
Executive Order Requires Federal Contractors to Verify Worker Eligibility

2008-06-12

As a result of a June 6, 2008, Executive Order by President Bush and a directive from the Secretary of Homeland Security, federal contractors will be required to verify their employees' eligibility to work in the United States through the Department of Homeland Security's E-Verify system. The new requirement will take effect 30 days after promulgation of implementing amendments in the Federal Acquisition Regulations (FAR). Because the FAR amendments were published as a proposed rule today, with comments due August 11, they are likely to take effect in mid to late fall of this year.

The proposed FAR amendments will apply to most contracts entered into after the effective date and will require contractors to enroll in the E-Verify program within 30 days of contract award. Contractors will be required to use E-Verify to verify the employment of all employees assigned to the contract and all new employees hired during the contract term. Some employers who already use the E-Verify system have expressed concerns about its usability and error rate. Companies who contract with the federal government will want to closely review the proposed rule and consider submitting comments about how the rule should be implemented and enforced. Contractors also will want to consider how to comply with any legal obligations if the E-Verify system provides negative information about an employee.

This Executive Order represents one of 26 immigration-related initiatives the Administration promised to undertake after the comprehensive immigration reform bill failed last year. Other worksite enforcement measures in the Administration's plan include expanded criminal investigations against employers who knowingly hire large numbers of illegal aliens and increased civil fines against those employers.

Click on the links below to view the June 6 Executive Order and Executive Order 12989, which it amends, and the proposed FAR rule.

[Executive Order 12989](#)

[Executive Order 13465](#)

Proposed FAR Rule