

## 222.1306

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 22.1303(a); or
- (ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1303(b).

### 222.1306 Complaint procedures.

The contracting officer shall—

- (1) Forward each complaint received as indicated in FAR 22.1306; and
- (2) Notify the complainant of the referral. The contractor in question shall not be advised 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.

### 222.1308 Contract clauses.

- (a)(1) Use of the clause at FAR 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans, with its paragraph (c), Listing Openings, also satisfies the requirement of 10 U.S.C. 2410d.

[58 FR 28466, May 13, 1993]

## Subpart 222.14—Employment of the Handicapped

### 222.1403 Waivers.

(c) The contracting officer shall 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 Under Secretary of Defense for Acquisition.
- (ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1403(b).

### 222.1406 Complaint procedures.

The contracting officer shall—

- (1) Forward each complaint received as indicated in FAR 22.1406 (see FAR 22.609 for a listing of Department of Labor regional/area offices); and
- (2) Notify the complainant of such referral. The contractor in question shall not be advised in any manner or for any reason of the complainant's name,

## 48 CFR Ch. 2 (10-1-02 Edition)

the nature of the complaint, or the fact that the complaint was received.

## Subpart 222.70—Restrictions on the Employment of Personnel for Work on Construction and Service Contracts in Noncontiguous States

SOURCE: 65 FR 14403, Mar. 16, 2000, unless otherwise noted.

### 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 is in excess of the national average rate of unemployment as determined by the Secretary of Labor.

### 222.7001 Definition.

“Noncontiguous State,” as used in this subpart, 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.

[65 FR 50151, Aug. 17, 2000]

### 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-