

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Chapter 1****[Docket No. FAR–2022–0051, Sequence  
No. 1]****Federal Acquisition Regulation;  
Federal Acquisition Circular 2022–04;  
Introduction****AGENCY:** Department of Defense (DoD),  
General Services Administration (GSA),  
and National Aeronautics and Space  
Administration (NASA).**ACTION:** Summary presentation of an  
interim 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 (Councils) in this Federal  
Acquisition Circular (FAC) 2022–04. A  
companion document, the *Small Entity  
Compliance Guide* (SECG), follows this  
FAC.**DATES:** For effective date see the  
separate documents, which follow.**FOR FURTHER INFORMATION CONTACT:** Ms.  
Malissa Jones, Procurement Analyst, at  
571–882–4687 or by email at  
[malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov) for clarification  
of content. For information pertaining to  
status or publication schedules, contact  
the Regulatory Secretariat Division at  
202–501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).  
Please cite FAC 2022–04, FAR Case  
2021–014.**Rule Listed in FAC 2022–04***Subject:* Increasing the Minimum  
Wage for Contractors.*FAR Case:* 2021–014.**ADDRESSES:** The FAC, including the  
SECG, is available at [https://  
www.regulations.gov](https://www.regulations.gov).**SUPPLEMENTARY INFORMATION:** A  
summary for the FAR rule follows. For  
the actual revisions and/or amendments  
made by this FAR rule, refer to the  
specific subject set forth in the  
document following this summary. FAC  
2022–04 amends the FAR as follows:**Increasing the Minimum Wage for  
Contractors (FAR Case 2021–014)**This interim rule amends the Federal  
Acquisition Regulation (FAR) to  
implement Executive Order (E.O.)  
14026, Increasing the Minimum Wage  
for Federal Contractors, and a final ruleissued by the Department of Labor  
(DOL). E.O. 14026 seeks to raise the  
hourly minimum wage paid by  
contractors to workers performing work  
on or in connection with covered  
Federal contracts to \$15.00 per hour  
beginning January 30, 2022, and  
beginning January 1, 2023, and annually  
thereafter, an amount determined by the  
Secretary of Labor. This rule makes  
revisions to the existing FAR coverage  
regarding minimum wage requirements  
for Federal contractors by increasing the  
hourly minimum wage paid by certain  
Federal contractors to workers  
performing work on or in connection  
with covered Federal contracts;  
referencing DOL's new requirements for  
tipped workers; expanding the  
geographical scope of the minimum  
wage requirements by defining United  
States as including U.S. territories and  
possessions; and removing the  
exemption for seasonal recreational  
services or seasonal recreational  
equipment rental from the minimum  
wage requirements. DoD, GSA, and  
NASA do not expect this rule to have  
a significant economic impact on a  
substantial number of small entities,  
because DOL has determined that their  
rule would not have a significant impact  
on a substantial number of small  
entities. DoD, GSA, and NASA agree  
with this assessment.**William F. Clark,***Director, Office of Government-wide  
Acquisition Policy, Office of Acquisition  
Policy, Office of Government-wide Policy.*Federal Acquisition Circular (FAC)  
2022–04 is issued under the authority of  
the Secretary of Defense, the  
Administrator of General Services, and  
the Administrator of National  
Aeronautics and Space Administration.Unless otherwise specified, all  
Federal Acquisition Regulation (FAR)  
and other directive material contained  
in FAC 2022–04 is effective January 26,  
2022 except for FAR Case 2021–014,  
which is effective January 30, 2022.

John M. Tenaglia,

*Principal Director, Defense Pricing and  
Contracting, Department of Defense.*

Jeffrey A. Koses,

*Senior Procurement Executive/Deputy CAO,  
Office of Acquisition Policy, U.S. General  
Services Administration.*

Karla Smith Jackson,

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

[FR Doc. 2022–01506 Filed 1–25–22; 8:45 am]

**BILLING CODE 6820–EP–P****DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Chapter 1****[Docket No. FAR–2022–0051, Sequence  
No. 1]****Federal Acquisition Regulation;  
Federal Acquisition Circular 2022–04;  
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  
(SECG).**SUMMARY:** This document is issued  
under the joint authority of DoD, GSA,  
and NASA. 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)  
2022–04, which amends the Federal  
Acquisition Regulation (FAR).  
Interested parties may obtain further  
information regarding this rule by  
referring to FAC 2022–04, which  
precedes this document.**DATES:** January 26, 2022.**ADDRESSES:** The FAC, including the  
SECG, is available at [https://  
www.regulations.gov](https://www.regulations.gov).**FOR FURTHER INFORMATION CONTACT:** Ms.  
Malissa Jones, Procurement Analyst, at  
571–882–4687 or by email at  
[malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov) for clarification  
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the Regulatory Secretariat Division at  
202–501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).  
Please cite FAC 2022–04, FAR Case  
2021–014.**Rule Listed in FAC 2022–04***Subject:* Increasing the Minimum  
Wage for Contractors.*FAR Case:* 2021–014.**SUPPLEMENTARY INFORMATION:** A  
summary for the FAR rule follows. For  
the actual revisions and/or amendments  
made by this FAR rule, refer to the  
specific subject set forth in the  
document following this summary. FAC  
2022–04 amends the FAR as follows:**Increasing the Minimum Wage for  
Contractors (FAR Case 2021–014)**This interim rule amends the Federal  
Acquisition Regulation (FAR) to

implement Executive Order (E.O.) 14026, Increasing the Minimum Wage for Federal Contractors, and a final rule issued by the Department of Labor (DOL). E.O. 14026 seeks to raise the hourly minimum wage paid by contractors to workers performing work on or in connection with covered Federal contracts to \$15.00 per hour beginning January 30, 2022, and beginning January 1, 2023, and annually thereafter, an amount determined by the Secretary of Labor. This rule makes revisions to the existing FAR coverage regarding minimum wage requirements for Federal contractors by increasing the hourly minimum wage paid by certain Federal contractors to workers performing work on or in connection with covered Federal contracts; referencing DOL's new requirements for tipped workers; expanding the geographical scope of the minimum wage requirements by defining United States as including U.S. territories and possessions; and removing the exemption for seasonal recreational services or seasonal recreational equipment rental from the minimum wage requirements. DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities, because DOL has determined that their rule would not have a significant impact on a substantial number of small entities. DoD, GSA, and NASA agree with this assessment.

**William F. Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

[FR Doc. 2022-01508 Filed 1-25-22; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 2, 22, and 52

[FAC 2022-04; FAR Case 2021-014, Docket No. FAR-2021-0014, Sequence No. 1]

RIN 9000-AO31

#### Federal Acquisition Regulation: Increasing the Minimum Wage for Contractors

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

**ACTION:** Interim rule.

**SUMMARY:** DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement an Executive Order titled "Increasing the Minimum Wage for Federal Contractors" and a final rule issued by the Department of Labor. This Executive Order seeks to raise the hourly minimum wage paid by contractors to workers performing work on or in connection with covered Federal contracts to \$15.00 per hour beginning January 30, 2022, and beginning January 1, 2023, and annually thereafter, an amount determined by the Secretary of Labor.

**DATES:**

*Effective:* January 30, 2022.

*Applicability:* This rule applies as follows:

1. To solicitations issued on or after January 30, 2022, and their resulting contracts.
2. To new contracts awarded without a prior solicitation (e.g., a purchase order under part 13), on or after January 30, 2022.
3. To new contracts with a prior solicitation awarded on or after March 31, 2022.
4. To existing contracts, including procurements for recreational services, when extending, renewing, or exercising an option on the existing contract on or after the effective date of the rule. Contracting officers shall incorporate the amended clause in this rule at 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026, in the existing contracts through bilateral modifications. In such a circumstance, if the contracting officer is unable to incorporate the clause in an existing contract through bilateral modification, then the contracting officer shall decline to extend, renew, or exercise the option on the existing contract.

5. In accordance with FAR 1.108(d), contracting officers are strongly encouraged to include the amended clause in other contracts awarded before March 31, 2022, with appropriate consideration.

*Comment Date:* Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before March 28, 2022 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAC 2022-04, FAR Case 2021-014 to the Federal eRulemaking portal at <https://www.regulations.gov> by searching for "FAR Case 2021-014". Select the link "Comment Now" that corresponds with "FAR Case 2021-

014". Follow the instructions provided on the "Comment Now" screen. Please include your name, company name (if any), and "FAR Case 2021-014" on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

*Instructions:* Please submit comments only and cite "FAR Case 2021-014" in all correspondence related to this case. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Ms. Malissa Jones, Procurement Analyst, at 571-882-4687 or by email at [malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov), for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite FAC 2022-04, FAR Case 2021-014.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

This interim rule revises the FAR to implement Executive Order (E.O.) 14026, Increasing the Minimum Wage for Federal Contractors, signed April 27, 2021, and published in the **Federal Register** at 86 FR 22835, on April 30, 2021. The interim rule also implements a final rule issued by the Wage and Hour Division of the Department of Labor (DOL), published at 86 FR 67126, on November 24, 2021, also entitled "Increasing the Minimum Wage for Federal Contractors." The DOL rule added a new 29 CFR part 23. The DOL rule covers FAR-based contracts, non-FAR-based contracts, and contract-like instruments; this interim rule only applies to FAR-based contracts.

The hourly minimum wage paid to workers on specified Federal contracts was first established by E.O. 13658, Establishing a Minimum Wage for Contractors, which was signed February 12, 2014, and published in the **Federal Register** at 79 FR 9851, on February 20, 2014. E.O. 13658 established an hourly minimum wage of \$10.10 beginning January 1, 2015, and beginning January 1, 2016, and annually thereafter, an amount determined by the Secretary of Labor. The DOL implemented E.O. 13658 through a final rule published at 79 FR 60634, on October 7, 2014, also