

**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/](http://acquisition.gov/far)  
*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://](http://acquisition.gov/far)  
*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. Balinskask,***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****DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****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.**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)

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).

[FR Doc. E9-16615 Filed 7-10-09; 11:15 am]

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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:

#### 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.*

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

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