

**General Service Administration Policy on Surplus Firearms Disposal and Donation
All Federal Agencies Except the Department of Defense**

KEY POINTS:

FEDERAL SURPLUS FIREARMS HAVE NEVER BEEN SOLD DIRECTLY TO CIVILIANS.

IN 1994, UPON CALL OF ATTORNEY GENERAL JANET RENO, GSA ENDED THE PRACTICE OF EXCHANGING/RESELLING SURPLUS FEDERAL FIREARMS TO VENDORS FOR COST PURPOSES.

SURPLUS FEDERAL FIREARMS MAY ONLY BE TRANSFERRED WITHIN THE FEDERAL GOVERNMENT OR DONATED TO STATE/LOCAL LAW ENFORCEMENT AGENCIES. OTHERWISE, THE WEAPONS MUST BE DESTROYED.

BACKGROUND:

Per GSA Regulation, the Federal government does not sell, transfer, exchange or donate any firearms to civilians. All surplus firearms held by Federal agencies must be destroyed, and all components must be rendered inoperable (the only exception are parts, like springs, that may have other uses).

The only instance in which Federally-owned firearms are ever transferred is when they are transferred between Federal agencies, or when GSA approves a donation to a state or local law enforcement agency.

The GSA law enforcement donation program is new, and began operations in August 1999. It allows the Federal government to donate surplus firearms (handgun, rifles and shotguns under .50 caliber) to state and local law enforcement agencies. This program is heavily regulated, and requires law enforcement agencies to enter into contracts requiring them to destroy all Federally-donated firearms once they are finished with them. The departments must notify GSA to certify the destruction of any Federal firearm donation. Under no circumstances may a law enforcement agency ever resell, exchange or transfer a Federally-donated firearm outside of their agency or the Federal government.

Prior to 1994, GSA's policy regarding surplus firearms was much less stringent. It allowed the Federal government to exchange or sell surplus firearms to vendors to save costs. Only after there was an incident when one of these firearms turned up in a crime, this policy was reformed. Attorney General Janet Reno stepped in and called for a new policy in 1994. Since then, exchanges and sales have been strictly prohibited.

For the record, there has never been a Federal policy allowing for the direct exchange, transfer or resale of any firearms to civilians or unlicensed persons.

FPMR Amendment H-204
Excess Personal Property Reporting Requirements Amendment
Published July 28, 1999

Firearms

Overview

This change to the Federal Property Management Regulations allows for donating certain surplus Federal firearms to state and local law enforcement entities. Federal agencies must report excess firearms to GSA's Rocky Mountain Region, located in Denver, Colorado. GSA will coordinate all donation transfers through the donee's State Agency for Surplus Property (SASP).

What events led up to this change?

- Early 1994. GSA, in consultation with DOJ and FBI, prohibits selling or donating firearms.
- 1994 - 1996. Federal agencies and others request waiver of prohibition. None granted.
- January 1997. Sen. Trent Lott requests Administrator review firearms donation policy.
- June 1997. GSA and DOJ convene meeting of Federal law enforcement and other agencies to determine consensus. Group recommends policy change to allow donation.
- July 1997. GSA met with major Federal law enforcement agencies to develop options.
- October 1997. GSA distributed proposed approach for donation of firearms.
- June 1998. Attorney General approves donation plan.
- December 1998. Proposed amendment published in Federal Register for public comment.
- January 1999. Closing date for comments, four received.
- March 1999. Comments reconciled.
- July 28, 1999. Published as final rule in Federal Register (FPMR Amendment H-204).

What does this regulation do?

- Creates a central clearinghouse in GSA for all firearm transfers (Region 8, Denver).
- Identifies firearms that may be donated.
- Requires direct shipment of firearms from holding Federal agency to donee.
- Defines "eligible law enforcement entity".
- Establishes a conditional transfer document with perpetual use restrictions.
- Requires a certificate of destruction at time firearm is destroyed.

What types of firearms may be donated?

Only handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber, and rifle and shoulder fired grenade launchers, in usable condition.

Who can get these firearms?

Donations are limited to only those eligible law enforcement entities whose primary function is the enforcement of applicable Federal, State, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest.

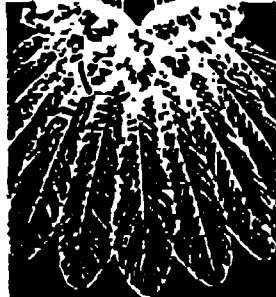
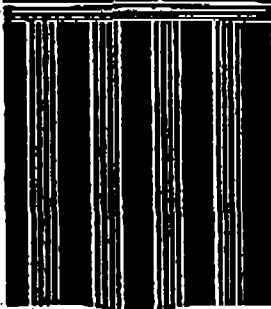
What is the conditional transfer document?

The firearms conditional transfer document, signed by both the SASP and the recipient of the firearms, states the terms, conditions, and restrictions placed upon the firearms. Restrictions are in perpetuity, firearms must be regularly inventoried, and all firearms must be destroyed when no longer needed.

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Policy



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Ducit



U.S. General
Services
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Fax

To: Neane Bros From: Sherry Comer
Fax: 456-7028 Date: 9/17/99
Phone: _____ Pages: 2
Re: _____ CC: _____

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7ART SHEET ON
NEW REGULATION
NOTE THIS HELPS
Sherry

202 501-3859
GSA, OGP, MTP



General Services Administration
Federal Supply Service
Washington, DC 20406

GSA Public Affairs
Bob Bearden P-501-0705

* Eric Dodds - GSA
- Good contact
- 202/501-0945

AUG - 2 1999

MEMORANDUM FOR DIRECTOR/CHIEF, PERSONAL PROPERTY
MANAGEMENT BRANCH
2FBP, 2FBP-1, 3FP-W, 3FPD, 4FD, 5FBP,
6FBD, 7FMP, 7FP-8, 9FBP, 10FZP

FROM:

Directors, State Agencies for Surplus Property

DEIDRE HUBER
DIRECTOR
PROPERTY MANAGEMENT DIVISION (FBP)

SUBJECT:

Donation of Firearms to State and Local Law
Enforcement Activities

The attached Firearm(s) Donation Transfer Guidelines, Firearm(s) Conditional Transfer Document, and Firearms Want List Format are forwarded for use in the implementation of Federal Property Management Regulation Amendment H-204 and GSA Bulletin H-75. The amendment authorizes the transfer of firearms for donation to State and local law enforcement activities and the bulletin directs how the firearm(s) are to be reported to GSA. To ensure that the transfers go smoothly please read the guidelines and process documentation accordingly. It should be noted that all firearms are transferred in perpetuity.

Attachments

OPTIONAL FORM 99 (7-99)

FAX TRANSMITTAL

of pages 11

To	Jack Kelly	From	Bill Wilson
Dept./Agency		Phone #	208 6925
Fax #	395 0850	Fax #	

NSN 7540-01-317-7368

5000-101

GENERAL SERVICES ADMINISTRATION

* Reference Agency

Federal Recycling Program



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9/21/99
GSA has
Acquisition
Center
for purchase
of 25,000
or more
703/205-6667
Sherry Conner
Office of
Policy
202/501-1043
GSA
David Barram
P-501-0800

FIREARM(S) DONATION TRANSFER GUIDELINES

The following operational guidance applies to GSA and the State Agencies for Surplus Property for the transfer of firearms under the Federal donation program. This guidance is available on our website at www.pub.fss.gsa.gov or upon request.

Generations: Only handguns, rifles, shotguns, individual light automatic firearms all less than .50 caliber in FSC 1005, and rifle and shoulder fired grenade launchers in FSC 1010, assigned a disposal code of 4 or better that can be used by the Donee upon receipt without repair may be transferred for donation purposes. The firearm(s) must be surplus to Federal use and may not be seized or forfeited firearm(s).

Property Restriction: The period of restriction on all donated firearm(s) begins the day a Donee takes possession of the firearm(s) and is in perpetuity.

Eligibility Requirements: Only law enforcement entities whose primary function is the enforcement of applicable Federal, State, and/or local laws may receive donated surplus firearm(s), and the firearm(s) may only be issued to those compensated law enforcement officers having powers to apprehend and to arrest.

Documentation Requirements: The requesting State Agency for Surplus Property (SASP) shall prepare a list of firearm(s) desired by eligible Donees, in the attached format, and obtain letters of intent from the eligible Donees which identify the Donee, the number of compensated officers with the power to apprehend and to arrest, and that the Donee's intent is to use the firearm(s) solely for authorized law enforcement activities. If the requesting Donee has received donated firearm(s) through any other Federal program, the letter of intent must include the number and types of firearm(s) received during the previous 12 months from such program(s). The SASP must forward the list of desired firearm(s) and letters of intent to:

General Services Administration (7FB-8)
Denver, CO. 80225-0506

Transfer processing: Upon review of the requirements and determination of allocation, the GSA regional office (7FB-8) will notify the applicable SASP of the allocation(s).

The SASP shall prepare a separate Transfer Order Surplus Personal Property (SF 123) for each eligible Donee for which donation of firearm(s) is/are

approved. The SF 123(s) with properly executed firearm(s) conditional transfer document(s) attached will be forwarded to the above GSA address for processing.

Upon receipt of an approved SF 123 from the GSA regional office, the SASP will notify the Donee and will ask the Donee whether it prefers shipment of the firearms or direct pick-up of the firearms from the holding Federal agency. The Donee is responsible for all shipment and pick-up costs.

At no time is the SASP authorized to take possession of or store any firearm(s) transferred under the Federal donation program.

Disposal of Firearms: The terms and conditions of the firearm(s) conditional transfer document specify the disposal actions required when the firearm(s) are no longer required by the Donee. The authorized methods of disposal are as follows:

- If the firearm(s) is/are no longer required, the Donee shall contact the SASP and make the firearm(s) available for transfer to another donee within the state with prior written approval of the local GSA regional office.
- If the Firearm(s) is/are no longer required within the State, the SASP will make the firearm(s) available for transfers to another SASP in accordance with FPMR 101-44.205(f), with the prior written approval of GSA (7FB-8).
- If the firearm(s) is/are no longer required, destruction of the firearm(s) must be such that each complete firearm is rendered completely inoperable and incapable of being made operable for any purpose except recovery of basic material content. *what is that?*

Authorized methods of destruction are; (1) melting of the firearm(s), (2) cutting the firearm(s) in accordance with DOD DEMIL guidelines, or (3) shredding of the firearm(s).

- The donee and SASP representative must both state in writing that the firearm(s) was/were so destroyed. The signed statement(s) must include the date and location of destruction, and the SASP must maintain the original signed statement(s) for a period of 5 years.

FIREARM(S) CONDITIONAL TRANSFER DOCUMENT

The United States of America (hereinafter called the General Services Administration (GSA) acting by and through the State of _____, State Agency for Surplus Property (hereinafter called the SASP), pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949, as amended, transfers to _____ whose address is _____ (hereinafter called the Donee) the firearm(s) hereinafter described. The Donee represents that the firearm(s) is/are required in the furtherance of the Donee's program and will be used solely for law enforcement activities and for no other purpose. The firearm(s) is/are delivered for Donee's exclusive use under the conditions and restrictions listed below. The firearm(s) or list of firearm(s) is/are described below or made as an attachment to this document.

MAKE(S) AND MODEL(S)**SERIAL NUMBER(S)**

While the firearm(s) being donated are limited to those firearms assigned disposal condition code of 4 or better, this donation is being made on an "as is, where is" basis without warranty of any kind, and delivery is made at the present location of the firearm(s) regardless of where the firearm(s) may be situated:

SUBJECT, HOWEVER, to the following conditions and restrictions:

1. The Donee agrees that the firearm(s) shall be used, as stated in the letter of intent, which is hereby incorporated by reference, solely for law enforcement activities by the Donee's compensated law enforcement officers whose primary functions include the powers to apprehend and to arrest while enforcing applicable Federal, State and local laws.
2. The Donee shall begin using the firearm(s) within 12 months after all required signature have been affixed to this document. The Donee's compensated officers must use the firearm(s) only for the purposes stated above in perpetuity. No other use is authorized at any time.
3. If the firearm(s) is/are not placed in use for the purpose stated above by the Donee within 12 months of donation, as evidenced by the date of the last signature of this document, and used thereafter in perpetuity, then within 30 days after: 1) the initial 12 month period has expired without authorized use of the firearm(s) or 2) the date the firearm(s) have ceased to be used for the purpose authorized above, the Donee shall provide notice thereof in writing to the SASP. The Donee shall, as directed by GSA through the SASP, either release the firearm(s) to another Donee or destroy the Firearm(s) in a manner

such that each complete firearm is rendered completely inoperable and incapable of being made operable for any purpose except for the recovery of its basic material content.

4. The Donee shall comply with all applicable Federal State and local firearms registration and use requirements.

5. The Donee shall immediately report lost, stolen or unaccounted for firearms received pursuant to this conditional transfer document.

6. The Donee shall conduct annual inventories of all donated firearm(s) and report the results to the SASP. The Donee and the SASP shall maintain the inventory results for three years for review by the SASP and/or GSA as appropriate.

7. The donee shall report to the SASP on the use, condition and location of the firearm(s) and on other pertinent matters as required from time to time by the SASP and/or GSA.

8. The Donee shall not ever sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of the firearm(s), or remove the firearm(s) permanently for use outside the State.

9. In the event, the firearm(s) is/are ever sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of in violation of the terms of this agreement, the Donee, at the option of GSA, shall be liable to the United States Government for the proceeds of the disposal or the fair market value of the firearm(s) at the time of the unauthorized transaction, as determined by GSA.

10. For donated firearms that are destroyed, the Donee and a representative of the SASP shall state in writing that the firearm(s) were destroyed in accordance with (3) above. The original signed statement must be maintained by the Donee and the SASP for a period of five years.

11. In the event of a breach by the Donee or its successor in function of any of the above conditions and restrictions, interest in and to the firearm(s) shall, at the option of GSA, revert to and become the property of the United States Government, and the Donee or its successor or assigns, shall forfeit all of its or their rights, titles and interests in and to the firearm(s) and may be subject to other penalties, both civil and criminal.

12. The Donee agrees that it has the abilities to safely maintain, operate, finance, properly store, and guarantee the security of the firearms being requested.

13. The SASP shall not grant waivers, amendments, releases, or terminate any of the terms and conditions enumerated in this document concerning the use or disposal of the firearm(s), or issue disposal instructions to the Donee for the firearm(s) without the prior written concurrence of GSA or its successor in function, except that GSA does not need to concur in writing for firearms to be destroyed in accordance with (3) above.

14. The Donee agrees to hold harmless and indemnify the Government for any and all costs, judgements, actions, debts, liability costs and attorney's fees, any other request for monies or any other type of relief arising from or incident to the transfer, donation, use, disposition, or any subsequent operation performed upon, exposure to or contact with any component, part, constituent or ingredient of the firearm(s), whether intentional or accidental.

15. The Donee agrees that this Firearm(s) Conditional Transfer Document was read and that the conditions and restrictions contained herein are fully understood. The Donee also agrees that the Firearm(s) Donation Transfer Guidelines, a copy of which is attached are made a part of this document, was read and that the restrictions and the eligibility, transfer, documentation, and disposal requirements are fully understood.

IN WITNESS WHEREOF, the donor and donee have duly executed this instrument this _____ day of _____.

United States of America Acting by and
through the _____ State Agency for
Surplus Property

By _____
Title _____

DONEE

By _____
Title _____
Institution of Organization _____

CITY of _____)
COUNTY OF _____)
STATE of _____)

On this _____ day of _____, before me appeared
_____ to me personally known, who, being by me duly sworn,
says that she/he is the person who executed the foregoing instrument and that

such instrument was executed under duly delegated authority on behalf of the _____ State Agency for Surplus Property, and acknowledge the foregoing instrument to be the free act and deed of the State of _____. Given under my hand and official seal the day and year above written.

Notary Public in and for the
CITY of _____
COUNTY of _____
STATE of _____

(SEAL)

My Commission Expires: _____

CITY of _____)
COUNTY of _____)
STATE of _____)

On this _____ day of _____, _____, before me appeared _____ to me personally known, who, being by me duly sworn, says that she/he is the person who executed the foregoing instrument on behalf of said _____ and acknowledge to me that she/he was duly authorized to execute the foregoing instrument and the she/he executed the same as a free act and deed of said _____.

Given under my hand and official seal the day and year above written.

Notary Public in and for the
CITY of _____
COUNTY of _____
STATE of _____

(SEAL)

My Commission Expires: _____

[illegible]

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the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 15, 1999.

James Jones,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, 40 CFR chapter I is
amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180
continues to read as follows:

Authority: 21 U.S.C. 321(g), 346a and 371.

§ 180.284 [Amended]

2. In § 180.284, by amending
paragraph (b) by revising the date "02/
01/00" wherever it appears to read "8/
1/01".

[FR Doc. 99-19001 Filed 7-27-99; 8:45 am]

BILLING CODE 5800-60-F

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-42 and 101-43

[FPMR Amendment H-204]

RIN 3090-AG80

Excess Personal Property Reporting Requirements

AGENCY: Office of Governmentwide
Policy, GSA

ACTION: Final rule.

SUMMARY: This final rule revises the Federal Property Management Regulations (FPMR) to remove the prohibition on donation of surplus Federal firearms to allow donations to State and local law enforcement activities. This rule also revises the FPMR to streamline and simplify the assignment of the disposal condition codes which Federal agencies use to report their excess personal property for utilization and donation.

EFFECTIVE DATE: July 28, 1999.

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

SUPPLEMENTARY INFORMATION:

A. Background

This final rule combines two proposed rules:

- Donation of Certain Federal Surplus Firearms to State or Local Law Enforcement Activities, published in the Federal Register on December 9, 1998 (63 FR 68136). Four comments were received and considered in the formulation of this final rule.

- Excess Personal Property Reporting Requirements, published in the Federal Register on December 29, 1998 (63 FR 71686). No comments were received.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

GSA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose record keeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501, et seq.

E. Small Business Regulatory Enforcement Fairness Act

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

List of Subjects

41 CFR Part 101-42

Government property management, Hazardous materials, Reporting and recordkeeping requirements, Surplus Government property.

41 CFR Part 101-43

Government property management, Surplus Government property.

For the reasons set forth in the preamble, 41 CFR Parts 101-42 and 101-43 are amended as follows:

1. The authority citation for parts 101-42 and 101-43 continues to read as follows:

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

PART 101-42—UTILIZATION AND DISPOSAL OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY

2. Section 101-42.1102-10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101-42.1102-10 Firearms.

(a) *Utilization requirements.* (1) In accordance with § 101-43.4801(c) of this chapter, reports of excess reportable firearms and requests for their transfer must be submitted to the: General Services Administration (7FP-8), Denver, CO 80225-0506.

(2) Firearms may be transferred only to those Federal agencies authorized to acquire firearms for official use. Such transfers must be executed under § 101-43.309-5 of this chapter and, when applicable, § 101-42.1102-8(b). Additional written justification from the requesting agency may be required.

(b) *Donation requirements.* (1) Only handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber in FSC 1005, and rifle and shoulder fired grenade launchers in FSC 1010, assigned a disposal condition code of 4 or better, as defined in § 101-43.4801(e) of this chapter, may be offered by GSA (7FP-8) to State agencies for donation to eligible law enforcement entities for law enforcement purposes only. Donations are limited to only those eligible law enforcement entities whose primary function is the enforcement of applicable Federal, State, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest. Such donations must be executed under § 101-42.1102-8(c) as applicable.

(2) Each SF 123 submitted to GSA must be accompanied by a conditional transfer document, signed by both the intended donee and the State agency, and containing the special terms, conditions, and restrictions prescribed by GSA, and any other required forms or information.

(3) The restrictions on donated firearms shall be in perpetuity, and they may not be released by the State agency without prior written approval from GSA. The donee must notify the State agency when donated firearms are no longer needed. The State agency may, with GSA approval, reassign firearms from one donee to another donee within the state or to another SASP (see § 101-44.206(f) of this chapter); otherwise, firearms must be delivered directly to the place of destruction to be destroyed by either the donee or the State agency. Destruction must be such that each

complete firearm is rendered completely inoperable and incapable of being made operable for any purpose except for the recovery of basic material content in accordance with paragraph (c) of this section. The donee and a representative from the State agency, or designee, must both state in writing that the firearms were so destroyed and the original signed statement must be maintained by the State agency.

(4) Surplus firearms approved for donation must be shipped or transported directly from the holding Federal agency to the donee, and may not be stored in the State agency warehouse; or, arrangements may be made by the State agency for the designated donee to make a direct pickup at the holding agency.

(5) Firearm ammunition may not be donated.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

3. Section 101-43.304-2 is amended by revising paragraph (b) to read as follows:

§ 101-43.304-2 Form and distribution of reports.

(b)(1) The SF 120 and SF 120A must be submitted in an original and three copies. Electronic reporting must be as specified and approved by GSA. Reports must be directed to the GSA regional office for the region in which the property is located (see § 101-43.4802). However, reports of fixed-wing and

rotary-wing aircraft must be submitted to the:

General Services Administration (9FB), San Francisco, CA 94015.

(2) Reports of excess firearms must be submitted to the:

General Services Administration (7FP-8), Denver, CO 80225-0506.

4. Section 101-43.305 is amended by revising the section heading and paragraph (b)(2) to read as follows:

§ 101-43.305 Nonreportable property and property not subject to GSA screening.

(b) * * *

(2) Property dangerous to public health and safety, except the firearms identified in § 101-43.4801(c);

5. Section 101-43.4801 is revised to read as follows:

§ 101-43.4801 Excess personal property reporting requirements.

(a) The table shown in paragraph (d) of this section shows the excess personal property Federal supply groups (FSG) and classes (FSC) comprising reportable property. Property in these groups and classes must be reported to GSA when the following disposal condition code and dollar threshold criteria are met:

(1) With the exception of aircraft and firearms as described in paragraphs (b) and (c) of this section, the disposal condition code as defined in paragraph (e) of this section, is X or better; and

(2) The unit cost, measured in acquisition dollars, is \$5,000 or more.

(b) With respect to aircraft and aircraft components and accessories:

(1) In accordance with § 101-43.304-2, and as indicated in the table in paragraph (d) of this section, line items in Federal supply classes 1510, 1520, 1560, 2810, 2840, or any class in FSC 16 must be reported regardless of disposal condition code. In agencies other than the Department of Defense (DOD), all line items in these classes must be reported regardless of disposal condition code when the dollar criteria in paragraph (a)(2) of this section are met. For the DOD, aircraft in FSC 1510 which are in the Cargo/Transport, Observation, Anti-sub, Trainer, or Utility series, all aircraft in FSC 1520, and line items in other classes which are components of these aircraft must be reported regardless of condition code when the dollar criteria in paragraph (a)(2) of this section are met.

(2) Items in Federal supply classes 1510 and 1520 held by DOD or other agencies must be reported to the:

General Services Administration (9FB), San Francisco, California 94102.

(c) With respect to firearms, executive agencies must report the following firearms, regardless of unit cost when assigned a disposal condition code of 4 or better as defined in paragraph (e) of this section, to the General Services Administration (7FP-8), Denver, CO 80225-0506:

(1) Handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber in FSC 1005; and

(2) Rifle and shoulder fired grenade launchers in FSC 1010.

(d) The following table shows Federal supply groups and classes which comprise reportable property:

FSG	FSC	Noun name
10	1005	Guns, through 30mm (Handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber only).
	1010	Guns, over 30 mm up to 75 mm (Rifle and shoulder fired grenade launchers only).
15	1510	Aircraft, fixed wing.
	1520	Aircraft, rotary wing.
	1560	Airframe structural components.
16	All	Aircraft component and accessories.
18	All	Space vehicles.
19	All	Ships, small craft, pontoons, and floating docks (All but vessels 1500 gross tons and over).
22	All	Railway equipment.
23	All	Ground effect vehicles, motor vehicles, trailers, and cycles.
24	All	Tractors.
28	2805	Gasoline reciprocating engines, except aircraft; and components.
	2810	Gasoline reciprocating engines, aircraft prime mover; and components.
	2815	Diesel engines and components.
	2840	Gas turbines and jet engines, aircraft, prime moving; and components.
32	All	Woodworking machinery and equipment.
34	All	Metalworking machinery.
35	All	Service and trade equipment.
36	All	Special industry machinery (All but 3690 Specialized ammunition and ordnance machinery and related equipment).
37	All	Agricultural machinery and equipment.
38	All	Construction, mining, excavating, and highway maintenance equipment.
39	All	Materials handling equipment.
42	All	Fire fighting, rescue, and safety equipment; and environmental protection equipment and materials.
43	All	Pumps and compressors.
49	4910	Motor vehicle maintenance and repair shop specialized equipment.

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FSG	FSC	Noun name
	4920	Aircraft maintenance and repair shops specialized equipment.
	4930	Lubrication and fuel dispensing equipment.
	4935	Guided missile maintenance, repair, and checkout specialized equipment.
	4940	Miscellaneous maintenance and repair shop specialized equipment.
	4960	Space vehicle maintenance, repair, and checkout specialized equipment.
54	All	Prefabricated structures and scaffolding.
61	All	Electric wire, and power and distribution equipment.
	All	Instruments and laboratory equipment.
70	All	Information technology equipment.
71	All	Furniture.
73	All	Food preparation and serving equipment.

(e) The appropriate disposal condition code from the following table must 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: July 20, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99-19098 Filed 7-27-99; 8:45 am]

BILLING CODE 0420-24-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 3

[18 Docket No. 98-96, FCC 99-150]

Biennial Review

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document further streamlines the authorization and regulation of privately owned accounting authorities that settle accounts for maritime mobile, maritime satellite, aircraft and hand-held terminal radio services. The Commission concluded that there is no need for the Commission to act as an accounts clearinghouse for maritime and satellite

communications and that the private authorities that the Commission has certified, acting under regulations prescribed by the Commission and under its oversight, can successfully settle all accounts for U.S. users of these radio services. The Commission also concluded that Commission withdrawal as an accounting authority will promote competition among private authorities. The Commission initiated this proceeding pursuant to the Telecommunications Act of 1996, which directs the Commission to undertake a review every even-numbered year of all regulations that apply to providers of telecommunications services to determine whether any such regulation is no longer necessary.

DATES: Effective August 27, 1999.

FOR FURTHER INFORMATION CONTACT: John Copes, Attorney-Advisor, Multilateral and Development Branch,

Telecommunications Division, International Bureau. (202) 418-1478.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's R&O, FCC 99-150, adopted on June 21, 1999, and released on July 13, 1999. The full text of this R&O is available for inspection and copying during normal business hours in the Federal Communications Commission, Reference Information Center (Room CY-A257), 445 12th St., SW, Washington, DC 20554. The complete text of the R&O may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th St., NW, Washington, DC 20036, (202) 867-3800.

Summary of R&O

1. In July 1998, the Commission adopted a Notice of Proposed Rulemaking (63 FR 39800, July 24, 1998) (NPRM) to streamline further the regulations and authorization of privately owned accounting authorities that settle accounts in the maritime mobile and maritime mobile-satellite radio services. Maritime mobile satellites are also used to provide satellite-based aviation services and

services to hand-held radio terminals. In that connection the Commission proposed to withdraw from performing the functions of an accounting authority and, instead, to rely solely upon the private accounting authorities to settle accounts for U.S. users of maritime and satellite communications. The Commission also proposed to amend its rules to make explicit the fact that certified accounting authorities are required, in settling accounts, to deal with the public on a reasonable and nondiscriminatory basis. The Commission also inquired into whether it should designate a new entity to perform the function of "accounting authority of last resort" the Commission has traditionally performed whereby it settles accounts for all users who have not designated an accounting authority at the time they made the radio communication.

2. On June 21, 1999, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (FCC 99-150) to make final the proposals in its July 1999 NPRM and to institute a transition period leading to the handing over of its functions to private accounting authorities. A proposed rule relating to this proceeding is published elsewhere in this issue of the Federal Register. In the R&O portion of the document, the Commission affirmed its proposal to withdraw from performing the functions of an accounting authority and to rely solely upon the private accounting authorities to provide account-settlement services for maritime and satellite communications. The Commission made clear that it will continue to operate as administrator of all U.S.-certified accounting authorities and the basic rules and procedures for certifying accounting authorities and will continue to oversee the operation of all certified accounting authorities.

3. The Commission has also made final its proposal to amend section 3.10(e) of its rules (47 CFR 3.10(e)) to make clear that private accounting authorities are required to serve the public on a reasonable and

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*** THE FEDERAL REGISTER ***

TITLE 41 -- PUBLIC CONTRACTS AND PROPERTY MANAGEMENT
SUBTITLE C -- FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM
CHAPTER 101 -- FEDERAL PROPERTY MANAGEMENT REGULATIONS
SUBCHAPTER H - UTILIZATION AND DISPOSAL
PART 101-42 -- UTILIZATION AND DISPOSAL OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY
SUBPART 101-42.11 -- SPECIAL TYPES OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY
§ 101-42.1102 SPECIAL REQUIREMENTS FOR UTILIZATION, DONATION, SALE, AND ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY.

41 CFR 101-42.1102-10

§ 101-42.1102-10 Firearms.

(a) Utilization requirements. (1) In accordance with § 101-43.4801(c) of this chapter, reports of excess reportable firearms and requests for their transfer must be submitted to the:

General Services Administration (7FP-8), Denver, CO 80225-0506.

(2) Firearms may be transferred only to those Federal agencies authorized to acquire firearms for official use. Such transfers must be executed under § 101-43.309-5 of this chapter and, when applicable, § 101-42.1102-8(b). Additional written justification from the requesting agency may be required.

(b) Donation requirements. (1) Only handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber in FSC 1005, and rifle and shoulder fired grenade launchers in FSC 1010, assigned a disposal condition code of 4 or better, as defined in § 101-43.4801(e) of this chapter, may be offered by GSA (7FP-8) to State agencies for donation to eligible law enforcement entities for law enforcement purposes only. Donations are limited to only those eligible law enforcement entities whose primary function is the enforcement of applicable Federal, State, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest. Such donations must be executed under § 101-42.1102-8(c) as applicable.

(2) Each SF 123 submitted to GSA must be accompanied by a conditional transfer document, signed by both the intended donee and the State agency, and containing the special terms, conditions, and restrictions prescribed by GSA, and any other required forms or information.

(3) The restrictions on donated firearms shall be in perpetuity, and they may not be released by the State agency without prior written approval from GSA. The donee must notify the State agency when donated firearms are no longer needed. The State agency may, with GSA approval, reassign firearms from one donee to another donee within the state or to another SASP (see § 101-44.205(f) of this chapter); otherwise, firearms must be delivered directly to the place

of destruction to be destroyed by either the donee or the State agency. Destruction must be such that each complete firearm is rendered completely inoperable and incapable of being made operable for any purpose except for the recovery of basic material content in accordance with paragraph (c) of this section. The donee and a representative from the State agency, or designee, must both state in writing that the firearms were so destroyed and the original signed statement must be maintained by the State agency.

(4) Surplus firearms approved for donation must be shipped or transported directly from the holding Federal agency to the donee, and may not be stored in the state agency warehouse; or, arrangements may be made by the State agency for the designated donee to make a direct pickup at the holding agency.

(5) Firearm ammunition may not be donated.

(c) Sales requirements. Surplus firearms may be sold only for scrap after total destruction by crushing, cutting, breaking, or deforming to be performed in a manner to ensure that the firearms are rendered completely inoperative and to preclude their being made operative. Such sale shall be conducted under subpart 101-45.3.

(d) Foreign gifts of firearms. Firearms reported to GSA as foreign gifts may be offered for transfer to Federal agencies, including law enforcement activities. Foreign gifts of firearms shall not be donated. Such gifts not required for Federal use may be sold only to the gift recipient at the discretion of GSA. A certification that the purchaser shall comply with all State and local laws regarding purchase and possession of firearms must be received by GSA prior to release of such firearms to the purchaser. Firearms not transferred to a Federal agency or sold to the recipient shall be disposed of in accordance with paragraph (c) or (e) of this section.

(e) Abandonment and destruction of firearms. Firearms shall not be abandoned. Destruction of firearms is subject to the requirements set forth in paragraph (c) of this section. Such destruction shall also be accomplished under the provisions of subpart 101-45.9, @ 101-42.406 and, when applicable, @ 101-42.1102-8.

(f) Abandoned and forfeited firearms. In addition to the requirements of this part 101-42, forfeited or voluntarily abandoned firearms shall be subject to the provisions of part 101-48.

HISTORY:

[57 FR 39121, Aug. 28, 1992; 64 FR 40772, July 28, 1999]

AUTHORITY:

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

NOTES:

[EFFECTIVE DATE NOTE: 64 FR 40772, July 28, 1999, revised paragraphs (a) and (b), effective July 28, 1999.]

NOTES APPLICABLE TO ENTIRE TITLE:

CROSS REFERENCES: Department of Defense Federal Acquisition Regulations, 48 CFR, Chapter 2.

Army Procurement Procedure, 32 CFR, Chapter V, Subchapter G.

Department of the Navy Procurement, Property, Patents, and Contracts, 32 CFR,

41 CFR 101-42.1102-10

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Chapter VI, Subchapter D.

Air Force Procurement Regulations, 32 CFR, Chapter VII, Subchapter W.

NOTES APPLICABLE TO ENTIRE SUBCHAPTER:

[PUBLISHER'S NOTE: Subchapter H contains temporary regulations, which relate to Federal property management. The full text of these temporary regulations appear in the Appendix to Subchapter H -- Temporary Regulations.]

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TITLE 41 -- PUBLIC CONTRACTS AND PROPERTY MANAGEMENT
SUBTITLE C -- FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM
CHAPTER 102 -- FEDERAL MANAGEMENT REGULATION SYSTEM
SUBCHAPTER A -- GENERAL

PART 101-48 -- UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED
PERSONAL PROPERTY

SUBPART 101-48.1 -- UTILIZATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

41 CFR 101-48.101-6

@ 101-48.101-6 Transfer to other Federal agencies.

(a) Normally, the transfer of forfeited or voluntarily abandoned personal property shall be accomplished by submitting for approval a Standard Form 122, Transfer Order Excess Personal Property (see @ 101-43.4901-122), or any other transfer order form approved by GSA, to the General Services Administration (3FBP-W), Washington, DC 20407, for approval.

(b) Except for property which is subject to court action, the transfer order shall indicate the agency having custody of the property, the location of the property, the report or case number on which the property is listed, the property required, and the fair value, if applicable.

(c) Property subject to court action may be requested by submitting a transfer order or a letter setting forth the need for the property by the agency. If proceedings for the forfeiture of the property by court decree are being started or have begun, application will be made by GSA to the court, prior to entry of a decree, for an order requiring delivery of the property to an appropriate recipient for its official use.

(d) Transfers of forfeited or voluntarily abandoned distilled spirits, wine, and malt beverages shall be limited to those for medicinal, scientific, or mechanical purposes or for any other official purposes for which appropriated funds may be expended by a government agency. Transfer orders shall be signed by the head of the requesting agency or a designee. Where officials are designated to sign, the General Services Administration (3FBP-W), Washington, DC 20407, shall be advised of designees by letter signed by the head of the agency concerned. No transfer order will be acted upon unless it is signed as provided herein.

(e) Transfer orders requesting the transfer of forfeited or voluntarily abandoned firearms shall set forth the need for the property by the requesting agency. ←

(f) Transfer orders requesting the transfer of reportable forfeited drug paraphernalia shall be submitted to the General Services Administration, Property Management Division (FBP), Washington, DC 20406, for approval. Transfers will not be approved unless the Standard Form 122 or other transfer document contains a certification that the paraphernalia will be used for law enforcement or educational purposes only.

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(g) Any property transferred for official use under this subpart 101-48.1, with the exception of drug paraphernalia, shall thereupon lose its identity as forfeited or voluntarily abandoned property. When no longer required for official use, it shall be reported as excess in accordance with @ 101-43.304. Drug paraphernalia shall not lose its identity as forfeited property. When no longer required for official use, it shall be reported in accordance with @ 101-48.101-5(d)(7).

HISTORY:

[42 FR 55813, Oct. 19, 1977, as amended at 56 FR 40261, Aug. 14, 1991]

AUTHORITY:

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

NOTES:

NOTES APPLICABLE TO ENTIRE TITLE:

CROSS REFERENCES: Department of Defense Federal Acquisition Regulations, 48 CFR, Chapter 2.

Army Procurement Procedure, 32 CFR, Chapter V, Subchapter G.

Department of the Navy Procurement, Property, Patents, and Contracts, 32 CFR, Chapter VI, Subchapter D.

Air Force Procurement Regulations, 32 CFR, Chapter VII, Subchapter W.

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