart B—Acquiring Excess Personal Property For Our Agency

Acquiring Excess

§ 102–36.50 Who is eligible to acquire excess personal property?

The following are eligible to acquire excess personal property:

(a) Federal agencies (for their own use or use by their authorized cost-reimbursement contractors, cooperatives, and project grantees.).

(b) The Senate.

(c) The House of Representatives.

(d) The Architect of the Capitol and any activities under his direction.

(e) The municipal government of the District of Columbia.

(f) Mixed-ownership Government corporations as defined in 31 U.S.C. 9101.

§ 102–36.55 Why must we use excess personal property instead of buying new property?

Using excess personal property to the maximum extent practicable maximizes the return on Government dollars spent and minimizes expenditures for new procurement. Before purchasing new property, check with the appropriate regional GSA Personal Property Management office or access FEDS for any available excess that may be suitable for your needs. You must use excess personal property unless it would cause serious hardship, be impractical, or impair your operations.

§ 102–36.60 What must we consider when acquiring excess personal property?

Consider the following when acquiring excess personal property:

(a) There must be an authorized requirement.

(b) The cost of acquiring excess personal property (including packing, shipping, pickup, and necessary repairs)

does not exceed the delivered cost of new material.

(c) The sources of spare parts or repair/maintenance services to support the acquired item are readily accessible.

(d) The supply of excess parts acquired must not exceed the life expectancy of the equipment supported.

§ 102–36.65 Do we pay for excess personal property we acquire under a transfer?

(a) No, except for the situations listed in paragraph (b) of this section, you do not pay for the property itself. However, you are responsible for shipping and transportation costs. Where applicable, you may also be required to pay packing, loading, and any costs directly related to the dismantling of the property when required for the purpose of transporting the property.

(b) You are required to reimburse the holding agency for excess personal property transferred to you (transfer with reimbursement) when:

(1) Reimbursement is directed by GSA.

(2) The property was originally acquired with funds, not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue and the holding agency requires reimbursement. It is the current executive branch policy that working capital fund property shall be transferred without reimbursement.

(3) The property was acquired with appropriated funds, but reimbursement is required by law.

(4) You or the holding agency is the US Postal Service (USPS).

(5) You are acquiring excess personal property for use by a project grantee that is a public agency or a nonprofit organization and exempt from taxation under 26 U.S.C. 501.

(6) You or the holding agency is the DC Government.

(7) You or the holding agency is a wholly owned or mixed-ownership Government corporation as defined in the Government Corporation Control Act (31 U.S.C. 9101–9110).

§ 102–36.70 How much do we pay for excess personal property on a transfer with reimbursement?

(a) You may be required to reimburse the holding agency the fair market value when the transfer involves § 102–36.65 (b)(1) through (b)(4).

(b) When acquiring excess personal property for your project grantees (see § 102–36.65(b)(5)), you are required to deposit into the miscellaneous receipts fund of the U.S. Treasury an amount equal to 25 percent of the original

acquisition cost of the property, except for the conditions cited in § 102–36.200.

(c) When you or the holding agency is the DC Government or a wholly owned or mixed-ownership Government corporation (see § 102–36.65(b)(6) or (b)(7)), you are required to reimburse the holding agency using fair value reimbursement. Fair value reimbursement is 20 percent of the original acquisition cost for new or unused property (i.e., condition code 1), and zero percent for other personal property. Where circumstances warrant, a higher fair value may be used if the agencies concerned agree. Due to special circumstances or the unusual nature of the property, the holding agency may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to the regional GSA Personal Property Management office.

§ 102–36.75 Do we pay for personal property disposed of under the exchange/sale authority, and how much do we pay?

Yes you pay for personal property disposed of under the exchange/sale authority, when the holding agency requires reimbursement. The amount of reimbursement is normally the fair market value.

Screening of Excess

§ 102–36.80 How do we find out what personal property is available as excess?

You may use the following methods to find out what excess personal property is available:

(a) Check GSA's automated excess personal property system FEDS.

(b) Contact or submit want lists to regional GSA Personal Property Management offices.

(c) Check any available holding agency websites (such as www.drms.dla.mil for DoD property).

(d) Conduct on-site screening at various Federal facilities.

§ 102–36.85 How long is excess personal property available for screening?

The screening period for excess personal property is normally 21 calendar days. GSA may extend or shorten the screening period in coordination with the holding agency.

§ 102–36.90 When does the screening period start for excess personal property?

Screening starts when GSA receives the report of excess personal property.

§ 102–36.95 Where do we go to screen excess personal property on-site?

You may visit Defense Reutilization and Marketing Offices (DRMOs) and DOD contractor facilities to screen excess personal property generated by

the Department of Defense. You may also inspect excess personal property at various civilian agency facilities throughout the United States. Contact your regional GSA Personal Property Management office for locations and accessibility.

§ 102–36.100 Who is authorized to screen excess personal property and what paperwork do we need?

You may authorize an agency employee to screen excess personal property. Authorized employees must present a valid Federal ID when entering the DRMOs or any other Federal facilities. If you authorize a non-Federal individual to screen excess personal property for you or for a non-Federal recipient that you sponsor (see § 102–36.140), he or she will need a letter of authorization from you in addition to a valid picture ID.

§ 102–36.105 What must we include in the letter of authorization for a non-Federal person to screen excess personal property?

You must state that the individual is authorized to screen excess personal property for your agency. The letter of authorization must include:

(a) The individual's name;

(b) The period of time and location(s) in which screening will be conducted; and

(c) The number and completion date of the applicable contract, cooperative agreement, or grant.

§ 102–36.110 What are our responsibilities in authorizing a non-Federal individual to screen excess personal property?

You must do the following:

(a) Ensure that the screener certifies that any property requested is to be used for authorized purpose(s).

(b) Maintain a record of the authorized screeners under your authority.

(c) Recover any expired or invalid letters of authorization.

Processing Transfers

§ 102–36.115 How do we process a Standard Form 122 (SF 122), Transfer Order Excess Personal Property, through GSA?

(a) You must first contact the appropriate regional GSA Personal Property Management office to assure the property is available to you. Submit your request on a SF 122, Transfer Order Excess Personal Property, to the region in which the property is located. For the types of property listed in the table in paragraph (b) of this section, submit the SF 122 to the corresponding GSA regions. You may submit the SF 122 manually or transmit the required information by electronic media (FEDS)

or any other transfer form specified and approved by GSA.

(b) For the following types of property, you must submit the SF 122 to the corresponding GSA regions:

Type of property	GSA region	Location
Aircraft	9 FBP	San Francisco, CA 94102.
Firearms	7 FP-8	Denver, CO 80225.
Foreign Gifts	FBP	Washington, DC 20406.
Forfeited Property	3 FP	Washington, DC 20407.
Standard Forms	7 FMP	Ft. Worth, TX 76102.
Vessels, DOD ^a	3 FP	Philadelphia, PA 19107.
Vessels, civilian ^a	4 FD	Atlanta, GA 30365.

^a Vessels over 50 ft in length and less than 1,500 gross tons.

§ 102-36.120 What are our responsibilities in processing transfer orders of excess personal property?

Whether the excess is for your use or for use by a non-Federal recipient that you sponsor, you must:

(a) Ensure that only authorized Federal officials of your agency sign the SF 122 prior to submission to GSA for approval.

(b) Ensure that excess personal property approved for transfer is used for authorized program(s).

(c) Provide to GSA a listing of your agency officials authorized to approve a SF 122, and notify GSA of any changes in signatory authority.

§ 102-36.125 How much time do we have to pick up excess personal property that has been approved for transfer?

When the holding agency notifies you that the property is ready for removal, you normally have 15 calendar days to pick up the property, unless otherwise coordinated with the holding agency.

§ 102-36.130 May we arrange to have the excess personal property shipped to its final destination?

Yes, when the holding agency agrees to provide assistance in preparing the property for shipping. However, you may be required to pay the holding agency any direct costs in preparing the property for shipping. You must provide shipping instructions and the appropriate fund code for billing purposes on the SF 122.

Direct Transfers

§ 102-36.135 May we obtain excess personal property directly from another Federal agency without GSA approval?

Yes, but only under the following situations:

(a) You may obtain excess personal property that has not yet been reported to GSA, provided the total acquisition cost of the excess property does not exceed \$10,000 per line item. You must ensure that a SF 122 is completed for

the direct transfer and that an authorized official of your agency signs the SF 122. You must provide a copy of the SF 122 to GSA within 10 workdays from the date of the transaction.

(b) You may obtain excess personal property exceeding the \$10,000 per line item limitation, provided you first contact the appropriate regional GSA Personal Property Management office in which the property is located for oral approval of a prearranged transfer. You must annotate the SF 122 with the name of the GSA approving official and the date of the verbal approval, and provide a copy of the SF 122 to GSA within 10 workdays from the date of transaction.

Subpart C—Acquiring Excess Personal Property for Non-Federal Recipients

§ 102-36.140 For which non-Federal activities may we acquire excess personal property?

You may acquire excess personal property for use by your nonappropriated fund activities, cost-reimbursement contractors, cooperatives, and project grantees.

§ 102-36.145 What are our responsibilities when acquiring excess personal property for use by a non-Federal recipient?

Your authorized agency official must:

(a) Authorize in writing the use of excess personal property by the non-Federal recipient, and approve the transfer documents as the sponsoring Federal agency.

(b) Determine that the use of excess personal property will reduce the costs to the Government or that it is in the Government's best interest to furnish excess.

(c) Ensure the non-Federal recipient will not stockpile the property but will place the property into use within a reasonable period of time, and develop and maintain a system to prevent nonuse, improper use, or unauthorized disposal or destruction of excess personal property furnished.

(d) Establish provisions and procedures for property accountability and disposition in situations when the Government retains title.

(e) Report to GSA annually excess personal property furnished to non-Federal recipients (see § 102-36.300).

§ 102-36.150 Must we provide additional information on the SF 122 when acquiring excess personal property for non-Federal recipients?

Yes. Annotate on the SF 122 the name of the non-Federal recipient, the contract, grant or agreement number when applicable, and the scheduled date of completion/expiration. GSA will not approve the transfer if the contract,

grant or agreement is due to expire in less than 60 calendar days, unless you certify that the contract, grant or agreement will be extended or renewed or provide other written justification for the transfer.

Nonappropriated Fund Activities

§ 102-36.155 Do we retain title to excess personal property furnished to a nonappropriated fund activity within our agency?

Yes, title to the property remains with the Federal Government. You must enter such excess personal property on your agency accountable records. When such property is no longer required by the nonappropriated fund activity, you must reuse or dispose of the property in accordance with the regulations of this part.

§ 102-36.160 May we transfer personal property owned by a nonappropriated fund activity?

Property purchased by a nonappropriated fund activity is not Federal property. A nonappropriated fund activity has the option of making its privately owned personal property available for transfer to a Federal agency, usually with reimbursement. Such reimbursable personal property is not available for donation.

Contractors

§ 102-36.165 What are the requirements for acquiring excess personal property for use by a cost reimbursable contractor?

(a) You must ensure that the contract contains provisions to allow the use of Government-furnished property (a Government property clause), and includes safeguards relative to the contractor's authorized use and maintenance, prohibitions against unauthorized use, and required redelivery to Government custody of Government-furnished property.

(b) When such excess personal property is no longer needed for the performance of a contract, you may authorize the contractor to retain the property for continued use on another contract, or reassign the property for reuse by your other contractors or other activities within your agency. When the property is no longer required by your contractors or your agency, you must dispose of the property in accordance with the provisions of this part.

§ 102-36.170 Are there restrictions to acquiring excess personal property for use by our cost reimbursable contractors?

Yes. You may acquire excess personal property for your cost reimbursable contractor's use subject to the restrictions in the Federal Acquisition

Regulation (48 CFR part 45). The Government retains title to such property unless specific statutory authority provides otherwise. You must ensure that your contractors follow the provisions of this part when disposing of excess Government personal property.

Cooperatives

§ 102–36.175 Is there any limitation/condition to acquiring excess personal property for use by cooperatives?

Yes, you must limit the amount of property transfers to the dollar value of the cooperative agreement. For any transfers in excess of such amount, you must ensure that an official of your agency at a level higher than the officer administering the agreement approves the transfer. The Government retains title to such property, except when provided by specific statutory authority.

Project Grantees

§ 102–36.180 What are the requirements for acquiring excess personal property for use by our grantees?

You may furnish excess personal property for use by your grantees only when:

- (a) The grantee holds a Federally sponsored project grant;
- (b) The grantee is a public agency or a nonprofit tax-exempt organization under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);
- (c) The property is for use in connection with the grant; and
- (d) You pay 25 percent of the original acquisition cost of the excess personal property, such funds to be deposited into the miscellaneous receipts fund of the U.S. Treasury. Exceptions to paying this 25 percent are provided in § 102–36.200.

§ 102–36.185 What type of excess personal property may we furnish to our project grantees?

You may furnish to your project grantees:

- (a) Property determined to be necessary and usable for the purpose of the grant.
- (b) Consumable items are generally not transferable. However, GSA may approve transfers of excess consumable items when adequate justification for the transfer accompanies such requests. Consumable items are items that are used up in whole or in part during any use.

§ 102–36.190 May we acquire excess personal property for cannibalization purposes by the grantee?

Yes, subject to GSA approval. You may be required to provide a supporting

statement that indicates disassembly of the item for secondary use has greater benefit than utilization of the item in its existing form and cost savings to the Government will result.

§ 102–36.195 Is there a limit to how much excess personal property we may furnish to our grantees?

Yes. You must monitor transfers of excess personal property so the total dollar amount of property transferred does not exceed the dollar value of the grant. Any transfers above the grant amount must be approved by an official at an administrative level higher than the officer administering the grant.

§ 102–36.200 Must we always pay 25 percent of the original acquisition cost when furnishing excess personal property to project grantees?

No. You may acquire excess personal property for use by a project grantee without paying the 25 percent fee under the following conditions:

- (a) The personal property was originally acquired from excess sources by your agency and has been placed into official use by your agency for at least 1 year.
- (b) The property is not needed for donation under part 101–44 of this title, and is transferred under section 608 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2358). (You need not wait until after the donation screening period when furnishing excess personal property to recipients under the Agency for International Development (AID) Development Loan Program.)
- (c) The property is furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a) through the U.S. Forest Service in connection with cooperative State forest fire control programs.
- (d) The property is scientific equipment transferred under section 11(e) of the National Science Foundation (NSF) Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will limit such transfers to property within Federal Supply Classification (FSC) groups 12, 14, 43, 48, 58, 59, 65, 66, 67, 68 and 70. GSA may approve transfers without reimbursement for property under other FSC groups when NSF certifies the item is a component of or related to a piece of scientific equipment or is a difficult-to-acquire item needed for scientific research. Regardless of FSC, GSA will not approve transfers of common-use or general-purpose items without reimbursement.

- (e) The property is furnished by the U.S. Department of Agriculture to State or county extension services or

agricultural research cooperatives under 40 U.S.C. 483(d)(2)(E).

§ 102–36.205 Does the Government retain title to excess personal property furnished to project grantees?

The Government retains title to excess personal property transferred and furnished for use by project grantees under § 102–36.200(a), (c) and (e) unless otherwise provided by specific statutory authority. However, when your agency pays 25 percent of the original acquisition cost of the excess property, your grantee retains title to such property. Such funds shall be deposited into the U.S. Treasury as miscellaneous receipts.

Subpart D—Disposition of Excess Personal Property

§ 102–36.210 When is personal property excess?

Personal property is excess when none of the activities within your agency has a need for the property to carry out the functions of authorized programs, as determined by the agency head or designee.

§ 102–36.215 Why must we report excess personal property to GSA?

You must report excess personal property to promote reuse by the Government to enable Federal agencies to benefit from the continued use of property already paid for with taxpayers' money, thus minimizing new procurement costs. Reporting excess personal property to GSA helps assure that the information on available excess is accessible and disseminated to the widest range of reuse customers.

Reporting Excess Personal Property

§ 102–36.220 How do we report excess personal property?

Report excess personal property as follows:

- (a) Electronically submit the Standard Form 120 (SF 120), Report of Excess Personal Property, in a format specified and approved by GSA; or (b) Submit a paper SF 120 to the regional GSA Personal Property Management office.

§ 102–36.225 Must we report all excess personal property to GSA?

(a) Generally yes, regardless of the condition code, except as authorized in § 102–36.280(a) for direct transfers or as exempted in paragraph (b) of this section. Report all excess personal property, including property to which the Government holds title but that is not needed by your contractors, cooperatives, or project grantees.

(b) You are not required to report the following types of property to GSA for screening:

(1) Property determined appropriate for abandonment/destruction (see § 102-36.310).

(2) Nonappropriated fund property (see § 102-36.160).

(3) Foreign excess personal property (see § 102-36.385).

(4) Scrap, except aircraft in scrap condition (see § 102-36.475).

(5) Perishables, defined for the purposes of this section as any personal property subject to spoilage or decay.

(6) Trading stamps and bonus goods.

(7) Hazardous waste.

(8) Controlled substances.

(9) Nuclear Regulatory Commission-controlled materials.

(10) Property dangerous to public health and safety.

(11) Classified items or property determined to be sensitive for reasons of national security.

(c) Refer to part 101-42 of this title for additional guidance on the disposition of classes of property under paragraphs (b)(7) through (b)(11) of this section.

§ 102-36.230 Must we report excess personal property that is attached to real property?

Yes. Report excess related personal property that is attached to real property to the Office of Real Property, GSA, in accordance with part 101-47 of this title.

§ 102-36.235 Where do we send the reports of excess personal property?

(a) You must direct electronic submissions of excess personal property to the Federal Disposal System (FEDS) maintained by the Property Management Division (FBP), GSA, Washington, DC 20406.

(b) For paper submissions, you must send the SF 120 to the regional GSA Personal Property Management office for the region in which the property is located. However, for the categories of property listed in the table in § 102-36.115(b), forward the SF 120 to the corresponding regions.

§ 102-36.240 What information do we provide when reporting excess personal property?

(a) You must provide the following data on excess personal property:

(1) A report number (6-digit activity address code and 4-digit Julian date).

(2) 4-digit Federal Supply Class (use National Stock Number whenever available).

(3) Description of item, in sufficient detail.

(4) Quantity and unit of issue.

(5) Disposal Condition Code.

(6) Original acquisition cost per unit and total cost (use estimate if original cost not available).

(7) Manufacturer, date, part and serial number, when required by GSA.

(8) Date property is available for removal.

(9) If you will conduct the sale of surplus property that is not transferred or donated.

(b) In addition, provide the following information on your report of excess, when applicable:

(1) If repairs are required, the type of repairs and estimated costs.

(2) If any parts/components will be removed from the item before issuance to the recipient.

(3) Special handling requirements (see Subpart E of this part).

(4) If reimbursement is required, the authority under which the reimbursement is requested, the amount of reimbursement and the appropriate fund code to which money is to be deposited.

(5) Whether the property has been previously reported as excess or was acquired as excess and the report number.

§ 102-36.245 What are the disposal condition codes?

The disposal condition codes are contained in the following table:

Disposal condition code	Definition
1	New. Property which is in new condition or unused condition and can be used immediately without modifications or repairs.
4	Usable. Property which shows some wear, but can be used without significant repair.
7	Reparable. Property which is unusable in its current condition but can be economically repaired.
X	Salvage. Property has value in excess of its basic material content, but repair or rehabilitation is impractical and/or uneconomical.
S	Scrap. Property which has no value except for its basic material content.

Disposing of Excess Personal Property

§ 102-36.250 Are we accountable for the personal property that has been reported excess?

Yes you are accountable, until the time the excess personal property is picked up by the designated recipient or its agent. You are responsible for the care and handling charges while the excess personal property is going

through the screening and disposal process. Care and handling charges include costs for completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting the property prior to its removal by the recipient, and destroying or rendering innocuous property which is dangerous to public health or safety.

§ 102-36.255 Does GSA ever take physical custody of excess personal property?

Generally you retain physical custody of the property prior to final disposition. Very rarely GSA may consider accepting physical custody of excess personal property. Under special circumstances, GSA may take custody or may direct the transfer of partial or total custody to other executive agencies, with their consent.

§ 102-36.260 What options do we have when unusual circumstances do not allow adequate time for disposal through GSA?

Contact your regional GSA Personal Property Management office for any existing interagency agreements that would allow you to turn in excess personal property to a Federal facility. You are responsible for any turn-in costs and all costs related to transporting the excess to these facilities.

§ 102-36.265 How do we promote the expeditious transfer of excess personal property?

For expeditious transfer of excess personal property you should:

(a) Provide complete and accurate details on the description, condition and location of the property on your reports of excess.

(b) Ensure that any available operating manual, parts list, diagram, maintenance log, or other instructional publication is available at the time of transfer.

(c) Advise the designated recipient of any special requirements for dismantling, shipping/transportation.

(d) Provide advance notice when the excess personal property is located at a facility due to be closed and the scheduled date of closing, and ensure there is sufficient time for screening and removal of property.

§ 102-36.270 What if there are competing requests for the same excess item?

(a) GSA will generally approve transfers on a first-come, first-served basis. When more than one Federal agency requests the same item, and the quantity available does not allow equitable distribution, GSA will consider factors such as national defense requirements, emergency needs, avoiding the necessity of a new

procurement, energy conservation, transportation costs, and retention of title in the Government. GSA will normally give preference to the agency that will retain title in the Government.

(b) Requests for property for the purpose of cannibalization will normally be subordinate to requests for other uses.

§ 102-36.275 What if a Federal agency requests excess personal property that is in donation screening or in the sales process?

Prior to final disposition, GSA will give primary consideration to requests from authorized Federal activities for excess personal property in donation screening or in the sales process. Federal transfers may be authorized prior to removal of the property under a donation or sales action.

§ 102-36.280 May we dispose of excess personal property without GSA approval?

No you need GSA approval, except under the following limited situations.

(a) You may transfer to another Federal agency excess personal property that has not yet been reported to GSA, and the total acquisition cost of the excess personal property does not exceed \$10,000 per line item. You may transfer excess personal property exceeding the \$10,000 per line item limitation, provided you first contact the appropriate regional GSA Personal Property Management office in which the property is located for oral approval of a prearranged transfer. If there are multiple requests for the same excess item, apply the allocating factors in accordance with § 102-36.270.

(b) You may dispose of excess personal property that is not required to be reported to GSA (see § 102-36.225(b)).

§ 102-36.285 May we withdraw from the disposal process excess personal property that we have reported to GSA?

Yes you may withdraw property from the disposal process, but only with the approval of GSA and to satisfy an internal agency requirement. Property pending transfer or donation and property that has been offered for sale by GSA may be returned to your control with proper justification.

Transfers With Reimbursement

§ 102-36.290 May we charge for excess personal property transferred to another Federal agency?

(a) Except as provided in this section, you may not charge for excess personal property transferred to another agency except for direct costs you incurred in the packing, loading and shipping of the property. The recipient is responsible for such packing and transportation

charges. You may not charge for overhead or administrative expenses.

(b) However, when any one of the following conditions is met, you may require and retain reimbursement for the cost of the property from the recipient:

(1) Your agency has the statutory authority to require and retain reimbursement for the property.

(2) You are disposing of the property under the exchange/sale authority.

(3) You had originally acquired the property with funds not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue. It is the current executive branch policy that working capital fund property shall be transferred without reimbursement.

(4) You or the recipient is the U.S. Postal Service.

(5) You or the recipient is the municipal government of DC.

(6) You or the recipient is a wholly owned or mixed-ownership Government corporation.

§ 102-36.295 How much do we charge for excess personal property on a transfer with reimbursement?

(a) You may require reimbursement in an amount up to the fair market value of the property when the transfer involves property meeting conditions in § 102-36.290(b)(1) through (b)(4).

(b) When you or the recipient is the municipal government of DC or a wholly owned or mixed-ownership Government corporation (see § 102-36.290(b)(5) and (b)(6)), you may only require fair value reimbursement. Fair value reimbursement is 20 percent of the original acquisition cost for new or unused property (i.e., condition code 1), and zero percent for other personal property. A higher fair value may be used if you and the recipient agency agree. Due to special circumstances or the nature of the property, you may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to the regional GSA Personal Property Management office.

Report of Disposal Activity

§ 102-36.300 Must we report the disposition of excess personal property to GSA?

Yes. You must report on dispositions of excess personal property to any non-Federal recipients that are not transacted through GSA. GSA will subsequently submit a summary of the reports to Congress.

§ 102-36.305 How do we report the disposition of excess personal property?

(a) You must report annually any excess personal property furnished to non-Federal recipients during the fiscal year. Submit your report, in letter form, to GSA, Personal Property Management Policy Division (MTP), 1800 F Street, NW, Washington, DC 20405, within 90 calendar days after the close of each fiscal year. The report must cover property disposed in all areas within the United States, the District of Columbia, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands. Negative reports are required.

(b) The report (interagency report control number 0154-GSA-AN) must reference this part and contain the following:

(1) Names of the non-Federal recipients.

(2) Status of the recipients (cost-reimbursement contractor, cooperative, project grantee, etc.).

(3) Total original acquisition cost of excess personal property furnished to each type of recipient, by type of property (two-digit FSC groups).

Abandonment/Destruction

§ 102-36.310 May we abandon or destroy excess personal property without reporting it to GSA?

Yes you may abandon or destroy excess personal property, but only after you make a written determination that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. An item has no commercial value when it has neither utility nor monetary value (either as an item or as scrap).

§ 102-36.315 Who makes the determination to abandon or destroy excess personal property?

To abandon or destroy property, an authorized official within your agency makes a written finding that must be approved by a reviewing official who is not directly accountable for the property.

§ 102-36.320 Are there any prohibitions or exceptions to the use of the abandonment/destruction authority?

Yes, there are prohibition and exceptions, as follows:

(a) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety, or which will cause infringement upon the rights of other persons.

(b) If at any time prior to the actual abandonment or destruction a Federal

agency or eligible non-Federal activity is interested in acquiring the property, transfer/donation procedures in lieu of abandonment/destruction must be implemented. If you become aware of an interest from an entity in purchasing the property, sales procedures in lieu of abandonment/destruction must be implemented.

§ 102–36.325 What must be done before abandoning/destroying excess personal property?

Except as provided in § 102–36.330(a), you must provide public notice of intent to abandon or destroy excess personal property, in a format and timeframe specified by your agency regulations (such as publishing a notice in a local newspaper, posting of signs in common use facilities available to the public, or providing bulletins on your website through the internet). You must also include in the notice an offer to sell in accordance with part 101–45 of this title.

§ 102–36.330 Must we always provide public notice regarding abandonment/destruction of excess personal property?

(a) Yes you must provide public notice, except when:

(1) The value of the property is so little or the cost of its care and handling is so great that its retention for advertising for sale, even as scrap, is clearly not economical;

(2) Abandonment or destruction is required because of health, safety, or security reasons; or

(3) When the original acquisition cost of the item (estimated if unknown) is less than \$500.

(b) Additional guidelines for the abandonment/destruction of hazardous materials are prescribed in part 101–42 of this title.

Subpart E—Property Whose Disposal Requires Special Handling

§ 102–36.335 Are there certain types of excess personal property that must be disposed of differently?

Yes. You must comply with the additional provisions in this subpart when disposing of the types of personal property listed in this subpart.

Aircraft and Aircraft Parts

§ 102–36.340 What must we do when disposing of excess aircraft?

(a) You must report to GSA all excess aircraft, regardless of condition or dollar value, and provide the following information on the SF 120:

(1) Manufacturer, date of manufacture, model, serial number.

(2) Major components missing from the aircraft (such as engines, electronics).

(3) Whether the:

(i) Aircraft is in flyable or nonflyable condition;

(ii) Dataplate has been removed;

(iii) Historical and maintenance records are available; and

(iv) Aircraft has been previously certificated by the Federal Aviation Administration (FAA).

(4) For military aircraft, indicate Category A, B, or C as designated by DOD (see Defense Materiel Disposition Manual, DOD 4160.21–M, Chapter 4, paragraph B2). For copies of DOD 4160.21–M, write to Defense Logistics Agency, Attn: DLSC–LC, 8725 John J. Kingman Road, 4222, Ft. Belvoir, VA 22060–6221, or access an electronic copy at www.drms.dla.mil under Publications.

(b) You must also indicate if the aircraft:

(1) Was previously used for non-flight purposes (i.e., ground training or static display);

(2) Has not been maintained to FAA airworthiness standards; and/or

(3) Has been subjected to extensive disassembly and re-assembly procedures for ground training, or repeated burning for fire-fighting training.

(c) When the designated recipient's intended use is for non-flight purposes, you must remove and return the data plate to the FAA prior to releasing the aircraft to the authorized recipient.

(d) You must also submit a report of the final disposition of the aircraft to the Federal Aviation Interactive Reporting System (FAIRS) maintained by the Aircraft Management Policy Division (MTA), GSA, Washington, DC 20405. For additional instructions on reporting to FAIRS see part 101–37 of this title.

§ 102–36.345 What is a Flight Safety Critical Aircraft Part (FSCAP)?

A FSCAP is any aircraft part, assembly, or installation containing a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in engine shut-down or loss or serious damage to the aircraft resulting in an unsafe condition.

§ 102–36.350 How do we identify a FSCAP?

Any aircraft part designated by DOD as FSCAP is assigned an alpha Criticality Code, and the code is annotated on the original transfer document when you acquire the part. If the original transfer document does not contain the Criticality Code, you may

contact the Military service that originally owned the part for assistance in making this determination, or query DOD's Federal Logistics Information System (FLIS) using the National Stock Number (NSN) for the part. For assistance in subscribing to the FLIS service contact the FedLog Consumer Support Office, 800–351–4381.

§ 102–36.355 What are the FSCAP Criticality Codes?

The FSCAP criticality codes are contained in the following table:

Code	Description
F	Flight Safety Critical Aircraft Part.
E	FSCAP specially designed to be or selected as being nuclear hardened.

§ 102–36.360 What must we do when disposing of excess FSCAP?

When the aircraft part is a FSCAP, you must perpetuate the appropriate FSCAP Criticality Code on all property records. When reporting excess FSCAP, annotate the manufacturer, date of manufacture, part number, serial number, and the appropriate Criticality Code on the SF 120, and ensure that all available historical and maintenance records accompany the part at the time of issue. Depending on the availability of documentation and the intended use for the part, FSCAP may be transferred, donated, or sold in accordance with subpart 101–37.6 of this title. You must mutilate undocumented FSCAP that has no traceability to its original equipment manufacturer. Mutilation may be accomplished as a condition of transfer/donation or sale, but must be witnessed and certified when completed.

§ 102–36.365 How do we dispose of aircraft parts that have no FSCAP designation?

When the aircraft part has no FSCAP designation but is a life-limited part, you must also ensure that tags and labels, historical data and maintenance records accompany the part on any transfers, donations or sales. For additional requirements and guidance regarding the disposal of FSCAP and life-limited parts refer to part 101–37 of this title.

Canines, Law Enforcement

§ 102–36.370 May we transfer or donate canines that have been used in the performance of law enforcement duties?

Yes. Under Public Law 105–27 (111 Stat. 244), when the canine is no longer needed for law enforcement duties, you may donate the canine to an individual who has experience handling canines in the performance of those official duties.

Disaster Relief Property**§ 102-36.375 Are there special requirements concerning the use of excess personal property for disaster relief?**

Yes. Upon declaration by the President of an emergency or a major disaster, you may loan excess personal property to State and local governments, with or without compensation, to alleviate suffering and damage resulting from any emergency or major disaster (Disaster Relief Act of 1974 (Public. Law 93-288 (42 U.S.C. 5121)) and Executive Orders 11795 (3 CFR, 1971-1975 Comp., p. 887) and 12148 (3 CFR, 1979 Comp., p. 412), as amended). If the loan involves property that has already been reported excess to GSA, you may withdraw the item from the disposal process subject to approval by GSA. You may also withdraw property already reported to GSA for use by your agency in providing assistance in disaster relief.

Firearms**§ 102-36.380 Are there special requirements for disposing of excess firearms?**

Yes. You may transfer excess firearms only to those Federal agencies authorized to acquire firearms for official use. GSA may require a written justification from the requesting agency. GSA may donate certain classes of surplus firearms to State and local government activities whose primary function is the enforcement of applicable Federal, State, and/or local laws and whose compensated law enforcement officers have the authority to apprehend and arrest. Firearms not transferred or donated must be destroyed and sold as scrap. For additional guidance on disposition of firearms refer to part 101-42 of this title.

Foreign Excess Personal Property**§ 102-36.385 What is foreign excess personal property?**

Foreign excess personal property is any U.S. owned excess personal property located outside the United States (U.S.), the District of Columbia, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

§ 102-36.390 Who is responsible for disposing of foreign excess personal property?

Your agency is responsible for disposing of your foreign excess property, as provided by title IV of the Property Act.

§ 102-36.395 How may we dispose of foreign excess personal property overseas?

To dispose of foreign excess personal property overseas, you may:

- (a) Offer the property for Federal reuse overseas;
- (b) Sell, exchange, lease, or transfer such property for cash, credit, or other property;
- (c) Donate medical materials or supplies to nonprofit medical or health organizations, including those qualified under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174, 2357); or
- (d) Abandon, destroy or donate such property when you determine that it has no commercial value or the estimated cost of care and handling would exceed the estimated proceeds from its sale, in accordance with sec. 402(a) of the Property Act.

§ 102-36.400 What are our responsibilities in the disposal of foreign excess personal property?

You must:

- (a) Determine whether it is in the interest of the U.S. Government to return foreign excess personal property to the U.S. for further reuse or to dispose of the property overseas.
- (b) Ensure that any disposal of property overseas conforms to the foreign policy of the United States.
- (c) Ensure that, when foreign excess is disposed of overseas, donation/sales conditions include a requirement for compliance with U.S. Department of Commerce and Department of Agriculture regulations when transporting any personal property back to the U.S.
- (d) Inform the U.S. State Department of any disposal of property to any foreign governments or entities.
- (e) Submit an annual report to Congress of all transactions involving the disposal of foreign excess personal property (40 U.S.C. 514).

§ 102-36.405 How may GSA assist us in disposing of foreign excess personal property?

You may request GSA's assistance in the screening and disposal of foreign excess personal property. GSA may, after consultation with you, designate property for return to the United States for transfer or donation purposes.

§ 102-36.410 Who pays for the transportation costs when foreign excess personal property is returned to the United States?

- (a) You are responsible for any transportation costs when foreign excess property is returned to the U.S. for subsequent reuse.
- (b) When foreign excess property is to be returned to the U.S. for the purpose

of a transfer or donation under the provisions of Sections 202 and 203 of the Property Act, the receiving agency is responsible for all direct costs involved in the transfer, which include packing, handling, crating, and transportation.

Gifts**§ 102-36.415 May we keep gifts given to us from the public?**

You may retain gifts from the public depending on the type of gift, the condition under which the gift was offered, and when your agency has gift retention authority.

§ 102-36.420 How do we dispose of a gift in the form of money or intangible personal property?

Report excess intangible personal property on a SF 120 to GSA, Personal Property Management Division (FBP), Washington, D.C. 20406. You must not transfer or dispose of this property without prior approval of GSA, except for bonds, notes, or other securities authorized to be disposed of by the Secretary of the Treasury under the authority of 31 U.S.C. 324.

§ 102-36.425 How do we dispose of gifts other than money or intangible personal property?

(a) When the gift is offered with the condition that the property be sold and the proceeds used to reduce the public debt, report the gift on a SF 120 to the regional GSA Personal Property Management office. GSA will convert the gift to money upon acceptance and deposit the proceeds into the U.S. Treasury.

(b) When the gift is offered with no conditions or restrictions, and your agency has gift retention authority, you may use the gift for an authorized purpose without reporting to GSA. The property will then lose its identity as a gift and you must account for it in the same manner as Federal personal property acquired from authorized sources. When no longer needed you must report it on a SF 120 as excess personal property to GSA.

Note to § 102-36.425(b): Under 10 U.S.C. 2608, the Department of Defense has authority to accept gifts or contributions of money or real or personal property for use in defense programs without reporting to GSA.

(c) When the gift is offered with no conditions or restrictions, but your agency does not have gift retention authority, you must report it on a SF 120 to the regional GSA Personal Property Management office. If your agency is interested in keeping the gift, you must submit the SF 120 and SF 122 together. Otherwise GSA will offer the property for transfer to another Federal

agency if the gift can be used in its existing form, or convert the gift to money and deposit the funds with U.S. Treasury.

§ 102-36.430 How do we dispose of gifts from foreign governments or entities?

Report foreign gifts on a SF 120 to GSA, Personal Property Management Division (FBP), Washington, DC 20406, for possible use by your agency, or for transfer, donation or sale in accordance with the provisions of part 101-49 of this title.

Hazardous Personal Property

§ 102-36.435 What is hazardous personal property?

Hazardous personal property means property that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901-6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601-2609).

§ 102-36.440 May we dispose of excess hazardous personal property?

Yes, but only in accordance with part 101-42 of this title. When reporting excess hazardous property to GSA, certify on the SF 120 that the property has been packaged and labeled as required. Annotate any special requirements for handling, storage, or use, and provide a description of the actual or potential hazard.

Munitions List Items/Commerce Control List Items

(MLIs/CCLIs)

§ 102-36.445 What are MLIs?

MLIs are commodities (usually defense articles) listed in the International Traffic in Arms Regulation (22 CFR part 121), published by the U.S. Department of State. These items may require demilitarization when issued to any non-DoD entity, and will require Department of State approval and appropriate licensing when exported from the U.S.

§ 102-36.450 What are CCLIs?

CCLIs are items that are subject to export control by the Bureau of Export Administration, Department of Commerce. These items have been identified in the U.S. Export Administration Regulations (15 CFR part 774) as export controlled for reasons of national security, crime control, technology transfer and scarcity of materials, and may require export license when transported from the U.S.

§ 102-36.455 May we dispose of excess MLIs/CCLIs?

You may dispose of excess MLIs/CCLIs only when you comply with the additional disposal and demilitarization requirements contained in part 101-42 of this title.

§ 102-36.460 What is demilitarization (DEMIL)?

As defined by the Department of Defense, demilitarization is the act of destroying the military capabilities inherent in certain types of equipment or material. Such destruction may include deep sea dumping, mutilation, cutting, crushing, scrapping, melting, burning, or alteration so as to prevent the further use of the item for its originally intended purpose. For additional guidance on DEMIL procedures see DOD Demilitarization and Trade Security Control Manual, DOD 4160.21-M-1.

§ 102-36.465 How do we identify MLIs/CCLIs requiring demilitarization?

You identify MLIs/CCLIs requiring demilitarization by the demilitarization code that is assigned to each MLI or CCLI. The code indicates the type and scope of demilitarization and/or export controls that must be accomplished, when required, before issue to any non-DoD activity. For a listing of the codes and the type of demilitarization required see DOD 4160.21-M-1.

Printing Equipment and Supplies

§ 102-36.470 Are there special procedures for reporting printing and binding equipment and supplies?

Yes. In accordance with 44 U.S.C. 312, you must submit reports of excess printing and binding machinery, equipment, materials, and supplies to the Public Printer, Government Printing Office (GPO), Customer Service Manager, North Capitol and H Streets, NW, Washington, DC 20401. If GPO has no requirement for the property, you must then submit the report to GSA.

Scrap

§ 102-36.475 May we abandon/destroy scrap?

Yes, you may abandon or destroy excess personal property in scrap condition (see § 102-36.280(b)). However, you must not abandon or destroy scrap in a manner that is detrimental or dangerous to public health or safety, or infringe upon the rights of other persons.

Shelf-Life Items

§ 102-36.480 What is a shelf-life item?

A shelf-life item is any item that deteriorates over time or has unstable

characteristics such that a storage period must be assigned to assure the item is issued within that period to provide satisfactory performance. Management of such items is governed by subpart 101-27.2 of this title and by DOD instructions, for executive agencies and DOD respectively.

§ 102-36.485 Do we report excess shelf-life items?

When the quantities on hand cannot be utilized, reassigned, or returned for credit, you must report any items for which there is an expected excess beyond the predetermined expiration date to insure maximum use prior to deterioration.

§ 102-36.490 How do we report excess shelf-life items?

You must identify the items as shelf-life items by "SL", indicate the expiration date, whether the date is the original or an extended date, and if the date is further extendable. GSA may adjust the screening period based on re-use potential and the remaining useful shelf life.

§ 102-36.495 Do we report excess medical shelf-life items held for national emergency purposes?

You should report as excess any medical materials or supplies held for national emergency purposes when the remaining shelf life is too short to justify retention. You must identify such items with "MSL", indicate any specialized storage requirements, and ensure that sufficient time is available to permit transfer or disposal before their shelf life expires and the items are unfit for human use.

§ 102-36.500 May we transfer or exchange excess medical shelf-life items with other Federal agencies?

Yes.

(a) You may exchange excess medical shelf-life items held for national emergency purposes with another Federal agency without GSA approval and without regard to part 101-46 of this title, but only for other medical materials or supplies to be held for national emergency purposes.

(b) You may transfer such items to another Federal agency when you and the transferee agency agree to the terms and prices. You may credit proceeds from such transfers to your agency's current applicable appropriation and use it only for the purchase of medical materials or supplies for national emergency purposes.

Vessels

§ 102–36.505 What must we do when disposing of vessels?

(a) When you dispose of vessels you must indicate on the SF 120, the following information:

(1) If the vessel has been inspected by the Coast Guard.

(2) If testing for hazardous materials has been done. And if so, the result of the testing.

(3) If hazardous materials clean-up is required, and when it will be accomplished by your agency.

(b) In accordance with section 203(i) of the Property Act, the Federal Maritime Administration (FMA), Department of Transportation, is responsible for disposing of surplus vessels weighing 1,500 gross tons or more, which are determined to be merchant vessels or capable of conversion to merchant use. The SF 120 for such vessels shall be forwarded to GSA for submission to FMA.

(c) Disposal instructions regarding vessels in this section do not apply to battleships, cruisers, aircraft carriers, destroyers, and submarines.

Subpart F—Miscellaneous Disposition

§ 102–36.510 What is the authority for transfers under “Computers for Learning”?

(a) The Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710(i)), authorizes Federal agencies to transfer excess education-related Federal equipment to educational institutions or nonprofit organizations for educational and research activities. Executive Order 12999 (3 CFR, 1996 Comp., p. 180) requires the transfer of computer equipment for use by schools or nonprofit organizations.

(b) Each Federal agency is required to identify a point of contact within the agency to assist eligible recipients, and to publicize the availability of such property to eligible communities. Excess education-related equipment may be transferred directly under established agency procedures, or reported to GSA as excess for subsequent transfer to potential eligible recipients as appropriate. Reports of transfers under this authority must be included in the Non-Federal Recipients Report and submitted annually to GSA.

(c) The “Computers for Learning” website has been developed to streamline the transfer of excess and surplus Federal computer equipment to schools and nonprofit educational organizations. For additional information about this program access the “Computers for Learning” website, <http://www.computers.fed.gov>.

Dated: November 2, 1999.

G. Martin Wagner,

Associate Administrator for Governmentwide Policy.

[FR Doc. 99–29138 Filed 11–15–99; 8:45 am]

BILLING CODE 6820–24–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 18

[ET Docket No. 98–80; FCC 99–296]

Conducted Emission Limits

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise the limits on the amount of radio frequency energy that is permitted to be conducted onto the AC power lines. The purpose of these limits is to protect radio services operating below 30 MHz from interference. This proposal would harmonize the standards on conducted emissions with the international standards developed by the International Electrotechnical Commission (IEC), International Special Committee on Radio Interference (CISPR). Such harmonization will facilitate a global marketplace to the benefit of manufacturers and consumers.

DATES: Comments must be submitted on or before January 31, 2000, and reply comments on or before February 29, 2000.

ADDRESSES: All filings must be sent to the Commission’s Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 418–2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Notice of Proposed Rule Making* in ET Docket No. 98–80, adopted October 13, 1999, and released October 18, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission’s copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of the Notice of Proposed Rule Making

1. In the *Notice of Proposed Rule Making*, the Commission proposes to amend parts 15 and 18 of its rules regarding the limits on the amount of radio frequency (RF) energy that is permitted to be conducted onto the AC power lines. The devices regulated under parts 15 and 18 include personal computers, TV and FM receivers, RF lighting devices, microwave ovens, induction cooking ranges and ultrasonic equipment. The conducted RF energy can cause interference to radio communications via two possible paths. First, the RF energy may be carried along the electrical wiring to another device that is also connected to the electrical wiring. Second, at frequencies below 30 MHz where wavelengths are greater than 10 meters, the long stretches of electrical wiring can act as very efficient antennas permitting the RF energy to be radiated over the airwaves.

2. Under parts 15 and 18 of the rules, the potential for interference below 30 MHz is controlled by limiting the levels of RF energy that may be conducted onto the AC power lines. The current standards are based largely on limits that were developed in the late 1970s for digital devices. Accordingly, on May 29, 1998, the Commission adopted a *Notice of Inquiry* (“NOI”), 63 FR 34618, June 25, 1998, in this proceeding to review the conducted emission limits applicable to equipment operating under parts 15 and 18 of its rules. In the NOI, the Commission designated this proceeding as parts of its 1998 biennial review of regulations pursuant to section 11 of the Communications Act of 1934, as amended. Section 11 requires the Commission to review all of its regulations applicable to providers of telecommunications services and determine whether any rule is no longer in the public interest as a result of meaningful economic competition between providers of telecommunications services. While a review of the regulations regarding conducted emission limits for products subject to parts 15 and 18 of the rules is not specifically encompassed by section 11 of the Communications Act of 1934, this review is consistent with the objectives and spirit of section 11. As part of our biennial review, the Commission stated that its goal in this proceeding, among other things, was to examine whether the regulations on conducted emission limits continue to be necessary. It also sought information on the costs of complying with these