

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-43

[FPMR Amendment H-]

RIN 3090-AG85

Excess Personal Property Reporting Requirements

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation streamlines and simplifies the assignment of the disposal condition codes which Federal agencies use to report their excess personal property for utilization and donation. This amendment will reduce the number of codes from 11 to 5 and more accurately define the condition of the excess personal property. It also eliminates the one word brief definition column from the condition code table. The numeric designations of "1, 4, and 7" have been retained from the previous regulation to accommodate agencies' automated property disposal systems and the transition from the prior coding to the current coding convention.

DATES: Comments must be submitted on or before March 1, 1999.

ADDRESSES: Written comments should be sent to: Ms. Sharon Kiser, Regulatory Secretariat (MVR), Office of Governmentwide Policy, General

Services Administration, 1800 F Street, NW, Washington, DC 204050.

E-mail comments may be sent to RIN.3090-AG85@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Martha Caswell, Director, Personal Property Management Policy Division (MTP) 202-501-3828.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule replaces FPMR Amendment H-198, published in the **Federal Register** on July 27, 1998 (63 FR 40048) which has been withdrawn (November 30, 1998) (63 FR 65710). This proposed rule sets forth condition codes which would apply to all reports of excess personal property under FPMR part 101-43. When these codes are incorporated into the Federal Acquisition Regulation they will apply to all contracts awarded prior to and after the effective date of this regulation.

B. Executive Order 12866

The General Services Administration (GSA) has determined that this proposed rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This proposed rule is not required to be published in the **Federal Register** for public comment. Therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

GSA has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this proposed rule does not contain any collection requirements which require the approval of the Office of Management and Budget.

E. Small Business Regulatory Enforcement Act

This proposed rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

For the reasons set forth in the preamble, it is proposed that 41 CFR Part 101-43 be amended as follows:

1. The authority citation for part 101-43 continues to read as follows:

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

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

2. Section 101-43.4801 is amended by revising paragraph (d) to read as follows:

§ 101-43.4801 Excess personal property reporting requirements.

* * * * *

(d) The appropriate disposal condition code from the table below shall be assigned to each item record, report, or listing of excess personal property:

Disposal condition code	Expanded definition
1	Property which is in new condition or unused condition and can be used immediately without modifications or repairs.
4	Property which shows some wear, but can be used without significant repair.
7	Property which is unusable in its current condition but can be economically repaired.
X	Property which has value in excess of its basic material content, but repair or rehabilitation is impractical and/or uneconomical.
S	Property which has no value except for its basic material content.

Dated: December 16, 1998.

G. Martin Wagner,

*Associate Administrator, Office of
Governmentwide Policy.*

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