

Federal Contractors E-Verify Requirement

Comparison between FAR Rule, Senate DHS Appropriations, and Alternative Proposal 7/28/09

Issue	FAR Rule	Senate DHS Appropriations	Pragmatic Approach
Threshold for participation by contractors.	Contract must exceed the simplified acquisition threshold.	No threshold requirement, applies to all federal contractors.	Contract must exceed the simplified acquisition threshold.
Reverification	Reverification of those assigned to the contract, which for many companies would mean mandatory reverification of entire workforce.	Mandatory reverification of entire workforce.	Applies only to new hires.
Subcontractor flow down.	Applies to subcontractors over \$3,000	Silent.	No subcontractor flow down.
Liability for Subcontractor misuse	Potential liability for subcontractor misuse, e.g., pre-verification or no verification.	Keeps liability as in current law: Liability if contractor knows that the subcontractor is using illegal workers.	Keeps liability as in current law: Liability if contractor knows that the subcontractor is using illegal workers.
Exception for commercial items.	Exception only for commercially available off-the-shelf items (COTS).	No commercial items exception.	Exception for all commercial items.
Preemption from additional State and local requirements.	No preemption.	No preemption.	Clear preemption of additional State and local requirements.
Exception for period of performance.	Does not apply for contracts for a period of performance of less than 120 days.	No exception for period of performance	Does not apply to contracts for a period of performance of less than 120 days.
Exception for Universities.	Universities may choose to verify only new hires assigned to the contract.	No exception for universities.	Universities may choose to verify only new hires assigned to the contract.
Exception for sureties.	A surety performing under a takeover agreement may choose to verify only new hires assigned to the contract.	No exception for sureties.	A surety performing under a takeover agreement may choose to verify only new hires assigned to the contract.

Note: This document was prepared by the US Chamber of Commerce. It is not intended to be a substitute for reading the actual legislative or regulatory language, but rather a tool to help compare important provisions in the different versions, while highlighting the priorities of the business community.