

**52.222–57 Representation Regarding Compliance with Labor Laws (Executive Order 13673).**

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**Representation Regarding Compliance with Labor Laws (Executive Order 13673) (DEC 2016)**

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**Note to 52.222–57:** By a court order issued on October 24, 2016, 52.222–57 is enjoined indefinitely as of the date of the order. The enjoined section will become effective immediately if the court terminates the injunction. At that time, DoD, GSA, and NASA will publish a document in the **Federal Register** advising the public of the termination of the injunction.

■ 26. Amend section 52.222–58 by revising the date of the provision and adding a Note to the section to read as follows:

**52.222–58 Subcontractor Responsibility Matters Regarding Compliance with Labor Laws (Executive Order 13673).**

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Subcontractor Responsibility Matters Regarding Compliance With Labor Laws (Executive Order 13673) (DEC 2016)

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**Note to 52.222–58:** By a court order issued on October 24, 2016, 52.222–58 is enjoined indefinitely as of the date of the order. The enjoined section will become effective immediately if the court terminates the injunction. At that time, DoD, GSA, and NASA will publish a document in the **Federal Register** advising the public of the termination of the injunction.

■ 27. Amend section 52.222–59 by revising the date of the clause and adding a Note to the section to read as follows:

**52.222–59 Compliance with Labor Laws (Executive Order 13673).**

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**Compliance With Labor Laws (Executive Order 13673) (DEC 2016)**

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**Note to 52.222–59:** By a court order issued on October 24, 2016, 52.222–59 is enjoined indefinitely as of the date of the order. The

enjoined section will become effective immediately if the court terminates the injunction. At that time, DoD, GSA, and NASA will publish a document in the **Federal Register** advising the public of the termination of the injunction.

■ 28. Amend section 52.222–61 by revising the date of the clause and adding a Note to the section to read as follows:

**52.222–61 Arbitration of Contractor Employee Claims (Executive Order 13673).**

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**Arbitration of Contractor Employee Claims (Executive Order 13673) (DEC 2016)**

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**Note to 52.222–61:** By a court order issued on October 24, 2016, 52.222–61 is enjoined indefinitely as of the date of the order. The enjoined section will become effective immediately if the court terminates the injunction. At that time, DoD, GSA, and NASA will publish a document in the **Federal Register** advising the public of the termination of the injunction.

■ 29. Amend section 52.244–6 by—  
 ■ a. Revising the date of the clause; and  
 ■ b. Adding a Note to paragraph (c)(1)(xiii).

The revision and addition read as follows:

**52.244–6 Subcontracts for Commercial Items.**

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**Subcontracts for Commercial Items (DEC 2016)**

\* \* \* \* \*

(c)(1) \* \* \*  
 (xiii) \* \* \*

**Note to paragraph (c)(1)(xiii):** By a court order issued on October 24, 2016, 52.222–59 is enjoined indefinitely as of the date of the order. The enjoined paragraph will become effective immediately if the court terminates the injunction. At that time, DoD, GSA, and NASA will publish a document in the **Federal Register** advising the public of the termination of the injunction.

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[FR Doc. 2016–30091 Filed 12–15–16; 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 2016–0051, Sequence No. 7]

**Federal Acquisition Regulation; Federal Acquisition Circular 2005–93; 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 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 rules appearing in Federal Acquisition Circular (FAC) 2005–93, 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 these rules by referring to FAC 2005–93, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**DATES:** December 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–93 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755.

**RULES LISTED IN FAC 2005–93**

Item	Subject	FAR case	Analyst
I*	Paid Sick Leave for Federal Contractors (Interim)	2017–001	Delgado.
II	Fair Pay and Safe Workplaces; Injunction	2014–025	Delgado.

**SUPPLEMENTARY INFORMATION:** Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and

subjects set forth in the documents following these item summaries. FAC 2005–93 amends the FAR as follows:

**Item I—Paid Sick Leave for Federal Contractors (FAR Case 2017–001) (Interim)**

This interim rule amends the FAR to implement Executive Order (E.O.) 13706

and a Department of Labor final rule issued on September 30, 2016, both entitled “Establishing Paid Sick Leave for Federal Contractors.” The interim rule requires contractors to allow all employees performing work on or in connection with a contract covered by the E.O. to accrue and use paid sick leave in accordance with E.O. 13706 and 29 CFR part 13. Contracting officers will include a clause in covered contracts.

**Item II—Fair Pay and Safe Workplaces; Injunction (FAR Case 2014–025)**

This final rule amends the FAR to include caveats on sections of FAR Case 2015–024, Fair Pay and Safe Workplaces, that were enjoined indefinitely as of October 24, 2016, by court order. FAR Case 2015–024 was published as a final rule in the **Federal Register** at 81 FR 58562 to implement

Executive Order (E.O.) 13673, as amended by E.O.s 13683 and 13737. The rule had an effective date of October 25, 2016. On October 7, 2016, the Associated Builders and Contractors of Southeast Texas, Inc., the Associated Builders and Contractors, Inc., and the National Association of Security Companies, filed a lawsuit in the United States District Court for the Eastern District of Texas, seeking to overturn the final rule, Civil Action No. 1:16–CV–425. The District Court issued a “Memorandum and Order Granting Preliminary Injunction” on October 24, 2016. The Court Order on page 31 stated that “Defendants are enjoined from implementing any portion of the FAR Rule or DOL Guidance relating to the new reporting and disclosure requirements regarding labor law violations as described in Executive Order 13673 and implemented in the

FAR Rule and DOL Guidance. Further, Defendants are enjoined from enforcing the restriction on arbitration agreements.” The Court did not enjoin implementation of those sections of, or the clause in, the FAR rule addressing the E.O.’s paycheck transparency requirements. To ensure compliance with the Court Order, the FAR Council issued a memorandum on October 25, 2016, subject “Court Order Enjoining Certain Sections, Provisions, and Clauses in Federal Acquisition Circular (FAC) 2005–90, Implementing Executive Order (E.O.) 13673, Fair Pay and Safe Workplaces.”

Dated: December 9, 2016.

**William F. Clark,**

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

[FR Doc. 2016–30092 Filed 12–15–16; 8:45 am]

**BILLING CODE 6820–EP–P**