



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

JUN 18 2009

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Delay in Implementation Date of Employment Eligibility Verification

Reference: (a) DASN (A&LM) memorandum dated May 29, 2009

Reference (a) provided notification that the applicability date of the final rule entitled Employment Eligibility Verification, published as FAC 2005-29, had been extended to June 30, 2009. Subsequently, the attached Director of Defense Procurement and Acquisition Policy (DPAP) memo dated June 9, 2009 provided notification that the applicability date of the final rule has now been extended to September 8, 2009. Accordingly, contracting officers shall not include the new clause at FAR 52.222-54 in any solicitation or contract prior to September 8, 2009, and shall comply with the DPAP directions on the use of this new FAR clause in solicitations and existing indefinite-delivery/indefinite-quantity contracts on or after September 8, 2009.

It is requested that the attached memorandum be forwarded to all appropriate contracting personnel.

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

Attachment:
As stated

Distribution:
Page 2

SUBJECT: Delay in Implementation Date of Employment Eligibility Verification

Distribution:

CMC (LB)

MARCORSYSCOM (CT)

MSC (N10)

NAVAIRSYSCOM (2.0)

NAVFACENGCOM (ACQ)

NAVSEASYSCOM (02)

NAVSUPSYSCOM (02)

ONR (02)

SPAWARSYSCOM (2.0)

SSP (SPN)

NAVICP (02)

AGC



ACQUISITION
TECHNOLOGY
AND LOGISTICS

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

JUN -9 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: 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, several additional amendments were published, extending the applicability date first to May 21, 2009; then to June 30, 2009. Amendment 4 now extends the applicability date to September 8, 2009.

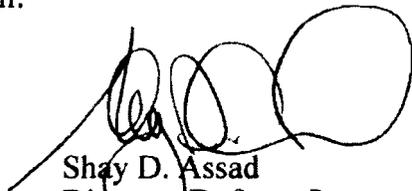
Contracting officers shall not include the new clause at 52.222-54, Employment Eligibility Verification, in any solicitation or contract prior to the applicability date of September 8, 2009. On or after September 8, 2009, contracting officers—

- 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 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.

A handwritten signature in black ink, appearing to read 'Shay D. Assad', written over a circular stamp or mark.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy