

**§ 102-39.65**

**§ 102-39.65 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

(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]

**§ 102-39.70 What are the accounting requirements for the proceeds of sale?**

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

**§ 102-39.75 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.

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

(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, Personal Property Management Policy Division (MTP), 1800 F St. NW., Washington, DC 20405.

(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.

**PARTS 102-40—102-41 [RESERVED]**

**PART 102-42—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS**

**Subpart A—General Provisions**

Sec.

102-42.5 What does this part cover?

**DEFINITIONS**

102-42.10 What definitions apply to this part?

**CARE, HANDLING AND DISPOSITION**

102-42.15 Under what circumstances may an employee retain a foreign gift or decoration?

102-42.20 What is the typical disposition process for gifts and decorations that employees are not authorized to retain?

102-42.25 Who retains custody of gifts and decorations pending disposal?

102-42.30 Who is responsible for the security, care and handling, and delivery of gifts and decorations to GSA, and all costs associated with such functions?

102-42.35 Can the employing agency be reimbursed for transfers of gifts and decorations?

**APPRAISALS**

102-42.40 When is a commercial appraisal necessary?

102-42.45 Who obtains a commercial appraisal?

102-42.50 Is there a special format for a commercial appraisal?

102-42.55 What does the employing agency do with the appraisal?

## Federal Management Regulation

§ 102-42.10

### SPECIAL DISPOSALS

- 102-42.60 Who is responsible for gifts and decorations received by Senators and Senate employees?
- 102-42.65 What happens if the Commission on Art and Antiquities does not dispose of a gift or decoration?
- 102-42.70 Who handles gifts and decorations received by the President or a member of the President's family?
- 102-42.75 How are gifts containing hazardous materials handled?

### Subpart B—Utilization of Foreign Gifts and Decorations

- 102-42.80 To whom do "we", "you", and their variants refer?
- 102-42.85 What gifts or decorations must we report to GSA?
- 102-42.90 What is the requirement for reporting gifts or decorations that were retained for official use but are no longer needed?
- 102-42.95 How do we report gifts and decorations as excess personal property?
- 102-42.100 How can we obtain an excess gift or decoration from another agency?
- 102-42.105 What special information must be included on the transfer request (SF 122)?
- 102-42.110 How must we justify a transfer request?
- 102-42.115 What must we do when the transferred gifts and decorations are no longer required for official use?

### Subpart C—Donation of Foreign Gifts and Decorations

- 102-42.120 When may gifts or decorations be donated to State agencies?
- 102-42.125 How is donation of gifts or decorations accomplished?
- 102-42.130 Are there special requirements for the donation of gifts and decorations?

### Subpart D—Sale or Destruction of Foreign Gifts and Decorations

- 102-42.135 Whose approval must be obtained before a foreign gift or decoration is offered for public sale?
- 102-42.140 How is a sale of a foreign gift or decoration to an employee conducted?
- 102-42.145 When is public sale of a foreign gift or decoration authorized?
- 102-42.150 What happens to proceeds from sales?
- 102-42.155 Can foreign gifts or decorations be destroyed?

AUTHORITY: 40 U.S.C. 121; 5 U.S.C. 7342.

SOURCE: 65 FR 45539, July 24, 2000, unless otherwise noted.

## Subpart A—General Provisions

### § 102-42.5 What does this part cover?

This part covers the acceptance, utilization, donation, and disposal of gifts and decorations from foreign governments under 5 U.S.C. 7342. If you receive gifts other than from a foreign government you should refer to § 102-36.405.

### DEFINITIONS

### § 102-42.10 What definitions apply to this part?

The following definitions apply to this part:

*Decoration* means an order, device, medal, badge, insignia, emblem, or award offered by or received from a foreign government.

*Employee means:*

(1) An employee as defined by 5 U.S.C. 2105 and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

(2) An expert or consultant who is under contract under 5 U.S.C. 3109 with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under that section, any individual involved in the performance of such services;

(3) An individual employed by or occupying an office or position in the government of a territory or possession of the United States or the government of the District of Columbia;

(4) A member of a uniformed service as specified in 10 U.S.C 101;

(5) The President and the Vice President;

(6) A Member of Congress as defined by 5 U.S.C. 2106 (except the Vice President) and any Delegate to the Congress; and

(7) The spouse of an individual described in paragraphs (1) through (6) of this definition of *employee* (unless this individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152)) of this individual, other than a spouse or dependent who is an employee under paragraphs (1) through (6) of this definition of *employee*.

*Employing agency* means: