



**ACQUISITION
TECHNOLOGY
AND LOGISTICS**

**OFFICE OF THE UNDER SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-3000**

APR 20 2009

**MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES**

SUBJECT: Delay in Implementation Date of Employment Eligibility Verification

On November 14, 2008, the final rule implementing the Federal Acquisition Regulation (FAR) requirement entitled Employment Eligibility Verification was published at 73 FR 67650 as FAC 2005-29. This rule had an effective date of January 15, 2009. Amendment 1 to the FAC was published on January 14, 2009, changing the effective date of this coverage to January 19, 2009, and adding an applicability date of February 20, 2009.

In order to permit the new Administration an adequate opportunity to review the Employment Eligibility Verification rule, Amendment 2 to the FAC was published on January 30, 2009, extending the applicability date to May 21, 2009, and Amendment 3 has now extended the applicability date to June 30, 2009.

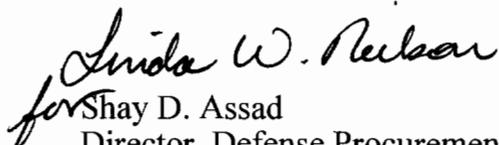
Contracting officers shall not include the new clause at 52.222-54, Employment Eligibility Verification, in any solicitation or contract prior to the applicability date of June 30, 2009. On or after June 30, 2009, contracting officers—

- Shall include the clause in solicitations in accordance with the clause prescription at 22.1803 and FAR 1.108(d)(1); and



- Should modify, on a bilateral basis, existing indefinite-delivery/indefinite-quantity contracts in accordance with FAR 1.108(d)(3) to include the clause for future orders if the remaining period of performance extends beyond December 30, 2009, and the amount of work or number of orders expected under the remaining performance period is substantial.

For questions concerning this memorandum, please contact Amy Williams, 703-602-0328, or Amy.Williams@osd.mil.


for Shay D. Assad
Director, Defense Procurement
and Acquisition Policy