

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

1. The authority citation for part 101-47 is revised to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 101-47.303-4 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 101-47.303-4 Appraisal.

* * * * *

(c) The disposal agency shall have the property appraised by experienced and qualified persons familiar with the types of property to be appraised by them. If the property is included in or eligible for inclusion on the National Register of Historic Places, the appraisal should consider the effect of historic covenants on fair market value.

(d) *Appraisal confidentiality.* Appraisals, appraisal reports, appraisal analyses, and other pre-decisional documents obtained in accordance with this subpart are confidential and for the use of authorized personnel of Government agencies having a need for such information. Further, such information shall not be divulged prior to the delivery and acceptance of the deed. Any person engaged to collect or evaluate information pursuant to this paragraph shall certify that there is no interest, direct or indirect, in the property which would conflict in any manner with the preparation and submission of an impartial appraisal report.

Dated: April 20, 1999.

David J. Barram,

Administrator of General Services.

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DEPARTMENT OF DEFENSE

48 CFR Part 207

[DFARS Case 99-D012]

Defense Federal Acquisition Regulation Supplement; Contract Actions for Leased Equipment

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add guidance pertaining to funding of contract actions for leased equipment. The guidance emphasizes that capital leases are essentially installment purchases of property and,

therefore, must use procurement funding.

EFFECTIVE DATE: June 14, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Pelkey, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 99-D012.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule adds a new section at DFARS 207.471 to address funding of contract actions for leased equipment. The new text provides a reference to DoD Financial Management Regulation 7000.14-R and specifies that procurement funds must be used for capital leases.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D012.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 207

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 207 is amended as follows:

1. The authority citation for 48 CFR Part 207 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 207—ACQUISITION PLANNING

2. Section 207.471 is added to read as follows:

207.471 Funding requirements.

(a) Fund leases in accordance with DoD Financial Management Regulation (FMR) 7000.14-R, Volume 2A, Chapter 1.

(b) DoD leases are either capital leases or operating leases. The difference between the two types of leases is described in FMR 7000.14-R, Volume 4, Chapter 7, Section 070308.

(c) Capital leases are essentially installment purchases of property. Use procurement funds for capital leases.

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DEPARTMENT OF DEFENSE

48 CFR Part 209

[DFARS Case 98-D304]

Defense Federal Acquisition Regulation Supplement; Congressional Medal of Honor

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8118 of the National Defense Appropriations Act for Fiscal Year 1999. Section 8118 prohibits the award of a contract to, extension of a contract with, or approval of the award of a subcontract to any entity that, within the past 15 years, has been convicted of the unlawful manufacture or sale of the Congressional Medal of Honor.

DATES: *Effective date:* June 14, 1999.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before August 13, 1999, to be considered in the formation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil.

Please cite DFARS Case 98-D304 in all correspondence related to this rule. E-mail comments should cite DFARS Case 98-D304 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds a new section at DFARS 209.471 to implement Section 8118 of the National Defense