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Compliance Bulletin



DHS plans “full implementation” of E-Verify requirement for federal contractors

DHS Secretary Janet Napolitano issues statement

The Department of Homeland Security (DHS) will push ahead with rules requiring federal contractors to use E-Verify.

DHS Secretary Janet Napolitano issued [a statement](#) today declaring support for the rules, which are currently scheduled to take effect in September.

"After a careful review, the Administration will push ahead with full implementation of the rule, which will apply to federal solicitations and contract awards Government-wide starting on September 8, 2009," the statement said.

The DHS appears to support a provision in the rules which requires federal contractors and sub-contractors to use E-Verify to check the work authorization of all new hires, as well as existing employees who are working on a covered federal contract.

Normally, employers who enroll in the voluntary E-Verify program are only allowed to use E-Verify for new hires. Business groups including the U.S. Chamber of Commerce have objected to the requirement for federal contractors to use the system for existing employees. Implementation of the rule has been delayed several times in part because of a lawsuit regarding the rule, Chamber of Commerce of the United States of America, et al. v. Michael Chertoff, et al. Civil Action No. AW-08-3444 (D. Md.). That lawsuit is ongoing.

The rules were originally proposed by the previous administration in June last year. The rules instruct federal agencies to require, as a condition of each contract, that each contractor and sub-contractor agree to use E-Verify.

For a complete copy of the rules as they currently stand, please send an e-mail to compliance.bulletin@talx.com with “E-Verify rule for federal contractors” in the subject line.

For more information about how the TALX electronic I-9 service can help you implement E-Verify and aid with I-9 compliance please send e-mail to moreinfo@talx.com with “I-9 compliance” in the subject line.



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