



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

May 29, 2009

MEMORANDUM FOR DISTRIBUTION

Subj: DELAY IN IMPLEMENTATION DATE OF EMPLOYMENT ELIGIBILITY
VERIFICATION

Encl: (1) DPAP memo dated April 20, 2009

Enclosure (1) provided notification that the applicability date of the final rule entitled Employment Eligibility Verification, which was published as FAC 2005-29, has been extended to June 30, 2009. As a result, contracting officers shall not include the new clause at FAR 52.222-54, Employment Eligibility Verification, in any solicitation or contract prior to June 30, 2009. In addition, enclosure (1) provides directions to contracting officers on the use of this new FAR clause in solicitations and existing indefinite-delivery/indefinite-quantity contracts on or after June 30, 2009.

It is requested that enclosure (1) be forwarded to all appropriate contracting personnel.

Elliott B. Branch
Elliott B. Branch
Executive Director
DASN(A&LM)

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OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
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

ENCLOSURE(1)



- 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.

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