



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

September 1, 2017

In reply refer to

DARS Tracking Number: 2017-O0008

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)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION AND PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation—Office of Federal Contract Compliance Programs Waiver of  
Certain Clause Requirements in Contracts for Hurricane Harvey Relief Efforts

The Department of Labor Office of Federal Contract Compliance Programs (OFCCP), using the authority of 41 CFR 60-1.5(b)(1), 60-300.4(b)(1), and 60-741.4(b)(1), has granted a limited exemption and waivers from some of the requirements of the Executive Order and laws administered by the OFCCP. The exemption and waivers relate to the requirement to develop written affirmative action programs under OFCCP regulations implementing the E.O. and laws enforced by OFCCP.

Therefore, effective immediately, for contracts entered into to provide Hurricane Harvey relief, contracting officers shall use the modified version of the three Equal Employment Opportunity (EEO) clauses as set forth below:

*At the end of 52.222-26, as a new final sentence in paragraph (d), add the following:* Notwithstanding the provisions of this section, the Contractor will not be obligated to develop the written affirmative action program required under the regulations implementing E.O. 11246.

*At the end of 52.222-35, add a new paragraph (d) to read as follows:* Notwithstanding the provisions of this section, the Contractor will not be obligated to develop the written affirmative action program required under the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA).

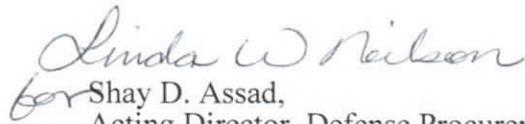
*At the end of 52.222-36, add a new paragraph (c) to read as follows:* Notwithstanding the provisions of this section, the Contractor will not be obligated to develop the written affirmative action program required under the regulations implementing section 503 of the Rehabilitation Act of 1973, as amended.

Notwithstanding the foregoing, Federal supply and service contractors will continue to be subject to the nondiscrimination requirements of E.O. 11246, VEVRAA, and section 503, and to the following FAR requirements:

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in Contracts for Hurricane Harvey Relief Efforts

- Posting of the "Equal Opportunity is the Law" notice under the E.O. and two laws;
- Record keeping and record retention requirements under all three laws; and
- Employment listings with the appropriate employment service delivery system as required under VEVRAA.

This class deviation remains in effect until November 30, 2017, unless otherwise rescinded or extended. My point of contact is Ms. Amy Williams, DPAP/DARS, at 571-372-6106 or [amy.g.williams.civ@mail.mil](mailto:amy.g.williams.civ@mail.mil).

  
for Shay D. Assad,  
Acting Director, Defense Procurement  
And Acquisition Policy