

Defense Federal Acquisition Regulation Supplement

Part 222—Application of Labor Laws to Government Acquisitions

SUBPART 222.73—LIMITATIONS APPLICABLE TO CONTRACTS PERFORMED ON GUAM

(Revised September 30, 1999)

222.7300 Scope of subpart.

(a) This subpart implements—

(1) 10 U.S.C. 2864; and

(2) Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85).

(b) This subpart applies to—

(1) Contracts for military construction projects on Guam; and

(2) Contracts for base operations support on Guam that—

(i) Are awarded as a result of a competition conducted under OMB Circular A-76; and

(ii) Are entered into or modified on or after November 18, 1997.

222.7301 Prohibition on use of nonimmigrant aliens.

(a) Any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is prohibited from performing work under a contract for—

(1) A military construction project on Guam; or

(2) Base operations support on Guam.

(b) Lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau are not subject to the prohibition in paragraph (a) of this section.

222.7302 Exception.

The prohibition in 222.7301(a)(1) does not apply to a military construction project if—

(a) There is no acceptable offer in response to a solicitation for the project;

(b) The Secretary concerned makes a determination that the prohibition is a significant deterrent to obtaining offers on the project; and

(c) Another solicitation is issued for the project.

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222.7303 Contract clause.

Use the clause at 252.222-7005, Prohibition on Use of Nonimmigrant Aliens--Guam, in solicitations and contracts subject to this subpart, except those issued in accordance with 222.7302.