



ACQUISITION
TECHNOLOGY
AND LOGISTICS

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JAN 14 2009

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
ASSISTANT SECRETARY OF THE ARMY (ACQUISITION,
LOGISTICS, AND TECHNOLOGY)
ASSISTANT SECRETARY OF THE NAVY (RESEARCH,
DEVELOPMENT AND ACQUISITION)
ASSISTANT SECRETARY OF THE AIR FORCE
(ACQUISITION)
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Delay in Implementation Dates of Employment Eligibility Verification

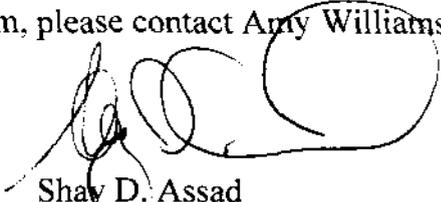
On November 14, 2008, the final rule implementing the Federal Acquisition Regulation (FAR) requirement entitled Employment Eligibility Verification was published at 73 FR 67650 as FAC 2005-29. This rule had an effective date of January 15, 2009. Amendment 1 to the FAC will be published on January 14,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

The effective date was delayed to January 19, 2009, in order to comply with the Congressional Review Act (5 U.S.C. 801(a)(3)(A)). Although this rule was published in the Federal Register on November 14, 2008 (73 FR 67650), it was not received by Congress until November 19, 2008. The applicability date was extended because of pending litigation.

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 February 20, 2009. On or after February 20, 2009, contracting officers—

- Shall include the clause in solicitations in accordance with the clause prescription at 22.1803; 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 August 20, 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, 703-697-0328, or amy.williams@osd.mil.


Shay D. Assad
Director, Defense Procurement

