

**§ 102-38.5**

**41 CFR Ch. 102 (7-1-04 Edition)**

**Subpart E—Other Governing Statutes**

102-38.320 Are there other statutory requirements governing the sale of Federal personal property?

**ANTITRUST REQUIREMENTS**

102-38.325 What are the requirements pertaining to antitrust laws?

**Subpart F—Reporting Requirements**

102-38.330 Are there any reports that we must submit to the General Services Administration?

102-38.335 Is there any additional personal property sales information that we must submit to the General Services Administration?

**Subpart G—Provisions for State and Local Governments**

102-38.340 How may we sell personal property to State and local governments?

102-38.345 Do we have to withdraw personal property advertised for public sale if a State Agency for Surplus Property wants to buy it?

102-38.350 Are there special provisions for State and local governments regarding negotiated sales?

102-38.355 Do the regulations of this part apply to State Agencies for Surplus Property (SASPs) when conducting sales?

AUTHORITY: 40 U.S.C. 545 and 40 U.S.C. 121(c).

SOURCE: 68 FR 51421, Aug. 26, 2003, unless otherwise noted.

**Subpart A—General Provisions**

**§ 102-38.5 What does this part cover?**

This part prescribes the policies governing the sale of Federal personal property, including—

(a) Surplus personal property that has completed all required Federal and/or donation screening; and

(b) Personal property to be sold under the exchange/sale authority.

NOTE TO § 102-38.5: You must follow additional guidelines in 41 CFR parts 101-42 and 101-45 of the Federal Property Management Regulations (FPMR) for the sale of personal property that has special handling requirements or property containing hazardous materials. Additional requirements for the sale of aircraft and aircraft parts are provided in part 102-33 of this chapter.

**§ 102-38.10 What is the governing authority for this part?**

The authority for the regulations in this part governing the sale of Federal personal property is 40 U.S.C. 541 through 548, 571, 573 and 574.

**§ 102-38.15 Who must comply with these sales provisions?**

All executive agencies must comply with the provisions of this part. The legislative and judicial branches are encouraged to follow these provisions.

**§ 102-38.20 Must we follow the regulations of this part when selling all personal property?**

Generally, yes, you must follow the regulations of this part when selling all personal property; however—

(a) 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. App. 2093) are excepted from this part;

(b) The Maritime Administration, Department of Transportation, has jurisdiction over the disposal of vessels of 1,500 gross tons or more and determined by the Secretary to be merchant vessels or capable of conversion to merchant use;

(c) Sales made by the Secretary of Defense pursuant to 10 U.S.C. 2576 (Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies) are exempt from these provisions; and

(d) Foreign excess personal property is exempt from these provisions.

**§ 102-38.25 To whom do “we”, “you”, and their variants refer?**

Unless otherwise indicated, use of pronouns “we”, “you”, and their variants throughout this part refer to the holding agency responsible for the sale of the property.

**§ 102-38.30 How do we request a deviation from the provisions of this part?**

Refer to §§ 102-2.60 through 102-2.110 of this chapter for information on how to obtain a deviation from this part.