



**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

[Docket No. FAR 2017-0051, Sequence No. 1]

**Federal Acquisition Regulation; Federal Acquisition Circular  
2005-96; Small Entity Compliance Guide**

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

**ACTION:** Small Entity Compliance Guide.

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**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) 2005-96, which amends the Federal Acquisition Regulation (FAR). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005-96, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**DATES:** [Insert date of publication in the FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Ms. Zenaida Delgado, Procurement Analyst, at 202-969-7207 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755. Please cite FAC 2005-96, FAR Case 2017-015.

**Rule Listed in FAC 2005-96**

<u>Subject</u>	<u>FAR Case</u>	<u>Analyst</u>
Removal of Fair Pay and Safe Workplaces Rule	2017-015	Delgado

**SUPPLEMENTARY INFORMATION:** Summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the specific item number and subject set forth in the document following this item summary. FAC 2005-96 amends the FAR as specified below:

**Removal of Fair Pay and Safe Workplaces Rule (FAR Case 2017-015)**

This final rule rescinds the final rule at 81 FR 58562 (August 25, 2016). This was FAR Case 2014-025, Fair Pay and Safe Workplaces, which was a significant rule under Executive Order (E.O.) 12866 and a major rule under 5 U.S.C. 804. Because of a Federal court injunction, the only provision or clause that had gone into effect was FAR 52.222-60, Paycheck Transparency

(Executive Order 13673), which was included in solicitations starting on January 1, 2017. On March 27, 2017, Public Law 115-11 disapproved the rule under the Congressional Review Act. Therefore, by law, the rule has no force or effect, including the FAR 52.222-60 clause. Also on March 27, 2017, E.O. 13782, Revocation of Federal Contracting Executive Orders, rescinded the E.O.s that originally authorized the rule. All steps should be taken to ensure that no sections, provisions, or clauses of the final rule are implemented.

Dated: October 11, 2017.

William F. Clark,  
Director,  
Office of Government-wide  
Acquisition Policy,  
Office of Acquisition Policy,  
Office of Governmentwide Policy.

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