

**§ 101-45.104**

**41 CFR Ch. 101 (7-1-00 Edition)**

**§ 101-45.104 Care and handling pending disposal.**

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

**§ 101-45.105 Exclusions and exemptions.**

**§ 101-45.105-1 Materials required for the national stockpile or the supplemental stockpile, or under the Defense Production Act.**

This part 101-45 does not apply to materials acquired for the national stockpile or the supplemental stockpile or to materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093). However, to the extent deemed appropriate the provisions of this part 101-45 should be followed in the disposal of such materials.

**§ 101-45.105-2 Disposal of certain vessels.**

The Secretary of Transportation has jurisdiction over the disposal of vessels of 1,500 gross tons or more which the Secretary determines to be merchant vessels or capable of conversion to merchant use.

[53 FR 16121, May 5, 1988]

**§ 101-45.105-3 Exemptions.**

Exemptions from the provisions of this Part 101-45 may be obtained by an agency head who believes that authority with respect to the programs covered by section 602(d) of the Act would be impaired or adversely affected by this part. Exemptions may be requested, in writing, from the Administrator of General Services.

[59 FR 50697, Oct. 5, 1994]

**§ 101-45.106 Property controlled by other law.**

No property shall be disposed of in violation of any other applicable law.

**§ 101-45.107 Holding agency compliance function.**

Subject to the provisions of §101-45.107-1 requiring referral of criminal matters to the Department of Justice, each holding agency shall perform in-

vestigatory functions as are necessary to insure compliance with the provisions of the Federal Property Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services. Nothing in this §101-45.107 should be deemed to affect the jurisdiction of any agency over its own personnel or any existing arrangements with Department of Justice concerning the handling and prosecution of criminal matters.

**§ 101-45.107-1 Referral to other Government agencies.**

All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Federal Property Act, including, but not limited to, fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice, for further investigation and disposition. Each holding agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by the holding agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

**§ 101-45.107-2 Compliance reports.**

A written report shall be prepared on all compliance investigations conducted by each agency compliance organization. Each holding agency shall maintain files of all such reports. Until