



Office of Government-wide Policy

GSA Office of Government-wide Policy Overview and Update

NASASP Conference 2023

July 19, 2023
William Garrett

Agenda

Policy Overview

Federal Management Regulation (FMR) Updates

Computers for Veterans and Students Act

Discussion

Policy Overview



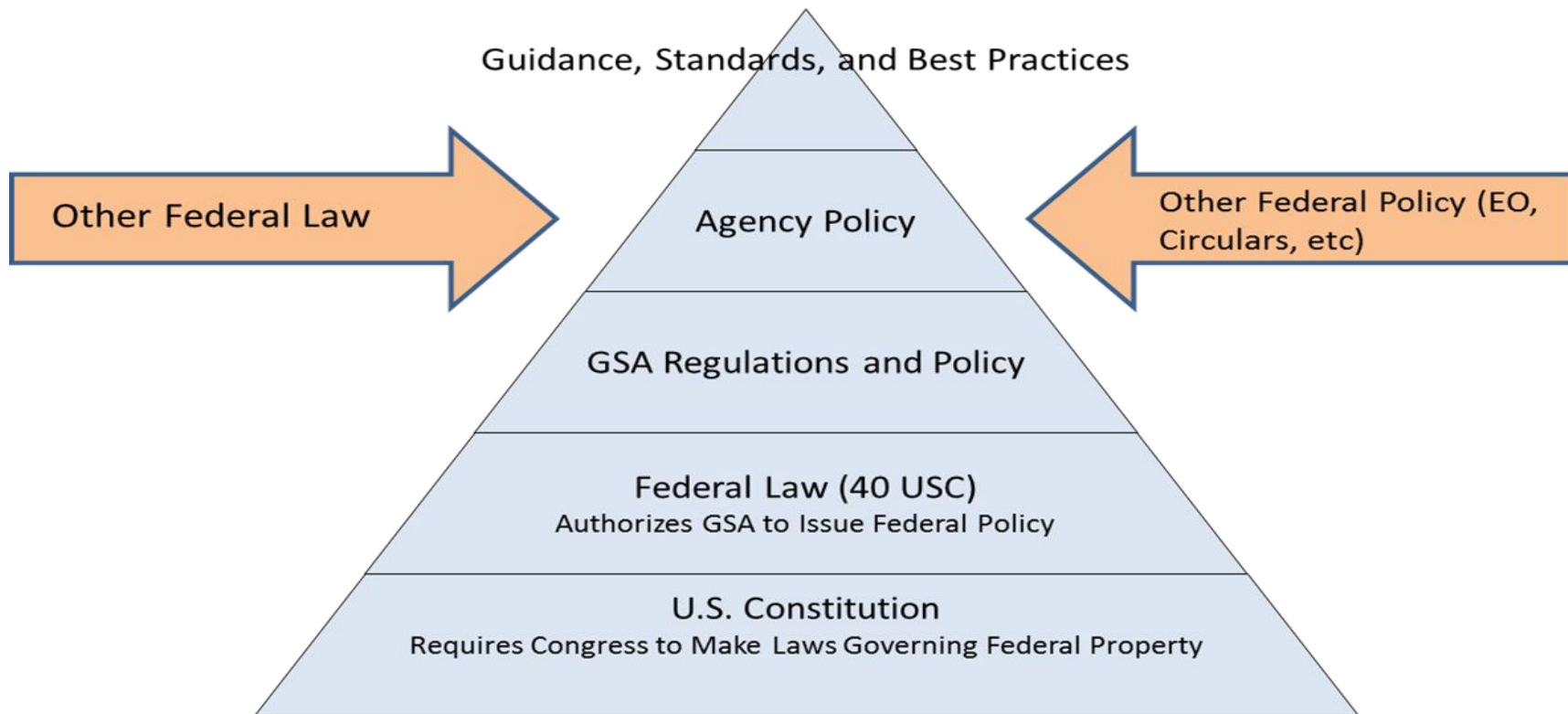
Overview

GSA has authority to issue policy for the acquisition of assets and the disposal of assets. Federal agencies are responsible for the management of their assets that are “in use”, except for aircraft and fleet assets, where GSA has expanded policy authorities.

Federal Asset Management Environment

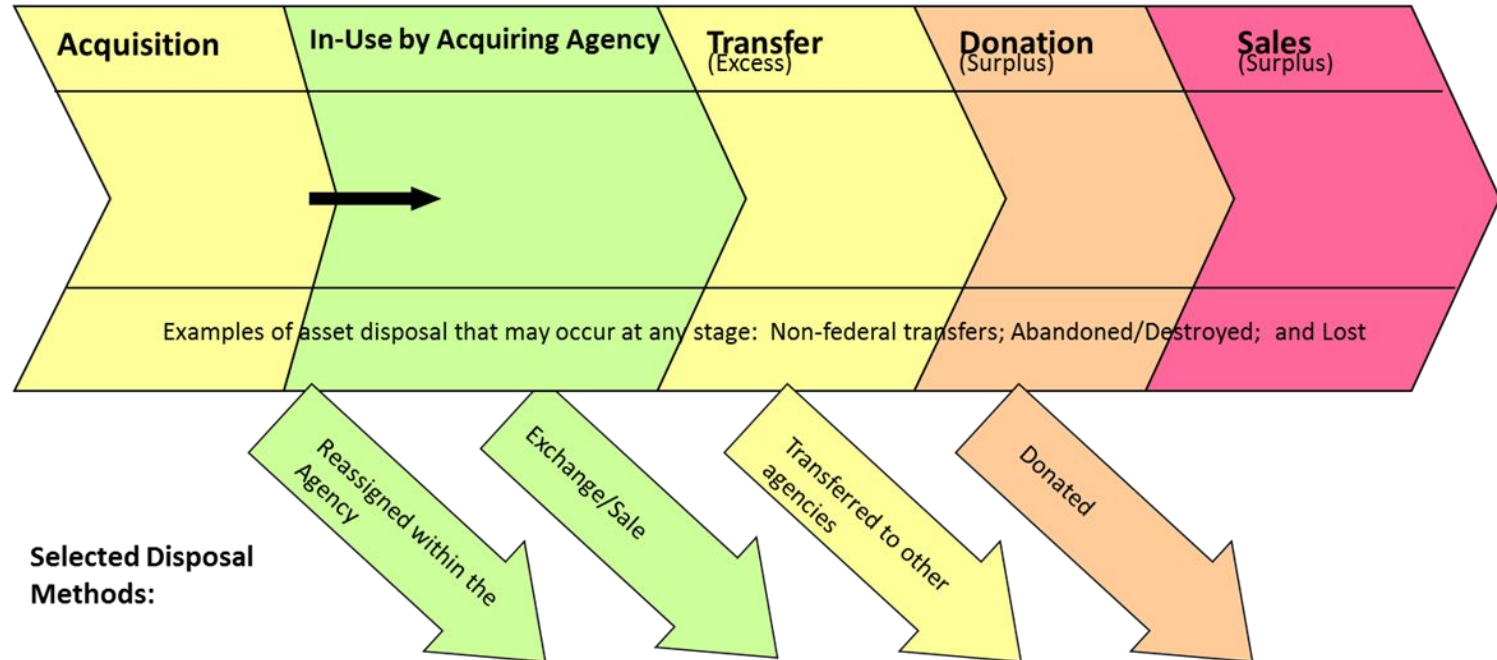
- The Federal Government owns personal property assets valued over \$1.95 Trillion (FY 2022 Financial Report of the U.S.).
- Personal Property covers all physical and intangible property, generally, except land and buildings (real property), Federal records, and large naval vessels.
- Policies encourage use within the acquiring agency, other Federal agencies and public bodies before being sold or otherwise being disposed of outside the Federal community.
- Some agencies have unique disposal authorities.

GSA's Role in Personal Property Policy



“Typical” Asset Life Cycle

Stage of Asset Life Cycle:



Constitutional Origins

- Article 4, Section 3, Clause 2
- The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States...;

Congress Implements (40 USC)

Sec. 524. Duties of executive agencies

...

(b) REQUIRED AS FAR AS PRACTICABLE- Each executive agency, as far as practicable, shall— (continued)

...

(1) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

(2) transfer excess property under its control to other federal agencies and to organizations specified in section 321(c)(2) of this title; and

(3) obtain excess property from other federal agencies.

Congress Implements (40 USC)

Sec. 121. Administrative

...

c) REGULATIONS BY ADMINISTRATOR-

(1) GENERAL AUTHORITY - The Administrator may prescribe regulations to carry out this subtitle.

(2) REQUIRED REGULATIONS AND ORDERS - The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.

Federal Regulations

<u>Topic</u>	<u>Where it can be found</u>
General	FMR 102-35
Utilization	FMR 102-36
Donation	FMR 102-37
Sale	FMR 102-38
Exchange/sale	FMR 102-39
Hazardous	FMR 102-40
Abandoned/forfeited	FMR 102-41
Foreign Gifts	FMR 102-42
Supply/Procurement	Subchapter E (FPMR)

Federal Management Regulation (FMR) Updates

What is the Exchange/Sale Authority?

Exchange/Sale (FMR 102-39)

- In acquiring personal property, an executive agency may exchange or sell items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired
- Proceeds must be used to purchase, rent or lease **similar** property



What is the Exchange/Sale Authority?

Exchange/Sale (FMR 102-39)

What are “Similar” assets?

Similar means the acquired item(s) and replaced item(s):

- (1) Are identical; or
- (2) Fall within a single Federal Supply Classification (FSC) Group of property (includes any and all forms of property within a single FSC Group); or
- (3) Are parts or containers for similar end items; or
- (4) Are designed or constructed for the same general purpose (includes any and all forms of property regardless of the FSC Group to which they are assigned).

Exchange/Sale Authority - Final Rule

Exchange/Sale (FMR 102-39)

- **Background:**
 - Final Rule published in April 2023
- **Notable Changes to 102-39:**
 - Revise the “prohibited list” in [FMR 102-39.60](#) by removing the following:
 - FSC Group 42: Firefighting, rescue, and safety equipment
 - FSC Group 51: Hand tools
 - FSC Group 54: Prefabricated structure and scaffolding (FSC 5410 Prefabricated and Portable Buildings, FSC 5411 Rigid Wall Shelters, and FSC 5419 Collective Modular Support System only)
 - Revise [FMR 102-39.80](#) to add language that no deviations will be granted
 - Revise [FMR 102-39.65](#) to clarify that an exchange or sale may occur after the acquisition of the replacement property

Computers for Veterans and Students Act (COVS)

Computers for Veterans and Students (COVS) Act

New Law Overview

- **Background:**

- Consolidated Appropriations Act, 2023 (H.R. 2617)
 - Signed December 29th, 2022
- 40 USC 549a. Donation of personal property through nonprofit refurbishers

- **Goal:**

- Bridge the digital divide by providing refurbished computers to educational institutions, individuals with a disability, low-income individuals, students, seniors in need, and veterans

- **Refurbisher Duties:**

- Make necessary repairs to restore the surplus computer or technology equipment to working order
- Distribute the repaired surplus computer or technology equipment to eligible recipients at no cost except shipping and handling
- Offer training programs on the use of the repaired computers and technology equipment for the recipients of the equipment
- Use recyclers to the maximum extent practicable if surplus computer or technology cannot be repaired or reused

Computers for Veterans and Students (COVS) Act

GSA Regulatory Requirement

- **GSA Implementing Regulations to Address:**
 - Allowing nonprofit computer refurbishers to assess nominal fees
 - Not to exceed fair market value
 - To facilitate shipping and handling of the surplus computer or technology equipment
 - Determining eligibility and certification requirements for nongovernmental entities and nonprofit computer refurbishers to participate in the program
 - In coordination with other relevant Federal agencies
 - Establishing an efficient process for identifying eligible recipients
 - Determining appropriate recyclers to dispose of surplus computer or technology equipment if it cannot be repaired or refurbished

Computers for Veterans and Students (COVS) Act

Reporting Requirements

- **Refurbisher Reports to GSA:**

- Information about the distribution of surplus computer equipment and technology equipment but not to include any personal identifying information about the recipient of such equipment (only the category of recipient - e.g. student, veteran, senior in need)

- **GSA Reports to Congress:**

- Annual report consistent with the Non-Federal Recipients Report to include lists of:
 - Nongovernmental entities in partnership with GSA
 - Nonprofit computer refurbishers that received, made repairs to, and distributed surplus computer and technology equipment
 - Donated and repaired surplus computer or technology equipment identifying:
 - Federal agency that donated the surplus computer or technology equipment
 - State and county (or similar unit of local government) where the recipient is located
 - Recipient category (educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran)

Computers for Veterans and Students (COVS) Act

Reporting Requirements

- **Agency Reports:**
 - “Not later than 5 years after the date of enactment of this section, and annually thereafter, the head of each Federal agency shall make publicly available a report on the number of pieces of repairable surplus computer or technology equipment that were sent to recycling, abandoned, or destroyed.”

OGP Personal Property Contacts

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Personal Property Policy Website

- www.gsa.gov/personalpropertypolicy

