DEFENSE LOGISTICS AGENCY
DEFENSE LOGISTICS SUPPORT COMMAND
8725 JOHN J. KINGMAN ROAD, SUITE 2533
FORT BELVOIR, VIRGINIA 22060-6221

IN REPLY REFER TO DLSC-P
PROCLTR 98-06

APR 02 1998

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Veterans Employment Emphasis (DFARS case 97-D314)

This PROCLTR provides an interim rule that amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the prohibition in Section 8117 of the National Defense Appropriations Act for FY 98 (Pub. L. 105-56) on obligation or expenditure of FY 98 funds appropriated therein (see attached memorandum from the Director, Defense Procurement).

The attached interim rule is effective immediately and expires upon publication of the change in a Defense Acquisition Circular or 1 year from date of issue, whichever is sooner. Any comments on the interim rule should be forwarded to DLSC-PPP by April 30, 1998. Anne Burleigh, DSN 427-1358, is POC for this PROCLTR.

Attachment

Acting Executive Director
(Procurement)

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ACQUISITION AND TECHNOLOGY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

March 11, 1998

DP(DAR)

In reply refer to
DFARS Case: 97-D314
D. L. 98-004

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT, ASN(RD&A)/ABM
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (CONTRACTING), SAF/AQC
DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT)
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS AGENCY

SUBJECT: Veterans Employment Emphasis

We have amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the prohibition in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56), on obligation or expenditure of fiscal year 1998 funds appropriated therein with a contractor that is subject to the reporting requirement at subsection 4212(d) of Title 38, United States Code, but has not submitted the most recent report required by such subsection for 1997 or a subsequent year.

The attached interim DFARS rule is effective immediately and will be included in a future Defense Acquisition Circular.

Eleanor Spector

Eleanor R. Spector
Director, Defense Procurement

Attachment

cc: DSMC, Ft. Belvoir

DFARS Case 97-D314, Veterans Employment Emphasis
Interim rule.
Additions are **[bold and bracketed.]**

SUBPART 209.1--RESPONSIBLE PROSPECTIVE CONTRACTORS
209.104-1 General standards.

[(g)(iii) A contracting officer shall not enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) pertaining to employment of veterans, but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year (see 222.1304(b)).]

* * * * *

209.104-70 Solicitation provisions.

[(c) Use the provision at 252.209-7003, Compliance with Veterans' Employment Reporting Requirements, in solicitations with a value estimated to exceed the simplified acquisition threshold.]

* * * * *

212.503 Applicability of certain laws to Executive Agency contracts for the acquisition of commercial items.

(a) The following laws are not applicable to contracts for the acquisition of commercial items:

(i) * * *

* * *

[(xii) Section 8117, Pub. L. 105-56, Restriction on Use of Funds Appropriated for Fiscal Year 1998 (see 222.1304(b)).]

* * * * *

[213.005 Federal Acquisition Streamlining Act of 1994 list of inapplicable laws.

(a) The restriction on use of funds appropriated for fiscal year 1998 in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56) is inapplicable to contracts at or below the simplified acquisition threshold (see 222.1304(b)).]

* * * * *

[217.207 Exercise of options.

(c) Except for contracts for the acquisition of commercial items, if the contractor has any contract containing the clause at FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer may exercise an option with a value exceeding the simplified acquisition threshold only after determining that the contractor has submitted the most recent report required by that clause (see 222.1304(b)).]

* * * * *

[222.1304 Department of Labor notices and reports.

(b) As provided in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56), no funds made available in that Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era) but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year.]

* * * * *

[252.209-7003 Compliance with Veterans' Employment Reporting Requirements.

As prescribed in 222.1304(b), use the following provision:

COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS
(MAR 1998)

By submission of its offer, the Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has submitted the most recent report required by 38 U.S.C. 4212(d).

(End of provision)]