

## **THE OBAMA ADMINISTRATION WILL GO FORWARD WITH THE FEDERAL APPROPRIATIONS REGULATION (FAR) REQUIRING THE USE OF E-VERIFY BY FEDERAL CONTRACTORS**

Today Department of Homeland Security Secretary Janet Napolitano announced the Obama Administration's support for the Federal Appropriations Regulation (FAR) requiring the use of E-Verify by federal contractors and subcontractors.

The rule was previously forestalled by the Obama Administration's decision to postpone and study the Bush-era rule more carefully before proceeding with implementation. The rule, twice postponed, will now go into effect and will apply to federal solicitations and contracts on or after September 8, 2009. Some exceptions apply. For more details on the FAR E-Verify requirement, please refer to Foster Quan's previous [Immigration Update](#).<sup>©</sup>

The FAR rule was challenged in court by the U.S. Chamber of Commerce on the grounds that the Executive Branch did not have the authority to require the use of E-Verify, a program previously authorized by Congress for only voluntary employer participation. Upon expected passage of the Department of Homeland Security Appropriations Act, which now includes the Sessions E-Verify amendment, the Chamber of Commerce objection to Executive action falls moot.

As always, Foster Quan will continue to monitor breaking news in the area of worksite enforcement and will make new information available via future Immigration Updates<sup>©</sup> and on the [Foster Quan website](#).