



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE ASSISTANT SECRETARY OF WAR
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2026-O0040, Revision 1

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Revolutionary Federal Acquisition Regulation (FAR) Overhaul
Part 22, Defense FAR Supplement (DFARS) Part 222

Effective immediately, this class deviation revises and supersedes Class Deviation 2026-00040, issued on February 3, 2026. This revision provides direction on use of the clause at FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors. Contracting officers shall use—

- The revised FAR Part 22, Application of Labor Laws to Government Acquisitions, published on the Revolutionary FAR Overhaul web page at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-22> in lieu of the text codified at 48 CFR chapter 1 (<https://www.ecfr.gov>).
- The attached DFARS Part 222, Application of Labor Laws to Government Acquisitions, in lieu of the text codified at 48 CFR chapter 2; and
- The attached DFARS Procedures, Guidance, and Information (PGI) 222, Application of Labor Laws to Government Acquisitions, in lieu of the PGI text published on the Defense Pricing, Contracting, and Acquisition Policy web page at <https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

Contracting officers shall—

- For new solicitations and resulting contracts, insert the clause at FAR 52.222-90 in new solicitations and resulting contracts valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States. Amend any open solicitations to incorporate the clause.
- For existing contracts—
 - Insert the clause at FAR 52.222-90 in existing contracts valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States;
 - Bilaterally modify existing contracts by July 24, 2026. If a contractor refuses to agree to a bilateral modification, the contracting officer should consider whether without the modification, the contract no longer meets the agency’s needs and should therefore be terminated for convenience; and
 - Determine whether to modify, at the contracting officer’s discretion, contracts with a final expiration no later than December 31, 2026.

This class deviation implements the following:

- Section 2 of E.O. 14275, Restoring Common Sense to Federal Procurement, which establishes the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.”
- Section 4(a) of E.O. 14265, Modernizing Defense Acquisitions and Spurring Innovation in the Defense Industrial Base, which requires the Secretary of War to eliminate or revise any unnecessary supplemental regulations or any other internal guidance, such as relevant parts of the Financial Management Regulation and Defense Federal Acquisition Regulation Supplement.
- The Office of Management and Budget memorandum M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, which provided additional guidance to federal agencies regarding the FAR overhaul.
- E.O. 14398, Addressing DEI Discrimination by Federal Contractors, which establishes that agencies should not do business with contractors that engage in any racially discriminatory diversity, equity, and inclusion (DEI) activities.

DARS Tracking Number: 2026-O0040, Rev. 1
Revolutionary Federal Acquisition Regulation (FAR) Overhaul Part 22
Defense FAR Supplement (DFARS) Part 222

This class deviation remains in effect until rescinded or incorporated into the FAR, DFARS, and DFARS PGI. Inquiries regarding this class deviation can be addressed to osd.pentagon.ousd-a-s.mbx.dfars@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing, Contracting, and
Acquisition Policy

Attachments:
As stated

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.001 Definitions.

As used in this part—

“Labor advisor” means the departmental or agency headquarters labor advisor.

SUBPART 222.1—BASIC LABOR POLICIES

222.101-1 Labor relations.

Follow the procedures at PGI 222.101-1 for referral of labor relations matters to the appropriate authorities.

222.101-170 Department of Labor regulations.

Direct all questions regarding Department of Labor regulations to the labor advisor.

222.104 Postaward.

222.104-1 General.

(c) Follow the procedures at PGI 222.104-1 for reporting labor disputes.

222.104-170 Impact of labor disputes on defense programs.

(a) Each department and agency must determine the degree of impact of potential or actual labor disputes on its own programs and requirements. For guidance on determining the degree of impact, see PGI 222.104-170.

(b) Each contracting activity must obtain and develop data reflecting the impact of a labor dispute on its requirements and programs. Upon determining that the impact of the labor dispute is significant, the head of the contracting activity must submit a report of findings and recommendations to the labor advisor in accordance with departmental procedures.

222.104-171 Removal of items from contractors' facilities affected by work stoppages.

Follow the procedures at PGI 222.104-171 when a work stoppage prevents the delivery of urgent and critical items.

222.104-172 Acquisition of stevedoring services during labor disputes.

Follow the procedures at PGI 222.104-172 when a labor dispute delays the performance of urgently needed stevedoring services.

222.104-2 Overtime approvals.

(a) The department/agency approving official must—

(i) Obtain the concurrence of other appropriate approving officials; and

(ii) Seek agreement as to the contracts under which overtime premiums will be approved when—

(A) Two or more contracting offices have current contracts at the same contractor facility; and

(B) The approval of overtime by one contracting office will affect the performance or cost of contracts of another office. In the absence of evidence to the contrary, a contracting officer may rely on a contractor's statement that approval of overtime premium pay for one contract will not affect performance or payments under any other contract.

SUBPART 222.3—CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

222.302 Postaward.

Upon receipt of notification of Contract Work Hours and Safety Standards violations—

(1) Immediately withhold any available funds;

(2) Give the contractor written notification of the withholding and a statement of the basis for the liquidated damages assessment. The written notification must also inform the contractor of the right to appeal the assessment within 60 days, through the contracting officer, to the agency official responsible for acting on such appeals; and

(3) If funds available for withholding are insufficient to cover liquidated damages, ask the contractor to pay voluntarily the funds necessary to cover the total liquidated damage assessment.

(d)(i) The assessment must become the final administrative determination of contractor liability for liquidated damages when—

(A) The contractor fails to appeal to the contracting agency within 60 days from the date of the withholding of funds;

(B) The agency, following the contractor's appeals, either issues a final order affirming the assessment of liquidated damages or waives damages of \$500 or less; or

(C) The Secretary of Labor takes final action on a recommendation of the agency head to waive or adjust liquidated damages in excess of \$500.

(ii) Upon final administrative determination of the contractor's liability for liquidated damages, transmit withheld or collected funds owed the Government as liquidated damages to the servicing finance and accounting officer for crediting to the appropriate Government Treasury account. Return any excess withheld funds to the contractor.

SUBPART 222.4—LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

222.402 Presolicitation.

222.402-1 Applicability.

222.402-170 Installation support contracts.

(a) Apply both the Service Contract Labor Standards statute and the Construction Wage Rate Requirements statute to installation support contracts if—

(1) The contract is principally for services but also requires a substantial and segregable amount of construction, alteration, renovation, painting, or repair work; and

(2) The aggregate dollar value of such construction work exceeds or is expected to exceed \$2,000.

(b) *Service Contract Labor Standards statute coverage under the contract.* Contract installation support requirements, such as plant operation and installation services (i.e., custodial, snow removal, etc.) are subject to the Service Contract Labor Standards. Apply Service Contract Labor Standards clauses and minimum wage and fringe benefit requirements to all contract service calls or orders for such maintenance and support work.

(c) *Construction Wage Rate Requirements statute coverage under the contract.* Contract construction, alteration, renovation, painting, and repair requirements (i.e., roof shingling, building structural repair, paving repairs, etc.) are subject to the Construction Wage Rate Requirements statute. Apply Construction Wage Rate Requirements clauses and minimum wage requirements to all contract service calls or orders for construction, alteration, renovation, painting, or repairs to buildings or other works.

(d) *Repairs versus maintenance.* Some contract work may be characterized as either Construction Wage Rate Requirements painting/repairs or Service Contract Labor Standards maintenance. For example, replacing broken windows, spot painting, or minor patching of a wall could be covered by either the Construction Wage Rate Requirements or the Service Contract Labor Standards. In instances where a contract service call or order requires construction trade skills (i.e., carpenter, plumber, painter, etc.), but uncertainty exists whether the work required is Service Contract Labor Standards maintenance or Construction Wage Rate Requirements painting/repairs, apply the following rules:

(1) Consider individual service calls or orders requiring a total of 32 or more work hours to be repair work subject to the Construction Wage Rate Requirements.

(2) Consider individual service calls or orders requiring fewer than 32 work hours to be maintenance subject to the Service Contract Labor Standards.

(3) Consider painting work of 200 square feet or more, to be performed under an individual service call or order, subject to the Construction Wage Rate Requirements statute regardless of the total work hours required.

(e) Where requirements are identifiable, make the determination of labor standards application when of drafting the solicitation. Otherwise, make the determination when placing the service call or order. The service call or order must identify the labor standards law and contract wage determination that applies to the work required.

(f) Do not avoid application of the Construction Wage Rate Requirements statute by splitting individual tasks between orders or contracts.

222.402-3 Construction Wage Rate Requirements statute.

(d) Follow the procedures at PGI 222.402-3(d) when seeking clarification of the proper application of construction wage rate schedules.

222.402-370 Reporting to the Department of Labor.

See PGI 222.402-370 for guidance on reporting requirements.

222.404 Postaward.

222.404-1 Administration.

(b)(1) Upon award of the contract, provide the prime contractor a preconstruction letter to describing the following, as appropriate—

(i) Indicate that the labor standards requirements contained in the contract are based on the following statutes and regulations—

(A) Construction Wage Rate Requirements statute.

(B) Contract Work Hours and Safety Standards statute;

(C) Copeland (Anti-Kickback) Act;

(D) Parts 3 and 5 of the Secretary of Labor's Regulations (parts 3 and 5, subtitle A, title 29, CFR);

(ii) Call attention to the labor standards requirements in the contract, which relate to—

(A) Employment of foremen, laborers, mechanics, and others;

(B) Wages and fringe benefits payments, payrolls, and statements;

(C) Differentiation between subcontractors and suppliers;

(D) Additional classifications;

(E) Benefits to be realized by contractors and subcontractors in keeping complete work records;

(F) Penalties and sanctions for violations of the labor standards provisions; and

(G) The applicable provisions of FAR 22.402; and

(iii) Ensure that the contractor sends a copy of the preconstruction letter to each subcontractor.

(2) Before construction begins, discuss the labor standards obligations under the contract with the prime contractor, and any subcontractor the prime designated, when—

(A) The prime contractor has not performed previous Government contracts;

(B) The prime contractor experienced difficulty in complying with labor standards requirements on previous contracts; or

(C) Uncertainty exists whether the contractor and its subcontractors intend either to pay any required fringe benefits in the manner specified in the wage determination or to elect a different method of payment. If the latter, inform the contractor of the requirements of FAR 22.404-1.

222.404-2 Enforcement.

(a) *Policy.* The proposed construction program must also include—

(i) Training appropriate contract administration, labor relations, inspection, and other labor standards enforcement personnel in their responsibilities; and

(ii) Periodic review of field enforcement activities to ensure compliance with applicable regulations and instructions.

(c) *Investigations.*

(1) *Contracting Agency investigations.* Before beginning an investigation, the investigator must inform the contractor of the general scope of the investigation, and that the investigation will include examining pertinent records and interviewing employees. In conducting the investigation, follow the procedures at PGI 222.404-2(c).

(vi)(A) Notify the contractor by certified mail of any finding that it is liable for liquidated damages under the Contract Work Hours and Safety Standards (CWHSS) statute. The notification must inform the contractor that—

(1) It has 60 days after receipt of the notice to appeal the assessment of liquidated damages; and

(2) The appeal must demonstrate either that the alleged violations did not occur at all, occurred inadvertently notwithstanding the exercise of due care, or the assessment was computed improperly.

(C)(1) Upon receiving an appeal, process the appeal in accordance with agency regulations.

(vii)(A) Forward a detailed enforcement report or summary report to the agency head in accordance with agency procedures. Include in the report, as a minimum, the information specified at PGI 222.404-2(d).

(d) *Report.* Forward these reports through the head of the contracting activity to the labor advisor within 15 days following the end of the reporting period. These reports must not include information from investigations conducted by the Department of Labor. These reports must contain the following information, as applicable, for construction work subject to the Construction Wage Rate Requirements statute and the CWSS statute—

- (i) Period covered;
- (ii) Number of prime contracts awarded;
- (iii) Total dollar amount of prime contracts awarded;
- (iv) Number of contractors/subcontractors against whom complaints were received;
- (v) Number of investigations conducted;
- (vi) Number of contractors/subcontractors found in violation;
- (vii) Amount of wage restitution found due under—
 - (A) Construction Wage Rate Requirements statute; and
 - (B) CWSS statute;
- (viii) Number of employees due wage restitution under—
 - (A) Construction Wage Rate Requirements statute; and
 - (B) CWHSS statute;
- (ix) Amount of liquidated damages assessed under the CWSS statute—
 - (i) Total amount; and
 - (ii) Number of contracts involved;
- (x) Number of employees and amount paid/withheld under—

- (A) Construction Wage Rate Requirements statute;
- (B) CWSS statute;
- (C) Copeland Act; and
- (xi) Regarding preconstruction activities—
 - (A) Number of compliance checks performed; and
 - (B) Preconstruction letters sent.

(e) *Withholding payments*

(1) Contact the labor advisor for assistance when payments due a contractor are not available to satisfy that contractor's liability for Construction Wage Rate Requirements or CWHSS statute wage underpayments or liquidated damages.

(g) *Disposition of contract payments withheld or suspended.* When disposition of withheld funds remains the final action necessary to close out a contract, the Department of Labor will retain withheld funds pending completion of an investigation or other administrative proceedings.

(3) *Liquidated damages.*

(A) The agency head may either adjust liquidated damages of \$500 or less when the amount assessed is incorrect or waive the assessment when the violations—

- (1) Were nonwillful or inadvertent; and
- (2) Occurred notwithstanding the exercise of due care by the contractor, its subcontractor, or their agents.

(B) The agency head may recommend to the Administrator, Wage and Hour Division, that the liquidated damages over \$500 be adjusted when the amount assessed is incorrect. The agency head may also recommend waiving the assessment when the violations—

- (1) Were nonwillful or inadvertent; and
- (2) Occurred notwithstanding the exercise of due care by the contractor, the subcontractor, or their agents.

**SUBPART 222.6—CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES,
AND EQUIPMENT**

222.601 Presolicitation.

222.601-3 Exemptions.

(c) Submit all applications for such exemptions through contracting channels to the labor advisor.

SUBPART 222.10—SERVICE CONTRACT LABOR STANDARDS

222.1002 Presolicitation

222.1002-1 Applicability.

(b) For contracts having a substantial amount of construction, alteration, renovation, painting, or repair work, see 222.402-170.

222.1002-3 Wage determinations.

Follow the procedures at PGI 222.1002-3 regarding use of the Service Contract Act Directory of Occupations when preparing the e98.

SUBPART 222.13—EQUAL OPPORTUNITY FOR VETERANS

222.1302 Presolitation

222.1302-2 Solicitation provision and contract clauses.

(a)(1) Insert the clause at FAR 52.222-35, Equal Opportunity for Veterans, with its paragraph (c), Listing Openings, also satisfies the requirement of 10 U.S.C. 4704.

222.1302-3 Waivers.

(c) Follow the procedures at PGI 222.1302-3(c) for submission of waiver requests.

222.1304 Postaward.

(c)(1) Forward each complaint received as indicated in FAR 22.1304(c) and (d); and

(2) Notify the complainant of the referral. The contractor in question must not be informed in any manner or for any reason of the complainant's name, the nature of the complaint, or the fact that the complaint was received.

SUBPART 222.14—EMPLOYMENT OF WORKERS WITH DISABILITIES

222.1401 Presolicitation.

222.1401-3 Waivers.

(c) Submit a waiver request through contracting channels to the labor advisor. If the request is justified, the labor advisor will endorse the request and forward it for action to—

(i) The agency head for waivers under FAR 22.1403(a). For the defense agencies, waivers must be approved by the Assistant Secretary of Defense for Acquisition.

(ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1403(b).

222.1402 Postaward

(c)(1) Notify the complainant of such referral. The contractor in question must not be informed in any manner or for any reason of the complainant's name, the nature of the complaint, or the fact that the complaint was received.

SUBPART 222.17—COMBATING TRAFFICKING IN PERSONS

222.1703 Presolicitation

222.1703-1 Requirements.

(a) See PGI 222.1703-1 for additional information regarding DoD policy for combating trafficking in persons outside the United States.

22.1704 Postaward.

222.1704(a) Violations.

Follow the procedures at PGI 222.1704(a) for notifying the Combatant Commander if a violation occurs.

222.1770 Procedures.

For a sample checklist for auditing compliance with Combating Trafficking in Persons policy, see PGI 222.17.

SUBPART 222.70—RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SERVICE CONTRACTS IN NONCONTIGUOUS STATES

222.7000 Scope of subpart.

(a) This subpart implements Section 8071 of the Fiscal Year 2000 Defense Appropriations Act, Public Law 106-79, and similar sections in subsequent Defense Appropriations Acts.

(b) This subpart applies only—

(1) To construction and service contracts to be performed in whole or in part within a noncontiguous State; and

(2) When the unemployment rate in the noncontiguous State exceeds the national average rate of unemployment as determined by the Secretary of Labor.

222.7001 Definition.

As used in this subpart—

Noncontiguous State means Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island.

222.7002 General.

A contractor awarded a contract subject to this subpart must employ, for the purpose of performing that portion of the contract work within the noncontiguous State, individuals who are residents of that noncontiguous State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform this contract.

222.7003 Waivers.

The head of the agency may waive the requirements of 222.7002 on a case-by-case basis in the interest of national security.

222.7004 Contract clause.

Insert the clause at 252.222-7000, Restrictions on Employment of Personnel, in all solicitations and contracts subject to this subpart. Insert the name of the appropriate noncontiguous State in paragraph (a) of the clause.

SUBPART 222.71 [RESERVED]

SUBPART 222.72—COMPLIANCE WITH LABOR LAWS OF FOREIGN GOVERNMENTS

222.7201 Contract clauses.

(a) Insert the clause at 252.222-7002, Compliance with Local Labor Laws (Overseas), in solicitations and contracts for services or construction to be performed outside the United States and its outlying areas.

(b) Insert the clause at 252.222-7003, Permit from Italian Inspectorate of Labor, in solicitations and contracts for porter, janitorial, or ordinary facility and equipment maintenance services to be performed in Italy.

(c) Insert the clause at 252.222-7004, Compliance with Spanish Social Security Laws and Regulations, in solicitations and contracts for services or construction to be performed in Spain.

SUBPART 222.73—LIMITATIONS APPLICABLE TO CONTRACTS PERFORMED ON GUAM

222.7300 Scope of subpart.

This subpart—

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

(b) Applies to contracts for base operations support on Guam that—

(1) Are awarded upon a competition conducted under OMB Circular A-76; and

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

222.7301 Prohibition on use of nonimmigrant aliens.

(a) An 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 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 Contract clause.

Insert the clause at 252.222-7005, Prohibition on Use of Nonimmigrant Aliens—Guam, in solicitations and contracts subject to this subpart.

**SUBPART 222.74—RESTRICTIONS ON THE USE OF MANDATORY
ARBITRATION AGREEMENTS**

222.7400 Scope of subpart.

This subpart implements section 8116 of the Defense Appropriations Act for Fiscal Year 2010 (Pub. L. 111-118) and similar sections in subsequent DoD appropriations acts.

222.7401 Definition.

As used in this subpart—

Covered subcontractor, means any entity that has a subcontract valued in excess of \$1 million, except a subcontract for the acquisition of commercial products or commercial services, including commercially available off-the-shelf items.

222.7402 Policy.

(a) Do not use funds appropriated or otherwise made available by the Fiscal Year 2010 Defense Appropriations Act (Pub. L. 111-118) or subsequent DoD appropriations acts for any contract (including task or delivery orders and bilateral modifications adding new work) in excess of \$1 million, unless the contractor agrees not to—

(1) Enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration—

(i) Any claim under title VII of the Civil Rights Act of 1964; or

(ii) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) Take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration—

(i) Any claim under title VII of the Civil Rights Act of 1964; or

(ii) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) No funds appropriated or otherwise made available by the Fiscal Year 2010 Defense Appropriations Act (Pub. L. 111-118) or subsequent DoD appropriations acts may be expended unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce, any provision of any agreement, as described in paragraph (a) of this section, with respect to any employee or independent contractor performing work related to such subcontract.

222.7403 Applicability.

This requirement does not apply to the acquisition of commercial products or commercial services (including commercially available off-the-shelf items).

222.7404 Waiver.

(a) The Secretary of Defense may waive, in accordance with paragraphs (b) through (d) of this section, the applicability of paragraphs (a) or (b) of 222.7402 to a particular contract or subcontract, if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is no longer than necessary to avoid such harm.

(b) The waiver determination must specify the grounds for the waiver, alternatives considered, and an explanation why each of the alternatives would not avoid harm to national security interests.

(c) Submit requests for waivers in accordance with agency procedures and PGI 222.7404(c).

(d) The Secretary of Defense will transmit the determination to Congress and simultaneously publish it in the Federal Register, not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

222.7405 Contract clause.

Insert the clause at 252.222-7006, Restrictions on the Use of Mandatory Arbitration Agreements, in all solicitations and contracts (including task orders or delivery orders and bilateral modifications adding new work) valued in excess of \$1 million utilizing funds appropriated or otherwise made available by the Defense Appropriations Act for Fiscal Year 2010 (Pub. L. 111-118) or subsequent DoD appropriations acts, except in

contracts for the acquisition of commercial products, including commercially available off-the-shelf items, or commercial services.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

SUBPART 252.2—TEXT OF PROVISIONS AND CLAUSES

252.222-7000 Restrictions on employment of personnel.

As prescribed in 222.7004, use the following clause:

RESTRICTIONS ON EMPLOYMENT OF PERSONNEL (MAR 2000)

(a) The Contractor shall employ, for the purpose of performing that portion of the contract work in _____, individuals who are residents thereof and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform the contract.

(b) The Contractor shall insert the substance of this clause, including this paragraph (b), in each subcontract awarded under this contract.

(End of clause)

252.222-7001 [Reserved]

252.222-7002 Compliance with local labor laws (overseas).

As prescribed in 222.7201(a), use the following clause:

COMPLIANCE WITH LOCAL LABOR LAWS (OVERSEAS) (JUN 1997)

(a) The Contractor shall comply with all—

(1) Local laws, regulations, and labor union agreements governing work hours;
and

(2) Labor regulations including collective bargaining agreements, workers' compensation, working conditions, fringe benefits, and labor standards or labor contract matters.

(b) The Contractor indemnifies and holds harmless the United States Government from all claims arising out of the requirements of this clause. This indemnity includes the Contractor's obligation to handle and settle, without cost to the United States Government, any claims or litigation concerning allegations that the Contractor or the United States Government, or both, have not fully complied with local labor laws or regulations relating to the performance of work required by this contract.

(c) Notwithstanding paragraph (b) of this clause, consistent with paragraphs 31.205-15(a) and 31.205-47(d) of the Federal Acquisition Regulation, the Contractor will be reimbursed for the costs of all fines, penalties, and reasonable litigation expenses incurred as a result of compliance with specific contract terms and conditions or written instructions from the Contracting officer.

(End of clause)

252.222-7003 Permit from Italian Inspectorate of Labor.

As prescribed in 222.7201(b), use the following clause:

PERMIT FROM ITALIAN INSPECTORATE OF LABOR (JUN 1997)

Prior to the date set for commencement of work and services under this contract, the Contractor shall obtain the prescribed permit from the Inspectorate of Labor having jurisdiction over the work site, in accordance with Article 5g of Italian Law Number 1369, dated October 23, 1960. The Contractor shall ensure that a copy of the permit is available at all reasonable times for inspection by the Contracting Officer or an authorized representative. Failure to obtain such permit may result in termination of the contract for the convenience of the United States Government, at no cost to the United States Government.

(End of clause)

252.222-7004 Compliance with Spanish social security laws and regulations.

As prescribed in 222.7201(c), use the following clause:

COMPLIANCE WITH SPANISH SOCIAL SECURITY LAWS AND REGULATIONS
(JUN 1997)

(a) The Contractor shall comply with all Spanish Government social security laws and regulations. Within 30 calendar days after the start of contract performance, the Contractor shall ensure that copies of the documents identified in paragraph (a)(1) through (a)(5) of this clause are available at all reasonable times for inspection by the Contracting Officer or an authorized representative. The Contractor shall retain the records in accordance with the Audit and Records clause of this contract.

(1) TC1—Certificate of Social Security Payments;

(2) TC2—List of Employees;

(3) TC2/1—Certificate of Social Security Payments for Trainees;

(4) Nominal (pay statements) signed by both the employee and the Contractor;

and

(5) Informa de Situacion de Empresa (Report of the Condition of the Enterprise) from the Ministerio de Trabajo y S.S., Tesoreria General de la Seguridad Social (annotated with the pertinent contract number(s) next to the employee's name).

(b) All TC1's, TC2's, and TC2/1's shall contain a representation that they have been paid by either the Social Security Administration office or the Contractor's bank or savings institution. Failure by the Contractor to comply with the requirements of this clause may result in termination of the contract under the clause of the contract entitled "Default."

(End of clause)

252.222-7005 Prohibition on use of nonimmigrant aliens—Guam.

As prescribed in 222.7302, use the following clause:

PROHIBITION ON USE OF NONIMMIGRANT ALIENS—GUAM (SEP 1999)

The work required by this contract shall not be performed by 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)). This prohibition does not apply to the performance of work by 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.

(End of clause)

252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements.

As prescribed in 222.7405, use the following clause:

RESTRICTIONS ON THE USE OF MANDATORY ARBITRATION AGREEMENTS
(JAN 2023)

(a) *Definitions.* As used in this clause—

Covered subcontractor means any entity that has a subcontract valued in excess of \$1 million, except a subcontract for the acquisition of commercial products or commercial services, including commercially available off-the-shelf items.

Subcontract means any contract, as defined in Federal Acquisition Regulation subpart 2.1, to furnish supplies or services for performance of this contract or a higher-tier subcontract thereunder.

(b) The Contractor—

(1) Agrees not to—

(i) Enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration—

(A) Any claim under title VII of the Civil Rights Act of 1964; or

(B) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(ii) Take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration—

(A) Any claim under title VII of the Civil Rights Act of 1964; or

(B) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; and

(2) Certifies, by signature of the contract, that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce, any provision of any existing agreements, as described in paragraph (b)(1) of this clause, with respect to any employee or independent contractor performing work related to such subcontract.

(c) The prohibitions of this clause do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the applicability of the restrictions of paragraph (b) of this clause in accordance with Defense Federal Acquisition Regulation Supplement 222.7404.

(End of clause)

PGI PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

PGI 222.1—BASIC LABOR POLICIES

PGI 222.101-1 Labor relations.

Obtain approval from the labor advisor before—

(1) Contacting a national office of a labor organization, a Government agency headquarters, or any other organization on labor relations matters or disputes; or

(2) Making recommendations for plant seizure or injunctive action relating to potential or actual work stoppages.

PGI 222.104 Postaward.

PGI 222.104-1 General.

The contract administration office must—

(1) Notify the labor advisor, the contracting officer, and the head of the contracting activity when interference is likely; and

(2) Disseminate information on labor disputes in accordance with departmental procedures.

PGI 222.104-170 Impact of labor disputes on defense programs.

(a) If the dispute involves a product, project (including construction), or service that must be obtained in order to meet schedules for urgently needed military programs or requirements, each department and agency must consider the degree of impact of potential or actual labor disputes, and each contracting activity involved must obtain and develop data reflecting the impact of a labor dispute. Upon determining the impact, the head of the contracting activity must submit a report of findings and recommendations to the labor advisor.

(b)(i) The report to the labor advisor must be in narrative form and must include—

(A) Location of dispute and name of contractor or subcontractor involved;

(B) A description of the impact, including how the specific items or services affect the specific programs or requirements;

(C) Identity of alternate sources available to furnish the supply or service within the time required; and

(D) A description of any action taken to reduce the impact.

(ii) The head of the contracting activity must submit impact reports to the agency head when—

(A) Specifically requested; or

(B) The department or agency considers the impact to be of sufficient urgency to warrant the attention of the agency head.

(iii) The labor advisor will expand the report submitted under paragraph (b)(ii) of this subsection by addressing the following, as appropriate:

(A) *Description of military program, project, or service.* Identify item, project, or service that will be or is being affected by the work stoppage. Describe its normal use and current functions in combat, combat support, or deterrent operations. For components or raw materials, identify the end item(s) for which they are used.

(B) *Requirements and assets.* Identify requirements and assets in appropriate detail in terms commonly used by the DoD component.

(1) For production programs, include requirements for each using military service. Where applicable, state in detail production schedule, inventory objectives, assets against these objectives, and critical shortages. For spares and highly expendable items, such as ground and air ammunition, show usage (consumption) rates and assets in absolute terms and in terms of daily, weekly, or monthly supplies. For components, include requirements for spares.

(2) For projects, describe the potential adverse effects of a delay in meeting schedules, and its impact on the national security.

(3) For services, describe how a loss or interruption affects the ability to support Defense operations in terms of traffic requirements, assets, testing programs, etc.

(C) *Possible measures to minimize strike impact.* Describe—

(1) Capabilities, if any, to substitute items or to use alternate sources and indicate the number of other facilities available and the relative capabilities of such facilities in meeting total requirements;

(2) How much time would be required to replace the loss of the facilities or service affected by a work stoppage; and

(3) The feasibility of transferring assets from theater to theater to relieve deficits in some areas of urgency.

(D) *Conclusion.*

(1) Describe the impact on operations of a 15-30, 30-60, and a 60-90 day work stoppage.

(2) Estimate the degree of criticality of a program, project, or service resulting from a work stoppage on a calendar basis, indicating the increased impact, if any, as the stoppage lengthens. Criticality is measured by the number of days required for the work stoppage to have an effect on operational capability. This time must be stated in terms of days.

PGI 222.104-171 Removal of items from contractors' facilities affected by work stoppages.

(a) When a contractor is unable to deliver urgent and critical items because of a work stoppage at its facility, before removing any items from the facility—

(i) Contact the labor advisor to obtain the opinion of the national office of the Federal Mediation and Conciliation Service or other mediation agency regarding the effect movement of the items would have on labor negotiations. Normally removals will not be made if they will adversely affect labor negotiations.

(ii) Provide a written request for removal of the material to the cognizant contract administration office. The request should include the following information:

(A) Contract number.

(B) A statement as to the urgency and criticality of the item needed.

(C) A description of the items to be moved (nature of the item, amount, approximate weight and cubic feet, item number, etc.).

(D) Mode of transportation by which the items are to be moved, if different than in the contract, and whether by Government or commercial bill of lading.

(E) Destination of the material, if different from that specified in the contract.

(iii) With the assistance of the labor advisor or the contract administration office, attempt to have both the management and the labor representatives involved agree to shipment of the material by normal means.

(iv) If agreement for removal of the needed items cannot be reached following the procedures in paragraphs (a) (i) through (iii) of this section, the commander of the contract administration office, after obtaining approval from the labor advisor, may seek the concurrence of the parties to the dispute to permit movement of the material by military vehicles with military personnel. On receipt of such concurrences, the commander may proceed to make necessary arrangements to move the material.

(v) If agreement for removal of the needed items cannot be reached following any of the procedures in paragraphs (a) (i) through (iv) of this section, refer the matter to the

labor advisor with the information required by 222.104-170(b). If the labor advisor is unsuccessful in obtaining concurrence of the parties for the movement of the material and further action to obtain the material is necessary, refer the matter to the agency head. Upon review and verification that the items are urgently or critically needed and cannot be moved with the consent of the parties, the agency head, on a nondelegable basis, may order removal of the items from the facility.

PGI 222.104-172 Acquisition of stevedoring services during labor disputes.

(a) Use the following procedures only in the order listed when a labor dispute delays performance of a contract for stevedoring services that are urgently needed.

(1) Attempt to have management and labor voluntarily agree to exempt military supplies from the labor dispute by continuing the movement of such material.

(2) Divert vessels to alternate ports able to provide necessary stevedoring services.

(3) Consider contracting with reliable alternative sources of supply within the stevedoring industry.

(4) Utilize civil service stevedores to perform the work performed by contract stevedores.

(5) Utilize military personnel to handle the cargo which was being handled by contract stevedores prior to the labor dispute.

(b) Notify the labor advisor when a deviation from the procedures in paragraph (a) of this subsection is required.

PGI 222.4—LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

PGI 222.402-3 Construction Wage Rate Requirements statute .

(d) Obtain clarification concerning the proper application of wage rate schedules to the type or types of construction involved from—

(i) For the Army - The appropriate district commander, Corps of Engineers.

(ii) For the Navy - The cognizant Naval Facilities Engineering Command division.

(iii) For the Air Force - The appropriate Regional Industrial Relations Office.

PGI 222.402-370 Reporting to the Department of Labor.

Not later than April 1 of each year, each agency must furnish the Administrator, Wage and Hour Division, with a general outline of its proposed construction program for the coming fiscal year. The Department of Labor uses this information to determine where it will conduct general wage determination surveys.

(a) For individual projects of \$500,000 or more, the agency must indicate—

- (1) The anticipated type of construction;
- (2) The estimated dollar value; and
- (3) The location in which the work is to be performed (city, town, village, county, or other civil subdivision of the state).

(b) The report format is contained in Department of Labor All Agency Memo 144, December 27, 1985.

(c) The report control number is 1671-DOL-AN.

PGI 222.404 Postaward.

PGI 222.404-2 Enforcement.

(c) *Investigations.* (1) Under Reorganization Plan No. 14 of 1950, contracting agencies are tasked with the primary responsibility for the conduct of labor standards compliance activities for construction contracts subject to the Construction Wage Rate Requirements statute. When such compliance assurance activities disclose potential violations that are substantial in amount (wage underpayments in excess of \$1,000) or when requested by the Department of Labor, the contracting officer or a designee should take the following steps to ensure compliance with the investigative requirements of the Department of Labor:

(i) *Beginning of the investigation.* The investigator must—

- (A) Inform the contractor of the investigation in advance;
- (B) Verify the exact legal name of the contractor, its address, and the names and titles of its principal officers;
- (C) Outline the general scope of the investigation, including the examination of pertinent records and the interview of employees;
- (D) Inform the contractor that the names of the employees to be interviewed will not be divulged to the contractor; and
- (E) When requested, provide a letter from the contracting officer verifying the investigator's authority.

(ii) *Conduct of the investigation.* Labor standards investigations are comprised of the following essential components:

- (A) Review of the contract.
 - (1) Verify that all required labor standards and clauses and wage determinations are included in the contract.

(2) Review the following items in the contract file, if applicable:

- (i) List of subcontractors.
- (ii) Payroll statements for the contractor and subcontractors.
- (iii) Approvals of additional classifications.
- (iv) Data regarding apprentices and trainees as required by FAR 22.404-1(f)(1) and 22.404-1(f)(3)(i).
- (v) Daily inspector's report or other inspection reports.
- (vi) Employee interview statements.
- (vii) Standard Form (SF) 1413, Statement and Acknowledgement.

(B) Interview of the complainant. If the investigation is based upon the receipt of a complaint, the investigator should interview the complainant unless this is impractical. The interview must cover all aspects of the complaint to ensure that all pertinent information is obtained. Whenever an investigation does not include an interview of the complainant, explain such omission in the investigator's report.

(C) Interview of employees and former employees.

(1) Interview a sufficient number of employees or former employees, who represent all classifications, to develop information regarding the method and amount of payments, deductions, hours worked, and the type of work performed.

(2) Interview employees at the job site if the interviews can be conducted privately and in such a manner so as to cause the least inconvenience to the employer and employees.

(3) Former employees may be interviewed elsewhere.

(4) Do not disclose to any employee any information, finding, recommendation, or conclusion relating to the investigation except to the extent necessary to obtain required information.

(5) Do not disclose any employee's statement to anyone, except a Government representative working on the case, without the employee's written permission.

(6) Obtain information by mail when personal interviews are impractical.

(7) Use SF 1445, Labor Standards Interview, for employee interviews.

(8) Ask employees to sign their statements and to initial any changes.

(9) Provide an evaluation of each employee's credibility.

(D) Interview of foremen. Interview foremen to obtain information concerning the contractor's compliance with the labor standards provisions with respect to employees under the foreman's supervision and the correctness of the foreman's classification as a supervisory employee. All procedures established for the conduct of employee interviews, and the recording and use of information obtained, apply to foremen interviews.

(E) Interview of the contractor.

(1) Interview the contractor whenever the investigation indicates the possibility of a violation.

(2) Inform the contractor that—

(i) The interview does not mean that a violation has been found or that a requirement for corrective action exists; and

(ii) The purpose of the interview is to obtain only such data as the contractor may desire to present in connection with the investigation.

(3) Do not disclose the identity of any individual who filed a complaint or was interviewed.

(F) Review of contractor and subcontractor records.

(1) Review contractor and subcontractor records such as basic time cards, books, cancelled payroll checks, fringe benefits, and payment records. Compare them with submitted payrolls. When discrepancies are found, include pertinent excerpts or copies of the records in the investigation report with a statement of the discrepancy and any explanation the investigator obtains. When wages include contributions or anticipated costs for fringe payments requiring approval of the Secretary of Labor, examine the contractor records to ensure such approval has been obtained and that any requirements specified in the approval have been met.

(2) Review contractor's and subcontractor's weekly payrolls and payroll statements for completeness and accuracy regarding the following:

(i) Identification of employees, payroll amount, the contract, contractor, subcontractor, and payroll period.

(ii) Inclusion of only job classifications and wage rates specified in the contract specifications, or otherwise established for the contract or subcontract.

(iii) Computation of daily and weekly hours.

(iv) Computation of time-and-one half for work in excess of 40 hours per week in accordance with FAR 22.404-2(b).

(v) Gross weekly wages.

(vi) Deductions.

(vii) Computation of net weekly wages paid to each employee.

(viii) Ratio of helpers, apprentices, and trainees to laborers and mechanics.

(ix) Apprenticeship and trainee registration and ratios.

(x) Computation of fringe benefits payments.

(3) Transcribe the contractor's records whenever they contain information at variance with payrolls or other submitted documents.

(i) Make the transcriptions in sufficient detail to permit them to be used to check computations of restitution and to determine amounts to be withheld from the contractor.

(ii) Follow the form used by the contractor.

(iii) Place comments or explanations concerning the transcriptions on separate memoranda or in the narrative report.

(iv) Determine whether the wage determination, any modifications of the determination, and any additional classifications are posted as required.

(iii) *Submission of the report of investigation.* The investigator must submit a report of the investigation in accordance with agency procedures. Each report must include at least—

(A) The basis for the investigation, including the name of the complainant;

(B) Names and addresses of prime contractors and subcontractors involved, and names and titles of their principal officers;

(C) Contract number, date, dollar value of prime contract, and date and number of wage determination included in the contract;

(D) Description of the contract and subcontract work involved;

(E) Summary of the findings with respect to each of the items listed in PGI 222.406-8(1)(ii);

(F) Concluding statement concerning—

(1) The types of violations, including the amount of kickbacks under the Copeland Act, underpayments of basic hourly rates and fringe benefits under the Wage Rate Requirements statute, or underpayments and liquidated damages under the Contract Work Hours and Safety Standards statute;

(2) Whether violations are considered to be willful or due to the negligence of the contractor or its agent;

(3) The amount of funds withheld from the contractor; and

(4) Other violations found; and

(G) Exhibits indexed and appropriately tabbed, including copies of the following, when applicable—

(1) Complaint letter;

(2) Contract wage determination;

(3) Preconstruction letter and memorandum of preconstruction conference;

(4) Payrolls and statements indicating violations;

(5) Transcripts of pertinent records of the contractor, and approvals of fringe benefit payments;

(6) Employee interview statements;

(7) Foreman interview statements;

(8) Statements of others interviewed, including Government personnel;

(9) Detailed computations showing kickbacks, underpayments, and liquidated damages;

(10) Summary of all payments due to each employee or to a fund plan or program, and liquidated damages; and

(11) Receipts and cancelled checks.

(d) This report must include at least--

(i) SF 1446, Labor Standards Investigation Summary Sheet;

- (ii) Contracting officer's findings;
- (iii) Statement as to the disposition of any contractor rebuttal to the findings;
- (iv) Statement as to whether the contractor has accepted the findings and has paid any restitution or liquidated damages;
- (v) Statement as to the disposition of funds available;
- (vi) Recommendations as to disposition or further handling of the case (when appropriate, include recommendations as to the reduction, waiver, or assessment of liquidated damages, whether the contractor should be debarred, and whether the file should be referred for possible criminal prosecution); and
- (vii) When applicable, the following exhibits:
 - (A) Investigator's report.
 - (B) Copy of the contractor's written rebuttal or a summary of the contractor's oral rebuttal of the contracting officer's findings.
 - (C) Copies of correspondence between the contractor and contracting officer, including a statement of specific violations found, corrective action requested, and the contractor's letter of acceptance or rejection.
 - (D) Evidence of the contractor's payment of restitution or liquidated damages (copies of receipts, cancelled checks, or supplemental payrolls).
 - (E) Letter from the contractor requesting relief from the liquidated damage provisions of the Contract Work Hours and Safety Standards statute.
- (e) *Withholding payments.*
 - (1) Contact the labor advisor for assistance when payments due a contractor are not available to satisfy that contractor's liability for Construction Wage Rate Requirements or CWHSS statute wage underpayments or liquidated damages.

PGI 222.10—SERVICE CONTRACT LABOR STANDARDS

PGI 222.1002-3 Obtaining wage determinations.

- (1) Secure the assistance of cognizant customer/technical personnel to ensure maximum use of the Service Contract Act Directory of Occupations (Directory) and incorporation of all service employee classes (Directory and non-Directory) expected to be utilized.

(2) When the statement of work job title, for which there is a Directory equivalent, differs from the Directory job title, provide a cross-reference on the e98.

(3) Include and note as such any classifications and minimum hourly wage rates conformed under any predecessor contract. When a previously conformed classification is not included in the Directory, include the job description on the e98.

PGI 222.13—EQUAL OPPORTUNITIES FOR VETERANS

PGI 222.1302 Presolicitation.

PGI 222.1302-3 Waivers.

(c) When seeking a waiver of any of the terms of the clause at FAR 52.222-35, Equal Opportunity for Veterans, submit a waiver request through contracting channels to the labor advisor. If the request is justified, the labor advisor will endorse the request and forward it for action to—

(i) The agency head for waivers under FAR 22.1305(a); or

(ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1305(b).

PGI 222.17—COMBATING TRAFFICKING IN PERSONS

For a sample checklist for auditing compliance with Combating Trafficking in Persons policy, click [here](#).

PGI 222.1703-1 Policy.

(1) The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) is responsible for developing overall guidance on personnel policy issues relating to Combating Trafficking in Persons (CTIP). The DoD CTIP website is <http://ctip.defense.gov/>. The website includes DoD policy on CTIP, CTIP training information, and links to the National TIP hotline, the DoD IG website, the Department of State Office to Monitor and Combat Trafficking in Persons, and other Government and non-Government organization websites.

(2) Department of Defense Instruction 2200.01, reissued June 21, 2019, entitled Combating Trafficking in Persons (CTIP), (located at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/220001p.pdf?ver=2019-06-21-102951-257>), requires the incorporation of terms and conditions in contracts performed either inside or outside the United States that—

(i) Prohibit any activities on the part of contractor employees that support or promote trafficking in persons; and

(ii) Impose suitable penalties on contractors who fail to monitor the conduct of their employees.

(3) DoD Instruction 5525.11, Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members, dated March 3, 2005, located at <http://www.dtic.mil/whs/directives/corres/pdf/552511p.pdf>, and as supplemented by Directive-Type Memorandum 09-015 at <http://www.dtic.mil/whs/directives/corres/pdf/DTM-09-015.pdf>, implements policies and procedures, and assigns responsibilities, under the Military Extraterritorial Jurisdiction Act of 2000, as amended by section 1088 of the National Defense Authorization Act for Fiscal Year 2005, for exercising extraterritorial criminal jurisdiction over certain current and former members of the U.S. Armed Forces, and over civilians employed by or accompanying the U.S. Armed Forces outside the United States.

(4) Quality assurance surveillance plans (QASPs) that are developed in accordance with DFARS [237.172](#) should appropriately describe how the contracting officer's representative will monitor the contractor's performance regarding trafficking in persons such that non-compliance with FAR clause 52.222-50, Combating Trafficking in Persons, is brought to the immediate attention of the contracting officer.

(5) Rely on the requiring activity to ascertain the existence of any additional Geographic Combatant Commander's (GCC's)/Subordinate Joint Force Commander, Trafficking In Persons, Directives or Notices, as required under [PGI 225.370](#), checklist item #12, that would require the use of Alternate I with the clause at FAR 52.222-50, Combating Trafficking in Persons, as required by FAR 22.1705 for contracts performed outside the United States. The webpage is provided at <https://www.acq.osd.mil/asda/dpc/cp/cc/aor.html> and by clicking on the pertinent GCC Area of Responsibility.

PGI 222.1704 Violations.

(a)(1) If the contracting officer receives information indicating that the contractor, a contractor employee, a subcontractor, or a subcontractor employee has failed to comply with the requirements of the clause at FAR 52.222-50, then—

(i) Through the contracting officer's local commander or other designated representative, immediately notify the Combatant Commander responsible for the geographical area in which the incident has occurred; and

(ii) Provide information about any investigation and enforcement to—

(A) Program Manager, DoD CTIP Policy and Programs Support at <https://ctip.defense.gov/> or by email to dodctip@mail.mil; and

(B) Defense Pricing, Contracting, and Acquisition Policy (Contract Policy) by email to osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

(2) Reports may be made to the DoD Inspector General Hotline at <http://www.dodig.mil/hotline/> or 800-424-9098.

(3) Reports also may be made to the National Human Trafficking Hotline at 1-888-373-7888 or to the Hotline website at <https://humantraffickinghotline.org/>.

PGI 222.74—RESTRICTIONS ON THE USE OF MANDATORY ARBITRATION AGREEMENTS

PGI 222.7404 Waiver.

(c) Requests for waivers to the policy at DFARS [222.7402](#) must be submitted to the Secretary of Defense through the Office of the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (Contract Policy). Requests for waivers may be submitted via email at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil. Include “Waiver-Mandatory Arbitration” in the subject line of the message.