

GENERAL SERVICES ADMINISTRATION (GSA) – Regulatory Plan – October 2023

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.

As GSA is developing its regulations, it seeks to increase participation and engagement of members of the public affected by its regulations, including in the development of its regulatory priorities. In its Regulatory Plan, it details engagement efforts that have helped to inform its priorities to date, as well as future engagement it has planned. In support of Executive Order 14094, GSA is ensuring that it hears from members of the public who have not typically participated in the regulatory process, including families eligible for assistance, communities affected by climate change, and rural workers, among others.

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 fiscal year (FY) 2023, GSA expects to update the existing internal guidance and issue a new PBS Order following the release of the Implementing Instructions for Executive Order 14057 on Catalyzing Clean Energy Industries and Jobs Through 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 Reduction; Clean Energy; Energy Reduction; Water Reduction; Performance Contracting; Waste Reduction; Sustainable Buildings; and Electronics Stewardship and 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 the Council on Environmental Quality and the Office of Management and Budget.

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 2023 Unified Agenda consists of 14 active Office of Asset and Transportation Management (MA) agenda items, of which 6 active actions are included in the Federal Travel Regulation (FTR) and 8 active actions are included in the Federal Management Regulation (FMR).

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

Past or Ongoing Public or Community Engagement that Informed the Development of GSA Rules

Although focused primarily on agency management and personnel, most rules issued by the Office of Asset and Transportation Management are preceded by proposed rules to encourage public participation. In FY 2022, two Federal Management Regulations (Real Estate Acquisition; and Replacement of Personal Property Pursuant to the Exchange/Sale Authority) and two Federal Travel Regulation proposed rules (Common Carrier Transportation; and Constructive Cost) were published. One final rule (Federal Management Regulation; Soliciting Union Memberships Among Contractors in GSA-Controlled Buildings), was issued as a final rule with a 60-day comment period for future rulemaking.

In FY 2023, two Federal Travel Regulation proposed rules (Alternative Fuel Vehicle Usage During Relocations; and Relocation Allowance—Temporary Quarters Subsistence Expenses (TQSE)) were published. One GSA proposed rule (General Services Administration Property Management Regulations (GSPMR) Social Security Number Fraud Prevention) and one joint agency proposed rule (Use of Federal Real Property To Assist the Homeless: Revisions to Regulations) were published. Collectively, the public provided 11 comments on the FY 2023 proposed rules. This input was used in the formulation of the final rules.

In FY 2024, the Office of Asset and Transportation Management will continue to issue proposed rules with a 60-day comment period to obtain public feedback. Four proposed rules are anticipated including: FMR Case 2018-102-1, Safety and Environmental Management; FMR 2022-01, Federal Advisory Committee Management; FTR Case 2022-04, Relocation Allowance - Allowance for Miscellaneous Expenses; FTR Case 2020-301-1 E-Gov Travel Services updates; and Federal Management Regulation; Interagency Fleet Management Systems; FMR Case 2019-102-2.

Rulemaking that Tackles Climate Change

FTR Case 2022-03, Alternative Fuel Vehicle Usage 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. Because of the topic area being of great public interest in recent years, this rule did attract a small number of comments from the public. The comments reflected both support of the proposal and dislike of spending funds on Federal employee relocation, and caused GSA to think more about whether the ideas presented were workable and had merit. While ultimately GSA decided some of the ideas had merit, but were not within GSA's authority, it was helpful to see the public's perspective.

FMR Case 2023-102-1, Sustainable Siting, promotes economy and efficiency in the planning, acquisition, utilization, and management of Federal facilities. The rule will incorporate the concepts of several Administration priorities, including sustainability, equity, and environmental justice. This rule will help reduce emissions across Federal workplaces by requiring that all new construction, modernization projects, and leases implement a number of energy efficient, sustainable, and climate-resilient building

practices for Federal facilities.

Rulemaking that Supports Equity and Underserved Communities

FTR Case 2022-05, Updating the FTR With Diversity, Equity, Inclusion, and Accessibility Language, updates the entirety of the FTR to ensure that its language reflects inclusivity by replacing gender-specific pronouns (e.g., he, she, his, her) with non-gendered pronouns and other language that reflects inclusivity and equity.

FMR Case 2022-01, Federal Advisory Committee Management, the Federal Advisory Committee Act (FACA) is a transparency statute designed to provide Congress, interested stakeholders, and the public with information on, and access to, the activities, membership, meetings, and costs, of Federal advisory committees established by the Executive Branch. Under section 7 of FACA, 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 government-wide, 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.

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 of III, IV, or V) in accordance with the Secure Federal LEASEs Act (Pub. L. 116-276).

Office of Acquisition Policy

The Fall 2023 Unified Agenda consists of 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 GSAR, which implements and supplements the Federal Acquisition Regulation (FAR). 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. sections 121(c) and 585. The GSAR implements contract clauses, solicitation provisions, and standard forms that control the relationship between GSA and its contractors and prospective contractors.

Significant Determinations in accordance with Executive Order 12866 Section(f)(1)

No GSAR rules in the previous Regulatory Plan or this Regulatory Plan are anticipated to have a monetary annual effect of \$200 million or more.

Past or Ongoing Public or Community Engagement that Informed the Development of GSAR

Cases

- For rules that GSA expects to have significant public interest, GSA's Office of Acquisition Policy (OAP) may issue an Advanced Notice of Proposed Rulemaking (ANPR) in order to involve the public at the earliest stages. For example, an ANPR was issued to assist in GSA's formulation of GSAR Case 2022-G517, Single-use Plastic Packaging Reduction.
- When issuing proposed rules, OAP regularly requests public comment to help in the formulation of the final rule.
- OAP regularly meets with the Council of Defense and Space Industry Associations (CODSIA). CODSIA represents member associations representing numerous small, medium, and large companies. Examples of these member associations include the Professional Services Council (PSC), Information Technology Industry Council (ITI), and the Associated General Contractors (AGC) to name a few. OAP anticipates continuing these meetings into the foreseeable future.
- Future opportunities OAP intends to pursue to increase public engagement in the development of regulatory acquisition rules includes partnering with GSA's Office of Small and Disadvantaged Business Utilization (OSDBU) in their industry outreach events. GSA's OSDBU services small and disadvantaged businesses and works with advocacy groups, chambers of commerce, and

small business coalitions in order to bring small businesses to the forefront of federal procurement opportunities.

Rulemaking that Tackles the Climate Change Emergency

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 have to be disposed of once the item is delivered.

Rulemaking that Advances Equity and Supports Underserved, Vulnerable and Marginalized Communities

GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules, will clarify the requirements for use of the FSS 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 Reflects Actions that Create and Sustain Good Jobs with a Free and Fair Choice to Join a Union and Promote Economic Resilience in General

GSAR Case 2021-G530, Labor Requirements for 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 U.S. Department of Labor regulations at 29 CFR part 23.

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 GSA's 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 U.S. Department of Labor regulations at 29 CFR part 23.

Rulemaking Reflecting Actions that Improve Service Delivery, Customer Experience, and Reduce Administrative Burdens

GSAR Case 2022-G506, Standardizing the Identification of Deviations in the GSAR, standardizes the identification, including number, title, date, and deviation label, of any provision or clause listed in the General Services Administration Regulation (GSAR) that has an authorized deviation. Standardizing this information will add clarity and uniformity, therefore reducing burden, for both the GSA acquisition workforce and GSA's industry partners.

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