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## Federal contractor E-verify rule delayed again - until September 8, 2009

### What is E-Verify?

E-Verify is an Internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees.

### Background to the new rule:

President George W Bush issued an executive order in 2008, directing federal agencies to require that federal contractors agree to electronically verify the employment eligibility of their employees. The amended Executive Order reinforces the policy, first announced in 1996, that the federal government do business with companies that have a legal workforce. This new rule requires federal contractors to agree, through language inserted into their federal contracts, to use E-Verify to confirm the employment eligibility of all persons hired during a contract term, and to confirm the employment eligibility of federal contractors' current employees who perform contract services for the federal government within the United States.

The effective date of the final rule requiring certain federal contractors and subcontractors to use E-Verify has been delayed for a third time, to September 8, 2009.

### Who is affected?

The rule will only affect federal contractors who are awarded a new contract after June 30 that includes the Federal Acquisition Regulation (FAR) E-Verify clause (73 FR 67704). Federal contractors may **NOT** use E-Verify to verify current employees until the rule becomes effective and they are awarded a contract that includes the FAR E-Verify Clause.

### What contracts are included?

The E-Verify requirement would apply to federal contracts with a performance period longer than 120 days and a value over \$100,000. The rule covers subcontractors if a prime contract includes the clause. For subcontracts that flow from those prime contracts, the rule extends the E-Verify requirement to subcontracts for services or for construction with a value over \$3,000.

See USCIS FAQs on E-Verify [here](http://tinyurl.com/qp7kxu): <http://tinyurl.com/qp7kxu>.

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