

1422.406-9 Withholding from or suspension of contract payments.

HCA's shall establish procedures for collection and disposition of funds withheld under FAR 22.406-9, including liquidated damages.

1422.406-13 Semiannual enforcement reports.

PAM is responsible for submitting the report required by FAR 22.406-13 to DOL. In accordance with DOL memoranda, PAM requires bureaus to submit the required reports by April 15 and October 15 for the reporting periods of October 1 through March 31 and April 1 through September 30, respectively.

Subpart 1422.6—Walsh-Healey Public Contracts Act**1422.604 Exemptions.****1422.604-2 Regulatory exemptions.**

The AS/PMB is authorized to request the Secretary of Labor to exempt contracts from the Walsh-Healey Public Contracts Act under FAR 22.604-2(b). A written finding justifying the exemption shall be prepared by the CO and submitted by the HCA to the Director, PAM for further action.

Subpart 1422.8—Equal Employment Opportunity**1422.803 Responsibilities.**

The CO shall forward matters involving the applicability of EO 11246 to the HCA for resolution. This authority is granted to the HCA without the power of redelegation.

1422.804 Affirmative action programs.**1422.804-2 Construction.**

Bureau contracting offices are responsible for maintaining (including updates and revisions) lists of geographic areas subject to affirmative action requirements.

1422.805 Procedures.

Copies of the poster "Equal Employment Opportunity is the Law" (National Stock No. 7690-00-926-8988) may be ordered from the GSA supply depot.

1422.807 Exemptions.

(a) The Director, PAM shall make the determination that a contract is essential to the national security and that the award of the contract without complying with one of the requirements of FAR 22.8 is necessary to national security.

(b) Requests for exemptions shall be submitted in writing by the CO, through the HCA, to the Director, PAM.

Subpart 1422.10—Service Contract Act of 1965, as Amended**1422.1003 Applicability.****1422.1003-4 Administrative limitations, variations, tolerances and exemptions.**

The CO shall submit requests for determination regarding application of the Service Contract Act and exemptions directly to DOL, Administrator of the Wage and Hour Division.

Subpart 1422.13—Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans**1422.1305 Waivers.**

(a) The Director, PAM is authorized to:

(1) Waive any or all terms of the clause at FAR 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans, under the conditions prescribed in FAR 22.1305(a), and

(2) Waive any requirement in FAR Subpart 22.13 as prescribed in FAR 22.1305(b).

(b) Requests for waivers, under paragraph (a) of this section, shall be made in writing by the CO through the HCA to the Director, PAM for further action.

Subpart 1422.14—Employment of Workers with Disabilities**1422.1403 Waivers.**

The Director, PAM is authorized to waive any or all of the terms of the

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clause at FAR 52.222-36, Affirmative Action for Workers with Disabilities, under the conditions prescribed in FAR 22.1403(a), and waive any requirement in FAR Subpart 22.14 as prescribed in FAR 22.1403(b). Requests for waivers shall be made in writing by the CO through the HCA to the Director, PAM.

PART 1423 [RESERVED]

PART 1424—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 1424.1—Protection of Individual Privacy

Sec.

1424.102 General.

1424.103 Procedures.

1424.104 Contract clauses.

Subpart 1424.2—Freedom of Information Act.

1424.203 Policy.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

Subpart 1424.1—Protection of Individual Privacy

1424.102 General.

Procedures for implementing the Privacy Act of 1974 and Departmental regulations under 43 CFR part 2, subpart D, are contained in 383 DM.

1424.103 Procedures.

When required by FAR 24.103(b)(2), the CO shall provide the contractor with a copy of the Department's Privacy Act regulations codified in 43 CFR part 2, subpart D.

1424.104 Contract clauses.

The clause at FAR 52.224-1, Privacy Act Notification, as prescribed in FAR 24.104(a), shall be supplemented in accordance with 1452.224-1.

Subpart 1424.2—Freedom of Information Act

1424.203 Policy.

(a) The Department's implementation of the Freedom of Information Act is codified in regulations under 43 CFR part 2, subparts A and B.

(b) It is the policy of the Department to alert prospective contractors which place restrictions on the disclosure and use of proposal data that certain data may be subject to disclosure under a Freedom of Information Act request. (See 1415.207 and 1452.215-71.)

PART 1425—FOREIGN ACQUISITION

Sec.

1425.003 Definitions.

Subpart 1425.1—Buy American Act—Supplies

1425.103 Exceptions.

1425.105 Determining reasonableness of cost.

Subpart 1425.2—Buy American Act—Construction Materials

1425.202 Exceptions.

1425.206 Noncompliance.

Subpart 1425.7—Prohibited Sources

1425.701 Restriction on acquisition of supplies or services from prohibited sources.

Subpart 1425.10—Additional Foreign Acquisition Regulations

1425.1001 Waiver of right to examination of records.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

1425.003 Definitions.

Impracticable, as used in this subpart, includes reasons other than cost, and availability.

Manufacture, as used in this subpart, means completion of an end product in the form required to meet specifications. It includes only direct incorporation of components into the end products to alter the original material and establish the identity/character of the