

Pragmatic Approach

Sec. 545. Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 988), is further amended by striking "September 30, 2009" and inserting "September 30, 2012".

Sec. 546. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "Unless" and all that follows.

Sec. 547. (a) The head of each agency or department of the United States that enters into a contract exceeding the simplified acquisition threshold shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-209; 8 U.S.C. 1324a note), but for subcontractors the pilot program shall remain voluntary, to verify the employment eligibility of all new hires only working in the United States, except for contracts that:

- (1) Are only for work that will be performed outside the United States;
- (2) Are with an institution of higher education (as defined at 20 U.S.C. 1001(a)), which may choose instead to verify only new hires assigned to the contract;
- (3) Are for a period of performance of less than 120 days; or
- (4) Are for commercial items, as defined in the Federal Acquisition Regulations (48 C.F.R. 2.101).

(b) The provisions of this subtitle shall supersede any and all State and local laws insofar as they may now or hereafter relate to the employment verification of workers by federal contractors.

(c) This Section applies only to contracts as defined by the Federal Acquisition Regulations (48 C.F.R. 2.101)

Sec. 548. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking "basic pilot program" each place that term appears and inserting "E-Verify Program". (2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking "*Basic Pilot*" and inserting "*E-Verify*".

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "under a pilot program" and inserting "under this subtitle".