

GENERAL SERVICES ADMINISTRATION (GSA) – Regulatory Plan – October 2024

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.

Office of Government-wide Policy

OGP sets Government-wide policy in the areas of personal and real property, mail, travel, aviation, motor vehicles, relocation, transportation, information technology, regulatory information, and the management and operation 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 Orders 12866, "Regulatory Planning and Review" (September 30, 1993), 13563, "Improving Regulation and Regulatory Review" (January 18, 2011), and 14094, "Modernizing Regulatory Review" (April 11, 2023), 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.

Office of Asset and Transportation Management

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

- Promote the country's economic resilience and improve the buying power of U.S. citizens, and;

- Support underserved communities, promoting equity in the Federal Government.

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 management, personal property management, real property management, motor vehicle management, and committee management.

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

In FY 2023, two FTR 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 continued to issue proposed rules with a 60-day comment period to obtain public feedback. Four proposed rules were published including: FMR Case 2023-102-1, Designation of Authority and Sustainable Siting; FTR Case 2022-04, Relocation Allowances - Miscellaneous Expenses Allowance; FTR Case 2023-03 Updating Glossary of Terms and E-Gov Travel Service Requirements; and FMR Case 2022-01, Federal Advisory Committee Management. This input was used in the formulation of the final rule.

In addition to these proposed rules, the Office of Asset and Transportation Management published six final rules in FY 2024. The rules included: FTR Case 2022-05, Updating the FTR With Diversity, Equity, Inclusion, and Accessibility Language; FTR Case 2022-03, Alternative Fuel Vehicle Usage During Relocations; FTR Case 2022-02, Relocation Allowance - Temporary Quarters Subsistence Expenses; FMR Case 2024-01 Updating the FMR With Diversity, Equity, Inclusion, and Accessibility Language;

FMR 2022-01, Federal Advisory Committee Management; FMR Case 2023-102-03, Accessibility Standard for Pedestrian Facilities in the Public Right-of-Way; FMR Case 2023-102-1, Designation of Authority and Sustainable Siting.

In FY 2025, several final rules are slated to be published, including FMR Case 2018-102-1, Safety and Environmental Management; FMR Case 2021-01, Use of Federal Real Property to Assist the Homeless; FTR Case 2022-04, Relocation Allowances - Miscellaneous Expenses Allowance; FTR Case 2023-03, Updating Glossary of Terms and E-Gov Travel Service Requirements; FMR Case 2019-102-2, Interagency Fleet Management Systems; and FTR Case 2023-01, Removing References to Title and Narrative Format and Other Clarifications. In addition, three new final rules will be published, including FMR Case 2024-03, Updating FMR Part 102-117, Transportation Management, with Diversity, Equity, Inclusion, and Accessibility Language; FMR Case 2024-02, Real Property Disposal Subparts A and B; FTR Case 2025-01, Buyer Broker Compensation Reimbursement; and FTR Case 2025-02, Replacing the Term “Family” with “Immediate Family”.

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. This rule attracted four 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. Ultimately GSA decided some of the ideas had merit but were not within GSA’s authority. Nevertheless, it was helpful to see the public’s perspective.

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 final rule revisions provided updates and clarification to policies and processes, and further diversity, equity, inclusion, and accessibility policies into the Federal advisory committee program government-wide, which was 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 2024-01, Updating the FMR with Diversity, Equity, Inclusion, and Accessibility Language, updates the FMR parts 102-5, 102-36, 102-38, 102-39, 102-40, 102-41, and 102-42 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.

Office of Acquisition Policy

The Fall 2024 Unified Agenda consists of 16 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 (ANPRM) in order to involve the public at the earliest stages. For example, an ANPRM was issued to assist in GSA's formulation of GSAR Case 2022-G517, Single-use Plastic Packaging Reduction. OAP anticipates two more ANPRM actions for the 2024 Fall Agenda period - One action that supports tackling the Climate Change Emergency (reducing Per- and Polyfluoroalkyl Substances (PFAS) through the Federal Supply Schedule), and another ANPRM action that supports improving Service Delivery, Customer Experience, and Reduce Administrative Burdens (Multiple Award Schedule Contractor Performance Information).
- GSA established an Acquisition Policy Advisory Committee (GAP FAC) in June of 2022 to serve as an advisory body to GSA's Administrator on how GSA can use its acquisition tools and authorities to target the highest priority Federal acquisition challenges. The initial focus for the GAP FAC was on driving regulatory, policy, and process changes required to embed climate and sustainability considerations in Federal acquisition, and the focus is transitioning to emergency technology and Artificial Intelligence (AI) considerations in Federal acquisition. The GAP FAC is composed of multiple stakeholders to include academics, non-profit organizations, industry, and government employees.
- 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

GSA is exploring regulation that will encourage both offerors and buyers to procure products with an ecolabel that indicates a reduction or absence of Per- and Polyfluoroalkyl Substances (PFAS) chemicals. To better understand the cost impact of such a rule change, GSA proposes publishing an Advanced Notice of Proposed Rule (ANPRM) to ask industry for feedback as to what potential barriers, costs, definitions, and reporting mechanisms could be utilized for such a rule change.

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.

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

GSA is exploring the ability to post Multiple Award Schedule (MAS) contractor performance information on GSA eCommerce platforms such as GSA Advantage. The goal of such a change is to modernize GSA eCommerce platforms and improve contractor performance, increase competition at the order level, increase transparency, and increase MAS customer satisfaction. To better understand the cost impact of such a rule change, GSA intends to publish an ANPRM to seek feedback from industry on

potential barriers, costs, definitions, and reporting mechanisms that may be encountered or utilized for such a rule change.

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