

Regulatory Secretariat at 202-501-4755. Please cite GSAR Case 2020-G521.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

As part of GSA’s regulatory reform efforts, GSA determined that GSAR 532.905-70 should no longer require contracting officers to obtain approval of legal counsel before processing final payments for construction and building service contracts where, after 60 days, the contracting officers are unable to obtain releases of claims from contractors. Legal review is not a statutory requirement, and the decision to process final payments in such cases is a business decision, rather than a legal one.

**II. Authority for This Rulemaking**

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

**III. Discussion and Analysis**

Prior to the issuance of this rule, GSA guidance on final payments for construction and building service contracts provided that, “in cases where, after 60 days from the initial attempt, the contracting officer is unable to obtain a release of claims from the contractor, the final payment may be processed with the approval of assigned legal counsel.” GSA is proposing to amend GSAR 532.905-70(c) by removing the legal approval requirement because this is a business decision to be made by the contracting officer, not a legal decision. Therefore, upon implementation of this rule, a contracting officer may instead process a final payment in such a situation after documenting in the contract file: (i) That the contracting officer requested a release of claims from the contractor and did not receive a response within 60 calendar days; and (ii) approval to process the final payment from one level above the contracting officer.

**IV. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. 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.

**V. Executive Order 13771**

This final rule was not subject to E.O. 13771 because this rule is not a significant regulatory action under E.O. 12886.

**VI. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant GSAR revision.

**VII. Paperwork Reduction Act**

The final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Part 532**

Government procurement.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.*

Therefore, GSA amends 48 CFR part 532 as set forth below:

**PART 532—CONTRACT FINANCING**

■ 1. The authority citation for 48 CFR part 532 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

■ 2. Amend section 532.905-70 by:

■ a. Removing from paragraph (a) “amount due the Contractor” and adding “amount due to the contractor” in its place;

■ b. Revising paragraph (b); and

■ c. Removing paragraphs (c) and (d).

The revision reads as follows:

**532.905-70 Final payment—construction and building service contracts.**

\* \* \* \* \*

(b) A contracting officer may only process the final payment for a construction or building service contract once:

(1) The contractor submits a properly executed GSA Form 1142, Release of Claims; or

(2) The contracting officer documents in the contract file:

(i) That the contracting officer requested a release of claims from the contractor and did not receive a response within 60 calendar days; and,

(ii) Approval to process the final payment from one level above the contracting officer.

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**DEPARTMENT OF VETERANS AFFAIRS**

**48 CFR Part 852**

**Solicitation Provisions and Contract Clauses**

*CFR Correction*

■ In Title 48 of the Code of Federal Regulations, Chapters 7 to 14, revised as of October 1, 2019, on page 272, remove the second printing of section 852.232-70, and on page 278, remove the second printing of section 852.236-72.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 200910-0237]

**RTID 0648-XT037**

**Atlantic Highly Migratory Species; Adjustments to 2020 Northern Albacore Tuna Quota, 2020 North and South Atlantic Swordfish Quotas, and 2020 Atlantic Bluefin Tuna Reserve Category Quota**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary final rule.

**SUMMARY:** NMFS adjusts the 2020 baseline quotas for U.S. North Atlantic albacore tuna (northern albacore), North and South Atlantic swordfish, and the Atlantic bluefin Reserve category based on available underharvest of the 2019 adjusted U.S. quotas. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective October 1, 2020, through December 31, 2020.