



Federal Register

**Monday,
December 7, 2009**

Part XIV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, and 302

48 CFR Chs. 5 and 61

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the spring 2009 edition. This agenda was developed under the guidelines of Executive Order 12866 “Regulatory Planning and Review.” GSA’s purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or

eliminated. Proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for spring editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA’s regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Supervisor, Regulatory Secretariat Branch at (202) 208-7282.

Dated: September 23, 2009.

Michael Robertson,
Associate Administrator, Office of Governmentwide Policy.

Dated: September 4, 2009.

Al Matera,
Director, Acquisition Policy Division.

Dated: September 8, 2009.

Sloan W. Farrell,
Team Leader, External Programs, Office of Civil Rights.

Dated: September 4, 2009.

Christopher T. Giavis,
Office of Portfolio Management

General Services Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
437	General Services Administration Acquisition Regulation (GSAR) Case 2006-G522; Federal Supply Schedule Contracts—Recovery Purchasing by State and Local Governments Through Federal Supply Schedules	3090-AI32
438	GSAR Case 2008-G517; Cooperative Purchasing-Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules	3090-AI68

General Services Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
439	General Services Administration Acquisition Regulation (GSAR) Case 2005-G501; Federal Agency Retail Pharmacy Program	3090-AI06
440	General Services Administration Acquisition Regulation (GSAR) Case 2006-G507; Rewrite of Part 538, Federal Supply Schedule Contracting	3090-AI77

General Services Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
441	GSAR Case 2006-G501; GSA Mentor-Protégé Program	3090-AI56

General Services Administration (GSA)

Final Rule Stage

OFFICE OF ACQUISITION POLICY

437. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006–G522; FEDERAL SUPPLY SCHEDULE CONTRACTS—RECOVERY PURCHASING BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES

Legal Authority: 40 USC 121(c); 40 USC 502(d)

Abstract: The rule is amending the General Services Administration Acquisition Regulation (GSAR) to implement section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109-364). Section 833 amends 40 U.S.C. 502 to authorize the Administrator of General Services to provide to State and local governments the use of Federal Supply Schedules of the GSA for purchase of products and services to be used to facilitate recovery from a major disaster declared by the President or to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/07	72 FR 4649

Action	Date	FR Cite
Interim Final Rule	04/02/07	
Comment Period End		
Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI32

438. GSAR CASE 2008–G517; COOPERATIVE PURCHASING—ACQUISITION OF SECURITY AND LAW ENFORCEMENT RELATED GOODS AND SERVICES (SCHEDULE 84) BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110-248, The Local Preparedness Acquisition Act.

The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule	11/18/08	
Comment Period End		
Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI68

General Services Administration (GSA)

Long-Term Actions

OFFICE OF ACQUISITION POLICY

439. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2005–G501; FEDERAL AGENCY RETAIL PHARMACY PROGRAM

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to add a new subpart and clause required by the Department of Veterans Affairs (VA), consistent with congressional intent under section 603 of the Veterans Health Care Act of 1992 (VHCA) and 38 U.S.C. 8126, that certain Federal agencies (i.e., VA,

Department of Defense (DoD), Public Health Service (including the Indian Health Service), and the Coast Guard) have access to Federal pricing for pharmaceuticals purchased for their beneficiaries.

GSA is responsible for the schedules program and rules related to its operation. Under GSA's delegation of authority, the VA procures medical supplies under the VA Federal Supply Schedule program. VA and DoD seek this amendment. This new subpart adds a clause unique to the virtual depot system established by a Federal Agency Retail Pharmacy Program utilizing contracted retail pharmacies as part of a centralized pharmaceutical commodity management program. At this time, only DoD has a program in place, and the rule would facilitate

DoD's access to Federal pricing on Federal Supply Schedule (FSS) pharmaceutical contracts for covered drugs purchased by DoD and dispensed to TRICARE beneficiaries through retail pharmacies in the TRICARE network.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19045
NPRM Comment Period End	06/13/05	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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Long-Term Actions

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RIN: 3090-AI06

440. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006-G507; REWRITE OF PART 538, FEDERAL SUPPLY SCHEDULE CONTRACTING

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to

amend the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 538 that provide requirements for Federal Supply Schedule Contracting actions.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/26/09	74 FR 4596

Action	Date	FR Cite
NPRM Comment Period End	03/27/09	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AI77

General Services Administration (GSA)

Completed Actions

441. GSAR CASE 2006-G501; GSA MENTOR-PROTÉGÉ PROGRAM

Legal Authority: 40 USC 486(c)

Abstract: The General Services Administration (GSA) is issuing this final rule to amend its acquisition regulations to formally encourage GSA prime contractors to assist small business, including veteran-owned small business, service-disabled veteran-owned small business, HUBZone, small disadvantaged business, and women-owned small business, in enhancing their capabilities to perform contracts and subcontracts for GSA and other Federal

agencies. The program seeks to increase the base of small business eligible to perform GSA contracts and subcontracts. The program also seeks to foster long-term business relationships between GSA prime contractors and small business entities and to increase the overall number of small business entities that receive GSA contracts, and subcontract awards.

This is a significant regulatory action and, therefore, was subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Rule	08/14/09	74 FR 41060
Final Rule Effective	09/14/09	

Regulatory Flexibility Analysis Required: Yes

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