ATTACHMENT A- Deviation to FAR Text

Baseline is accurate through FAC 2023-06, published October 5, 2023.

Changes to baseline shown as **[bolded, bracketed additions]** and ~~struckthrough~~ ~~deletions~~. FAR text unchanged shown as asterisks.

# Part 52 - Solicitation Provisions and Contract Clauses

\* \* \* \* \*

52.222-55 Minimum Wages for Contractor Workers Under Executive Order 14026. **[DEVIATION (OCT 2023)]**

As prescribed in 22.1906, insert the following clause:

# Minimum Wages for Contractor Workers Under Executive Order 14026 [DEVIATION (OCT 2023)] ~~(JAN 2022)~~

1. \* \* \*
2. \* \* \* (c)(1) \* \* \*

(2) This clause does not apply to—

# [(i) Contracts or subcontracts to which the States of Texas, Louisiana, or Mississippi, including their agencies, are a party;

**(ii)]** Fair Labor Standards Act (FLSA)-covered individuals performing in connection with contracts covered by the E.O., *i.e.* those individuals who perform duties necessary to the performance of the contract, but who are not directly engaged in performing the specific work called for by the contract, and who spend less than 20 percent of their hours worked in a particular workweek performing in connection with such contracts;

**[(iii)]**~~(ii)~~ Individuals exempted from the minimum wage requirements of the FLSA under [29 U.S.C. 213(a)](https://www.govinfo.gov/link/uscode/29/213) and [214(a)](https://www.govinfo.gov/link/uscode/29/214) and

1. , unless otherwise covered by the Service Contract Labor Standards statute, or the Wage Rate Requirements (Construction) statute. These individuals include but are not limited to—
   1. Learners, apprentices, or messengers whose wages are calculated pursuant to special certificates issued under [29 U.S.C.](https://www.govinfo.gov/link/uscode/29/214) [214(a)](https://www.govinfo.gov/link/uscode/29/214);
   2. Students whose wages are calculated pursuant to special certificates issued under [29 U.S.C. 214(b)](https://www.govinfo.gov/link/uscode/29/214); and
   3. Those employed in a bona fide executive, administrative, or professional capacity ([29 U.S.C. 213(a)(1)](https://www.govinfo.gov/link/uscode/29/213) and [29 CFR part 541](https://www.ecfr.gov/current/title-29/part-541)).

\* \* \* \* \*

(End of clause)