

§ 102-36.465

ensure that sufficient time remains to permit their use before their shelf life expires and the items are unfit for human use. You must identify such items with "MSL" and the expiration date, and indicate any specialized storage requirements.

§ 102-36.465 May we transfer or exchange excess medical shelf-life items with other Federal agencies?

Yes, you may transfer or exchange excess medical shelf-life items held for national emergency purposes with any other Federal agency for other medical materials or supplies, without GSA approval and without regard to part 101-46 of this title. You and the transferee agency will agree to the terms and prices. You may credit any proceeds derived from such transactions to your agency's current applicable appropriation and use the funds only for the purchase of medical materials or supplies for national emergency purposes.

VESSELS

§ 102-36.470 What must we do when disposing of excess vessels?

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

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

(2) Whether testing for hazardous materials has been done. And if so, the result of the testing, specifically the presence or absence of PCB's and asbestos and level of contamination.

(3) Whether 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 determined to be merchant vessels or capable of conversion to merchant use and weighing 1,500 gross tons or more. The SF 120 for such vessels shall be forwarded to GSA for submission to FMA.

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

41 CFR Ch. 102 (7-1-05 Edition)

Subpart F—Miscellaneous Disposition

§ 102-36.475 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 non-profit organizations for educational and research activities. Executive Order 12999 (3 CFR, 1996 Comp., p. 180) requires, to the extent permitted by law and where appropriate, the transfer of computer equipment for use by schools or non-profit 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. You must include transfers under this authority in the annual Non-Federal Recipients Report (See § 102-36.295) 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>.

PART 102-37—DONATION OF SURPLUS PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

102-37.5 What does this part cover?

102-37.10 What is the primary governing authority for this part?

102-37.15 Who must comply with the provisions of this part?

102-37.20 How do we request a deviation from this part and who can approve it?

DEFINITIONS

102-37.25 What definitions apply to this part?

Federal Management Regulation

Pt. 102-37

DONATION OVERVIEW

- 102-37.30 When does property become available for donation?
- 102-37.35 Who handles the donation of surplus property?
- 102-37.40 What type of surplus property is available for donation?
- 102-37.45 How long is property available for donation screening?
- 102-37.50 What is the general process for requesting surplus property for donation?
- 102-37.55 Who pays for transportation and other costs associated with a donation?
- 102-37.60 How much time does a transferee have to pick up or remove surplus property from holding agency premises?
- 102-37.65 What happens to surplus property that has been approved for transfer when the prospective transferee decides it cannot use the property and declines to pick it up?
- 102-37.70 How should a transferee account for the receipt of a larger or smaller number of items than approved by GSA on the SF 123?
- 102-37.75 What should be included in a shortage report?
- 102-37.80 What happens to surplus property that isn't transferred for donation?
- 102-37.85 Can surplus property being offered for sale be withdrawn and approved for donation?

Subpart B—General Services Administration (GSA)

- 102-37.90 What are GSA's responsibilities in the donation of surplus property?
- 102-37.95 How will GSA resolve competing requests?
- 102-37.100 What factors will GSA consider in allocating surplus property among SASPs?
- 102-37.105 Is GSA required to compile any reports concerning the donation program?

Subpart C—Holding Agency

- 102-37.110 What are a holding agency's responsibilities in the donation of surplus property?
- 102-37.115 May a holding agency be reimbursed for costs incurred incident to a donation?
- 102-37.120 May a holding agency donate surplus property directly to eligible non-Federal recipients without going through GSA?
- 102-37.125 What are some donations that do not require GSA's approval?

Subpart D—State Agency for Surplus Property (SASP)

- 102-37.130 What are a SASP's responsibilities in the donation of surplus property?

- 102-37.135 How does a SASP become eligible to distribute surplus property to donees?

STATE PLAN OF OPERATION

- 102-37.140 What is a State plan of operation?
- 102-37.145 Who is responsible for developing, certifying, and submitting the plan?
- 102-37.150 What must a State legislature include in the plan?
- 102-37.155 When does a plan take effect?
- 102-37.160 Must GSA approve amendments or modifications to the plan?
- 102-37.165 Do plans or major amendments require public notice?
- 102-37.170 What happens if a SASP does not operate in accordance with its plan?

SCREENING AND REQUESTING PROPERTY

- 102-37.175 How does a SASP find out what property is potentially available for donation?
- 102-37.180 Does a SASP need special authorization to screen property at Federal facilities?
- 102-37.185 How does a SASP obtain screening authorization for itself or its donees?
- 102-37.190 What records must a SASP maintain on authorized screeners?
- 102-37.195 Does a SASP have to have a donee in mind to request surplus property?
- 102-37.200 What certifications must a SASP make when requesting surplus property for donation?
- 102-37.205 What agreements must a SASP make?
- 102-37.210 Must a SASP make a drug-free workplace certification when requesting surplus property for donation?
- 102-37.215 When must a SASP make a certification regarding lobbying?

JUSTIFYING SPECIAL TRANSFER REQUESTS

- 102-37.220 Are there special types of surplus property that require written justification when submitting a transfer request?
- 102-37.225 What information or documentation must a SASP provide when requesting a surplus aircraft or vessel?
- 102-37.230 What must a letter of intent for obtaining surplus aircraft or vessels include?
- 102-37.235 What type of information must a SASP provide when requesting surplus property for cannibalization?
- 102-37.240 How must a transfer request for surplus firearms be justified?

CUSTODY, CARE, AND SAFEKEEPING

- 102-37.245 What must a SASP do to safeguard surplus property in its custody?
- 102-37.250 What actions must a SASP take when it learns of damage to or loss of surplus property in its custody?
- 102-37.255 Must a SASP insure surplus property against loss or damage?

Pt. 102-37

DISTRIBUTION OF PROPERTY

- 102-37.260 How must a SASP document the distribution of surplus property?
- 102-37.265 May a SASP distribute surplus property to eligible donees of another State?
- 102-37.270 May a SASP retain surplus property for its own use?

SERVICE AND HANDLING CHARGES

- 102-37.275 May a SASP accept personal checks and non-official payment methods in payment of service charges?
- 102-37.280 How may a SASP use service charge funds?
- 102-37.285 May a SASP use service charge funds to support non-SASP State activities and programs?

DISPOSING OF UNDISTRIBUTED PROPERTY

- 102-37.290 What must a SASP do with surplus property it cannot donate?
- 102-37.295 Must GSA approve a transfer between SASPs?
- 102-37.300 What information must a SASP provide GSA when reporting unneeded usable property for disposal?
- 102-37.305 May a SASP act as GSA's agent in selling undistributed surplus property (either as usable property or scrap)?
- 102-37.310 What must a proposal to sell undistributed surplus property include?
- 102-37.315 What costs may a SASP recover if undistributed surplus property is retransferred or sold?
- 102-37.320 Under what conditions may a SASP abandon or destroy undistributed surplus property?

COOPERATIVE AGREEMENTS

- 102-37.325 With whom and for what purpose(s) may a SASP enter into a cooperative agreement?
- 102-37.330 Must the costs of providing support under a cooperative agreement be reimbursed by the parties receiving such support?
- 102-37.335 May a SASP enter into a cooperative agreement with another SASP?
- 102-37.340 When may a SASP terminate a cooperative agreement?

AUDITS AND REVIEWS

- 102-37.345 When must a SASP be audited?
- 102-37.350 Does coverage under the single audit process in OMB Circular A-133 exempt a SASP from other reviews of its program?
- 102-37.355 What obligations does a SASP have to ensure that donees meet Circular A-133 requirements?

REPORTS

- 102-37.360 What reports must a SASP provide to GSA?

41 CFR Ch. 102 (7-1-05 Edition)

LIQUIDATING A SASP

- 102-37.365 What steps must a SASP take if the State decides to liquidate the agency?
- 102-37.370 Do liquidation plans require public notice?

Subpart E—Donations to Public Agencies, Service Educational Activities (SEAs), and Eligible Nonprofit Organizations

- 102-37.375 How is the pronoun "you" used in this subpart?
- 102-37.380 What is the statutory authority for donations of surplus Federal property made under this subpart?

DONEE ELIGIBILITY

- 102-37.385 Who determines if a prospective donee applicant is eligible to receive surplus property under this subpart?
- 102-37.390 What basic criteria must an activity meet before a SASP can qualify it for eligibility?
- 102-37.395 How can a SASP determine whether an applicant meets any required approval, accreditation, or licensing requirements?
- 102-37.400 What type of eligibility information must a SASP maintain on donees?
- 102-37.405 How often must a SASP update donee eligibility records?
- 102-37.410 What must a SASP do if a donee fails to maintain its eligibility status?
- 102-37.415 What should a SASP do if an applicant appeals a negative eligibility decision?

CONDITIONAL ELIGIBILITY

- 102-37.420 May a SASP grant conditional eligibility to applicants who would otherwise qualify as eligible donees, but are unable to obtain approval, accreditation, or licensing because they are newly organized or their facilities are not yet constructed?
- 102-37.425 May a SASP grant conditional eligibility to a not-for-profit organization whose tax-exempt status is pending?
- 102-37.430 What property can a SASP make available to a donee with conditional eligibility?

TERMS AND CONDITIONS OF DONATION

- 102-37.435 For what purposes may donees acquire and use surplus property?
- 102-37.440 May donees acquire property for exchange?
- 102-37.445 What certifications must a donee make before receiving property?
- 102-37.450 What agreements must a donee make?

Federal Management Regulation

§ 102-37.10

SPECIAL HANDLING OR USE CONDITIONS

- 102-37.455 On what categories of surplus property has GSA imposed special handling conditions or use limitations?
- 102-37.460 What special terms and conditions apply to the donation of aircraft and vessels?

RELEASE OF RESTRICTIONS

- 102-37.465 May a SASP modify or release any of the terms and conditions of donation?
- 102-37.470 At what point may restrictions be released on property that has been authorized for cannibalization?
- 102-37.475 What are the requirements for releasing restrictions on property being considered for exchange?

COMPLIANCE AND UTILIZATION

- 102-37.480 What must a SASP do to ensure that property is used for the purpose(s) for which it was donated?
- 102-37.485 What actions must a SASP take if a review or other information indicates noncompliance with donation terms and conditions?
- 102-37.490 When must a SASP coordinate with GSA on compliance actions?
- 102-37.495 How must a SASP handle funds derived from compliance actions?

RETURNS AND REIMBURSEMENT

- 102-37.500 May a donee receive reimbursement for its donation expenses when unneeded property is returned to the SASP?
- 102-37.505 How does a donee apply for and receive reimbursement for unneeded property returned to a SASP?

SPECIAL PROVISIONS PERTAINING TO SEAS

- 102-37.510 Are there special requirements for donating property to SEAs?
- 102-37.515 Do SEAs have a priority over other SASP donees for DOD property?

Subpart F—Donations to Public Airports

- 102-37.520 What is the authority for public airport donations?
- 102-37.525 What should a holding agency do if it wants a public airport to receive priority consideration for excess personal property it has reported to GSA?
- 102-37.530 What are FAA's responsibilities in the donation of surplus property to public airports?
- 102-37.535 What information must FAA provide to GSA on its administration of the public airport donation program?

Subpart G—Donations to the American National Red Cross

- 102-37.540 What is the authority for donations to the American National Red Cross?
- 102-37.545 What type of property may the American National Red Cross receive?
- 102-37.550 What steps must the American National Red Cross take to acquire property?
- 102-37.555 What happens to property the American National Red Cross does not request?

Subpart H—Donations to Public Bodies in Lieu of Abandonment/Destruction

- 102-37.560 What is a public body?
- 102-37.565 What is the authority for donations to public bodies?
- 102-37.570 What type of property may a holding agency donate under this subpart?
- 102-37.575 Is there a special form for holding agencies to process donations?
- 102-37.580 Who is responsible for costs associated with the donation?

APPENDIX A TO PART 102-37—MISCELLANEOUS DONATION STATUTES

APPENDIX B TO PART 102-37—ELEMENTS OF A STATE PLAN OF OPERATION

APPENDIX C TO PART 102-37—GLOSSARY OF TERMS FOR DETERMINING ELIGIBILITY OF PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS

AUTHORITY: 40 U.S.C. 549 and 121(c).

SOURCE: 67 FR 2584, Jan. 18, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 102-37.5 What does this part cover?

This part covers the donation of surplus Federal personal property located within a State, including foreign excess personal property returned to a State for handling as surplus property. For purposes of this part, the term State includes any of the 50 States, as well as the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

§ 102-37.10 What is the primary governing authority for this part?

Subsection 203(j)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(1)), as amended (the Property Act), gives the