

Federal Property Management Regulations

§ 101-43.307-4

Assistance Administration, Department of Housing and Urban Development, or his designee, excess personal property shall be utilized in behalf of or loaned to State and local governments, with or without compensation therefor, pursuant to the Disaster Relief Act of 1974 (Pub. L. 93-288) and Executive Order 11795 of July 11, 1974, to provide assistance to State and local governments in alleviating suffering and damage resulting from any emergency or major disaster. Excess medicines, foods, and other consumable supplies may be distributed to State and local governments for these purposes. In the event such property has been reported to GSA pursuant to §101-43.304, it shall be withdrawn by the holding agency pursuant to §101-43.308.

§ 101-43.307 Items requiring special handling.

§ 101-43.307-1 Contractor inventory.

Subject to the limitations contained in this part and in parts 101-44 and 101-45, any executive agency may authorize any of its contractors or their subcontractors to retain or dispose of any contractor inventory pursuant to Federal Acquisition Regulation (48 CFR subpart 45.6) and under such orders as such agency may prescribe. In the case of contractor-owned contractor inventory, compliance with the utilization requirements and procedures in this part should ordinarily occur prior to the Government's exercising the applicable option to take over such property. When utilization efforts disclose that an agency will accept transfer of such property, the appropriate agency shall take the necessary action to acquire title for the Government.

§ 101-43.307-2 Hazardous materials.

Special handling requirements for hazardous materials and certain other categories of property are prescribed in part 101-42.

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§ 101-43.307-3 Conditional gifts for defense purposes.

(a) Any agency receiving an offer of a conditional gift (other than money or intangible property) for a particular defense purpose within the purview of

the Act of July 27, 1954 (50 U.S.C. 1151-1156) shall notify the appropriate GSA regional office and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to a GSA regional office but shall not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recommendation to the regional office.

(c) When the gift is determined acceptable and can be used in the form in which offered, it will be transferred without reimbursement to a Federal agency designated by GSA for use for the particular purpose for which it was donated.

(d) If the gift is one which GSA determines shall be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, as provided in Treasury Department Circular No. 957, dated February 24, 1955.

(e) Such conditional gifts of property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA only after consultation with the interested agencies.

(f) GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

§ 101-43.307-4 Conditional gifts to reduce the public debt.

(a) Pursuant to 31 U.S.C. 3113, gifts may be made to the United States on the sole condition that the property be sold and the proceeds used to reduce the public debt. Any agency receiving an offer of a gift (other than money or intangible property) for such purpose shall notify the appropriate GSA regional office and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor

of its referral to GSA but shall not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recommendation to the GSA regional office.

(c) GSA will advise the donor and the agency concerned of the action taken with respect to acceptance or rejection of the conditional gift. If the gift is determined acceptable, GSA will convert it into money and the proceeds shall be deposited into a special account in the Department of the Treasury established for this purpose.

§ 101-43.307-5 Unconditional gifts.

Any unconditional gift accepted by a Federal agency, or by an employee or agent representing a Federal agency in an official capacity, shall immediately become property of the Federal Government. If the receiving agency has specific authority to use the property, it may then be used for any authorized purpose by that agency. Such property shall be accounted for in the same manner as personal property acquired from other authorized sources and shall lose its identity as an unconditional gift upon entry into the agency property account. When property acquired as an unconditional gift cannot be used or is no longer required by the receiving agency, it shall be reported to GSA as excess personal property in accordance with § 101-43.304.

§ 101-43.307-6 Intangible personal property.

Excess intangible personal property shall be reported to the General Services Administration (F), Washington, DC 20406, and shall not be transferred or disposed of without prior approval of GSA, except for bonds, notes, or other securities authorized to be disposed of by the Secretary of the Treasury under section 5 of the Act of April 3, 1945 (31 U.S.C. 324).

§ 101-43.307-7 Nonappropriated fund property.

(a) Nonappropriated fund property determined to be excess may be made available for transfer under those provisions of this part which apply to non-reportable property.

(b) Transfers of nonappropriated fund property shall be made upon such terms as shall be agreed upon by the owning activity and the receiving agency. However, an agency should not acquire such property if the reimbursement requested is greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid basis or the dollar value offered on a trade-in.

(c) Federal property in the custody of a nonappropriated fund activity, when determined to be excess, shall be reported or otherwise made available to GSA in accordance with this part for transfer without reimbursement, except as required by § 101-43.309-3.

§ 101-43.307-8 [Reserved]

§ 101-43.307-9 Passenger motor vehicles.

When acquiring an excess passenger motor vehicle without reimbursement for upgrading or replacement purposes, an agency shall promptly report as excess the replaced vehicle (see § 101-43.304). The report must be submitted within 30 calendar days after delivery of the replacement vehicle unless the replacement vehicle is charged to the number of passenger motor vehicles authorized by current appropriations. When the replaced passenger vehicle is reported excess to GSA, the report shall be documented so as to identify the item control number on the transfer document for the replacement vehicle. Agencies having a temporary emergency need for passenger motor vehicles, and having authority to lease motor vehicles, shall obtain such vehicles from excess when they are not available from a GSA Fleet Management Center prior to leasing vehicles from private sources. Such temporary emergency use shall not exceed a period of 3 months.

§ 101-43.307-10 Printing, binding, and blankbook equipment and supplies.

Excess machinery, equipment, material, and supplies for printing, binding, and blankbook work shall be reported to the Public Printer for possible transfer to the Government Printing Office, as provided in section 3 of the Act of July 19, 1919 (44 U.S.C. 312), prior