has satisfied the Secretary that such con-
tactor has complied with and will carry out the
provisions of this order: Provided, that before
issuing a directive under this subsection, the
Secretary shall provide the head of each con-
tacting department or agency an opportu-
nity to offer written objections to the
issuance of such a directive, which objections
shall include a complete statement of reasons
for the objections, among which reasons shall
be a finding that further contracts or exten-
sions or other modifications of existing con-
tacts with the noncomplying contractor are
essential to the agency’s mission: And pro-
vided further, that no directive shall be
issued by the Secretary under this subsection
so long as the head of a contracting depart-
ment or agency continues personally to ob-
ject to the issuance of such directive; and
(c) publish, or cause to be published, the
names of contractors that have, in the judg-
ment of the Secretary, failed to comply with
the provisions of this order or of related
rules, regulations, and orders of the Sec-
tary.
Sec. 7. Whenever the Secretary invokes
section 6(a) or 6(b) of this order, the con-
tacting department or agency shall report
the results of the action it has taken to the
Secretary within such time as the Secretary
shall specify.
Sec. 8. Each contracting department and
agency shall cooperate with the Secretary
and provide such information and assistance
as the Secretary may require in the perform-
ance of the Secretary’s functions under this
order.
Sec. 9. The Secretary may delegate any
function or duty of the Secretary under this
order to any officer in the Department of
Labor or to any other officer in the executive
branch of the Government, with the consent
of the head of the department or agency in
which that officer serves.
Sec. 10. The Federal Acquisition Regu-
latory Council (FAR Council) shall take
whatever action is required to implement in
the Federal Acquisition Regulation (FAR)
the provisions of this order and of any related
rules, regulations, or orders of the Secretary
that were issued to implement this Executive
Order. The FAR Council shall amend the
FAR to require each solicitation of offers for
a contract to include a provision that imple-
ments section 2 of this order.
Sec. 11. As it relates to notification of em-
ployee rights concerning payment of union
dues or fees, Executive Order 12836 of Febru-
ary 1, 1993, which, among other things, re-
voked Executive Order 12800 of April 13,
1992, is revoked.
Sec. 12. The heads of executive depart-
ments and agencies shall revoke expedi-
tiously any orders, rules, regulations, guide-
lines, or policies implementing or enforcing
Executive Order 12836 of February 1, 1993,
as it relates to notification of employee rights
concerning payment of union dues or fees,
to the extent consistent with law.
Sec. 13. This order is intended only to im-
prove the internal management of the execu-
tive branch and is not intended to, nor does it,
create any right to administrative or judicial
review, or any right, whether substantive
or procedural, enforceable by any party
against the United States, its agencies or in-
strumentalities, its officers or employees, or
any other person.
Sec. 14. The provisions of this order shall
apply to contracts resulting from solicitations
issued on or after the effective date of this
order.
Sec. 15. This order shall become effective
60 days after the date of this order.

George W. Bush

The White House,

[Filed with the Office of the Federal Register,
11:15 a.m., February 21, 2001]

NOTE: This Executive order was published in the
Federal Register on February 22.
Property and Administrative Services Act, 40 U.S.C. 471 et seq., and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the taxpayers; (4) expand job opportunities, especially for small and disadvantaged businesses; and (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that:

Section 1. To the extent permitted by law, any executive agency awarding any construction contract after the date of this order, or obligating funds pursuant to such a contract, shall ensure that neither the awarding Government authority nor any construction manager acting on behalf of the Government shall, in its bid specifications, project agreements, or other controlling documents:

(a) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or

(b) Otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).

(c) Nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subsection (a).

Sec. 2. Contracts awarded before the date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

Sec. 3. To the extent permitted by law, any executive agency issuing grants, providing financial assistance, or entering into cooperative agreements for construction projects, shall ensure that neither the bid specifications, project agreements, nor other controlling documents for construction contracts awarded after the date of this order by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on their behalf, shall contain any of the requirements or prohibitions set forth in section 1(a) or (b) of this order.

Sec. 4. In the event that an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, performs in a manner contrary to the provisions of sections 1 or 3 of this order, the executive agency awarding the contract, grant, or assistance shall take such action, consistent with law and regulation, as the agency determines may be appropriate.

Sec. 5. (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of ‘‘special circumstances’’ under section 5(a) may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

Sec. 6. (a) The term ‘‘construction contract’’ as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The term ‘‘executive agency’’ as used in this order shall have the same meaning it has in 5 U.S.C. 105, excluding the General Accounting Office.

(c) The term ‘‘labor organization’’ as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

Sec. 7. With respect to Federal contracts, within 60 days of the issuance of this order, the Federal Acquisition Regulatory Council
shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

Sec. 8. As it relates to project agreements, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12818 of October 23, 1992, is revoked.

Sec. 9. The Presidential Memorandum of June 5, 1997, entitled “Use of Project Labor Agreements for Federal Construction Projects” (the “Memorandum”), is also revoked.

Sec. 10. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing the Memorandum or Executive Order 12836 of February 1, 1993, as it relates to project agreements, to the extent consistent with law.

Sec. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

George W. Bush
The White House,

[Filed with the Office of the Federal Register, 11:16 a.m., February 21, 2001]

NOTE: This Executive order was published in the Federal Register on February 22.

Executive Order 13203—Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships
February 17, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12871 of October 1, 1993, as amended by Executive Orders 12983 and 13156, which established the National Partnership Council and requires Federal agencies to form labor-management partnerships for management purposes, is revoked. Among other things, therefore, the National Partnership Council is immediately dissolved.

Sec. 2. The Presidential Memorandum of October 28, 1999, entitled “Reaffirmation of Executive Order 12871—Labor-Management Partnerships” (the “Memorandum”), which reaffirms and expands upon the requirements of Executive Order 12871 of October 1, 1993, is also revoked.

Sec. 3. The Director of the Office of Personnel Management and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12871 of October 1, 1993, or the Memorandum, to the extent consistent with law.

Sec. 4. Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

George W. Bush
The White House,

[Filed with the Office of the Federal Register, 11:16 a.m., February 21, 2001]

NOTE: This Executive order was published in the Federal Register on February 22.

Executive Order 13204—Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts
February 17, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12933 of October 20, 1994, which requires, with respect to contracts for public buildings, that successive contractors offer a right of first refusal of employment to employees of the prior contractor, is revoked.