

## § 102-39.70

items exchanged or sold, and the acquisition cost of the items acquired;

(4) The date of the transaction(s);

(5) The parties involved; and

(6) A statement that the transactions comply with the requirements of this part 102-39.

NOTE TO §102-39.65: In acquiring items for historical preservation or display at Federal museums, you may exchange historic items in the museum property account without regard to the FSC group, provided the exchange transaction is documented and certified by the head of your agency to be in the best interests of the Government and all other provisions of this part are met. The documentation must contain a determination that the item exchanged and the item acquired are historic items.

[73 FR 50881, Aug. 29, 2008]

### Subpart C—Exchange/Sale Methods and Reports

#### §102-39.70 What are the exchange methods?

Exchange of property may be accomplished by either of the following methods:

(a) The supplier (e.g., a Government agency, commercial or private organization, or an individual) delivers the replacement property to one of your organizational units and removes the property being replaced from that same organizational unit.

(b) The supplier delivers the replacement property to one of your organizational units and removes the property being replaced from a different organizational unit.

[66 FR 48614, Sept. 21, 2001. Redesignated at 73 FR 50880, Aug. 29, 2008]

#### §102-39.75 What are the sales methods?

(a) You must use the methods, terms, and conditions of sale, and the forms prescribed in part 102-38 of this title, in the sale of property being replaced, except for the provisions of §§102-38.100 through 102-38.115 of this title regarding negotiated sales. Section 3709, Revised Statutes (41 U.S.C. 5), specifies the following conditions under which property being replaced can be sold by negotiation, subject to obtaining such competition as is feasible:

(1) The reasonable value involved in the contract does not exceed \$500; or

## 41 CFR Ch. 102 (7-1-10 Edition)

(2) Otherwise authorized by law.

(b) You may sell property being replaced by negotiation at fixed prices in accordance with the provisions of §102-38.120 and 102-38.125 of this title.

[66 FR 48614, Sept. 21, 2001, as amended at 69 FR 11539, Mar. 11, 2004. Redesignated at 73 FR 50880, Aug. 29, 2008]

#### §102-39.80 What are the accounting requirements for exchange allowances or proceeds of sale?

You must account for exchange allowances or proceeds of sale in accordance with the general finance and accounting rules applicable to you. Except as otherwise authorized by law, all exchange allowances or proceeds of sale under this part will be available during the fiscal year in which the property was exchanged or sold and for one fiscal year thereafter for the purchase of replacement property. Any proceeds of sale not applied to replacement purchases during this time must be deposited in the United States Treasury as miscellaneous receipts.

[73 FR 50881, Aug. 29, 2008, as amended at 75 FR 24820, May 6, 2010]

#### §102-39.85 What information am I required to report?

(a) You must submit, within 90 calendar days after the close of each fiscal year, a summary report in a format of your choice on the exchange/sale transactions made under this part during the fiscal year (except for transactions involving books and periodicals in your libraries). The report must include:

(1) A list by Federal Supply Classification Group of property sold under this part showing the:

- (i) Number of items sold;
- (ii) Acquisition cost; and
- (iii) Net proceeds.

(2) A list by Federal Supply Classification Group of property exchanged under this part showing the:

- (i) Number of items exchanged;
- (ii) Acquisition cost; and
- (iii) Exchange allowance.

(b) Submit your report electronically or by mail to the General Services Administration, Office of Travel, Transportation and Asset Management (MT), 1800 F Street, NW., Washington, DC 20405.

## Federal Management Regulation

Pt. 102-41

(c) Report control number: 1528-GSA-AN.

(d) If you make no transactions under this part during a fiscal year, you must submit a report stating that no transactions occurred.

[66 FR 48614, Sept. 21, 2001, as amended at 71 FR 20900, Apr. 24, 2006. Redesignated at 73 FR 50880, Aug. 29, 2008]

### PART 102-40 [RESERVED]

## PART 102-41—DISPOSITION OF SEIZED, FORFEITED, VOLUNTARILY ABANDONED, AND UNCLAIMED PERSONAL PROPERTY

Sec.

### Subpart A—General Provisions

102-41.5 What does this part cover?

102-41.10 To whom do “we”, “you”, and their variants refer?

102-41.15 How do we request a deviation from these requirements and who can approve it?

#### DEFINITIONS

102-41.20 What definitions apply to this part?

#### RESPONSIBILITY

102-41.25 Who retains custody and is responsible for the reporting, care, and handling of property covered by this part?

102-41.30 What is GSA’s role in the disposition of property covered by this part?

102-41.35 Do we report to GSA all seized personal property subject to judicial forfeiture as well as forfeited, voluntarily abandoned, or unclaimed personal property not retained for official use?

### Subpart B—Seized or Forfeited Personal Property

102-41.40 How is personal property forfeited?

102-41.45 May we place seized personal property into official use before the forfeiture process is completed?

102-41.50 May we retain forfeited personal property for official use?

102-41.55 Where do we send the reports for seized or forfeited personal property?

102-41.60 Are there special requirements in reporting seized or forfeited personal property to GSA?

102-41.65 What happens to forfeited personal property that is transferred or retained for official use?

102-41.70 Are transfers of forfeited personal property reimbursable?

102-41.75 May we retain the proceeds from the sale of forfeited personal property?

### Subpart C—Voluntarily Abandoned Personal Property

102-41.80 When is personal property voluntarily abandoned?

102-41.85 What choices do I have for retaining or disposing of voluntarily abandoned personal property?

102-41.90 What happens to voluntarily abandoned personal property retained for official use?

102-41.95 Where do we send the reports for voluntarily abandoned personal property?

102-41.100 What information do we provide when reporting voluntarily abandoned personal property to GSA?

102-41.105 What happens to voluntarily abandoned personal property when reported to GSA?

102-41.110 Are transfers of voluntarily abandoned personal property reimbursable?

102-41.115 May we retain the proceeds received from the sale of voluntarily abandoned personal property?

### Subpart D—Unclaimed Personal Property

102-41.120 How long must we hold unclaimed personal property before disposition?

102-41.125 What choices do I have for retaining or disposing of unclaimed personal property?

102-41.130 What must we do when we retain unclaimed personal property for official use?

102-41.135 How much reimbursement do we pay the former owner when he or she files a claim for unclaimed personal property that we no longer have?

102-41.140 When do we report to GSA unclaimed personal property not retained for official use?

102-41.145 Where do we send the reports for unclaimed personal property?

102-41.150 What special information do we provide on reports of unclaimed personal property?

102-41.155 Is unclaimed personal property available for transfer to another Federal agency?

102-41.160 May we retain the reimbursement from transfers of unclaimed personal property?

102-41.165 May we require reimbursement for the costs incurred in the transfer of unclaimed personal property?

102-41.170 Is unclaimed personal property available for donation?

102-41.175 May we sell unclaimed personal property?

102-41.180 May we retain the proceeds from the sale of unclaimed personal property?