

FMR Personal Property Guidance Document

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GSA's Personal Property Policy Goals

- **Enhance Identification and Reporting:** Improve the processes for identifying and reporting excess personal property within the agency.
- **Maximize Excess Property Utilization:** Prioritize the use of available excess property as the primary source of supply to minimize expenditures for the purchase of new property whenever feasible.
 - In instances of competing requests for excess property among Federal agencies, preference will be granted to those transfers that demonstrably prevent new Federal procurement activities. Transfers intended for use by non-Federal entities will be considered secondary to fulfilling Federal needs.
- **Optimize Public Benefit Through Donations:** Achieve the greatest possible public benefit by facilitating the donation of surplus personal property to eligible State and local public agencies, as well as other qualified non-Federal recipients.
- **Secure Optimum Monetary Returns:** Obtain the highest possible monetary return to the Government through the sale of surplus personal property and property sold under the exchange/sale authority.
- **Reduce Management and Inventory Costs:** Minimize management and inventory expenses through the appropriate application of abandonment/destruction authority for unneeded personal property lacking commercial value or when the projected costs of continued care and handling exceed anticipated sales proceeds.

Annual Personal Property Reports

Executive agencies are required to submit two annual reports to GSA:

- **Non-Federal Recipients Report:** Executive agencies must submit the NFRR to GSA during the calendar quarter immediately following each fiscal year's close, in compliance with [40 U.S.C. 529](#). This report summarizes all property provided to non-Federal recipients and must be submitted through the Personal Property Reporting Tool ([PPRT](#)). Negative reports are required when no transfers occur.
- **Negotiated Sales Report:** Executive agencies that conduct negotiated sales of surplus personal property valued at over \$5,000 in any given year must report such transactions in accordance with [41 CFR 102-38](#). Submission of negative reports is not required for this report. Executive agencies must provide GSA with a detailed listing and description of all negotiated sales exceeding an estimated fair market value of \$5,000. For each negotiated sale meeting this criterion, the following information must be provided:
 - Property description, including quantity and condition
 - Acquisition cost and date (if unknown, provide an estimate and indicate as such)
 - Estimated fair market value, including the date of estimate and the estimator's name
 - Name and address of the purchaser

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- Date of sale
- Gross and net sales proceeds
- Justification for conducting a negotiated sale

GSA reserves the right to request additional reports as authorized by [40 U.S.C. 506\(a\)\(1\)\(A\)](#).

For more information on annual personal property reporting requirements, please visit the Annual Reports [page](#).

Required Actions and Authorizations

Executive agencies must adhere to the following requirements and authorizations, irrespective of the chosen property disposition method:

- **Secure and Cost-Effective Maintenance:** Maintain property in a secure, safe, and cost-effective manner until final disposition.
- **Abandonment/Destruction Authority:** Agencies retain the authority to utilize abandonment/destruction provisions at any stage of the disposal process.
- **Sensitive Information Removal:** Implement comprehensive policies and procedures to ensure the removal of sensitive or classified information from property prior to disposal. Agency-affixed markings should be removed, if feasible, before personal property permanently leaves the agency's control.
 - Sensitive personal property includes all items, regardless of value, that require special control and accountability due to unusual rates of loss, theft or misuse, or due to national security or export control considerations. Such property includes weapons, ammunition, explosives, information technology equipment with memory capability, cameras, and communications equipment. These classifications do not preclude agencies from specifying additional personal property classifications to effectively manage their programs.
- **Authorized Property Use:** Government-owned personal property may only be utilized as authorized by the agency. Title to Government-owned personal property cannot be transferred to a non-Federal entity except through official procedures specifically authorized by law.

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Reporting Excess Personal Property to GSA

Executive agencies are required to report excess personal property to GSA to facilitate reuse within the Federal Government. This practice enables Federal agencies to benefit from the continued utilization of assets already acquired with taxpayer funds, thereby minimizing new procurement costs. Reporting excess personal property to GSA ensures that information regarding available excess personal property is accessible and disseminated to the widest possible range of potential reuse customers.

Report excess personal property as follows:

- [Report](#) excess personal property electronically via the [Personal Property Management System \(PPMS\)](#).
- Manual reporting using [Standard Form 120 \(SF 120\)](#) is permitted only with prior approval from the [GSA Area Property Officer \(APO\)](#).
- Consult [41 CFR 102-40](#) and [this](#) resource page for additional guidance on reporting special categories of property.

The following information must be provided when reporting excess personal property:

- Reporting agency and property location.
- Report number (6-digit activity address code and 4-digit Julian date).
- 4-digit Federal Supply Class (use National Stock Number whenever available).
- Detailed item description.
- Quantity and unit of issue.
- Disposal Condition Code.
- Original acquisition cost per unit and total cost (use estimate if original cost is unavailable).
- Manufacturer, date of manufacture, part and serial number, when required by GSA.

In addition, the executive agency must provide the following information when applicable:

- Major parts/components that are missing.
- Type of repairs needed, including manufacturer recalls, if any.
- Special requirements for handling, storage, or transportation.
- Required date of removal due to moving or space restrictions.
- If reimbursement is required, the authority under which reimbursement is requested, and accurate lines of accounting for deposit.

To promote the expeditious transfer of excess personal property, executive agencies should:

- Provide complete and accurate property descriptions and condition codes on the report of excess to facilitate the selection of usable property by potential users.
- Upload clear photographs to visually represent the property's condition and features, enabling potential users to quickly assess its suitability for their needs.

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- Ensure that any available operating manual, parts list, diagram, maintenance log, or other instructional publication is made available with the property at the time of transfer.
- Advise the designated recipient of any special requirements for dismantling, shipping/transportation.
- When the excess personal property is located at a facility due to be closed, provide advance notice of the scheduled date of closing, and ensure there is sufficient time for screening and removal of property.

The following table defines the disposal condition codes used when reporting excess personal property:

Disposal Condition Code	Definition
1	New. Property in new or unused condition, ready for immediate use without modifications or repairs.
4	Usable. Property showing some wear but suitable for use without significant repairs.
7	Repairable. Property that is currently unusable but can be economically restored to usable condition through repair.
X	Salvage. Property possessing value beyond its basic material content, but for which repair or rehabilitation is impractical and/or uneconomical.
S	Scrap. Property with no value except for its basic material content.

Searching for Available Excess Personal Property

Executive agencies can utilize the following methods to identify available excess personal property:

- **Personal Property Management System (PPMS):** Access GSA's website for reporting, searching, and selecting excess personal property. You can also create want lists to be notified when property meeting your desired criteria is reported. Visit ppms.gov for more information.
- **GSA Area Property Officer (APO):** Contact the appropriate [GSA APO](#).
- **On-Site Screening:** When available, attend on-site screening events at various federal facilities advertised by GSA.

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Screening Excess Personal Property

The screening period starts when GSA receives the report of excess personal property. GSA determines the duration of the screening period. GSA may adjust the screening period in coordination with the holding agency. For screening timeframes for government property in the possession of contractors see the Federal Acquisition Regulation (48 CFR part 45).

Executive agencies may authorize their agency employees, contractors, or sponsored non-Federal recipients to screen excess personal property.

Executive agencies are permitted to visit Defense Logistics Agency (DLA) Disposition Services and DOD contractor facilities to screen excess personal property generated by the DOD. They may also inspect excess personal property at various civilian agency facilities throughout the United States.

When entering a Federal facility, Federal agency employees must present a valid Federal ID. Non-Federal individuals require proof of authorization from their sponsoring Federal agency in addition to a valid picture identification. Entry to some Federal and contractor facilities may require special authorization from that specific agency or facility. Entities intending to screen excess personal property at such facilities must obtain approval from the relevant agency.

For non-Federal entities to screen excess personal property, the executive agency must provide the following on the authorization form:

- Individual's name and the organization they represent.
- Period of time and location(s) in which screening will be conducted.
- Number and completion date of the applicable contract, cooperative agreement, or grant.
- Signature from an authorized official of the executive agency.

When authorizing a non-Federal individual to screen excess personal property, the executive agency must:

- Ensure that the non-Federal screener certifies that all property requested will be used for authorized official purpose(s).
- Maintain a record of authorized screeners, including names, addresses, telephone numbers, and any additional identifying information such as driver's license or social security numbers.
- Retrieve any expired or invalid screener authorization forms..

For more information on Federal screening, please visit this [page](#).

Conducting Excess Personal Property Transfers

For additional information on conducting personal property transfers, please visit this [page](#) and the User Guides and available training resources on ppms.gov.

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Abandonment or Destruction of Personal Property

To abandon or destroy excess personal property, an authorized official of an executive agency must make a written finding, which requires approval by a reviewing official who is not directly accountable for the property.

Executive agencies must provide public notice of their intent to abandon or destroy excess personal property, in a format and timeframe specified by agency regulations. Examples include publishing a notice in a local newspaper, posting signs in common-use facilities accessible to the public, or providing bulletins on the agency's website. The notice must also include an offer to sell the property in accordance with [41 CFR 102-38](#).

There are specific circumstances under which public notice is not required for the abandonment/destruction of personal property:

- The property's value is minimal, or the cost of its care and handling pending abandonment/destruction is so substantial, that retaining it for sale, even as scrap, is uneconomical.
- Abandonment or destruction is necessary due to health, safety, or security reasons.
- The original acquisition cost of the item (or estimated cost if unknown) is less than \$500.

Please consult [41 CFR 102-36](#) and [102-40](#) for additional information on abandonment and destruction. This [page](#) also provides an overview.

Special Processes and Disposals

Related Excess Personal Property

Executive agencies must report related personal property to the [GSA Office of Real Property Disposition](#) in accordance with 41 CFR 102-75. Related personal property means any personal property that is an integral part of real property. Examples can include specialized equipment or fixtures, while general-purpose items like standard furniture are typically excluded.

Computers for Learning

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, to the extent permitted by law and where appropriate, the transfer of computer equipment for use by schools or nonprofit organizations.

Each Federal agency is required to designate a point of contact to assist eligible recipients and to publicize the availability of such property to eligible communities. Excess computers and peripherally-related equipment may be transferred directly under established agency procedures or reported on [ppms.gov](#) as excess for subsequent transfer to potential eligible

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recipients. Executive agencies must include transfers under this authority in the annual Non-Federal Recipients Report submitted to GSA.

The “Computers for Learning” website was developed to streamline the transfer of excess Federal computer equipment to schools and nonprofit educational organizations. For additional information about this program, visit the “Computers for Learning” [website](#).

Law Enforcement Canines

Under [40 U.S.C. 555](#), when a canine is no longer needed for law enforcement duties, a Federal agency may donate the canine to an individual with experience handling canines in the performance of those official duties.

Foreign Excess Personal Property

Executive agencies are responsible for disposing of their foreign excess personal property, as provided by [chapter 7 of title 40](#) of the United States Code.

Printing Equipment and Supplies

Per [44 U.S.C. 312](#), executive agencies must first submit a detailed report of all excess printing and binding machinery, equipment, materials, and supplies (including items for reproduction processes like lithography) to the Government Publishing Office (GPO). If the GPO determines it has no requirement for the property, you must then submit the report to GSA for subsequent disposition.

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Surplus Personal Property Donation Overview

Excess personal property becomes available for donation the day following the surplus release date. This date marks the completion of the screening period without transfer to a Federal agency or other eligible recipient and GSA's determination that the property is surplus.

State Agencies for Surplus Property (SASPs) manage the donation of surplus property to eligible donees within their respective states, adhering to [41 CFR 102-37](#) and as authorized by [40 U.S.C. 549](#). For more information on the Federal Surplus Personal Property Donation Program, please visit this [page](#).

GSA oversees the donation of surplus property to public airports through a program administered by the Federal Aviation Administration (FAA) (see [41 CFR 102-37](#)), as authorized by [49 U.S.C. 47151](#). GSA may also donate surplus property originally derived from or through the American National Red Cross to the Red Cross itself (see [40 U.S.C. 551](#)). For more information on eligible organizations and activities, please visit this [page](#).

Below is a list of statutes that permit donations without requiring prior GSA approval. Please note that this list is not exhaustive and is subject to change.

- [10 U.S.C. 2572](#): Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange
- [10 U.S.C. 8676](#): Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation
- [10 U.S.C. 8761](#): Obsolete and other material: gift or sale to Boy Scouts of America, Naval Sea Cadet Corps and Young Marines of the Marine Corps League
- [10 U.S.C. 8765](#): Obsolete material and articles of historical interest: loan or gift
- [10 U.S.C. 8766](#): Loan or gift of articles to ships' sponsors and donors
- [14 U.S.C. 901\(a\)](#): Disposal of certain material
- [40 U.S.C. 555](#): Law Enforcement Canine Donations: Holding agencies can donate law enforcement canines to their handlers.

American National Red Cross Donations

[40 U.S.C. 551](#) authorizes GSA to donate to the American National Red Cross, for charitable use, property that was originally derived from or through the Red Cross. This may include surplus gamma globulin, dried plasma, albumin, antihemophilic globulin, fibrin foam, surgical dressings, or other products or materials that the Red Cross processed, produced, or donated to a Federal agency.

Upon receiving notification from GSA regarding the availability of surplus property for donation, the Red Cross will:

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- Have 21 calendar days to inspect the property or request it without inspection.
- Be responsible for picking up donated property or arranging and paying for its shipment

Property that the Red Cross declines to request will be offered to SASPs for distribution to eligible donees. If such property is transferred, GSA will require the SASP to ensure that all Red Cross labels or other Red Cross identifications are obliterated or removed from the property before it's used.

State Plan of Operation Elements

The following information and assurances must be included in a SASP's plan of operation:

Regarding . . .	The plan must . . .
(a) Designation of a SASP	<p>(1) Name the State agency that will be responsible for administering the plan.</p> <p>(2) Describe the responsibilities vested in the agency, including the authority to acquire, warehouse, and distribute surplus property to eligible donees; carry out other requirements of the State plan; and provide details concerning the organization of the agency, including supervision, staffing, structure, and physical facilities.</p> <p>(3) Indicate the organizational status of the agency within the State governmental structure and the title of the State official who directly supervises the State agent.</p>
(b) Operational authority	<p>Include copies of existing State statutes and/or executive orders relative to the operational authority of the SASP. Where express statutory authority does not exist or is ambiguous, or where authority exists by virtue of executive order, the plan must also include the opinion of the State's Attorney General regarding the existence of such authority.</p>
(c) Inventory control and accounting system	<p>(1) Require the SASP to use a management control and accounting system that effectively governs the utilization, inventory control, accountability, and disposal of property.</p> <p>(2) Provide a detailed explanation of the inventory control and accounting system that the SASP will use.</p> <p>(3) Provide that property retained by the SASP to perform its functions be maintained on separate records from those of donable property.</p>

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Regarding . . .	The plan must . . .
(d) Return of donated property	<p>(1) Require the SASP to provide for the return of donated property from the donee, at the donee’s expense, if the property is still usable as determined by the SASP; and</p> <p>(i) The donee has not placed the property into use for the purpose for which it was donated within 1 year of donation; or</p> <p>(ii) The donee ceases to use the property within 1 year after placing it in use.</p> <p>(2) Specify that return of property can be accomplished by:</p> <p>(i) Physical return to the SASP facility, if required by the SASP.</p> <p>(ii) Retransfer directly to another donee, SASP, or Federal agency, as required by the SASP.</p> <p>(iii) Disposal (by sale or other means) as directed by the SASP.</p> <p>(3) Set forth procedures to accomplish property returns to the SASP, retransfers to other organizations, or disposition by sale, abandonment, or destruction.</p>
(e) Financing and service charges	<p>(1) Set forth the means and methods for financing the SASP. When the State authorizes the SASP to assess and collect service charges from participating donees to cover direct and reasonable indirect costs of its activities, the method of establishing the charges must be set forth in the plan.</p> <p>(2) Affirm that service charges, if assessed, are fair and equitable and based on services performed (or paid for) by the SASP, such as screening, packing, crating, removal, and transportation. When the SASP provides minimal services in connection with the acquisition of property, except for document processing and other administrative actions, the State plan must provide for minimal charges to be assessed in such cases and include the basis of computation.</p> <p>(3) Provide that property made available to nonprofit providers of assistance to homeless individuals be distributed at a nominal cost for care and handling of the property.</p> <p>(4) Set forth how funds accumulated from service charges, or from other sources such as sales or compliance proceeds, are to be used for the operation of the SASP and the benefit of participating donees.</p> <p>(5) Affirm, if service charge funds are to be deposited or invested, that such deposits or investments are permitted by State law and set forth the types of depositories and/or investments contemplated.</p> <p>(6) Cite State authority to use service charges to acquire or improve SASP facilities and set forth disposition to be made of any financial assets realized upon the sale or other disposal of the facilities.</p>

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Regarding . . .	The plan must . . .
	<p>(7) Indicate if the SASP intends to maintain a working capital reserve. If one is to be maintained, the plan should provide the provisions and limitations for it.</p> <p>(8) State if refunds of service charges are to be made to donees when there is an excess in the SASP's working capital reserve and provide details of how such refunds are to be made, such as a reduction in service charges or a cash refund, prorated in an equitable manner.</p>
(f) Terms and conditions on donated property	<p>(1) Require the SASP to identify terms and conditions that will be imposed on the donee for any item of donated property with a unit acquisition cost of \$5,000 or more and any passenger motor vehicle.</p> <p>(2) Provide that the SASP may impose reasonable terms and conditions on the use of other donated property. If the SASP elects to impose additional terms and conditions, it should list them in the plan. If the SASP wishes to provide for amending, modifying, or releasing any terms or conditions it has elected to impose, it must state in the plan the standards it'll use to grant such amendments, modifications or releases.</p> <p>(3) Provide that the SASP will impose on the donation of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as GSA may determine necessary because of the characteristics of the property.</p>
(g) Nonutilized or undistributed property	<p>Provide that, subject to GSA approval, property in the possession of the SASP which donees in the State cannot use will be disposed of by:</p> <p>(1) Transfer to another SASP or Federal agency.</p> <p>(2) Sale.</p> <p>(3) Abandonment or destruction.</p> <p>(4) Other arrangements.</p>
(h) Fair and equitable distribution	<p>(1) Provide that the SASP will make fair and equitable distribution of property to eligible donees in the State based on their relative needs and resources and ability to use the property.</p> <p>(2) Set forth the policies and detailed procedures for effecting a prompt, fair, and equitable distribution.</p> <p>(3) Require that the SASP, when practicable, select property requested by eligible donees and, if requested by the donee, arrange for shipment of the property directly to the donee.</p>

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Regarding . . .	The plan must . . .
(i) Eligibility	<p>(1) Set forth procedures for the SASP to determine the eligibility of applicants for the donation of surplus personal property.</p> <p>(2) Provide for donee eligibility records to include, at a minimum:</p> <ul style="list-style-type: none"> (i) Legal name and address of the donee. (ii) Status of the donee as a public agency or as an eligible nonprofit activity. (iii) Details on the scope of the donee’s program. (iv) Proof of tax exemption under section 501 of the Internal Revenue Code if the donee is nonprofit. (v) Proof that the donee is approved, accredited, licensed, or meets any other legal requirement for operation of its program(s). (vi) Financial information. (vii) Written authorization by the donee’s governing body or chief administrative officer designating at least one person to act for the donee in acquiring property. (viii) Assurance that the donee will comply with GSA’s regulations on nondiscrimination. (ix) Types of property needed.
(j) Compliance and utilization	<p>(1) Provide that the SASP conduct utilization reviews for donee compliance with the terms, conditions, reservations, and restrictions imposed by GSA and the SASP on property having a unit acquisition cost of \$5,000 or more and any passenger motor vehicle.</p> <p>(2) Provide for the reviews to include a survey of donee compliance with any special handling conditions or use limitations imposed on items of property by GSA.</p> <p>(3) Set forth the proposed frequency of such reviews to align with the applicable restriction periods and provide adequate assurances that the SASP will take effective action to correct noncompliance or otherwise enforce such terms, conditions, reservations, and restrictions.</p> <p>(4) Require the SASP to prepare reports on utilization reviews and compliance actions and provide assurance that the SASP will initiate appropriate investigations of alleged fraud in the acquisition of donated property or misuse of such property.</p>

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Regarding . . .	The plan must . . .
(k) Consultation with advisory bodies and public and private groups	<p>(1) Provide for consultation with advisory bodies and public and private groups which can assist the SASP in determining the relative needs and resources of donees, the proposed utilization of surplus property by eligible donees, and how distribution of surplus property can be effected to fill existing needs of donees.</p> <p>(2) Provide details of how the SASP will accomplish such consultation.</p>
(l) Audit	<p>(1) Provide for periodic internal audits of the operations and financial affairs of the SASP.</p> <p>(2) Provide for compliance with external audit requirements of 2 CFR 200 (previously OMB Circulars A-128 and A-133). Provide the appropriate GSA office with:</p> <p>(i) Two copies of any audit report made pursuant to 2 CFR 200 that pertains to the Federal Surplus Personal Property Donation Program.</p> <p>(ii) An outline of all corrective actions and scheduled completion dates for the actions.</p> <p>(3) Provide for cooperation in GSA or other authorized Federal agency conducted audits.</p>
(m) Cooperative agreements	<p>If the SASP wishes to enter into, renew, or revise cooperative agreements with GSA or other Federal agencies:</p> <p>(1) Affirm the SASP's intentions to enter into cooperative agreements.</p> <p>(2) Cite the authority for entering into such agreements.</p>
(n) Liquidation	<p>Provide for the SASP to submit a liquidation plan prior to termination of the SASP activities if the State decides to dissolve the SASP.</p>
(o) Forms	<p>Include copies of distribution documents used by the SASP.</p>
(p) Records	<p>Affirm that all official records of the SASP will be retained for a minimum of 3 years, except that:</p> <p>(1) Records involving property subject to restrictions for more than 2 years must be kept 1 year beyond the specified period of restriction.</p> <p>(2) Records involving property with perpetual restriction must be retained in perpetuity.</p> <p>(3) Records involving property in noncompliance status must be retained for at least 1 year after the noncompliance case is closed.</p>

Glossary of Terms for Determining Eligibility

The following is a glossary of terms for determining eligibility of public agencies and nonprofit organizations:

Accreditation means the status of public recognition that an accrediting agency grants to an institution or program that meets the agency's standards and requirements.

Accredited means approval by a recognized accrediting board or association on a regional, State, or national level, such as a State board of education or health; the American Hospital Association; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

Approved means recognition and approval by the State department of education, State department of health, or other appropriate authority where no recognized accrediting board, association, or other authority exists for the purpose of making an accreditation. For an educational institution or an educational program, approval must relate to academic or instructional standards established by the appropriate authority. For a public health institution or program, approval must relate to the medical requirements and standards for the professional and technical services of the institution established by the appropriate authority.

Child care center means a public or nonprofit facility where educational, social, health, and nutritional services are provided to children through age 14 (or as prescribed by State law) and that is approved or licensed by the State or other appropriate authority as a child day care center or child care center.

Clinic means an approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services and includes customary related services such as laboratories and treatment rooms.

College means an approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

Conservation means a program or programs carried out or promoted by a public agency for public purposes involving directly or indirectly the protection, maintenance, development, and restoration of the natural resources of a given political area. These resources include but are not limited to the air, land, forests, water, rivers, streams, lakes and ponds, minerals, and animals, fish and other wildlife.

Drug abuse or alcohol treatment center means a clinic or medical institution that provides for the diagnosis, treatment, or rehabilitation of alcoholics or drug addicts. These centers must have on their staff, or available on a regular visiting basis, qualified professionals in the fields of medicine, psychology, psychiatry, or rehabilitation.

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Economic development means a program(s) carried out or promoted by a public agency for public purposes to improve the opportunities of a given political area for the establishment or expansion of industrial, commercial, or agricultural plants or facilities and which otherwise assist in the creation of long-term employment opportunities in the area or primarily benefit the unemployed or those with low incomes.

Education means an approved or accredited program(s) to develop and promote the training, general knowledge, or academic, technical, and vocational skills and cultural attainments of individuals in a community or given political area. Public educational programs may include public school systems and supporting facilities such as centralized administrative or service facilities.

Educational institution means an approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs or research for educational purposes, such as a child care center, school, college, university, school for the mentally or physically disabled, or an educational radio or television station.

Educational radio or television station means a public or nonprofit radio or television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes.

Health center means an approved public or nonprofit facility that provides public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

Historic light station means a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (54 U.S.C. 305101, including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.

Homeless individual means:

- An individual who lacks a fixed, regular, and adequate nighttime residence, or who has a primary nighttime residence that is:
 - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- For purposes of this part, the term *homeless individual* does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

Hospital means an approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured and

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includes related facilities such as laboratories, outpatient departments, training facilities, and staff offices.

Library means a public or nonprofit facility providing library services free to all residents of a community, district, State, or region.

Licensed means recognition and approval by the appropriate State or local authority approving institutions or programs in specialized areas. Licensing generally relates to established minimum public standards of safety, sanitation, staffing, and equipment as they relate to the construction, maintenance, and operation of a health or educational facility, rather than to the academic, instructional, or medical standards for these institutions.

Medical institution means an approved, accredited, or licensed public or nonprofit institution, facility, or organization whose primary function is the furnishing of public health and medical services to the public or promoting public health through the conduct of research, experiments, training, or demonstrations related to cause, prevention, and methods of diagnosis and treatment of diseases and injuries. The term includes, but is not limited to, hospitals, clinics, alcohol and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric centers, laboratories, medical schools, dental schools, nursing schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care, although a separate medical facility within such a domiciliary institution may qualify as a *medical institution*.

Museum means a public agency or nonprofit educational or public health institution that is organized on a permanent basis for essentially educational or aesthetic purposes and which, using a professional staff, owns or uses tangible objects, either animate or inanimate; and cares for these objects. A museum is considered to be attended by the public if the museum, at minimum, accedes to any request submitted for access during business hours. For the purposes of this definition, a museum uses a professional staff if it employs at least one full-time staff member or the equivalent, whether paid or unpaid, primarily engaged in the acquisition, care, or public exhibition of objects owned or used by the museum.

Nationally recognized accrediting agency means an accrediting agency that the Department of Education recognizes under [34 CFR part 600](#). (For a list of accrediting agencies, see the Department's [website](#))

Nonprofit means not organized for profit and exempt from Federal income tax under section 501 of the Internal Revenue Code ([26 U.S.C. 501](#)).

Parks and recreation means a program(s) carried out or promoted by a public agency for public purposes that involve directly or indirectly the acquisition, development, improvement, maintenance, and protection of park and recreational facilities for the residents of a given political area.

Program for older individuals means a program conducted by a State or local government agency or nonprofit activity that receives funds appropriated for services or programs for older

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individuals under the Older Americans Act of 1965, as amended, under title IV or title XX of the Social Security Act ([42 U.S.C. 601 et seq.](#)), or under titles VIII and X of the Economic Opportunity Act of 1964 ([42 U.S.C. 2991 et seq.](#)) and the Community Services Block Grant Act ([42 U.S.C. 9901 et seq.](#)).

Provider of assistance to homeless individuals means a public agency or a nonprofit institution or organization that operates a program which provides assistance such as food, shelter, or other services to homeless individuals.

Provider of assistance to impoverished families and individuals means a public or nonprofit organization whose primary function is to provide money, goods, or services to families or individuals whose annual incomes are below the poverty line (as defined in section 673 of the Community Services Block Grant Act) ([42 U.S.C. 9902](#)). Providers include food banks, self-help housing groups, and organizations providing services such as the following: Health care; medical transportation; scholarships and tuition assistance; tutoring and literacy instruction; job training and placement; employment counseling; child care assistance; meals or other nutritional support; clothing distribution; home construction or repairs; utility or rental assistance; and legal counsel.

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.

Public health means a program(s) to promote, maintain, and conserve the public's health by providing health services to individuals and/or by conducting research, investigations, examinations, training, and demonstrations. Public health services may include but are not limited to the control of communicable diseases, immunization, maternal and child health programs, sanitary engineering, sewage treatment and disposal, sanitation inspection and supervision, water purification and distribution, air pollution control, garbage and trash disposal, and the control and elimination of disease-carrying animals and insects.

Public health institution means an approved, accredited, or licensed public or nonprofit institution, facility, or organization conducting a public health program(s) such as a hospital, clinic, health center, or medical institution, including research for such programs, the services of which are available to the public.

Public purpose means a program(s) carried out by a public agency that is legally authorized in accordance with the laws of the State or political subdivision thereof and for which public funds may be expended. Public purposes include but are not limited to programs such as conservation, economic development, education, parks and recreation, public health, public safety, programs of assistance to the homeless or impoverished, and programs for older individuals.

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Public safety means a program(s) carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, law enforcement activities, and criminal justice system of a given political area. Public safety programs may include, but are not limited to those carried out by:

- Public police departments.
- Sheriffs' offices.
- The courts.
- Penal and correctional institutions (including juvenile facilities).
- State and local civil defense organizations.
- Fire departments and rescue squads (including volunteer fire departments and rescue squads supported in whole or in part with public funds).

School (except schools for the mentally or physically disabled) means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, that operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

School for the mentally or physically disabled means an approved or accredited facility or institution operated primarily to provide specialized instruction to students of limited mental or physical capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the mentally or physically disabled, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local government.

University means a public or nonprofit approved or accredited institution for instruction and study in the higher branches of learning and empowered to confer degrees in special departments or colleges.

Veterans Organizations means organizations eligible to receive Federal surplus property for purposes of providing services to veterans under [40 U.S.C. 549\(c\)\(3\)\(C\)](#). Eligible veterans organizations are those whose:

- Membership comprises substantially veterans (as defined under [38 U.S.C. 101](#)); and
- Representatives are recognized by the Secretary of Veterans Affairs under [38 U.S.C. 5902](#). The Department of Veterans Affairs maintains a searchable [website](#) of recognized organizations.

Part 102-38

Sales Overview

The regulations contained in [41 CFR 102-38](#) prescribe the policies governing the sale of Federal personal property, including:

- Surplus personal property that has completed all required Federal and/or donation screening.
- Personal property to be sold under the exchange/sale authority.

Only an executive agency designated or authorized by GSA may sell personal property, including sales conducted on behalf of another agency. Only an authorized contracting officer may execute the sale award documents and legally bind the United States to the sales contract.

Executive agencies must follow the regulations contained in 41 CFR 102-38 when selling all personal property; however, the following exceptions apply:

- Materials acquired for the national stockpile or supplemental stockpile, or materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended ([50 U.S.C. 4533](#)).
- Vessels of 1,500 gross tons or more, determined by the Secretary to be merchant vessels or capable of conversion to merchant use, fall under the jurisdiction of the Maritime Administration, Department of Transportation.
- Sales made by the Secretary of Defense pursuant to [10 U.S.C. 2576](#) note (Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies) are exempt from these provisions.
- Foreign excess personal property is exempt from these provisions.
- Agency sales procedures mandated or authorized under laws other than Title 40 United States Code are exempt.

Suspension and Debarment Considerations

Executive agencies should refer to [SAM.gov](#), a website administered by GSA, to verify that they do not solicit offers from or award contracts to individuals or entities who are currently suspended or debarred. For detailed policies, procedures, and requirements regarding the debarment/suspension of a person or entity from purchasing Federal personal property, please refer to the procedures outlined in the Federal Acquisition Regulation (FAR) subpart 9.4 ([48 CFR part 9, subpart 9.4](#)).

Bid Procedures

Acceptance of Bids

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A responsive bid is defined as one that adheres to the terms and conditions of the sales offering and meets the requirements regarding the method and timeliness of the submission. Only responsive bids may be considered for award.

Bidders are not required to use an authorized bid form; however if a bidder chooses not to use an authorized bid form, their bid will only be considered if:

- The bidder accepts all terms and conditions of the offer to sell; and
- Awarding the bid would result in a legally binding contract.

Authorized agency representatives may accept bids on behalf of their agency, provided they meet the agency's requirements for approving Government contracts.

The Government reserves the right to accept or reject any or all bids. Agencies may reject bids when such action is advantageous to the Government or in the public interest. Items for which all bids have been rejected may, at the discretion of the agency, be re-offered for sale at a later date.

Agencies may disclose bid results to the public after the sales award of any item or lot of property. In open bidding scenarios, such as spot bid sales or auctions, all bids are disclosed as they are submitted. However, only names may be disclosed regarding the bidder(s); no other information will be shared.

In cases where the highest bids received are identical, agencies must consider other factors of the sale (e.g., timely removal of the property, terms of payment) that would make one offer more advantageous to the Government. If a determination cannot be made based on available information, and the Government has an acceptable offer, agencies may re-offer the property for sale or utilize random tiebreakers to avoid the expense of reselling the property.

All sales, with the exception of fixed-price sales, must include a certification of independent price determination. If there is suspicion of false certification or indication of collusion, agencies must refer the matter to the Department of Justice or their agency's Office of the Inspector General.

Bid Deposits

A bid deposit is not required for purchasing personal property. However, if an executive agency deems a bid deposit necessary to protect the Government's interests, a deposit of 20 percent of the total bid amount is generally considered reasonable.

In addition to the acceptable types of payments listed below, agencies may also accept a deposit bond. A deposit bond may be used in lieu of cash or other acceptable forms of deposit when permitted by the offer to sell, such as the Standard Form (SF) 150, Deposit Bond—Individual Invitation, Sale of Government Personal Property; SF 151, Deposit Bond—Annual, Sale of Government Personal Property; and SF 28, Affidavit of Individual Surety. These forms are available at gsa.gov/forms.

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When a bid deposit is secured by a deposit bond and the bidder defaults, agencies must issue a notice of default to both the bidder and the surety company. If a bid deposit is secured by a deposit bond and the bidder wishes to withdraw their bid, agencies should return the deposit bond to the bidder.

Late Bids

Agencies should consider late bids for award only if the bids were delivered on time to the specified address, and the delay in delivering the bids to the designated official was caused by the agency. Late bids that are not considered must be returned to the bidder promptly, and the information contained within must not be disclosed.

Modification or Withdrawal of Bids

A bidder may modify or withdraw a bid before the start of the sale or the designated time for opening bids. After the sale has commenced or the time for opening bids has passed, the bidder will not be permitted to withdraw their bid. Agencies may consider late modifications to an otherwise successful bid at any time, but only if the modifications make the terms of the bid more favorable to the Government.

Mistakes in Bids

The administrative procedures for handling mistakes in bids are contained in FAR 14.407, Mistakes in Bids ([48 CFR 14.407](#)). The agency's head, or their designee, may delegate the authority to make administrative decisions regarding mistakes in bids to a central authority or a limited number of authorities in their agency, who must not re-delegate this authority.

Agencies must maintain records of all administrative determinations, including pertinent facts and the action taken in each case. A copy of the determination must be attached to the corresponding contract. Additionally, a signed copy of any related determination must be filed with the Comptroller General along with the copy of the contract, when requested.

Protests regarding the validity of sales or the determinations made in the sale of personal property may be submitted to the Comptroller General.

Payment Procedures

Executive agencies are required to establish a payment policy that safeguards the Government against fraud. Refer to this [website](#) for a list of acceptable forms of payment.

Procedures for Suspected Fraud, Bribery, or Criminal Collusion

In the event that an executive agency suspects violations of [40 U.S.C. 559](#), fraud, bribery, or criminal collusion in connection with the disposal of personal property, the agency must:

- Refer the suspected violations to the Inspector General of their agency and/or the Attorney General, Department of Justice, for further investigation. The agency must

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cooperate fully with the investigating agency, providing all relevant evidence concerning the suspected violation or crime.

- Submit a report to GSA detailing any compliance investigations pertaining to such violations. This report must include information regarding the noncompliance, the corrective action taken or contemplated, and, for cases referred to the Department of Justice, a copy of the transmittal letter.

Abandonment and Destruction Procedures

The holding agency is authorized to abandon or destroy personal property either before or after attempting to sell it, but only when an authorized agency official has made a written determination that:

- The personal property has no commercial value; or
- The estimated cost of continued care and handling would exceed the estimated sales proceeds.

For more information regarding abandonment and destruction procedures, please refer to [41 CFR 102-36](#) and this resource [page](#).

Dispute Resolution

In the event of disputes arising from the sale of Federal personal property, executive agencies should first consult their Office of General Counsel. Further guidance can be found in the Contract Disputes Act of 1978, as amended (41 U.S.C. 7101-7109), and the Federal Acquisition Regulation (FAR) at 48 CFR Part 33. Refer to this [website](#) for more information about GSA terms and conditions.

Executive agencies must ensure the Disputes clause, contained in FAR 52.233-1 (48 CFR part 52), is included in all offers to sell and contracts for the sale of personal property.

While not mandatory, executive agencies are encouraged to utilize Alternative Dispute Resolution (ADR) procedures in accordance with the authority and requirements of the Alternative Disputes Resolution Act of 1998 (28 U.S.C. 651-658).

Other Governing Statutes

In addition to Title 40 of the U.S. Code, the sale of Federal personal property is subject to other statutory requirements, such as the Debt Collection Improvement Act of 1996 (Public Law 104-134, sec. 31001, 110 Stat. 1321-358) and antitrust requirements.

Antitrust Requirements

Executive agencies are required by [40 U.S.C. 559](#) to notify the Attorney General of the Department of Justice (DOJ) when the sale of personal property has an estimated fair market

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value of \$3 million or more, or if the sale involves a patent, process, technique, or invention. This notification is necessary to obtain the DOJ's opinion on whether the sale would confer an unfair market advantage to the buyer and violate any antitrust laws. The required information for the notification includes a description and location of the property, the method of sale, the proposed selling price, and information on the proposed purchaser and their intended use of the property. Agencies must not finalize the sale until they receive confirmation from the Attorney General that the proposed transaction does not violate any antitrust laws.

Part 102-39

Exchange/Sale Overview

The exchange/sale authority (40 U.S.C. 503) allows agencies to trade in or sell similar items when acquiring new personal property, using the proceeds to offset the new purchase. The property exchanged or sold is not excess or surplus as the agency has a continuing need for similar property. This differs from the standard excess/surplus disposal process as an agency does not have a continuing need for the personal property. The personal property is considered excess and sale proceeds generally must be forwarded to the U.S. Treasury.

Using the exchange/sale authority is optional and should be considered when replacement assets are needed. If not practical or cost-effective, agencies should use the standard excess/surplus disposal process.

You may use the exchange/sale authority in the acquisition of personal property even if the acquisition is under a services contract, provided the property acquired is similar to the property exchanged or sold.

Conditions

You can use the exchange/sale authority if:

- You document that exchange allowance or sale proceeds will be used to acquire replacement property (documented at the time of exchange/sale or replacement property acquisition).
- You document the basic facts of each exchange/sale transaction (except for library books/periodicals), including:
 - FSC Group of items exchanged/sold and acquired.
 - Number of items exchanged/sold and acquired.
 - Acquisition cost and exchange allowance/net sales proceeds of items exchanged/sold, and acquisition cost of items acquired.
 - Date of the transaction(s).
 - Parties involved.
 - Statement of compliance with 41 CFR Part 102-39.

When acquiring items for historical preservation or display at Federal museums, you may exchange historic items (regardless of FSC group) if documented and certified by your agency head as being in the government's best interest, and all other provisions of this part are met. Documentation must confirm that the item exchanged and the item acquired are historic items.

Part 102-40

Responsibilities for Handling Personal Property Requiring Special Handling

Responsibilities include:

- Identifying and accounting for property with special handling requirements;
- Ensuring compliance with applicable Federal, state, and local laws and regulations concerning the handling, storage, labeling, use, and final disposition of such property;
- Providing adequate storage and safeguarding of such property, such as secured or limited-access storage areas, warning signs, and appropriate protective clothing and equipment; and
- Transporting materials requiring special handling in accordance with Department of Transportation (DOT), EPA, state and local regulations.

Handling Instructions

Personal property with special handling requirements must be properly marked, tagged, or labeled in accordance with applicable Federal law. This includes adhering to Occupational Safety and Health Administration (OSHA) requirements ([29 CFR 1910.1200](#)) regarding the actual or potential hazards associated with the property. It's essential to ensure that this information is maintained and perpetuated in the official agency property records. Labeling requirements for substances excluded from the requirements of [29 CFR 1910.1200](#) can be found in the references listed in [29 CFR 1910.1200\(b\)\(5\)](#) and [\(6\)](#).

Reassignment of Hazardous Materials

When hazardous materials are reassigned within an executive agency, documentation effecting the reassignment should include information on the actual or potential hazards. The recipient organization should maintain visibility of the nature of the actual or potential hazard in their inventory or control records.

Reporting Excess Personal Property with Special Handling Requirements

Your report of excess personal property should include a complete description of the property's characteristics, any use or disposal restrictions, and the actual or potential hazards associated with its use, handling, or storage. If available, a Safety Data Sheet (SDS), Material Safety Data Sheet (MSDS), or Hazardous Material Information System (HMIS) record (or equivalent) should also be included. The physical item requiring special handling should be clearly marked to identify its special characteristics.

Donee Certification for the Donation of Personal Property Requiring Special Handling

The transfer document must include a comprehensive description of the actual or potential hazards and restrictions associated with the handling, storage, use, transportation, or disposal of the item, as well as any ongoing restrictions or instructions. GSA will only approve a donation to a State Agency for Surplus Property (SASP) if an eligible donee has been identified.

A SASP is not prohibited from temporarily storing an item requiring special handling in its warehouse or other storage facility, provided that the storage arrangement is agreeable to all parties involved in the donation and that the storage location has the necessary facilities, equipment, and trained personnel to handle, store, protect, and transport the property. In addition, the donee must sign the following certification (or an equivalent):

Certification:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the nature of the property hereby donated, which requires special handling, and will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, and disposal of the property. The donee agrees and certifies that the United States shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the property, its use, or its final disposition. Additionally, the donee agrees and certifies to hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

Name and title of Donee (print or type)

Signature of Donee

Additional Requirements for Inspecting Personal Property with Special Handling Requirements

You're responsible for implementing appropriate safeguards and providing instructions for personal protection to screeners who are inspecting property with special handling requirements.

It's the responsibility of the state agency and/or donee to comply with DOT regulations ([49 CFR parts 171](#) through [177](#)) when transporting hazardous material. Any costs associated with repacking or recontainment will be the responsibility of the state agency and/or donee. State agencies and/or donees should also comply with EPA's Resource Conservation and Recovery Act ([40 CFR parts 261](#) through [265](#)), including its application to transporters, storers, users, and permitting of hazardous wastes.

Sales Terms and Conditions for Selling Personal Property with Special Handling Requirements

The following certification (or an equivalent) must be used when offering for sale an item requiring special handling. Failure to sign the certification may result in the bid being rejected as nonresponsive:

Certification:

The undersigned bidder hereby certifies that if awarded a contract under this invitation for bids, the bidder will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, resale, export, disposal or other use of the material hereby purchased. The bidder will hold the United States harmless from and indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or other claims of any nature arising from or incident to the handling, use, storage, shipment, resale, export, or other disposition of the items purchased.

Name of bidder (print or type)

Signature of bidder

Purchaser Certifications for Selling Personal Property with Special Handling Requirements

In addition to obtaining a certification that the purchaser will comply with all Federal, state, and local laws and regulations regarding the care, handling, storage, shipment, and disposal of personal property with special handling requirements, you should also obtain a certification that the purchaser will comply with any additional requirements associated with the property. These may include demilitarization, export controls on Commerce Control List Items (CCLI), or mutilation requirements for flight safety-critical aircraft parts.

Precautions for Selling Personal Property Requiring Special Handling

When preparing items with special handling requirements for sale, you must provide all necessary information to ensure that prospective bidders are aware of the hazards and special processing requirements. You should also clearly identify the precautions that bidders should take to protect themselves while inspecting, packing, or moving these items. Any necessary safety gear or equipment needed during the sales process should be made available to prospective bidders and others involved in the inspection, packing, or moving of these items.

Unless authorized by the appropriate GSA Personal Property Management Office, you should not sell extremely hazardous property unless it has been rendered innocuous or adequate

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safeguards are in place. Such property should be rendered innocuous in a manner that preserves the utility or commercial value of the property, whenever possible.

Categories of Personal Property Require Special Handling

Many categories of personal property require special handling to comply with applicable Federal, state, and local regulations and ordinances for their handling, transportation, storage, disposal, and use. Please refer to appendix A for a listing of Federal Supply Classifications (FSCs) that primarily contain hazardous items and appendix B for a listing of FSCs that contain a significant number of hazardous items.

Acid-Contaminated and Explosive-Contaminated Property

Acid-contaminated or explosive-contaminated property is classified as extremely hazardous property and is not reported to GSA for subsequent transfer or donation. However, you're required to notify GSA of the existence of such property. If the property is not transferred or donated, you may dispose of it through sale, with the condition that the purchaser adequately decontaminates the property to the point where it's no longer classified as extremely hazardous. Additionally, the property must be properly labeled and cannot be abandoned.

When selling acid or explosive-contaminated property, both the sales terms and the sales documentation must include the following certification, or an equivalent certification, which must be signed by the successful bidder:

Certification:

It's hereby certified that the undersigned purchaser will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, resale, export, disposal and other use of the materials hereby purchased, and that the purchaser is a user of, or dealer in, said materials. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

Name of purchaser (print or type)

Signature of purchaser

All-Terrain Vehicles

Three-wheeled and four-wheeled all-terrain vehicles (ATVs) may be exchanged with a dealer. Three-wheeled ATVs that are not exchanged must be mutilated to prevent operational use and may be sold as salvage or scrap. Four-wheeled ATVs that are not exchanged may be offered for transfer and donation. Any transfer or donation documentation for four-wheeled ATVs should require the recipient to acknowledge that they'll adhere to regulations and guidelines published by the Consumer Product Safety Commission related to these items. This includes compliance with age recommendations, usage restrictions, and operator training.

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Four-wheeled ATVs that are not exchanged, transferred, or donated may be offered for sale as salvage or scrap only after they have been mutilated to prevent operational use. Four-wheeled ATVs should not be released to the public after donee use, nor should they be released to the public after Federal use if they are not donated.

A donation transfer document should provide a comprehensive description of the actual or potential hazards and restrictions associated with the handling, storage, use, transportation, or disposal of the item. In addition, the following certification (or an equivalent) must be signed by the donee:

Certification:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the nature of the property hereby donated, which requires special handling, and will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, and disposal of the property. The donee agrees and certifies that the United States shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the property, its use, or its final disposition. Additionally, the donee agrees and certifies to hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

Name and title of Donee (print or type)

Signature of Donee

Ammunition and Ammunition Components

Usable ammunition should be reported to GSA for potential transfer to a federal agency. Surplus ammunition may not be donated. Surplus ammunition components, however, may be donated to eligible recipients. Non-expended ammunition and ammunition components (both expended and non-expended) may only be sold to companies licensed to perform manufacturing/remanufacturing processes under the provisions of 18 U.S.C. 923 or other federal law or regulation, or to companies permitted to purchase ammunition components under local and state laws.

If the ammunition is regulated by the National Firearms Act (NFA) or any other federal regulation, it can only be disposed of in accordance with applicable regulations. Ammunition greater than .50 caliber may, in some instances, be regulated under the NFA. All demilitarization requirements must be followed.

When selling ammunition and ammunition components, both the sales terms and sales documentation must include the following certification, or an equivalent certification, which must be signed by the successful bidder:

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Certification:

Item No. ___ contains ammunition or ammunition components offered for sale in this invitation. The undersigned certifies that they'll comply with all applicable local, state, and Federal laws and regulations concerning ammunition or ammunition components.

If the item being sold is scrap ammunition, the undersigned certifies that they are licensed to perform manufacturing/remanufacturing under the provisions of [18 U.S.C. 923](#) or other Federal law or regulation.

If the item being sold is a scrap ammunition component, the undersigned certifies that these scrap ammunition components will not be used for the original manufactured purpose.

License issuing authority and license number

Name of bidder (print or type)

Signature of bidder

Expended ammunition cartridge cases may also be transferred or donated when the recipient certifies that the spent brass will be reloaded and used only for law enforcement purposes. If there is no federal or state donation interest in the cases, and a sale of the scrap is not feasible, cartridge cases may be disposed of using abandonment or destruction procedures under § 102-40.125. The recipient must certify that the expended cartridge cases will not be used for the original manufactured purpose.

The transportation of primers or propellant powder is governed by [49 CFR parts 171](#) through [180](#).

Animals and Plants

Whenever feasible, live animals and plants should be reported to GSA for transfer, donation, or sale. However, they are classified as perishables and may be disposed of using abandonment or destruction procedures. Abandonment or destruction procedures may also be used for animals other than those specifically addressed below when warranted for humane purposes.

Unfit horses and mules may be humanely euthanized or put out to pasture in accordance with [40 U.S.C. 1308](#) and agency policies. Transfers of unfit horses or mules to Federal agencies must be conducted in accordance with [41 CFR Part 102-36](#). In the event that these animals can be transferred to a humane organization, the transfer may be conducted under procedures contained in [41 CFR Part 102-37](#).

Under [40 U.S.C. 555](#), canines formerly used in the performance of law enforcement duties may be transferred to an individual experienced in handling canines in the performance of those duties, in accordance with agency policy and procedures. This "individual" may be the current handler of the canine or a previous handler.

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Asbestos

Items containing asbestos must be handled in accordance with the EPA regulations found at [40 CFR part 61, subpart M](#). Visit EPA's [website](#) for additional information on laws and regulations related to asbestos.

Excess personal property containing nonfriable asbestos, as defined in [40 CFR 61.141](#), should be reported to GSA for subsequent transfer, donation or sale in accordance with [41 CFR Part 102-36](#) through [41 CFR Part 102-38](#).

All disposal documentation related to personal property containing nonfriable asbestos, such as exchange/sale, reporting, transfer, donation, and sales documents, must include a warning statement that the item may contain asbestos and must not be cut, crushed, sanded, disassembled, or otherwise altered. The property must also be labeled or marked with such warning statements.

You must use a warning such as the following on the documentation reporting or requesting the exchange/sale, transfer, donation, or sale of an item containing asbestos:

WARNING

This property contains asbestos. Inhaling asbestos fibers may cause cancer. Do not release fibers by cutting, crushing, sanding, disassembling, or otherwise altering this property. End users and new owners, if transferred, should be warned. OSHA standards for personnel protection are codified at [29 CFR 1910.1001](#). EPA disposal standards are codified at [40 CFR part 61](#). State and local authorities may have additional restrictions on the disposal of items containing asbestos.

Property containing asbestos should be labeled with a warning such as the following:

WARNING

This property contains asbestos. Inhaling asbestos fibers may cause cancer. Do not release fibers by cutting, crushing, sanding, disassembling, or otherwise altering this property.

Nonfriable asbestos that is not transferred, donated, or sold may be abandoned as provided in [41 CFR Part 102-36](#). If destroyed by burial, items containing friable or nonfriable asbestos must be disposed of by burial at a site that meets the requirements of [40 CFR 61.154](#).

Friable asbestos materials contain more than one percent asbestos by weight and can, by hand pressure, be crumbled, pulverized, or reduced to powder, potentially releasing asbestos fibers into the air. Property containing friable asbestos is generally not transferred, donated, or sold. However, holding agencies may request approval from GSA Central Office, in consultation with the EPA, to transfer, donate, or sell such property on a case-by-case basis if special circumstances warrant such action.

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Excess personal property known to contain friable asbestos should not be reported to GSA or transferred among Federal agencies.

Surplus property containing friable asbestos is not to be donated or sold.

Excess and surplus property containing friable asbestos is to be disposed of by burial in a site that meets the EPA requirements of [40 CFR 61.156](#). Holding agencies should contact the nearest office of the EPA for assistance with regard to the disposal of materials containing asbestos, with the exception of DOD, who should contact the Defense Logistics Agency (DLA).

Controlled Substances

You're not required to report excess controlled substances to GSA. You should make reasonable efforts to transfer them to Federal agencies in accordance with Drug Enforcement Administration (DEA) regulations ([21 CFR part 1307](#)). If transferred, the recipient agency must certify that it's authorized to procure the controlled substance and provide the registration number on the Certificate of Registration, issued by the DEA. Controlled substances must not be donated.

Controlled substances may only be sold by sealed bid to bidders registered with the DEA to manufacture, distribute, or dispense the particular controlled substance. As a condition of sale, the bidder must submit verification of DEA registration. Prior to finalizing the sale, you must obtain confirmation from the DEA of the bidder's status as a registered manufacturer, distributor, or dispenser of controlled substances.

The invitation for bids for controlled substances should list only controlled substances and should only be distributed to bidders who are registered with the DEA, Department of Justice, to manufacture, distribute, or dispense the controlled substances being sold. In addition, the following statement, or an equivalent statement, should be included in the sales terms and conditions when selling controlled substances:

Certification:

The bidder shall complete, sign, and return with their bid the certificate as contained in this invitation. No award will be made or sale consummated until after this agency has obtained from the Drug Enforcement Administration, Department of Justice, verification that the bidder is registered to manufacture, distribute, or dispense those controlled substances which are the subject of the award.

The following certification, or an equivalent certification, must be made a part of the invitation for bids and contract to be completed and signed by the bidder and returned with the bid. Failure to sign the certification may result in the bid being rejected as nonresponsive:

Certification:

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The undersigned bidder certifies that they are registered with the Drug Enforcement Administration, Department of Justice, as a manufacturer, distributor, or dispenser of the controlled substances for which a bid is submitted and the registration number is: ___.

This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, United States Code, Crime and Criminal procedures.

Name of bidder (print or type)

Signature of bidder

Address of bidder (print or type)

City, State, Zip code

As a condition precedent to making an award for the sale of surplus controlled substances, holding agencies should follow procedures provided by the DEA in [21 CFR part 1310](#).

Controlled substances must not be abandoned. You must destroy controlled substances in such a manner as to ensure total destruction to preclude any further use, and ensure such destruction complies with DEA regulations, 21 CFR Part 1307, or other procedures approved by DEA. You must also coordinate with local air and water pollution control authorities when required. Destruction must be witnessed and certified by two employees of your agency. The following certification, or an equivalent certification, should be used to document the destruction of controlled substances:

Certification:

We, the undersigned, have witnessed the destruction of the (controlled substance(s)) described herein and in the manner of destruction and on the date stated herein:

Certification of destruction of:

Manner in which destruction was performed:

Date

Witness

Date

Witness

Date

Drugs, Biologicals, and Reagents

Drugs, biologicals, and reagents other than controlled substances may be transferred to another federal agency for official purposes. When they are unfit for human use and are destroyed, the destruction must be clearly documented, performed by an agency employee, and witnessed and certified by two additional representatives of your agency. Destruction of this property held by a

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SASP or donee must be performed by a SASP employee and witnessed by two additional SASP employees.

Destruction should be coordinated with local air and water pollution control authorities, when required. However, such property may be reported to GSA for subsequent transfer or donation for the purpose of animal experimental use when the property is unfit due to expired shelf life. The following certification must be used and retained by the Federal agency or to document the destruction of drugs, biologicals, and reagents:

Certification:

We, the undersigned, have witnessed the destruction of the (drugs, biologicals, and reagents) described in the foregoing certification in the manner of destruction and on the date stated herein:

Certification of destruction of:

Manner in which destruction was performed:

Date

Witness

Date

Witness

Date

Donating to a SASP requires certification from the donee indicating that the items will be managed in accordance with federal, state, and local laws and regulations. Surplus drugs, biologicals, and reagents requested for donation by state agencies will not be transported by the state agency or stored in its warehouse prior to distribution to donees. Arrangements will be made by the state agency SASP for the donee to make direct pickup at the holding agency after approval by GSA and after notification by the holding agency that the property is ready for pickup. Additionally, the SF 123 will not be approved by GSA until it has been determined by GSA that the donee is legally licensed to administer, dispense, store, or distribute such property. A copy of the donee's license, registration, or other legal authorization to administer, dispense, store, or distribute such property should be attached to the SF 123.

The sale of any drugs, biologicals, or reagents must involve unexpired items and be conducted in accordance with rules published by the Food and Drug Administration. Sales may only be made to entities legally qualified to engage in the sale, manufacture, or distribution of such items. Certification or evidence of licensing must accompany the bids. An entity is legally qualified when a federal or state agency having legal or regulatory oversight over that commodity has approved the entity to engage in the designated activity. The following condition of sale (or an equivalent condition of sale) should be used:

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The bidder shall complete, sign, and return with their bid the certification as contained in this invitation. No award will be made or sale consummated until after this agency has determined that the bidder is legally licensed to engage in the manufacture, sale, or distribution of drugs.

The following certification, or an equivalent certification, should be made a part of the invitation for bids (and contract), to be completed and signed by the bidder, and returned with the bid with a copy of the bidder's license. Failure to sign the certification may result in the bid being rejected as nonresponsive.

Certification:

The undersigned bidder certifies that they are legally licensed to engage in the manufacture, sale, or distribution of drugs, and proof of the bidder's license to deal in such materials is furnished with this bid. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, United States Code, Crime and Criminal procedures.

Name of bidder (print or type)

Signature of bidder

Address of bidder (print or type)

Electronic Products

Excess electronic products, both certified and non-certified, that meet radiation safety performance standards, as well as electronic products not required to meet such performance standards, should be reported to GSA for transfer to Federal agencies and may be donated or sold.

Excess electronic products that do NOT meet radiation safety performance standards should be reported to GSA for transfer to Federal agencies and may be donated or sold. The report to GSA, and any subsequent transfer, donation, or sales documents, must include a statement that the items do not comply with applicable radiation safety performance standards and specify the standard that is not being met. Additionally, the recipient should acknowledge that they are aware of the potential danger in handling or using such items.

Donation documentation for items not meeting radiation safety performance standards should contain the following certification, or an equivalent certification, signed by the donee before release:

Certification:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the potential danger in using the product without a radiation test to determine its acceptability for use and/or modification to bring it into compliance with the radiation safety performance standards prescribed for the item under [21 CFR parts 1010 through 1050](#), and agrees to accept the item from the holding agency for donation under those

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conditions. The undersigned further agrees that the Government shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the item, its use, or its final disposition. The undersigned also agrees to hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the item, its use, or its final disposition.

Name of Donee (print or type)

Signature of Donee

Sales documents listing electronic products not meeting safety performance standards should also clearly warn purchasers that the items may not comply with FDA radiation safety performance standards prescribed pursuant to [21 CFR parts 1010](#) through [1050](#) and that the purchaser assumes all risks associated with the use or resale of the items. The following type of warning will be placed on the sales documentation:

WARNING

Purchasers are warned that the item purchased herewith may not be in compliance with Food and Drug Administration radiation safety performance standards prescribed pursuant to [21 CFR parts 1010](#) through [1050](#), and use may result in personal injury unless modified. The purchaser agrees that the United States shall not be liable for personal injuries to, disabilities of, or death of the purchaser, the purchaser's employees, or to any other persons arising from or incident to the purchase of this item, its use, or disposition. The purchaser shall hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the purchase, use, or resale of this item. The purchaser agrees to notify any subsequent purchaser of this property of the potential for personal injury in using this item without a radiation survey to determine the acceptability for use and/or modification to bring it into compliance with the radiation safety performance standards prescribed for the item under [21 CFR parts 1010](#) through [1050](#), unless authorized by [21 CFR 1002.4](#) to have the dealer or distributor hold and preserve.

All electronic products should be disposed of in accordance with all Federal and state laws, including the Solid Waste Disposal Act ([42 U.S.C. 6901](#), et seq.). Agencies should also be aware of the prohibitions and liabilities contained in [42 U.S.C. 9607](#).

When donating or selling electronic products, the sales terms and sales documentation, or donation document, must include the following certification, or an equivalent certification, which must be signed by the donee or successful bidder:

Certification:

It's hereby certified that the undersigned purchaser or donee will comply with all the applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, disposal, and shipment, resale, export, or other use of the

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electronic products hereby purchased or donated, and that the purchaser or donee is a user of, or dealer in, said products. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures. When recycling electronic products, purchaser or donee should use any national standards, best management practices, or existing certification programs for recyclers in addition to Federal, state, and local laws, ordinances, and regulations. In the absence of national standards, best management practices, or a national certification program for recyclers, the purchaser/donee should use “EPA’s Guidelines for Materials Management” found at <http://www.epa.gov/epawaste/index.htm>

Name of purchaser or donee (print or type)

Signature of purchaser or donee

Identification of Hazardous Materials

You may use any of the following methods for identifying hazardous materials:

- Under current acquisition standards, manufacturers are required to provide Safety Data Sheets (SDSs) or similar documentation to identify potential hazards. SDSs are also prescribed by OSHA under [29 CFR part 1910](#).
- An automated database maintained by GSA Federal Acquisition Service contains Material Safety Data Sheets (MSDSs) for all GSA-procured hazardous materials. To request an MSDS, you may send an email to MSDS@gsa.gov, or call Toll Free: 866-588-7659, DSN: 465-5097, or Commercial: 816-926-5097.
- The Department of Defense’s (DOD) Hazardous Material Information System (HMIS) provides a collection of hazard-related information, including transportation and disposal information.
- Appendix A of this part contains a list of Federal Supply Classes (FSCs) of property that are composed predominantly of hazardous items.
- When information is not readily available, contact the manufacturer, the procuring agency, or your technical staff for assistance in obtaining the SDS, MSDS, or HMIS information.

Items with an expired shelf life should be verified or reclassified as hazardous wastes when required by Federal, state, or local environmental laws or regulations. If an item has been determined to be hazardous, the owning Federal agency must document the accountable inventory record accordingly. If the item has not been appropriately labeled by the manufacturer or distributor, the owning agency must appropriately label, mark, or tag the item in accordance with OSHA requirements ([29 CFR 1919.1200](#)) regarding the actual potential hazard associated with the handling, storage, or use of the item.

For transportation of hazardous materials, refer to [49 CFR parts 171](#) through [180](#).

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Unless authorized by GSA, extremely hazardous property may not be sold unless it's rendered innocuous, mutilated, or otherwise made safe. Whenever possible, such property should be rendered innocuous in a manner that preserves the maximum utility or commercial value of the property.

Lead-Containing Paints

You may transfer, donate, or sell items containing lead-containing paints in compliance with the restrictions and requirements outlined in the Consumer Product Safety Commission regulations set forth in [16 CFR part 1303](#). The transfer, donation, or sales documents must clearly describe these leaded items, explain why they require special handling, and identify the inherent danger in the use or disposal of such paint and items bearing lead-containing paint. Such items or their containers must not be abandoned but must be destroyed in a manner that prohibits future acquisition and use and is authorized by law and regulation. Any removal (stripping) of lead paint incident to disposal must be accomplished in conformance with Federal regulations and industry guidelines, such as those promulgated by the EPA or OSHA.

If disposal of the items is allowable, the following must be placed on the items:

WARNING

Contains lead. Dried film of this paint may be harmful if eaten or chewed.

The following additional statement or its practical equivalent on their labels:

Do not apply on toys and other children's articles, furniture or interior surfaces of any dwelling or facility which may be occupied or used by children. Do not apply on exterior surfaces of dwelling units, such as window sills, porches, stairs or railings, to which children may be exposed.

Keep Out of Reach of Children

Donation documentation (including the SF 123) must contain the following certification, or an equivalent certification:

The property requested herein shall be used only as specified in [16 CFR part 1303](#) and in no case shall be in contact with children. I, the undersigned, agree that the United States shall not be liable for personal injuries to, disabilities of, or death of the donee's employees, or any other person arising from or incident to the donation of this property, its use, or its final disposition; and to hold the United States harmless from, and shall indemnify the United States against, any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of this property, its use, or its final disposition.

Name of donee (print or type)

Signature of donee

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When selling lead-containing paint or items bearing lead-containing paint, the sales terms and sales documentation must include this certification, or an equivalent certification. Failure to sign the certification where it appears as a sales term may result in the bid being rejected as nonresponsive:

Certification:

I, the undersigned, certify that I have read and fully comprehend the aforementioned terms and conditions of this sale. I shall comply with the applicable Consumer Product Safety Commission regulations set forth in [16 CFR part 1303](#) if I am the successful bidder. I further agree that the United States shall not be liable for personal injuries to, disabilities of, or death of any persons arising from or incident to the sale of this property, its uses, or its final disposition; and to hold the United States harmless from, and shall indemnify the United States against, any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the sale of this property, its use, or its final disposition.

Name of bidder (print or type)

Signature of bidder

Medical Devices

Medical devices are subject to the laws and regulations administered by the Food and Drug Administration (FDA). Provisions of the governing statute, the Federal Food, Drug, and Cosmetic Act, appear in [21 U.S.C. 301](#), *et seq.* FDA regulations covering medical devices are found in [21 CFR chapter I](#), subpart H. The Act prohibits the movement in interstate commerce of medical devices that are adulterated or misbranded ([21 U.S.C. 331](#)). The Act authorizes FDA to initiate civil proceedings to seize or enjoin the distribution of such items ([21 U.S.C. 334](#)) and to report any violations to a U.S. Attorney for prosecution, after such individual is given notice and a hearing ([21 U.S.C. 335](#)).

Prescription devices are subject to additional Federal, state, local, and other applicable laws. Federal law requires that prescription devices be in the possession of either:

- Persons lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such devices; or
- Practitioners licensed by their states.

Federal law also requires that prescription devices be sold only to, or on the prescription or order of, a licensed practitioner for use in the course of their professional practice, and that the devices are labeled in a specific manner.

Non-Federal recipients must certify in writing that such property will be used, resold, or transported in conformance with FDA regulations. Any proposed destruction of medical equipment must be coordinated with local health and sanitation officials.

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Munitions List Items (MLIs)

Munitions List Items (MLIs) are listed in [22 CFR part 121](#). A system of demilitarization codes identifies the extent of alteration or destruction necessary when transferring or selling MLIs. The appropriate code is normally assigned to items when they enter the supply system of the Department of Defense (DOD) or a civilian agency. Refer to DOD 4160.21-M-1 (Change No. 1) for a complete description of the DOD program and the requirements to be followed for property owned, procured by, or under the control of DOD.

When disposing of MLIs, you must perpetuate these demilitarization codes, alert those to whom you're transferring or selling property that the item may require demilitarization, and perform any required demilitarization or provide any documentation or certifications in accordance with the DOD demilitarization manual, or other agency policy manual if the MLIs are not governed by the DOD demilitarization manual.

Commerce Control List Items (CCLIs)

CCLIs are subject to the controls of [15 CFR parts 738](#) and [774](#). Export licenses are required for the transfer of items to the countries listed in [15 CFR part 738](#), supp. 1. CCLIs may also be identified by the demilitarization code assigned to the item in the DOD supply system.

When disposing of CCLIs, you must notify the recipient that the item may be subject to Department of Commerce export licensing requirements when transported out of the U.S., for reasons of national security, crime control, technology transfer, and scarcity of materials.

- The recipient must be informed that this notification must pass to all subsequent recipients of the item.
- When being sold, completed end-use certificates are required of all bidders. An end-use certificate is a statement signed by a prospective recipient indicating the intended designation and disposition of CCLIs to be acquired, and acknowledging U.S. export licensing requirements.
- All disposal activity must conform to the requirements of [15 CFR](#), chapter VII, subchapter C.

National Stockpile Material

In accordance with [40 U.S.C. 113\(e\)\(6\)](#), materials acquired for the national stockpile, the supplemental stockpile, or materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 App. U.S.C. 2093), are not covered by the Federal Management Regulation. The disposal of these assets is governed by [50 U.S.C. 98d](#), [98e](#), and [98f](#).

Nuclear Regulatory Commission-Controlled Materials

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The Nuclear Regulatory Commission (NRC) has exclusive control over licensing, use, transfer, and disposition of NRC-controlled materials.

Ozone Depleting Substances (ODSs)

Handle Ozone-Depleting Substances (ODSs) in accordance with Federal and state laws and regulations. Prior to disposal of ODSs removed or reclaimed from facilities or equipment, including disposal as part of a contract, trade, or donation, coordinate with the Defense Ozone Depleting Substances Reserve Program Office to determine if the recovered ODS is a critical requirement for DOD missions. Direct inquiries to the Defense Ozone-Depleting Substances Reserve Program Office, Defense Supply Center, Richmond, Virginia; email: DSCR.ODSReserve@dla.mil ; phone: (804) 279-3064. Visit EPA's [website](#) for additional guidance.

Polychlorinated Biphenyls

In accordance with EPA regulations ([40 CFR 761.1](#) and [761.3](#)), property defined by EPA as excluded polychlorinated biphenyl (PCB) products may be transferred, donated, or sold. For additional guidance on PCB classifications and other Federal restrictions, contact: Director, National Program Chemicals Division (NPCD), (7404), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Avenue NW., Washington, DC or visit the EPA's [website](#). You should also contact state regulatory agencies since some states regulate at a stricter level than the Federal Government.

Property defined by the EPA in [40 CFR 761.3](#) as either a PCB item or PCB must be labeled or marked with a warning statement that the item contains PCB and must be handled and disposed of in accordance with EPA regulations ([40 CFR part 761](#)), DOT regulations ([49 CFR parts 171](#) through [180](#)), and applicable state laws.

PCB items and PCBs may be transferred or donated, provided:

- The items are intact, non-leaking, and totally enclosed.
- All transfer orders or transfer documents must cite the specific provision in [40 CFR part 761](#) that permits continued use of the item and contain a certification that the property has been inspected by the transferee and complies with all the use, inspection, labeling, and other provisions of [40 CFR part 761](#).
- The recipient must annotate its property accountability records to reflect the nature and extent of the PCB content and must provide the specific authorization covering the use of this item from [40 CFR part 761](#). If tests are conducted to ascertain the nature and extent of PCB contamination, the recipient must furnish the appropriate GSA Personal Property Management Office with a copy of the test results. This information will be perpetuated on any notification or release document when the agency disposes of the property.

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- If PCBs or PCB items are donated to service educational activities or to public airports, the Department of Defense and the Federal Aviation Administration, respectively, must obtain the warning and certification below.
- The recipient certifies to you that the item will be handled and disposed of in accordance with EPA regulation [40 CFR part 761](#), DOT regulations [49 CFR parts 171](#) through [180](#), and other applicable Federal and state laws.

PCB and PCB items not transferred or donated must be destroyed or otherwise disposed of under EPA regulations and applicable state laws. You must not sell any PCB or PCB item unless [40 CFR part 761](#) authorizes the sale and continued use of the specific item. You must not transfer, donate, or sell items with an unknown level of concentrations of PCBs.

Property containing PCBs and PCB items should be labeled with a warning such as the following:

Caution—This item contains PCBs (poly-chlorinated biphenyls), a toxic environmental contaminant requiring special handling and disposal in accordance with the U.S. Environmental Protection Agency regulations ([40 CFR part 761](#)) and applicable state laws. For proper disposal information, contact the nearest EPA office. For transportation requirements, see [49 CFR parts 171](#) through [180](#).

The SASP must have the following certification, or an equivalent certification, on all transfer paperwork where PCBs are involved.

WARNING AND CERTIFICATION

The undersigned donee is aware that the item(s) listed as containing polychlorinated biphenyls (PCBs), a toxic environmental contaminant, require(s) special handling and disposal in accordance with U.S. Environmental Protection Agency regulation ([40 CFR part 761](#)) and U.S. Department of Transportation regulations codified in [49 CFR parts 171](#) through [180](#). The donee certifies that this item (or these items) will be handled and disposed of in accordance with applicable Federal statutes and regulations and applicable state laws. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

Name and title of donee (print or type)

Signature of donee

Precious Metals

You should identify activities in your organization that generate precious metals, recover precious metals created from work processes (such as photographic film developing), identify equipment or materials containing recoverable precious metals, and adequately control precious metals in your custody.

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Sales of precious metals are processed as follows:

- Require a bid deposit appropriate to the circumstances of the sale;
- Certify all forms of bid deposit and payments; and
- Include in the invitation for bids only precious and semiprecious materials available for sale at that time.

Universal Waste(s)

When disposing of universal waste, follow the instructions on the [EPA website](#) which contain descriptions of the commodities addressed, as well as the handling and disposal requirements from the relevant sections of [40 CFR part 273](#).

Motor Vehicles Not Suitable for Highway Use

Some Government-owned motor vehicles may sustain such extensive damage due to an accident, event, or other activity that they are no longer suitable for utilization, donation, or sale for highway use. These vehicles may only be donated or sold for salvage or scrap.

Prior to disposing of damaged motor vehicles, you should assess known damage to determine their suitability for continued highway use. When it's determined that a vehicle is unfit for continued highway use, this information should be included in the property record and subsequent reports. When selling such vehicles, an appropriate warning statement must be included in the solicitation, clearly indicating that the vehicle cannot be titled for highway use.

Appendix A—Federal Supply Classes (FSC) Composed Predominantly of Hazardous Items

FSC	Nomenclature
6810	Chemicals.
6820	Dyes.
6830	Gases: Compressed & liquefied.
6840	Pest control agents & disinfectants.

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6850	Misc. chemical specialties.
7930	Cleaning & polishing compounds & preparations.
8010	Paints, dopes, varnishes, & related products.
8030	Preservative & sealing compounds.
8040	Adhesives.
9110	Fuels, solid.
9130	Liquid propellants & fuels, petroleum base.
9135	Liquid propellant fuels & oxidizers, chemical base.
9140	Fuel oils.
9150	Oils & greases: cutting, lubricating, & hydraulic.
9160	Misc. waxes, oils, & fats.

Appendix B—Federal Supply Classes and Groups Which Contain a Significant Number of Hazardous Items

If an item is determined to be hazardous material, a Material Safety Data Sheet (or equivalent) should accompany the item, even if the Federal Supply Class or Group is not listed in this table.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
1370	Pyrotechnics	Warning fuse, fire starter.
1375	Demolition materials	Explosive device.
2520	Vehicular power transmission components	Items containing asbestos.
2530	Vehicular brake, steering, axle, wheel, and track components	Items containing asbestos.
2540	Vehicular furniture and accessories	Items containing asbestos.
2640	Tire rebuilding and tire and tube repair materials	Items containing flammable or toxic compounds.
Group 28	Engines, turbines, and components	Engine valves containing metallic sodium.
Group 29	Engine accessories	Engine valves containing metallic sodium.
Group 30	Mechanical power transmission equipment	Equipment containing hazardous hydraulic fluid, including PCBs.
Group 34	Metalworking machinery	Equipment containing hazardous hydraulic fluids, including PCBs.
3610	Printing, duplication, and bookbinding equipment	Flammable or toxic lithographic solutions.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
3655	Gas generating and dispensing systems, fixed or mobile	Items that produce hazardous fumes.
3680	Foundry machinery, related equipment and supplies	Flammable or toxic casting compounds.
4240	Safety and rescue equipment	Items which involve oxygen, compressed gases, or contain emitting charges.
5610	Mineral construction materials, bulk	Hazardous items such as cutback asphalt, deck and floor covering, deck and surface underlay compound, sealing compound, flight deck compound.
5660	Wallboard, building paper, and thermal insulation materials	Asbestos cloth which has loose fibers or particles that may become airborne and materials containing formaldehyde.
5820	Radio and television communication equipment, except airborne	Circuit cooler items that contain gases that are regarded as hazardous to the earth's ozone layer.
5835	Sound recording and reproducing equipment	Recording tape cleaners that contain hazardous cleaning fluids.
5910	Capacitors	Items that contain polychlorinated biphenyls (PCBs) or sulfuric acid.
5915	Filters and networks	Items that contain polychlorinated biphenyls (PCBs).
5920	Fuses and lighting arresters	Items containing radioactive material.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
5925	Circuit breakers	Items containing radioactive material.
5930	Switches	Items containing radioactive material.
5935	Connectors, electrical	Kits that contain flammable chemicals.
5950	Coils and transformers	Items containing polychlorinated biphenyls (PCBs).
5960	Electron tubes and associated hardware	Tubes that contain radioactive isotopes and require warning labels and magnetron tubes, which require special precautions when being prepared for air shipment.
5965	Headsets, handsets, microphones, and speakers	Items containing magnetic material.
5970	Electrical insulators and insulating materials	Items containing flammable solvents.
5975	Electrical hardware and supplies	Items containing asbestos.
5985	Antennas, waveguides, and related equipment	Kits that contain flammable chemicals.
5999	Miscellaneous electrical and oxide electronic components	Contact plates that contain beryllium.
Group 61	Electric wire and power and distribution equipment	Power factor capacitors containing PCBs.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
6220	Electric vehicular lights and fixtures	Items that contain mercury.
6230	Electric portable and hand lighting equipment	Items that contain wet batteries.
6240	Electric lamps	Items that contain mercury.
6260	Nonelectrical lighting fixtures	Items that contain mercury.
6350	Miscellaneous signal and security detection systems	Items that contain wet batteries or radioactive material.
6505	Drugs, biologicals, and official reagents	Hazardous items as defined in Sec. 102-40.30.
6508	Medicated cosmetics and toiletries	Hazardous items as defined in Sec. 102-40.30, subject to DOT Hazardous Materials Regulations.
6510	Surgical dressing materials	Items containing flammable solvents.
6520	Dental instruments, equipment, and supplies	Items containing flammable solvents, mercury or asbestos.
6525	X-ray equipment and supplies: medical, dental, veterinary	Items containing hazardous chemicals, solvents.
6625	Electrical and electronic properties measuring and testing instruments	Items containing radioactive materials.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
6640	Laboratory equipment and supplies	Items containing flammable compounds, mercury or asbestos.
6685	Pressure, temperature, and humidity measuring and controlling instruments	Items containing mercury or compressed gases.
6740	Photographic	Items containing radioactive compounds.
6750	Photographic supplies	Items containing hazardous chemicals, solvents, thinners, and cements.
6780	Photographic sets, kits, and outfits	Items containing hazardous chemicals, solvents, thinners, and cements.
7360	Sets, kits, and outfits; food preparation and serving	Items containing compressed gases such as fire extinguishers.
7510	Office supplies	Hazardous items, such as thinners, cleaning fluids, flammable inks, and varnishes.
8405	Outerwear, men's	Maintenance kits containing flammable solvents.
8410	Outerwear, women's	Maintenance kits containing flammable solvents.
8415	Clothing, special purpose	Maintenance kits containing flammable solvents.
8465	Individual equipment	Maintenance kits containing flammable solvents.

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Federal supply class/group	Title	Examples of hazardous materials requiring identification
8510	Perfumes, toilet preparations, and powders	Shipping containers and pressurized containers with flammable or nonflammable propellants.
8520	Toilet soap, shaving preparations, and dentifrices	Shipping containers and pressurized containers with flammable or nonflammable propellants.
8720	Fertilizers	Items containing weed and pest control or other harmful ingredients or because of their composition, are hazardous.
9390	Miscellaneous fabricated nonmetallic materials	Items containing flammable solvents or asbestos.
9920	Smokers' articles and matches	Lighter fuel and matches only.
9930	Memorials; cemeteries and mortuary equipment and supplies	Items containing formaldehyde or its solutions.

Part 102-41

Disposition of Seized, Forfeited, Voluntarily Abandoned, and Unclaimed Personal Property Overview

This part covers the disposition of seized, forfeited, voluntarily abandoned, and unclaimed personal property under the custody of any Federal agency located in the United States, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

Disposition of such personal property located elsewhere must be in accordance with holding agency regulations. GSA does not normally accept responsibility for the disposal of property located outside of the United States and its territories.

The following statutes govern the disposal of seized, forfeited, voluntarily abandoned, and unclaimed personal property:

- [40 U.S.C. 552](#), Abandoned or Unclaimed Property on Government Premises.
- [40 U.S.C. 1306](#), Disposition of Abandoned or Forfeited Property.
- [26 U.S.C. 5688](#), Forfeited Distilled Spirits, Wines, and Beer.
- [26 U.S.C. 5872](#), Forfeited Firearms.
- [21 U.S.C. 863](#), Drug Paraphernalia.

Reporting, Care, and Handling

The holding agency typically retains physical custody of the property and is responsible for its care and handling pending final disposition. You should promptly report to GSA any forfeited, voluntarily abandoned, or unclaimed personal property that is not being retained for official use, as well as seized property on which proceedings for forfeiture by court decree are being initiated or have begun. Generally, the procedures for reporting such property are similar to those for reporting excess personal property.

GSA's Role

Seized property subject to court proceedings for forfeiture.

If the seizing agency submits a request to use the property for its official purposes, GSA will apply to the court for an order to transfer the property to the agency, should forfeiture be decreed. If no such request has been filed, GSA will determine whether retaining the property for Federal official use is in the Government's best interest. If so, GSA will apply to the court to order delivery of the property to:

- Any other Federal agency that requests it; or

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- The seizing agency, to be retained for a reasonable time in case the property may later become necessary for official use by any agency.

If the property is not ordered by competent authority to be forfeited to the United States, it may be returned to the claimant. If the agency that seized the property asks to use it for official purposes, GSA will ask the court to transfer the property to that agency if the court orders it to be forfeited.

Forfeited, voluntarily abandoned, or unclaimed property.

When forfeited, voluntarily abandoned, or unclaimed property is reported to GSA for disposal, GSA will direct its disposition through one of the following methods:

- Transfer to another Federal agency;
- Donation to an eligible recipient, if the property is not needed by a Federal agency and there are no requirements for reimbursement to satisfy the claims of owners, lien holders, or other lawful claimants;
- Sale; or
- Abandonment and destruction.

Reporting of Property Not Retained for Official Use

If the property is not retained for official use, GSA must receive reports of excess for all seized personal property subject to judicial forfeiture, as well as forfeited, voluntarily abandoned, or unclaimed personal property not required for official use, with the exception of the following, whose disposition is covered under other statutes and authorities:

- Forfeited firearms or munitions of war seized by the Department of Commerce and transferred to the Department of Defense (DOD) pursuant to [22 U.S.C. 401](#).
- Forfeited firearms directly transferable to DOD by law.
- Seeds, plants, or misbranded packages seized by the Department of Agriculture.
- Game animals and equipment (other than vessels, including cargo) seized by the Department of the Interior.
- Files of papers and undeliverable mail in the custody of the United States Postal Service.
- Articles in the custody of the Department of Commerce Patent and Trademark Office that are in violation of laws governing trademarks or patents.
- Unclaimed and voluntarily abandoned personal property subject to laws and regulations of the U.S. Customs and Border Protection, Department of Homeland Security.
- Property seized in payment of or as security for debts arising under the internal revenue laws.
- Lost, abandoned, or unclaimed personal property the Coast Guard or the military services are authorized to dispose of under [10 U.S.C. 2575](#).
- Property of deceased veterans left on a Government facility subject to [38 U.S.C. 8501](#).

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- Controlled substances reportable to the Drug Enforcement Administration, Department of Justice, Washington, DC 20537.
- Forfeited, condemned, or voluntarily abandoned tobacco, snuff, cigars, or cigarettes which, if offered for sale, will not bring a price equal to the internal revenue tax due and payable thereon, and which is subject to destruction or delivery without payment of any tax to any hospital maintained by the Federal Government for the use of present or former members of the military.
- Property determined appropriate for abandonment/destruction.
- Personal property where handling and disposal is governed by specific legislative authority.

Seized or Forfeited Personal Property

Personal property that has been seized by a Federal agency may be forfeited through court decree (judicial forfeiture) or administratively forfeited without going through the courts if the agency has specific authority to do so.

Official Use

You may retain for official use personal property forfeited to your agency, except for property you're required by law to sell. Report to GSA all forfeited personal property not being retained for official use. Property under seizure and pending forfeiture cannot be placed into official use until a final determination is made to vest title in the Government.

Transferred or Retained Forfeited Personal Property

Except for drug paraphernalia, forfeited personal property retained for official use or transferred to another Federal agency loses its identity as forfeited property. When no longer required for official use, it must be reported to GSA as excess for disposal.

Voluntarily Abandoned Personal Property

You may retain voluntarily abandoned personal property for official use if needed by your agency. If retained for official use, the property loses its identity as voluntarily abandoned property. If your agency does not need the property, you should determine whether it may be abandoned or destroyed. If the property is not retained for official use or abandoned or destroyed, it must be reported to GSA.

Reporting Voluntarily Abandoned Personal Property

Except for [aircraft, firearms, vessels, and animals](#), voluntarily abandoned personal property must be reported to the appropriate [GSA Personal Property Management Office](#) for the region

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in which the property is located. When reporting voluntarily abandoned personal property to GSA, you should provide a description and location of the property and indicate that the property was voluntarily abandoned. Voluntarily abandoned personal property reported to GSA will be made available for transfer, donation, sale, or abandonment/destruction.

Reimbursement to Former Owner

If the unclaimed personal property was sold, reimbursement to the former owner should not exceed any proceeds from the disposal of such property, less the costs of the Government's care and handling of the property. If the property was abandoned or destroyed, or otherwise used or transferred, reimbursement to the former owner must not exceed the estimated resale value of the property at the time of the vesting of the property with the Government, less costs incident to the care and handling of the property.

Transfers of Unclaimed Personal Property to Federal Agencies

Unclaimed personal property is available for transfer to another Federal agency, but only after 30 calendar days from the date of finding such property and when no claim has been filed by the former owner, and with fair market value reimbursement from the recipient agency. The transferred property then loses its identity as unclaimed property and becomes property of the Government. When it's no longer needed, it must be reported as excess.

Retention of Transfer Reimbursement

You must deposit the reimbursement from transfers of unclaimed personal property into a special account for a period of 3 years, pending a claim from the former owner. After 3 years, you must deposit these funds into miscellaneous receipts of the U.S. Treasury, unless your agency has statutory authority to do otherwise.

Transfer Cost Reimbursement

You may require reimbursement from the recipient agency for any direct costs you incur in the transfer of the unclaimed property, such as storage, packing, preparation for shipping, loading, and transportation.

Sale of Unclaimed Personal Property

You may sell unclaimed personal property after title vests in the Government and when there is no Federal interest. You may sell unclaimed personal property subject to the same terms and conditions as applicable to surplus personal property.

Personal Property Requiring Special Handling

Firearms

You may retain forfeited, voluntarily abandoned, or unclaimed firearms only when you're statutorily authorized to use firearms for official purposes. Forfeited, voluntarily abandoned, or unclaimed firearms not retained for official use must be reported to the General Services Administration.

Firearms seized and forfeited for a violation of the National Firearms Act ([26 U.S.C. 5801—5872](#)) are subject to the disposal provisions of [26 U.S.C. 5872\(b\)](#). GSA will direct the disposition of the firearms when there is no contrary judgment or action under such forfeiture.

Forfeited Distilled Spirits, Wine, and Beer

Forfeited distilled spirits, wine, and beer should be reported for disposal, except for those that are not fit for human consumption or for medicinal, scientific, or mechanical purposes. When reporting, indicate quantities and kinds, proof rating, and condition for shipping. GSA may transfer such property to another Federal agency for official purposes or donate it to eligible eleemosynary institutions for medicinal purposes only. Eleemosynary institution means any nonprofit health or medical institution that is organized and operated for charitable purposes.

Forfeited distilled spirits, wine, and beer that are not retained for official use by the seizing agency, transferred, or donated to eligible recipients by GSA must be destroyed. You must document the destruction with a record of the time and location, property description, and quantities destroyed.

Drug Paraphernalia

Some examples of drug paraphernalia are:

- Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- Water pipes;
- Carburetion tubes and devices;
- Smoking and carburetion masks;
- Roach clips (objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand);
- Miniature spoons with level capacities of one-tenth cubic centimeter or less;
- Chamber pipes;
- Carburetor pipes;
- Electric pipes;
- Air-driven pipes;
- Chillums;

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- Bongs;
- Ice pipes or chillers;
- Wired cigarette papers; or
- Cocaine freebase kits.

Reporting Drug Paraphernalia

Only drug paraphernalia that has been seized and forfeited for a violation of [21 U.S.C. 863](#) should be reported. Unless statutorily authorized to do otherwise, all other forfeited, voluntarily abandoned, or unclaimed drug paraphernalia must be destroyed. You must ensure that the destruction is performed in the presence of two witnesses (employees of your agency) and retain a signed certification of destruction in your records.

Transfer or Donation of Drug Paraphernalia

GSA will only transfer or donate forfeited drug paraphernalia for law enforcement or educational purposes, and only for use by Federal, State, or local authorities. Federal or State Agencies for Surplus Property (SASP) requests for such items must be processed through GSA. The recipient must certify on the transfer document that the drug paraphernalia will be used for law enforcement or educational purposes only.

You must ensure that such drug paraphernalia does not lose its identity as forfeited property. Reports of excess and transfer documents for such drug paraphernalia must include the annotation that the property was seized and forfeited under [21 U.S.C. 863](#).

Donated drug paraphernalia must be released directly to the donee as designated on the transfer document.

Any forfeited drug paraphernalia not needed for transfer or donation must be destroyed, and the destruction must be documented.