

**CHAPTER 110 - AGRICULTURE PROPERTY MANAGEMENT REGULATIONS
SUBCHAPTER A - GENERAL
PART 110-2 - AGRICULTURE PROPERTY MANAGEMENT REGULATIONS
SYSTEM**

SUPPLEMENTING

**CHAPTER 102 - FEDERAL MANAGEMENT REGULATION
SUBCHAPTER A - GENERAL
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Subpart A - Regulation System

General

102-2.5 What is the Federal Management Regulation (FMR)?

The Federal Management Regulation (FMR) is the successor regulation to the Federal Property Management Regulations (FPMR). It contains updated regulatory policies originally found in the FPMR. However, it does not contain FPMR material that described how to do business with the General Services Administration (GSA). “How to” materials on this and other subjects are available in customer service guides, handbooks, brochures and Internet websites provided by GSA. (See [102-2.125](#).)

110-2.5 Agriculture Property Management Regulations (AGPMR).

Property management activities of the Department of Agriculture are subject to the FMR (CFR Title 41, Chapter 102) to the extent specified in Title 40 U.S.C. – the recodification of the Federal Property and Administrative Services Act of 1949, as amended, and other applicable laws.

The AGPMR sets forth introductory material concerning the Department of Agriculture Property Management Regulations (AGPMR) system: its content, authority, applicability, issuance, arrangement and implementation.

102-2.10 What is the FMR’s purpose?

The FMR prescribes policies concerning property management and related administrative activities. GSA issues the FMR to carry out the Administrator of General Services’ functional responsibilities, as established by statutes, Executive orders, Presidential memoranda, Circulars and bulletins issued by the Office of Management and Budget (OMB), and other policy directives.

110-2.10 AGPMR purpose.

AGPMR are prescribed for application to property management activities of the Department of Agriculture in carrying out its programs. Although certain program functions of the Department are, by reason of special law, exempt from relevant parts of these regulations, they will be applicable to such functions; to the extent it is feasible and consistent with efficient program operations.

102-2.15 What is the authority for the FMR system?

The Administrator of General Services prescribes and issues the FMR under the authority of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 486(c), as well as other applicable Federal laws and authorities.

110-2.15 Authority for the AGPMR system.

Use of the AGPMR system is authorized by 5 U.S.C. 301 – Departmental regulations, Title 40 U.S.C. – the recodification of the Federal Property and Administrative Services Act of 1949, as amended and other laws and authorities specifically cited in the regulations.

102-2.20 Which agencies are subject to the FMR?

The FMR applies to executive agencies unless otherwise extended to Federal agencies in various parts of this chapter. The difference between the two terms is that Federal agencies include executive agencies plus establishments in the legislative or judicial branch of the Government. See paragraphs (a) and (b) of this section for the definitions of each term.

(a) *What is an executive agency?* An executive agency is any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation. (See 40 U.S.C. 472(a).)

(b) *What is a Federal agency?* A Federal agency is any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under that person's direction). (See 40 U.S.C. 472(b).)

102-2.25 When are other agencies involved in developing the FMR?

Normally, GSA will ask agencies to collaborate in developing parts of the FMR.

110-2.25 Agency involvement in developing the FMR.

Department comments on proposed FMR are requested through publication thereof in the Federal Register or by memorandum. Agency comments are to be submitted to the Office of Procurement and Property Management, Departmental Management unless otherwise directed. Agency comments will be consolidated and sent to GSA.

102-2.30 Where and in what formats is the FMR published?

Proposed rules are published in the *Federal Register*. FMR bulletins are published in looseleaf format. FMR interim and final rules are published in the following formats—

(a) *Federal Register* under the “Rules and Regulations” section.

(b) Loose-leaf. (See [102-2.35](#).)

(c) Code of Federal Regulations (CFR), which is an annual codification of the general and permanent rules published in the *Federal Register*. The CFR is available on line and in a bound-volume format.

(d) Electronically on the Internet.

110-2.30 AGPMR publishing.

Due to the administrative nature of these regulations, AGPMR are not generally published in the Federal Register.

102-2.35 How is the FMR distributed?

(a) A liaison appointed by each agency provides GSA with their agency’s distribution requirements of the looseleaf version of the FMR. Agencies must submit GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances, to—
General Services Administration
Office of Communications (X)
1800 F Street, NW
Washington, DC 20405

(b) Order *Federal Register* and Code of Federal Regulations copies of FMR material through your agency’s authorizing officer.

102-2.40 May an agency issue implementing and supplementing regulations for the FMR?

Yes, an agency may issue implementing regulations (see [102-2.50](#)) to expand upon related FMR material and supplementing regulations (see [102-2.55](#)) to address subject material not covered in the FMR. The Office of the Federal Register assigns chapters in Title 41 of the Code of Federal Regulations for agency publication of implementing and supplementing regulations.

110-2.40 AGPMR Chapter 110.

AGPMR Chapter 110 implements and supplements the FMR. Material published in the FMR having Government-wide applicability becomes effective throughout the Department of Agriculture upon the effective date of the particular FMR material. Generally, such material will not be repeated, paraphrased, or otherwise restated in Chapter 110.

Where AGPMR Chapter 110 contains no material implementing the FMR, the FMR alone will govern. Supplementing material is that for which there is no counterpart in the FMR, such as Subchapter N Parts 110-50 through 110-53.

Numbering

102-2.45 How is the FMR numbered?

(a) All FMR sections are designated by three numbers. The following example illustrates the chapter (it's always 102), part, and section designations:



(b) In the looseleaf version, the month, year, and number of FMR amendments appear at the bottom of each page.

102-2.50 How do I number my agency's implementing regulations?

The first three-digit number represents the chapter number assigned to your agency in Title 41 of the CFR. The part and section numbers correspond to FMR material. For example, if your agency is assigned chapter 130 in Title 41 of the CFR and you are implementing 102-2.60 of the FMR, your implementing section would be numbered 130-2.60.

102-2.55 How do I number my agency's supplementing regulations?

Since there is no corresponding FMR material, number the supplementing material "601" or higher. For example, your agency's supplementing regulations governing special services to states might start with 130-601.5.

110-2.55 Numbering of the AGPMR.

Numbering in the AGPMR system will conform to that of the FMR system. The AGPMR will follow the example illustration shown in 102-2.45 except the AGPMR Chapter is always 110.

Deviations

102-2.60 What is a deviation from the FMR?

A deviation from the FMR is an agency action or policy that is inconsistent with the regulation. (The deviation policy for the FPMR is in 41 CFR part 101-1.)

102-2.65 When may agencies deviate from the FMR?

Because, it consists primarily of set policies and mandatory requirements, deviation from the FMR should occur infrequently. However, to address unique circumstances or to test the effectiveness of potential policy changes, agencies may be able to deviate from the FMR after following the steps described in [102-2.80](#).

102-2.70 What are individual and class deviations?

An individual deviation is intended to affect only one action. A class deviation is intended to affect more than one action (e.g., multiple actions, the actions of more than one agency, or individual agency actions that are expected to recur).

102-2.75 What timeframes apply to deviations?

Timeframes vary based on the nature of the deviation. However, deviations cannot be open-ended. When consulting with GSA about using an individual or class deviation, you must set a timeframe for the deviation's duration.

102-2.80 What steps must an agency take to deviate from the FMR?

(a) Consult informally with appropriate GSA program personnel to learn more about how your agency can work within the FMR's requirements instead of deviating from them. The consultation process may also highlight reasons why an agency would not be permitted to deviate from the FMR; e.g., statutory constraints.

(b) Formally request a deviation, if consultations indicate that your agency needs one. The head of your agency or a designated official should write to GSA's Regulatory Secretariat to the attention of a GSA official in the program office that is likely to consider the deviation. (See the FMR bulletin that lists contacts in GSA's program offices and 102-2.90.) The written request must fully explain the reasons for the deviation, including the benefits that the agency expects to achieve.

110-2.80 Agency requests for deviation from the FMR or AGPMR.

Agency requests for deviations to the FMR or AGPMR must be submitted to the Office of Procurement and Property Management, Departmental Management.

102-2.85 What are the reasons for writing to GSA about FMR deviations?

The reasons for writing are to:

(a) Explain your agency's rationale for the deviation. Before it can adequately comment on a potential deviation from the FMR, GSA must know why it is needed. GSA will compare your need against the applicable policies and regulations.

(b) Obtain clarification from GSA as to whether statutes, Executive orders, or other controlling policies, which may not be evident in the regulation, preclude deviating from the FMR for the reasons stated.

(c) Establish a timeframe for using a deviation.

(d) Identify potential changes to the FMR.

(e) Identify the benefits and other results that the agency expects to achieve.

102-2.90 Where should my agency send its correspondence on an FMR deviation?

Send correspondence to:

General Services Administration
Regulatory Secretariat (MVRS)
Office of Governmentwide Policy
1800 F Street, NW
Washington, DC 20405

102-2.95 What information must agencies include in their deviation letters to GSA?

Agencies must include:

- (a) The title and citation of the FMR provision from which the agency wishes to deviate;
- (b) The name and telephone number of an agency contact who can discuss the reason for the deviation;
- (c) The reason for the deviation;
- (d) A statement about the expected benefits of using the deviation (to the extent possible, expected benefits should be stated in measurable terms);
- (e) A statement about possible use of the deviation in other agencies or Governmentwide; and
- (f) The duration of the deviation.

102-2.100 Must agencies provide GSA with a follow-up analysis of their experience in deviating from the FMR?

Yes, agencies that deviate from the FMR must also write to the relevant GSA program office at the Regulatory Secretariat's address (see [102-2.90](#)) to describe their experiences in using a deviation.

102-2.105 What information must agencies include in their follow-up analysis?

In your follow-up analysis, provide information that may include, but should not be limited to, specific actions taken or not taken as a result of the deviation, outcomes, impacts, anticipated versus actual results, and the advantages and disadvantages of taking an alternative course of action.

102-2.110 When must agencies provide their follow-up letters?

- (a) For an individual deviation, once the action is complete.
- (b) For a class deviation, at the end of each twelve-month period from the time you first took the deviation and at the end of the deviation period.

Non-Regulatory Material

102-2.115 What kinds of non-regulatory material does GSA publish outside of the FMR?

As GSA converts the FPMR to the FMR, non-regulatory materials in the FPMR, such as guidance, procedures, standards, and information, that describe how to do business with GSA, will become available in separate documents. These documents may include customer service guides, handbooks, brochures, Internet websites, and FMR bulletins. GSA will eliminate non-regulatory material that is no longer needed.

102-2.120 How do I know whom to contact to discuss the regulatory requirements of programs addressed in the FMR?

Periodically, GSA will issue for your reference an FMR bulletin that lists program contacts with whom agencies can discuss regulatory requirements. At a minimum, the list will contain organization names and telephone numbers for each program addressed in the FMR.

102-2.125 What source of information can my agency use to identify materials that describe how to do business with GSA?

The FMR establishes policy; it does not specify procedures for the acquisition of GSA services. However, as a service to users during the transition from the FPMR to the FMR and as needed thereafter, GSA will issue FMR bulletins to identify where to find information on how to do business with GSA. References include customer service guides, handbooks, brochures, Internet websites, etc.

Subpart B - Forms

102-2.130 Where are FMR forms prescribed?

In any of its parts, the FMR may prescribe forms and the requirements for using them.

102-2.135 How do agencies obtain forms prescribed by the FMR?

For copies of the forms prescribed by the FMR, do any of the following:

(a) Write to us at:

General Services Administration
National Forms and Publications Center (7CPN)
Warehouse 4, Dock No. 1
501 West Felix Street
Fort Worth, TX 76115

(b) Send e-mail messages to:

NFPC@gsa-7FDepot.

(c) Visit our web site at:

<http://www.gsa.gov/forms/forms.htm>

Subpart C - Plain Language Regulatory Style

102-2.140 What elements of plain language appear in the FMR?

The FMR is written in a “plain language” regulatory style. This style is easy to read and uses a question and answer format directed at the reader, active voice, shorter sentences, and, where appropriate, personal pronouns.

102-2.145 To what do pronouns refer when used in the FMR?

Throughout its text, the FMR may contain pronouns such as, but not limited to, we, you, and I. When pronouns are used, each subchapter of the FMR will indicate whether they refer to the reader, an agency, GSA, or some other entity. In general, pronouns refer to who or what must perform a required action.