



U.S. Department of Justice  
Justice Management Division


*Management and Planning Staff*

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Washington, D.C. 20530

January 19, 1999

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: H.B. Myers   
Assistant Director  
Procurement Policy and Review Group

SUBJECT: Class Deviation, Employment Reports on Disabled Veterans

Attached is a class deviation from the Federal Acquisition Regulation (FAR) 22.1308 (b) which requires that the clause at FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, be used in contracts over \$10,000. Public Law 105-339, Section 1354 provides that no contractor required to submit a report may receive a contract award until this report is submitted. The threshold for using this clause has increased to \$25,000. The statute also requires the Department of Labor (DOL) to make available in a database, the list of contractors that have filed the report for the current reporting period.

Pending modification of the FAR, and the establishment of the DOL database, the provision attached to the approved deviation is to be used in all solicitations over \$25,000 using appropriated funds. This provision also applies to the exercise of options with a value exceeding \$25,000.

If you have any questions concerning this class deviation please call Larry Silvis on (202) 616-3754.

Attachment

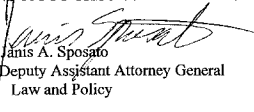


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MEMORANDUM TO THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

FROM:   
Janis A. Sposato  
Deputy Assistant Attorney General  
Law and Policy

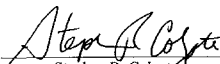
SUBJECT: Class Deviation from the Federal Acquisition Regulation

In accordance with the Federal Acquisition Regulation (FAR) 1.404(a) and the Justice Acquisition Regulation 2801.404, your approval to deviate from FAR section 22.1308 (b) is requested. This section requires that the clause at FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, be used in contracts over \$10,000.

The deviation is requested so that the Department of Justice as an agency may implement the statutory change in Public Law 105-339, which was enacted October 31, 1998, providing in Section 1354 that no contractor required to submit a report may receive a contract award until this report is submitted. The threshold for using this clause has increased from \$10,000 to \$25,000. The statute also requires the Department of Labor (DOL) to make available in a database the list of contractors that have filed the report for the current reporting period.

Pending modification of the FAR, and the establishment of the aforementioned database at DOL, it is recommended that you approve this class deviation to use the attached provision in all solicitations over \$25,000 using appropriated funds. This provision will also apply to the exercise of options with a value exceeding \$25,000.

This request has been coordinated with the Chairman of the Civilian Agency Acquisition Council.

Approved:   
Stephen R. Colgate  
Assistant Attorney General  
for Administration

Date: 1/14/99

Disapproved: \_\_\_\_\_  
Stephen R. Colgate  
Assistant Attorney General  
for Administration

Date: \_\_\_\_\_

**COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS**

**(a) 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 the Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has , has not  submitted the most recent report required by 38 U.S.C. 4212(d).**

**(b) An Offeror who checks "has not" may not be awarded a contract until the required reports are filed. (31 U.S.C. 1354)**

**(End of Provision)**