

**§ 101-46.000**

**41 CFR Ch. 101 (7-1-00 Edition)**

**Subpart 101-46.3—Exchange/Sale Methods**

- 101-46.300 What are the exchange methods?
- 101-46.301 What are the sales methods?
- 101-46.302 What are the accounting requirements for the proceeds of sale?

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

SOURCE: 63 FR 5893, Feb. 5, 1998, unless otherwise noted.

**§ 101-46.000 Why should executive agencies use the exchange/sale authority?**

To reduce the agencies' need for additional funding for the acquisition of replacement personal property. If an agency has personal property that needs to be replaced, it can exchange or sell that property and apply the exchange allowance or sales proceeds to the acquisition of similar replacement property. Using the exchange/sale authority also enables agencies to avoid the costs (e.g., administrative and storage) associated with holding the property and processing it through the normal disposal cycle, i.e., reutilization by other Federal agencies, donation to eligible non-Federal public or non-profit organizations, sale to the public, or abandonment or destruction. By contrast, if the holding agency does not use the exchange/sale authority but instead reports the property to be replaced as excess, any sales proceeds are forwarded to the miscellaneous receipts account at the United States Treasury and are not available to the agency disposing of the property.

**§ 101-46.001 What is prescribed by this part?**

Provisions for use by you (an executive agency) when using the exchange/sale authority of section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384, as amended (40 U.S.C. 481(c)). This part applies to all personal property owned by executive agencies worldwide. For the exchange/sale of aircraft parts and hazardous materials, you must meet the requirements in this part and in parts 101-37 and 101-42 of this chapter, respectively.

**§ 101-46.002 What are the definitions of some of the key terms used in this part?**

**§ 101-46.002-1 Acquire.**

To procure or otherwise obtain personal property, including by lease.

**§ 101-46.002-2 Combat material.**

Arms, ammunition, and implements of war listed in the U.S. munitions list (22 CFR part 121).

**§ 101-46.002-3 Exchange.**

To replace personal property by trade or trade-in with the supplier of the replacement property.

**§ 101-46.002-4 Exchange/sale.**

To exchange or sell non-excess, non-surplus personal property and apply the exchange allowance or proceeds of sale in whole or in part payment for the acquisition of similar property.

**§ 101-46.002-5 Executive agency.**

Any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

**§ 101-46.002-6 Federal agency.**

Any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his/her direction).

**§ 101-46.002-7 Historic item.**

Property having added value for display purposes because its historical significance is greater than its fair market value for continued use. Items that are commonly available and remain in use for their intended purpose, such as military aircraft still in use by active or reserve units, are not historic items.

**§ 101-46.002-8 Replacement.**

The process of acquiring property to be used in place of property which is still needed but will no longer adequately perform all the tasks for which it is used.