



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

SEP -2 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
(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, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Implementation 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. Four amendments were published to the Federal Acquisition Circular, resulting in an effective date of January 19, 2009, and an applicability date of September 8, 2009.

The FAR Council has agreed to proceed with implementation of the rule. As stated in my June 9, 2009, memorandum, on or after September 8, 2009, contracting officers shall proceed as follows:

- Include the clause in solicitations and resultant contracts in accordance with the clause prescription at 22.1803 and FAR 1.108(d)(1). Contracting officers shall only include the clause in a contract that contained the clause in the solicitation, except as provided at FAR 1.108(d)(3).
- 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 March 8, 2010, 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.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy