

GENERAL SERVICES ADMINISTRATION (GSA) – Regulatory Plan – October 2022

The U.S. General Services Administration (GSA) delivers value and savings in real estate, acquisition, technology, and other mission-support services across the Federal Government. GSA's acquisition solutions supply Federal purchasers with cost-effective, high-quality products and services from commercial vendors. GSA provides workplaces for Federal employees and oversees the preservation of historic Federal properties. GSA helps keep the nation safe and efficient by providing tools, equipment, and non-tactical vehicles to the U.S. military, and by providing State and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.

GSA serves the public by delivering products and services directly to its Federal customers through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP). GSA has a continuing commitment to its Federal customers and the U.S. taxpayers by providing those products and services in the most cost-effective manner possible.

Federal Acquisition Service

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government. The FAS organization leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services. FAS provides a range of high-quality and flexible acquisition services to increase overall Government effectiveness and efficiency by aligning resources around key functions.

Public Buildings Service

PBS is the largest public real estate organization in the United States. As the landlord for the civilian Federal Government, PBS acquires space on behalf of the Federal Government through new construction and leasing and acts as a manager for Federal properties across the country. PBS is responsible for over 370 million rentable square feet of workspace for Federal employees' has jurisdiction, custody, and control over more than 1,600 federally owned assets totaling over 180 million

rentable square feet; and contracts for more than 7,000 leased assets, totaling over 180 million rentable square feet.

In FY23, GSA expects to update the existing internal guidance and issue a new PBS Order following the release of Implementing Instructions on Executive Order (E.O.) 14057 on Federal Sustainability that was issued on December 8, 2021.

Office of Government-wide Policy

OGP sets Government-wide policy in the areas of personal and real property, mail, travel, motor vehicles, relocation, transportation, information technology, regulatory information, and the use of Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired, as well as GSA's own acquisition programs. Pursuant to Executive Order 12866, "Regulatory Planning and Review" (September 30, 1993) and Executive Order 13563, "Improving Regulation and Regulatory Review" (January 18, 2011), the Regulatory Plan and Unified Agenda provides notice regarding OGP's regulatory and deregulatory actions within the Executive Branch.

GSA prepared a list of actions in the areas of Climate Risk Management, Resilience, and Adaptation; Environmental Justice; Greenhouse Gas (GHG) Reduction; Clean Energy; Energy Reduction; Water Reduction; Performance Contracting; Waste Reduction; Sustainable Buildings; and Electronics Stewardship & Data Centers. Detailed information on actions GSA is considering taking through December 31, 2025, to implement the Administration's policy set by Executive Orders 13990 and 14008 were provided in GSA's Executive Order 13990 90-day response, the GSA Climate Change Risk Management Plan, and the GSA 2021 Sustainability Plan. More specifics will be known on the Sustainability Plan when feedback is obtained from CEQ and OMB.

Office of Asset and Transportation Management

The Office of Asset and Transportation Management, and Office of Acquisition Policy are prioritizing rulemaking focused on initiatives that:

- Promote the country's economic resilience and improve the buying power of U.S. citizens;
- Support underserved communities, promoting equity in the Federal Government; and
- Support national security efforts, especially safeguarding Federal Government information and information technology systems.

The Fall 2022 Unified Agenda consists of fourteen (14) active Office of Asset and Transportation Management (MA) agenda items, of which six (6) active actions are included in the Federal Travel Regulation (FTR) and eight (8) active actions are included in the Federal Management Regulation (FMR).

The Federal Travel Regulation (FTR) enumerates the travel and relocation policy for all title 5 Executive Agency employees. The Code of Federal Regulations (CFR) is available at <https://ecfr.federalregister.gov/>. The FTR is contained in title 41 of the CFR, chapters 300 through 304, that implements statutory requirements and Executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense. The Federal Management Regulation (FMR) is contained in title 41 of the CFR, Chapter 102, and establishes policy for Federal aircraft management, mail management, transportation, personal property, real property, motor vehicles, and committee management.

Rulemaking that Tackles Climate Change

FMR Case 2020-102-2, Location of Space, promotes economy and efficiency in the planning, acquisition, utilization, and management of Federal facilities. The rule will implement Executive Order 13946 (Targeting Opportunity Zones and Other Distressed Communities for Federal Site Locations) and Executive Order 14057 (Catalyzing Clean Energy Industry and Jobs Through Federal Sustainability). This

rule will help reduce emissions across Federal workplaces by ensuring that all new construction, modernization projects, and leases implement a number of energy efficient, sustainable, and climate-resilient building practices for Federal facilities.

FTR Case 2022-03, Alternative Fuel Vehicle During Relocations, allows greater agency flexibility for authorizing shipment of a relocating employee's alternative fuel-based privately owned vehicle (POV), as some POVs, primarily electric vehicles, cannot be driven more than a short distance without being recharged.

Rulemaking that Supports Equity and Underserved Communities

Federal Travel Regulation (FTR): FTR Case 2022-05, Updating the FTR With Diversity, Equity, Inclusion, and Accessibility Language, updating the entirety of the FTR to ensure that its language reflects inclusivity in terms of primarily gender, as well as any other language that reflects inclusivity and equity. Other minor technical adjustments unrelated to inclusivity, such as updated website and physical addresses, will be included as well.

Federal Management Regulation (FMR); FMR Case 2022-01, Federal Advisory Committee Management, FACA is a transparency statute designed to provide Congress, interested stakeholders, and the public with information on, and access to the activities, membership, meetings, costs, etc. of federal advisory committees established by the Executive Branch. Under Section 7 of the Act, GSA is responsible for preparing regulations for implementing FACA. The proposed rule revisions will provide updates and clarification to policies and processes, and further incorporate diversity, equity, inclusion, and accessibility policies into the federal advisory committee program governmentwide, which is an Administration priority.

FMR Case 2021-01, Use of Federal Real Property to Assist the Homeless" will streamline the process by which excess Federal real property is screened for potential conveyance to homeless interests.

FMR Case 2022-02, Union Organizer Access to Private Sector Contractors' Employees on Federal

Property will implement Executive Order 14025 of April 26, 2021, titled "Worker Organizing and

Empowerment," to make clear that worker organizing and collective bargaining among employees of contractors working in Federal Government facilities are not covered or restricted by the general

prohibition on soliciting, posting and distributing materials in property under the jurisdiction, custody, or control of GSA.

Rulemaking that Supports National Security

FMR Case 2021-102-1, “Real Estate Acquisition” will clarify the policies for entering into leasing agreements for high security space (*i.e.*, space with a Facility Security Level (FSL) of III, IV, or V) in accordance with the Secure Federal LEASEs Act (Pub. L. 116-276).

Office of Acquisition Policy

The Fall 2022 Unified Agenda consists of seventeen (17) active Office of Acquisition Policy (MV) agenda items, all of which are for the General Services Administration Acquisition Regulation (GSAR).

Office of Acquisition Policy - General Services Administration Acquisition Regulation

GSA's rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Regulation (GSAR), which implements and supplements the Federal Acquisition Regulation. The GSAR establishes agency acquisition regulations that affect GSA's business partners (*e.g.*, prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 585. The GSAR implements contract clauses, solicitation provisions, and standard forms that control the relationship between GSA and contractors and prospective contractors.

Rulemaking that Tackles Climate Change

GSAR Case 2022-G517, Single-use Plastic Packaging Reduction, explores regulation that will reduce single-use plastic consumption by the agency. Single-use plastic poses an environmental risk that is documented as having the potential to impact biodiversity. The case focuses on packaging materials with the overall intent of addressing not only the items that the Government intentionally consumes, but those products that the Government unintentionally consumes (such as packaging) that then has to be disposed of once the item is delivered.

Rulemaking that Promotes Economic Resilience

GSAR Case 2020-G510, Federal Supply Schedule Economic Price Adjustment (EPA), will clarify, update, and incorporate Federal Supply Schedule (FSS) program policies and procedures regarding economic price adjustment, including updating related prescriptions and clauses. Ultimately, the case aims to streamline the EPA process for FSS business partners and our acquisition workforce.

GSAR Case 2021-G530, Extension of Federal Minimum Wage to Lease Acquisitions, will increase efficiency and cost savings in the work performed for leases with the Federal Government by increasing the hourly minimum wage paid to those contractors in accordance with Executive Order 14026, “Increasing the Minimum Wage for Federal Contractors” dated April 27, 2021, and Department of Labor regulations at 29 CFR part 23.

Rulemaking that Supports Equity and Underserved Communities

GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules, will clarify the requirements for use of Federal Supply Schedules by eligible non-Federal entities, such as state and local governments. The regulatory changes are intended to increase understanding of the existing guidance and expand access to GSA sources of supply by eligible non-Federal entities, as authorized by historic statutes including the Federal Supply Schedules Usage Act of 2010.

Rulemaking that Supports National Security

GSAR Case 2020-G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions, will protect national security by prohibiting procurement from certain covered entities using covered equipment and services in lease acquisitions pursuant to Section 889 of the National Defense Authorization Act for Fiscal Year 2019. The regulatory changes will implement the Section 889 requirements in lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clauses.

GSAR Case 2021-G522, Contract Requirements for High-Security Leased Space, will incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the Secure Federal Leases Act. Covered entities are required to identify whether the beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter.

GSAR Case 2021-G527, Immediate and Highest-Level Owner for High-Security Leased Space, addresses the risks of foreign ownership of Government-leased real estate and requires the disclosure of immediate and highest-level ownership information for high-security space leased to accommodate a Federal agency.

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