

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2009-0001, Sequence 6]

Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2005-35. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://acquisition.gov/far>.

DATES: July 14, 2009.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005-35 and the FAR case number. Interested parties may also visit our Web site at <http://acquisition.gov/far>. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755.

RULE LISTED IN FAC 2005-35

| Subject | FAR case | Analyst |
|-------------------------------------------|----------|---------|
| Revocation of Executive Order 13202 | 2009-015 | Woodson |

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to FAR case 2009-015.

FAC 2005-35 amends the FAR as specified below:

Revocation of Executive Order 13202 (FAR Case 2009-015)

In accordance with Executive Order 13502—Use of Project Labor Agreements for Federal Construction Projects, this final rule amends FAR 36.202(d) to delete references to the revoked Executive Order 13202. The E.O. prohibited executive departments and agencies from requiring or prohibiting Federal Government contractors and subcontractors' entrance into project labor agreements. This rule requires no action on the part of contracting officers.

Dated: July 9, 2009.

Al Matera,

Director, Office of Acquisition Policy

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005-35 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-35 is effective July 14, 2009.

Dated: July 8, 2009.

Linda W. Neilson,

Deputy Director, Defense Procurement and Acquisition Policy (Defense Acquisition Regulations System).

Dated: July 9, 2009.

David A. Drabkin,

Acting Chief Acquisition Officer, Office of the Chief Acquisition Officer, U.S. General Services Administration.

Dated: July 8, 2009.

James A. Balinskas,

Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. E9-16617 Filed 7-10-09; 11:15 am]

BILLING CODE 6820-EP-P

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to delete the implementation of Executive Order (E.O.) 13202 of February 17, 2001, as amended. The E.O. prohibited executive departments and agencies from requiring or prohibiting Federal Government contractors and subcontractors' entrance into project labor agreements.

DATES: *Effective Date:* July 14, 2009.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAC 2005-35, FAR case 2009-015.

SUPPLEMENTARY INFORMATION:

A. Background

On February 6, 2009, the President issued E.O. 13502 which encourages executive agencies to consider requiring the use of project labor agreements in connection with large scale construction projects in order to promote economy and efficiency in Federal procurement. The term "project labor agreement" means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f).

The President revoked E.O. 13202 issued on February 17, 2001 (66 FR 11225, published February 22, 2001)

DEPARTMENT OF DEFENSE

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48 CFR Parts 17, 22, 36

[FAC 2005-35; FAR Case 2009-015; Docket 2009-0025; Sequence 1]

RIN 9000-AL35

Federal Acquisition Regulation; FAR Case 2009-015, Revocation of Executive Order 13202

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

and E.O. 13208 (66 FR 18717, published April 11, 2001). E.O. 13202 prohibited the Government from requiring or prohibiting the use of project labor agreements by its construction contractors and subcontractors, and E.O. 13208 authorized certain exemptions from E.O. 13202.

This final rule amends the Federal Acquisition Regulation to revise FAR 36.202(d) to delete any references to the revoked Executive Order 13202.

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.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

List of Subjects in 48 CFR Parts 17, 22, and 36

Government procurement.

Dated: July 9, 2009.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 17, 22, and 36 as set forth below:

1. The authority citation for 48 CFR parts 17, 22, and 36 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 17—SPECIAL CONTRACTING METHODS

17.603 [Amended]

2. Amend section 17.603 by removing paragraph (c).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.101-1 [Amended]

3. Amend section 22.101-1 by redesignating paragraph (b)(1) as paragraph (b) and removing paragraph (b)(2).

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS 36.202 [Amended]

4. Amend section 36.202 by removing paragraph (d).

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2009-0002, Sequence 6]

Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator of the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005-35 which amends the FAR.

Interested parties may obtain further information regarding these rules by referring to FAC 2005-35 which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, FAR Secretariat, (202) 208-7282. For clarification of content, contact the analyst whose name appears in the table below.

RULE LISTED IN FAC 2005-35

| Subject | FAR case | Analyst |
|-------------------------------------------|----------|---------|
| Revocation of Executive Order 13202 | 2009-015 | Woodson |

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to FAR case 2009-015.

FAC 2005-35 amends the FAR as specified below:

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prohibiting Federal Government contractors and subcontractors' entrance into project labor agreements. This rule requires no action on the part of contracting officers.

Dated: July 9, 2009.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E9-16618 Filed 7-10-09; 11:15 am]

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