

118TH CONGRESS
2D SESSION

S. 4529

To permanently establish the E-Verify employment eligibility verification system, to mandate the use of E-Verify by all employers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2024

Mr. ROMNEY (for himself, Mr. COTTON, Mr. CASSIDY, Mr. LANKFORD, Mr. VANCE, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To permanently establish the E-Verify employment eligibility verification system, to mandate the use of E-Verify by all employers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Mandatory E-Verify Act of 2024”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of permanent E-Verify.
- Sec. 3. Mandatory E-Verify for all employers.

- Sec. 4. Penalty for failure to use E-Verify.
- Sec. 5. Enhanced penalties for unauthorized employment.
- Sec. 6. E-Verify self-check.
- Sec. 7. E-Verify process.
- Sec. 8. Good faith defense.
- Sec. 9. Preemption.
- Sec. 10. Access to information.
- Sec. 11. Fraud and misuse of documents.
- Sec. 12. Fraud prevention.
- Sec. 13. Protection of Social Security Administration programs.
- Sec. 14. Inspector General audits.
- Sec. 15. Recruitment, referral, and continuation of employment.
- Sec. 16. Definitions.

1 **SEC. 2. ESTABLISHMENT OF PERMANENT E-VERIFY.**

2 (a) ESTABLISHMENT OF PERMANENT E-VERIFY.—

3 Section 274A(d) of the Immigration and Nationality Act
4 (8 U.S.C. 1324a(d)) is amended to read as follows:

5 “(d) ESTABLISHMENT OF PERMANENT E-VERIFY.—

6 “(1) IN GENERAL.—On the date of the enact-
7 ment of the Mandatory E-Verify Act of 2024, the
8 Secretary of Homeland Security shall permanently
9 establish E-Verify, based on the E-Verify pilot pro-
10 gram implemented under section 401(c)(1) of the Il-
11 legal Immigration Reform and Immigrant Responsi-
12 bility Act of 1996 (8 U.S.C. 1324a note), that—

13 “(A) responds to inquiries made by per-
14 sons through a website, mobile application, or
15 other toll-free electronic media, as determined
16 by the Secretary, concerning—

17 “(i) an individual’s identity; and

1 “(ii) whether such individual is au-
2 thorized to be employed in the United
3 States; and

4 “(B) maintains records of—

5 “(i) the inquiries that were made;

6 “(ii) the verifications that were pro-
7 vided (or not provided); and

8 “(iii) the codes provided to inquirers
9 as evidence of their compliance with their
10 obligations under E-Verify.

11 “(2) RESPONSES.—

12 “(A) INITIAL RESPONSES.—E-Verify shall
13 provide confirmation or a tentative noncon-
14 firmation of an individual’s identity and em-
15 ployment eligibility not later than 3 business
16 days after the initial inquiry. If providing con-
17 firmation or tentative nonconfirmation, E-
18 Verify shall provide an appropriate code indi-
19 cating such confirmation or such nonconfirma-
20 tion.

21 “(B) SECONDARY CONFIRMATION PROCESS
22 IN CASE OF TENTATIVE NONCONFIRMATION.—

23 “(i) IN GENERAL.—In cases of ten-
24 tative nonconfirmation, the Secretary shall
25 specify, in consultation with the Commis-

1 sioner of Social Security, an available sec-
2 ondary verification process to confirm the
3 validity of information provided and to
4 provide a final confirmation or noncon-
5 firmation not later than 10 business days
6 after the date on which the notice of the
7 tentative nonconfirmation is provided by
8 the Secretary.

9 “(ii) EXTENSIONS.—The Secretary, in
10 consultation with the Commissioner—

11 “(I) may extend the deadline
12 under clause (i) once, on a case-by-
13 case basis, for a period of 10 business
14 days; and

15 “(II) if such deadline is extended,
16 shall document such extension within
17 the verification system.

18 “(iii) NOTIFICATIONS.—The Sec-
19 retary, in consultation with the Commis-
20 sioner, shall immediately notify the em-
21 ployee and employer of any tentative non-
22 confirmation under clause (i), which shall
23 include—

1 “(I) guidance to the prospective
2 employee regarding the secondary
3 verification process; and

4 “(II) any extension granted
5 under clause (ii).

6 “(iv) PROCESS.—The Secretary, in
7 consultation with the Commissioner,
8 shall—

9 “(I) create a standard process for
10 extensions and notifications under this
11 paragraph; and

12 “(II) make a description of such
13 process available to the public.

14 “(v) CODE.—When final confirmation
15 or nonconfirmation is provided, the
16 verification system shall provide an appro-
17 priate code indicating such confirmation or
18 nonconfirmation.

19 “(3) DESIGN AND OPERATION OF E-VERIFY.—
20 E-Verify shall be designed and operated—

21 “(A) to maximize its reliability and ease of
22 use by persons and other entities consistent
23 with insulating and protecting the privacy and
24 security of the underlying information;

1 “(B) to respond to all inquiries made by
2 such persons and entities on whether individ-
3 uals are authorized to be employed and to reg-
4 ister all times when such inquiries are not re-
5 ceived;

6 “(C) to prevent unauthorized disclosure of
7 personal information through appropriate ad-
8 ministrative, technical, and physical safeguards;

9 “(D) to include reasonable safeguards
10 against unlawful discriminatory practices based
11 on national origin or citizenship status, includ-
12 ing—

13 “(i) the selective or unauthorized use
14 of E-Verify to verify eligibility; or

15 “(ii) the exclusion of certain individ-
16 uals from consideration for employment as
17 a result of a perceived likelihood that addi-
18 tional verification will be required, beyond
19 what is required for most job applicants;

20 “(E) to maximize the prevention of iden-
21 tity theft use in the system;

22 “(F) to limit the subjects of verification
23 to—

1 “(i) individuals hired, referred, or re-
2 cruited, in accordance with paragraph (1)
3 or (4) of subsection (b);

4 “(ii) employees and prospective em-
5 ployees, in accordance with paragraph (1),
6 (2), (3), or (4) of subsection (b); and

7 “(iii) individuals seeking to confirm
8 their own employment eligibility on a vol-
9 untary basis; and

10 “(G) to confirm identity and employment
11 authorization through verification and compari-
12 son of records maintained by the Department of
13 Homeland Security, other Federal departments,
14 States, or outlying possessions of the United
15 States, as determined necessary by the Sec-
16 retary of Homeland Security, including—

17 “(i) records maintained by the Social
18 Security Administration;

19 “(ii) passports, passport cards, and
20 visa records (including photographs) main-
21 tained by the Department of State;

22 “(iii) notwithstanding section 6103 of
23 Internal Revenue Code of 1986 or any
24 other provision of law, Employer Identi-

1 fication Number records maintained by the
2 Internal Revenue Service;

3 “(iv) State driver’s license or identity
4 card information (including photographs)
5 maintained by the Department of Motor
6 Vehicles of a State or outlying possession;
7 and

8 “(v) any other Federal records that
9 the Secretary of Homeland Security deter-
10 mines to be relevant and necessary for
11 such purpose.

12 “(4) RESPONSIBILITIES OF COMMISSIONER OF
13 SOCIAL SECURITY.—

14 “(A) IN GENERAL.—The Commissioner of
15 Social Security, in consultation with the Sec-
16 retary of Homeland Security (and any designee
17 of the Secretary selected to establish and ad-
18 minister the verification system), shall establish
19 a reliable, secure, electronic method within E-
20 Verify, which, within the periods specified in
21 subparagraphs (A) and (B) of paragraph (2),
22 compares the name and Social Security account
23 number provided in an inquiry against such in-
24 formation maintained by the Commissioner in
25 order to validate (or not validate)—

1 “(i) the information provided regard-
2 ing each individual whose identity and em-
3 ployment eligibility is being confirmed;

4 “(ii) the correspondence of the name
5 and number; and

6 “(iii) whether the individual has pre-
7 sented a Social Security account number
8 that is not valid for employment.

9 “(B) LIMITATION ON DISCLOSURES.—The
10 Commissioner may not disclose or release Social
11 Security information (other than such confirma-
12 tion or nonconfirmation) under E-Verify except
13 as provided for in this section or section
14 205(c)(2)(I) of the Social Security Act (42
15 U.S.C. 405(c)(2)(I)).

16 “(5) RESPONSIBILITIES OF SECRETARY OF
17 HOMELAND SECURITY.—The Secretary of Homeland
18 Security, in consultation with any designee of the
19 Secretary selected to establish and administer the
20 verification system, shall establish a reliable, secure,
21 electronic method within E-Verify, which, within the
22 periods specified in subparagraphs (A) and (B) of
23 paragraph (2), compares the name and alien identi-
24 fication or authorization number (or any other infor-
25 mation as determined relevant by the Secretary)

1 which are provided in an inquiry against such infor-
2 mation maintained or accessed by the Secretary—

3 “(A) to validate (or not validate)—

4 “(i) the information provided regard-
5 ing each individual whose identity and em-
6 ployment eligibility is being confirmed;

7 “(ii) the correspondence of the name
8 and number; and

9 “(iii) whether the alien is authorized
10 to be employed in the United States; or

11 “(B) to the extent that the Secretary de-
12 termines to be feasible and appropriate, to de-
13 termine whether the records available to the
14 Secretary verify the identity or status of a na-
15 tional of the United States.

16 “(6) RESPONSIBILITIES OF THE SECRETARY OF
17 STATE.—The Secretary of State, in consultation
18 with the Secretary of Homeland Security and any
19 designee of the Secretary of Homeland Security se-
20 lected to establish and administer the verification
21 system, shall establish a reliable, secure method,
22 that compares and provides, within the time periods
23 required under paragraphs (2) and (3), a confirma-
24 tion or nonconfirmation of the name and passport,
25 passport card, or visa number provided in an inquiry

1 against such information maintained by the Sec-
2 retary of State in order to confirm (or to not con-
3 firm) the information provided regarding an indi-
4 vidual whose identity and employment eligibility
5 must be confirmed.

6 “(7) UPDATING INFORMATION.—The Commis-
7 sioner of Social Security and the Secretary of Home-
8 land Security shall immediately, and not later than
9 3 business days after receiving updated information,
10 update their information in a manner that promotes
11 the maximum accuracy and shall provide a process
12 for the prompt correction of erroneous information,
13 including instances in which it is brought to their at-
14 tention in the secondary verification process de-
15 scribed in paragraph (2)(B).

16 “(8) NO NATIONAL IDENTIFICATION CARD.—
17 Nothing in this subsection, or in the Mandatory E-
18 Verify Act of 2024, may be construed to directly or
19 indirectly authorize—

20 “(A) the issuance or use of national identi-
21 fication cards; or

22 “(B) the establishment of a national iden-
23 tification card.

24 “(9) REMEDIES.—

1 “(A) IN GENERAL.—If an individual al-
2 leges that the individual would not have been
3 dismissed from a job absent an error of the
4 verification mechanism, the individual may
5 seek—

6 “(i) compensation only through the
7 mechanism of chapter 171 of title 28,
8 United States Code (commonly known as
9 the ‘Federal Tort Claims Act’); and

10 “(ii) injunctive relief to correct such
11 error.

12 “(B) CLASS ACTIONS.—No class action
13 may be brought under this subsection.”.

14 (b) CONFORMING AMENDMENTS.—Section 401 of the
15 Illegal Immigration Reform and Immigrant Responsibility
16 Act of 1996 (8 U.S.C. 1324a note) is amended—

17 (1) by amending the section heading to read as
18 follows: “**E-VERIFY**”;

19 (2) in subsection (a), by striking “3 pilot pro-
20 grams of employment eligibility confirmation” and
21 inserting “E-Verify”; and

22 (3) in subsection (b)—

23 (A) in the subsection heading, by striking
24 “; TERMINATION”; and

1 (B) by striking “Unless the Congress oth-
2 erwise provides, the Secretary of Homeland Se-
3 curity shall terminate a pilot program on Sep-
4 tember 30, 2015.”.

5 (c) TRANSITION FROM PILOT TO PERMANENT E-
6 VERIFY PROGRAM.—

7 (1) IN GENERAL.—Subtitle A of title IV of the
8 Illegal Immigration Reform and Immigrant Respon-
9 sibility Act of 1996 (8 U.S.C. 1324a note) is re-
10 pealed.

11 (2) REFERENCES.—Any reference in any Fed-
12 eral law, Executive order, rule, regulation, or delega-
13 tion of authority, or any document of, or pertaining
14 to, the Department of Homeland Security, the De-
15 partment of Justice, or the Social Security Adminis-
16 tration, to the employment eligibility confirmation
17 system established under section 404 of the Illegal
18 Immigration Reform and Immigrant Responsibility
19 Act of 1996 (8 U.S.C. 1324a note) is deemed to
20 refer to E-Verify, which has been permanently estab-
21 lished pursuant to subsection (a).

22 (3) CLERICAL AMENDMENT.—The table of con-
23 tents in section 1(d) of the Illegal Immigration Re-
24 form and Immigrant Responsibility Act of 1996 (di-

1 vision C of Public Law 104–208) is amended by
2 striking the items relating to subtitle A of title IV.

3 (4) EFFECTIVE DATE.—This subsection shall
4 take effect on the date that is 90 days after the date
5 of the enactment of this Act.

6 (d) FUNDING.—

7 (1) TRANSFERS.—On the first day of each fis-
8 cal year beginning after the date of the enactment
9 of this Act, the Secretary of the Treasury shall
10 transfer \$100,000,000 in unobligated funds from the
11 general fund of the Treasury to the Department of
12 Homeland Security, which shall be used to carry out
13 E-Verify.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—In
15 addition to the amounts transferred pursuant to
16 paragraph (1), there are authorized to be appro-
17 priated \$100,000,000, in fiscal year 2024, and in
18 each successive fiscal year, to carry out E-Verify.

19 (e) REPORTING REQUIREMENTS.—

20 (1) DEFINED TERM.—In this subsection, the
21 term “appropriate congressional committees”
22 means—

23 (A) the Committee on the Judiciary of the
24 Senate;

1 (B) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (C) the Committee on the Judiciary of the
4 House of Representatives; and

5 (D) the Committee on Homeland Security
6 of the House of Representatives.

7 (2) PERMANENT E-VERIFY INITIAL REPORT.—
8 Not later than 180 days after the date of the enact-
9 ment of this Act, the President shall submit a report
10 to the appropriate congressional committees describ-
11 ing the implementation of the permanent E-Verify
12 Program, including—

13 (A) any significant changes made from the
14 E-Verify Pilot Program in existence on the day
15 before the date of the enactment of this Act;

16 (B) any additional planned changes to
17 streamline or improve the permanent E-Verify
18 Program; and

19 (C) a classified appendix, if necessary, to
20 discuss sensitive topics, such as measures to
21 prevent unauthorized disclosure of personal in-
22 formation.

23 (3) PERMANENT E-VERIFY ANNUAL REPORT.—
24 Not later than 1 year after the submission of the re-
25 port under paragraph (2), and annually thereafter,

1 the President shall submit a report to the appro-
2 priate congressional committees, the Committee on
3 Appropriations of the Senate, and the Committee on
4 Appropriations of the House of Representatives de-
5 scribing the status of the permanent E-Verify Pro-
6 gram, including—

7 (A) statistics on use, confirmations, ten-
8 tative and final nonconfirmations, and response
9 times; and

10 (B) information regarding the costs of the
11 program, including an accounting of any in-
12 creases in costs that occurred during the pre-
13 vious year.

14 **SEC. 3. MANDATORY E-VERIFY FOR ALL EMPLOYERS.**

15 (a) IN GENERAL.—Any person or other entity hiring,
16 recruiting, or referring an individual for employment in
17 the United States shall utilize E-Verify in accordance with
18 this section.

19 (b) IMPLEMENTATION TIMELINE.—

20 (1) HIRING.—Except as provided in paragraphs
21 (3) and (4), an employer shall use E-Verify when-
22 ever hiring an individual for employment in the
23 United States beginning—

24 (A) on the date that is 6 months after the
25 date of the enactment of this Act if the em-

1 employer has 10,000 or more employees in the
2 United States on such date of enactment;

3 (B) on the date that is 9 months after the
4 date of the enactment of this Act if the em-
5 ployer has at least 500 employees in the United
6 States and fewer than 10,000 employees in the
7 United States on such date of enactment;

8 (C) on the date that is 1 year after the
9 date of the enactment of this Act if the em-
10 ployer has at least 20 employees in the United
11 States fewer than 500 employees in the United
12 States on such date of enactment;

13 (D) on the date that is 18 months after
14 the date of the enactment of this Act if the em-
15 ployer has at least 1 employee in the United
16 States and fewer than 20 employees in the
17 United States on such date of enactment; and

18 (E) on the date that is 1 year after the
19 date of the enactment of this Act for any new
20 employer.

21 (2) RECRUITING AND REFERRING.—Except as
22 provided in paragraph (3), the requirement under
23 subsection (a) shall apply to a person or other entity
24 recruiting or referring an individual for employment

1 in the United States beginning on the date that is
2 1 year after the date of the enactment of this Act.

3 (3) AGRICULTURAL LABOR OR SERVICES.—Not-
4 withstanding paragraph (1), the requirement under
5 subsection (a) shall not apply to the verification of
6 employment eligibility for employees performing ag-
7 ricultural labor or services until on or after the date
8 that is 18 months after the date of the enactment
9 of this Act.

10 (4) CRITICAL INFRASTRUCTURE.—The Sec-
11 retary of Homeland Security shall authorize and di-
12 rect any person or entity responsible for granting ac-
13 cess to, protecting, securing, operating, admin-
14 istering, or regulating part of the critical infrastruc-
15 ture (as defined in section 1016(e) of the Critical In-
16 frastructure Protection Act of 2001 (42 U.S.C.
17 5195c(e))) to use E-Verify whenever hiring an indi-
18 vidual for employment in the United States on or
19 after the date that is 6 months after the date of the
20 enactment of this Act.

21 (5) USE OF CONTRACT LABOR.—Any employer
22 that uses a contract, subcontract, or exchange to ob-
23 tain the labor of an individual in the United States
24 after the applicable effective date under paragraphs
25 (1) through (4) shall certify, in such contract, sub-

1 contract, or exchange, that the employer, and all
2 parties to such contract, subcontract, or exchange,
3 use E-Verify.

4 (6) TRANSITION RULE.—Any person or other
5 entity hiring, recruiting, or referring an individual
6 for employment in the United States before the ap-
7 plicable effective date under paragraphs (1) through
8 (4) shall be subject to any other provision of Federal
9 law requiring the person or entity to participate in
10 the E-Verify Pilot Program described in section
11 403(a) of the Illegal Immigration Reform and Immig-
12 rant Responsibility Act of 1996 (8 U.S.C. 1324a
13 note), as in effect before the date of the enactment
14 of this Act, including Executive Order 13465 (8
15 U.S.C. 1324a note), and all references to the E-
16 Verify Pilot Program or a requirement to participate
17 in an employment verification program, shall be
18 deemed to refer to the E-Verify program established
19 under section 401 of such Act.

20 (c) EARLY COMPLIANCE.—

21 (1) FORMER E-VERIFY REQUIRED USERS, IN-
22 CLUDING FEDERAL CONTRACTORS.—Notwith-
23 standing the deadlines set forth in subsection (b)(1),
24 beginning on the date of the enactment of this Act,
25 the Secretary of Homeland Security shall require

1 employers required to participate in E-Verify de-
2 scribed in section 403(a) of the Illegal Immigration
3 Reform and Immigrant Responsibility Act of 1996
4 (8 U.S.C. 1324a note), including employers required
5 to participate in such program by reason of Federal
6 acquisition laws (and regulations promulgated under
7 those laws, including the Federal Acquisition Regu-
8 lation), to use E-Verify (and comply with any addi-
9 tional requirements of such Federal acquisition laws
10 and regulation).

11 (2) FORMER E-VERIFY VOLUNTARY USERS AND
12 OTHERS DESIRING EARLY COMPLIANCE.—Notwith-
13 standing the deadlines set forth in subsection (b)(1),
14 beginning on the date of the enactment of this Act,
15 the Secretary of Homeland Security shall provide for
16 the voluntary use of E-Verify by employers volun-
17 tarily electing to participate in the E-Verify program
18 described in section 403(a) of the Illegal Immigra-
19 tion Reform and Immigrant Responsibility Act of
20 1996 (8 U.S.C. 1324a note) before such date, and
21 by other employers seeking voluntary early compli-
22 ance.

23 **SEC. 4. PENALTY FOR FAILURE TO USE E-VERIFY.**

24 If a person or entity fails to utilize E-Verify in ac-
25 cordance with this Act and the amendments made by this

1 Act, including failing to comply with section 3(b)(5) or
 2 providing information to the system that the person or en-
 3 tity knows or reasonably believes to be false, such failure
 4 shall be treated as a violation of paragraph (1)(A), (1)(B),
 5 or (2) of section 274A(a) of the Immigration and Nation-
 6 ality Act (8 U.S.C. 1324a(a)), as applicable.

7 **SEC. 5. ENHANCED PENALTIES FOR UNAUTHORIZED EM-**
 8 **PLOYMENT.**

9 (a) IN GENERAL.—Section 274A of the Immigration
 10 and Nationality Act (8 U.S.C. 1324a) is amended—

11 (1) in subsection (e)—

12 (A) in paragraph (1)—

13 (i) by striking “Attorney General”
 14 each place such term appears and inserting
 15 “Secretary of Homeland Security”; and

16 (ii) in subparagraph (D), by striking
 17 “Service” and inserting “Department of
 18 Homeland Security”;

19 (B) in paragraph (4)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause
 22 (i), by inserting “, subject to para-
 23 graph (10),” after “in an amount”;

24 (II) in subparagraph (A)(i), by
 25 striking “not less than \$250 and not

1 more than \$2,000” and inserting “not
2 less than \$2,500 and not more than
3 \$5,000”;

4 (III) in subparagraph (A)(ii), by
5 striking “not less than \$2,000 and
6 not more than \$5,000” and inserting
7 “not less than \$5,000 and not more
8 than \$10,000”; and

9 (IV) in subparagraph (A)(iii), by
10 striking “not less than \$3,000 and
11 not more than \$10,000” and inserting
12 “not less than \$10,000 and not more
13 than \$25,000”; and

14 (ii) by amending subparagraph (B) to
15 read as follows:

16 “(B) may require the person or entity to
17 take appropriate remedial action.”;

18 (C) in paragraph (5)—

19 (i) in the paragraph heading, by strik-
20 ing “PAPERWORK”;

21 (ii) by inserting “, subject to para-
22 graphs (10) through (12),” after “in an
23 amount”; and

1 (iii) by striking “\$100 and not more
2 than \$1,000” and inserting “\$1,000 and
3 not more than \$25,000”; and

4 (D) by adding at the end the following:

5 “(10) ADJUSTMENT OF PENALTY FOR GOOD
6 FAITH VIOLATION.—The Secretary of Homeland Se-
7 curity or the Attorney General may waive or reduce
8 a civil penalty under paragraph (4)(A) (with respect
9 to a violation of paragraph (1)(A) or (2) of sub-
10 section (a) for hiring or continuation of employment
11 or recruitment or referral by person or entity) or a
12 civil penalty under paragraph (5) (with respect to a
13 violation of subsection (a)(1)(B) for hiring or re-
14 cruitment or referral by a person or entity) if the vi-
15 olator establishes that the violator acted in good
16 faith.

17 “(11) MITIGATION.—The size of the business
18 shall be taken into account when assessing the level
19 of civil money penalty under paragraph (4).

20 “(12) AUTHORITY TO DEBAR EMPLOYERS FOR
21 CERTAIN VIOLATIONS.—

22 “(A) IN GENERAL.—If the Secretary of
23 Homeland Security determines that a person or
24 entity is a repeat violator of paragraph (1)(A)
25 or (2) of subsection (a), or is convicted of a

1 crime under this section, such person or entity
2 may be proposed for debarment from the re-
3 ceipt of Federal contracts, grants, or coopera-
4 tive agreements in accordance with the debar-
5 ment standards and pursuant to the debarment
6 procedures set forth in the Federal Acquisition
7 Regulation.

8 “(B) DOES NOT HAVE CONTRACT, GRANT,
9 AGREEMENT.—If the Secretary of Homeland
10 Security or the Attorney General determines
11 that a person or entity should be proposed for
12 debarment in accordance with subparagraph
13 (A), and such an person or entity does not hold
14 a Federal contract, grant or cooperative agree-
15 ment, the Secretary or the Attorney General
16 shall refer the matter to the Administrator of
17 General Services to determine—

18 “(i) whether to list the person or enti-
19 ty on the List of Parties Excluded from
20 Federal Procurement; and

21 “(ii) if the person or entity is included
22 on such list, the duration and scope of
23 such inclusion.

24 “(C) HAS CONTRACT, GRANT, AGREE-
25 MENT.—If the Secretary of Homeland Security

1 or the Attorney General determines that a per-
2 son or entity should be proposed for debarment
3 in accordance with this subparagraph (A), and
4 such person or entity holds a Federal contract,
5 grant or cooperative agreement, the Secretary
6 or the Attorney General—

7 “(i) shall advise all agencies or de-
8 partments holding a contract, grant, or co-
9 operative agreement with the person or en-
10 tity of the Government’s interest in having
11 the person or entity proposed for debar-
12 ment; and

13 “(ii) after soliciting and considering
14 the views of all such agencies and depart-
15 ments, may refer the matter to any appro-
16 priate lead agency to determine—

17 “(I) whether to list the person or
18 entity on the List of Parties Excluded
19 from Federal Procurement; and

20 “(II) if the person or entity is in-
21 cluded on such list, the duration and
22 scope of such inclusion.

23 “(D) REVIEW.—Any decision to debar a
24 person or entity under this paragraph shall be

1 reviewable pursuant to part 9.4 of the Federal
2 Acquisition Regulation.

3 “(13) CONTINUED EMPLOYMENT AFTER FINAL
4 NONCONFIRMATION.—If a person or other entity
5 continues to employ (or to recruit or refer) an indi-
6 vidual after receiving final nonconfirmation, a rebut-
7 table presumption is created that the person or enti-
8 ty has violated subsection (a)(1)(A).”; and

9 (2) in subsection (f), by amending paragraph
10 (1) to read as follows:

11 “(1) CRIMINAL PENALTY.—Any person or enti-
12 ty that engages in a pattern or practice of violations
13 of paragraph (1) or (2) of subsection (a) shall be
14 fined not more than \$30,000 for each unauthorized
15 alien with respect to which such a violation occurs,
16 imprisoned for not more than 18 months, or both.”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the amendments made by subsection (a)
20 shall take effect on the date of the enactment of this
21 Act.

22 (2) CONTINUED EMPLOYMENT AFTER FINAL
23 NONCONFIRMATION.—

24 (A) IN GENERAL.—Paragraph (13) of sec-
25 tion 274A(e) of the Immigration and Nation-

1 ality Act, as added by subsection (a)(1)(D),
2 shall take effect on the date that is 6 months
3 after the date of the enactment of this Act.

4 (B) PENALTY CALCULATIONS.—The cal-
5 culation of any penalties under section
6 274A(e)(13)(B) of the Immigration and Na-
7 tionality Act, as added by subsection (a)(1)(D),
8 shall not include any period of continuing em-
9 ployment before the effective date referred to in
10 subparagraph (A).

11 **SEC. 6. E-VERIFY SELF-CHECK.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-
13 rity, in consultation with the Commissioner of Social Secu-
14 rity, shall establish a secure self-verification procedure to
15 permit an individual to verify his or her employment eligi-
16 bility.

17 (b) ELEMENTS.—The self-verification procedure es-
18 tablished under subsection (a)—

19 (1) shall be subject to appropriate safeguards to
20 prevent misuse of the confirmation system, including
21 requiring employees or applicants—

22 (A) to use any self-verification feature; or

23 (B) to provide the employer with self-
24 verification results; and

1 (2) shall allow individuals to contact the appro-
2 priate agency to correct or update the information
3 contained in the confirmation system.

4 **SEC. 7. E-VERIFY PROCESS.**

5 Section 274A(b) of the Immigration and Nationality
6 Act (8 U.S.C. 1324a(b)) is amended to read as follows:

7 “(b) EMPLOYMENT ELIGIBILITY VERIFICATION
8 PROCESS.—

9 “(1) NEW HIRES, RECRUITMENT, AND REFER-
10 RAL.—A person or other entity hiring, recruiting, or
11 referring an individual for employment in the United
12 States shall be subject to the following requirements:

13 “(A) ATTESTATION AFTER EXAMINATION
14 OF DOCUMENTATION.—

15 “(i) ATTESTATION.—During the
16 verification period, the person or entity
17 shall attest, by either a handwritten or
18 electronic signature, under penalty of per-
19 jury, on a form, including electronic for-
20 mats, designated or established by the Sec-
21 retary by regulation not later than 6
22 months after the date of the enactment of
23 the Mandatory E-Verify Act of 2024, that
24 the person or entity has verified that the

1 individual is not an unauthorized alien
2 by—

3 “(I)(aa) obtaining from the indi-
4 vidual the individual’s Social Security
5 account number or United States
6 passport number and recording the
7 number on the form;

8 “(bb) if the individual does not
9 attest to United States nationality
10 under subparagraph (B), obtaining
11 such identification or authorization
12 number established by the Depart-
13 ment of Homeland Security for the
14 alien as the Secretary of Homeland
15 Security may specify, and recording
16 such number on the form;

17 “(II) examining, in a manner
18 prescribed by the Secretary—

19 “(aa) a document described
20 in clause (ii) that relates to the
21 individual presenting the docu-
22 ment; or

23 “(bb) a document described
24 in clause (iii) that relates to the
25 individual presenting the docu-

1 ment and a document described
2 in clause (iv) that relates to the
3 individual presenting the docu-
4 ment; and

5 “(III) matching the photograph
6 on a document described in subclause
7 (II) that relates to the individual pre-
8 senting the document with a photo-
9 graph of such individual, if such pho-
10 tograph is available through the E-
11 Verify Program.

12 “(ii) DOCUMENTS EVIDENCING EM-
13 PLOYMENT AUTHORIZATION AND ESTAB-
14 LISHING IDENTITY.—A document de-
15 scribed in this clause is an individual’s—

16 “(I) unexpired United States
17 passport or passport card;

18 “(II) unexpired permanent resi-
19 dent card that contains a photograph;

20 “(III) unexpired employment au-
21 thorization card that contains a pho-
22 tograph;

23 “(IV) in the case of a non-
24 immigrant alien authorized to work
25 for a specific employer incident to sta-

1 tus, a foreign passport with Form I-
2 94 or Form I-94A, or other docu-
3 mentation as designated by the Sec-
4 retary specifying the alien's non-
5 immigrant status as long as the pe-
6 riod of status has not yet expired and
7 the proposed employment is not in
8 conflict with any restrictions or limita-
9 tions identified in the documentation;

10 “(V) passport from the Fed-
11 erated States of Micronesia (FSM) or
12 the Republic of the Marshall Islands
13 (RMI) with Form I-94 or Form I-
14 94A, or other documentation as des-
15 ignated by the Secretary, indicating
16 nonimmigrant admission under the
17 Compact of Free Association Between
18 the United States and the FSM or
19 RMI; or

20 “(VI) other document designated
21 by the Secretary of Homeland Secu-
22 rity, if the document—

23 “(aa) contains a photograph
24 of the individual and biometric
25 identification data from the indi-

1 individual and such other personal
2 identifying information relating
3 to the individual as the Secretary
4 of Homeland Security finds, by
5 regulation, sufficient for purposes
6 of this clause;

7 “(bb) is evidence of author-
8 ization of employment in the
9 United States; and

10 “(cc) contains security fea-
11 tures to make it resistant to tam-
12 pering, counterfeiting, and fraud-
13 ulent use.

14 “(iii) DOCUMENTS EVIDENCING EM-
15 PLOYMENT AUTHORIZATION.—A document
16 described in this clause is an individual’s
17 Social Security account number card
18 (other than such a card which specifies on
19 the face that the issuance of the card does
20 not authorize employment in the United
21 States).

22 “(iv) DOCUMENTS ESTABLISHING
23 IDENTITY OF INDIVIDUAL.—A document
24 described in this clause is—

1 “(I) an individual’s unexpired
2 State issued driver’s license or identi-
3 fication card if the license or card
4 contains a photograph and personally
5 identifying information, such as name,
6 date of birth, gender, height, eye
7 color, and home address;

8 “(II) an individual’s unexpired
9 U.S. military identification card that
10 contains a photograph;

11 “(III) an individual’s unexpired
12 Native American tribal identification
13 document that contains a photograph
14 and was issued by a tribal entity rec-
15 ognized by the Bureau of Indian Af-
16 fairs; or

17 “(IV) in the case of an individual
18 who is younger than 18 years of age,
19 a parent or legal guardian’s attesta-
20 tion under penalty of law as to the
21 identity and age of the individual.

22 “(v) AUTHORITY TO PROHIBIT USE OF
23 CERTAIN DOCUMENTS.—If the Secretary of
24 Homeland Security finds, by regulation,
25 that any document described in clause (ii),

1 (iii), or (iv) as establishing employment au-
2 thorization or identity does not reliably es-
3 tablish such authorization or identity or is
4 being used fraudulently to an unacceptable
5 degree, the Secretary may prohibit or place
6 conditions on its use for purposes of this
7 paragraph.

8 “(B) INDIVIDUAL ATTESTATION OF EM-
9 PLOYMENT AUTHORIZATION.—

10 “(i) IN GENERAL.—During the
11 verification period, the individual shall—

12 “(I) attest, by either a hand-
13 written or electronic signature, under
14 penalty of perjury, and on the form
15 designated or established for purposes
16 of subparagraph (A), that the indi-
17 vidual is a citizen or national of the
18 United States, an alien lawfully ad-
19 mitted for permanent residence, or an
20 alien who is authorized under this Act
21 or by the Secretary of Homeland Se-
22 curity to be hired, recruited, or re-
23 ferred for such employment; and

1 “(II) provide his or her Social
2 Security account number or valid
3 United States passport number.

4 “(ii) OTHER IDENTIFICATION.—If the
5 individual does not attest to United States
6 nationality under clause (i), the individual
7 shall provide the identification or author-
8 ization number established for the alien by
9 the Department of Homeland Security, as
10 specified by the Secretary.

11 “(C) E-VERIFY REDESIGN.—The Secretary
12 is authorized to issue regulations allowing any
13 person or other entity hiring, recruiting, or re-
14 ferring an individual for employment and the
15 individual to comply with this section through
16 an updated digital verification system that re-
17 quires the submission of—

18 “(i) the information required under
19 subparagraph (A)(i)(I);

20 “(ii) the documentation required
21 under subparagraph (A)(i)(II); and

22 “(iii) the matching of any available
23 photos with any photo contained in any
24 document presented for identity or employ-
25 ment verification purposes.

1 “(D) SYSTEM RESPONSES.—

2 “(i) CONFIRMATION RECEIVED.—If a
3 person or other entity receives an appro-
4 priate confirmation of an individual’s iden-
5 tity and work eligibility under the
6 verification system within the specified pe-
7 riod, the person or entity shall record, on
8 the form designated or established for pur-
9 poses of subparagraph (A), an appropriate
10 code provided by the system that indicates
11 a final confirmation of such identity and
12 work eligibility of the individual.

13 “(ii) TENTATIVE NONCONFIRMA-
14 TION.—

15 “(I) IN GENERAL.—If the person
16 or other entity receives a tentative
17 nonconfirmation of an individual’s
18 identity or work eligibility under the
19 verification system within the speci-
20 fied period, the person or entity
21 shall—

22 “(aa) inform the individual
23 for whom the verification is
24 sought of such nonconfirmation;

1 “(bb) if the individual does
2 not contest the nonconfirmation
3 within 10 business days after re-
4 ceiving such tentative noncon-
5 firmation, record on the form an
6 appropriate code which has been
7 provided under the system to in-
8 dicate a final nonconfirmation;
9 and

10 “(cc) if the individual does
11 contest the nonconfirmation dur-
12 ing such period, refer the indi-
13 vidual secondary verification
14 process described in subsection
15 (d)(2)(B).

16 “(II) DURATION.—A noncon-
17 firmation described in subclause (I)
18 shall remain tentative until a final
19 confirmation or nonconfirmation is
20 provided by the verification system
21 not later than 10 business days after
22 the issuance of a tentative noncon-
23 firmation.

24 “(III) NOT GROUNDS FOR TER-
25 MINATION.—An employer may not

1 terminate the employment of an indi-
2 vidual because of a failure of the indi-
3 vidual to have his or her identity and
4 work eligibility confirmed under this
5 section until the nonconfirmation be-
6 comes final. Nothing in this subclause
7 may be construed to apply to a termi-
8 nation of employment for any reason
9 other than because of such failure.

10 “(IV) NOT GROUNDS FOR RE-
11 SCISSION OF OFFER.—An employer
12 may not rescind an offer of employ-
13 ment to an individual because of a
14 failure of the individual to have his or
15 her identity and work eligibility con-
16 firmed under this section until the
17 nonconfirmation becomes final. Noth-
18 ing in this subclause may be con-
19 strued to apply to a rescission of an
20 offer of employment for any reason
21 other than because of such failure.

22 “(iii) FINAL CONFIRMATION OR NON-
23 CONFIRMATION RECEIVED.—If a final con-
24 firmation or nonconfirmation is provided
25 by the verification system regarding an in-

1 dividual, the person or entity shall record
2 on the form an appropriate code that is
3 provided under the system and that indi-
4 cates a confirmation or nonconfirmation of
5 identity and work eligibility of the indi-
6 vidual.

7 “(iv) EXTENSION.—If a person or
8 other entity in good faith attempts to make
9 an inquiry during the time period specified
10 and the verification system has registered
11 that not all inquiries were received during
12 such time, the person or entity may make
13 an inquiry in the first 5 subsequent busi-
14 ness days in which the verification system
15 registers that it has received all inquiries.
16 If the verification system cannot receive in-
17 quiries at all times during a day, the per-
18 son or entity merely has to assert that the
19 entity attempted to make the inquiry on
20 that day for the previous sentence to apply
21 to such an inquiry, and does not have to
22 provide any additional proof concerning
23 such inquiry.

24 “(v) TERMINATION UPON FINAL NON-
25 CONFIRMATION.—Not later than 3 busi-

1 ness days after receiving a final noncon-
2 firmation regarding an individual, the per-
3 son or entity shall terminate the employ-
4 ment of the individual (or decline to recruit
5 or refer the individual).

6 “(E) DEFINED TERM.—

7 “(i) IN GENERAL.—In this paragraph:

8 “(I) In the case of recruitment or
9 referral, the term ‘verification period’
10 means the period ending on the date
11 recruiting or referring commences.

12 “(II) In the case of hiring, the
13 term ‘verification period’ means the
14 period beginning on the date on which
15 an offer of employment is extended
16 and ending on the date that is 3 busi-
17 ness days after the date of hire, ex-
18 cept as provided in clause (iii). The
19 offer of employment may be condi-
20 tioned in accordance with clause (ii).

21 “(ii) JOB OFFER MAY BE CONDI-
22 TIONAL.—A person or other entity may
23 offer a prospective employee an employ-
24 ment position that is conditioned on final
25 verification of the identity and employment

1 eligibility of the employee using the proce-
2 dures established under this paragraph.

3 “(iii) CONTACT INFORMATION.—A
4 person or other entity, upon making an
5 offer of employment to a prospective em-
6 ployee under clause (ii), shall submit to E-
7 Verify the contact information of the pro-
8 spective employee, including an email ad-
9 dress or a telephone number, so that E-
10 Verify can notify the prospective employee
11 in the case of a tentative nonconfirmation.

12 “(iv) SPECIAL RULE.—Notwith-
13 standing clause (i)(II), if a United States
14 citizen, a lawful permanent resident, or an
15 alien who is authorized for employment
16 provides evidence from the Social Security
17 Administration that such individual has
18 applied for a Social Security account num-
19 ber, the verification period shall end on the
20 date that is 3 business days after the date
21 on which the individual receives the Social
22 Security account number.

23 “(2) REVERIFICATION FOR INDIVIDUALS WITH
24 LIMITED WORK AUTHORIZATION.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B) and (C), a person or entity
3 shall use E-Verify to seek reverification of the
4 employment eligibility of all individuals with a
5 limited period of work authorization employed
6 by the person or entity not later than 3 busi-
7 ness days after the date on which the employ-
8 ee’s prior work authorization expires.

9 “(B) EFFECTIVE DATE.—Employers shall
10 be subject to the requirement under subpara-
11 graph (A) beginning on the date on which the
12 employer is required to use E-Verify pursuant
13 to section 3 of the Mandatory E-Verify Act of
14 2024.

15 “(C) REVERIFICATION.—Paragraph (1)(C)
16 shall apply to reverifications under this para-
17 graph on the same basis as it applies to
18 verifications under paragraph (1), except that
19 employers shall use a form designated or estab-
20 lished by the Secretary by regulation for pur-
21 poses of this paragraph.

22 “(3) PREVIOUSLY HIRED INDIVIDUALS.—

23 “(A) ON A MANDATORY BASIS FOR CER-
24 TAIN EMPLOYEES.—

1 “(i) IN GENERAL.—Not later than the
2 date that is 6 months after the date of the
3 enactment of the Mandatory E-Verify Act
4 of 2024, an employer shall use E-Verify to
5 seek verification of the identity and em-
6 ployment eligibility of any individual de-
7 scribed in clause (ii) who is employed by
8 the employer and whose employment eligi-
9 bility has not been verified under the E-
10 Verify program described in section 403(a)
11 of the Illegal Immigration Reform and Im-
12 migrant Responsibility Act of 1996 (8
13 U.S.C. 1324a note).

14 “(ii) INDIVIDUALS DESCRIBED.—An
15 individual described in this clause is—

16 “(I) an employee of any unit of a
17 Federal, State, or local government;

18 “(II) an employee who requires a
19 Federal security clearance working in
20 a Federal, State or local government
21 building, a military base, a nuclear
22 energy site, a weapons site, or an air-
23 port or other facility that requires
24 workers—

1 “(aa) to carry a Transpor-
2 tation Worker Identification Cre-
3 dential; or

4 “(bb) to have access to a Se-
5 cure Identification Display Area;
6 or

7 “(III) an employee assigned to
8 perform work in the United States
9 under a Federal contract, except that
10 this subclause—

11 “(aa) is not applicable to in-
12 dividuals who normally perform
13 support work, such as indirect or
14 overhead functions, and do not
15 perform any substantial duties
16 applicable to the contract, or are
17 working solely on contracts that
18 provide Commercial Off The
19 Shelf goods or services as set
20 forth by the Federal Acquisition
21 Regulatory Council, unless they
22 are subject to verification under
23 subclause (II); and

24 “(bb) only applies to con-
25 tracts in excess of the micro-pur-

1 chase threshold (as defined in
2 section 2.101 of title 48, Code of
3 Federal Regulations).

4 “(B) ON A MANDATORY BASIS FOR MUL-
5 TIPLE USERS OF SAME SOCIAL SECURITY AC-
6 COUNT NUMBER.—An employer who is required
7 to use E-Verify, or has elected voluntarily to
8 use E-Verify, shall make inquiries to the system
9 in accordance with the following:

10 “(i) The Commissioner of Social Secu-
11 rity shall notify annually employees (at the
12 employee address listed on the Wage and
13 Tax Statement) who submit a Social Secu-
14 rity account number to which more than 1
15 employer reports income and for which
16 there is a pattern of unusual multiple use.
17 The notification letter shall identify the
18 number of employers to which income is
19 being reported as well as sufficient infor-
20 mation notifying the employee of the proc-
21 ess to contact the Social Security Adminis-
22 tration Fraud Hotline if the employee be-
23 lieves the employee’s identity may have
24 been stolen. The notice may not include in-
25 formation protected as private, in order to

1 avoid any recipient of the notice from
2 being in the position to further commit or
3 begin committing identity theft.

4 “(ii) If the person to whom the Social
5 Security account number was issued by the
6 Social Security Administration has been
7 identified and confirmed by the Commis-
8 sioner, and indicates that the Social Secu-
9 rity account number was used without his
10 or her knowledge, the Secretary and the
11 Commissioner shall—

12 “(I) lock the Social Security ac-
13 count number or employment eligi-
14 bility verification purposes; and

15 “(II) notify the employers of the
16 individuals who wrongfully submitted
17 the Social Security account number
18 that the employee may not be work el-
19 igible.

20 “(iii) Each employer receiving notifi-
21 cation of an incorrect Social Security ac-
22 count number under clause (ii) shall use
23 E-Verify to check the work eligibility sta-
24 tus of the applicable employee not later

1 than 10 business days after receiving the
2 notification.

3 “(C) ON A VOLUNTARY BASIS.—

4 “(i) IN GENERAL.—Subject to para-
5 graph (2) and subparagraphs (A) and (B),
6 an employer may make an inquiry through
7 E-Verify to seek verification of the identity
8 and employment eligibility of any indi-
9 vidual employed by the employer. If an em-
10 ployer chooses voluntarily to seek
11 verification of any individual employed by
12 the employer, the employer shall—

13 “(I) seek verification of all indi-
14 viduals employed by the employer; and

15 “(II) notify E-Verify whether the
16 individual is an existing or prospective
17 employee.

18 “(ii) EFFECT OF VERIFICATION DECI-
19 SION.—An employer’s decision not to vol-
20 untarily seek verification of its current
21 workforce under this subparagraph may
22 not be considered by any government agen-
23 cy in any proceeding, investigation, or re-
24 view provided for in this Act.

1 “(D) VERIFICATION.—Paragraph
2 (1)(C)(ii) shall apply to verifications pursuant
3 to this paragraph on the same basis as it ap-
4 plies to verifications pursuant to paragraph (1),
5 except that employers shall use a form des-
6 ignated or established by the Secretary by regu-
7 lation for purposes of this paragraph.

8 “(4) COPYING OF DOCUMENTATION PER-
9 MITTED.—Notwithstanding any other provision of
10 law, the person or entity—

11 “(A) may copy a document presented by
12 an individual under this subsection; and

13 “(B) may retain the copy for the purpose
14 of complying with the requirements under this
15 subsection.

16 “(5) LIMITATION ON USE OF FORMS.—A form
17 designated or established by the Secretary of Home-
18 land Security under this subsection and any infor-
19 mation contained in or appended to such form, may
20 not be used for purposes other than for the enforce-
21 ment or administration of this Act and any other
22 provision of Federal or State criminal law.

23 “(6) GOOD FAITH COMPLIANCE.—

24 “(A) IN GENERAL.—Except as otherwise
25 provided in this subsection, a person or entity

1 is considered to have complied with a require-
2 ment of this subsection notwithstanding a tech-
3 nical or procedural failure to meet such require-
4 ment if there was a good faith attempt to com-
5 ply with the requirement.

6 “(B) EXCEPTION IF FAILURE TO CORRECT
7 AFTER NOTICE.—Subparagraph (A) shall not
8 apply if—

9 “(i) the failure is not de minimus;

10 “(ii) the Secretary of Homeland Secu-
11 rity has explained to the person or entity
12 the basis for the failure and why it is not
13 de minimus;

14 “(iii) the person or entity has been
15 provided a period of not less than 30 cal-
16 endar days (beginning after the date of the
17 explanation) within which to correct the
18 failure; and

19 “(iv) the person or entity has not cor-
20 rected the failure voluntarily within such
21 period.

22 “(C) EXCEPTION FOR PATTERN OR PRAC-
23 TICE VIOLATORS.—Subparagraph (A) shall not
24 apply to a person or entity that has or is engag-

1 ing in a pattern or practice of violating para-
2 graph (1)(A) or (2) of subsection (a).”.

3 **SEC. 8. GOOD FAITH DEFENSE.**

4 Section 274A(a)(3) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1324a(a)(3)) is amended to read as
6 follows:

7 “(3) GOOD FAITH DEFENSE.—

8 “(A) DEFENSE.—An employer (or person
9 or entity that hires, employs, recruits, or refers,
10 or is otherwise obligated to comply with this
11 section) that establishes good faith compliance
12 with the requirements under subsection (b)—

13 “(i) shall not be liable to a job appli-
14 cant, an employee, the Federal Govern-
15 ment, or a State or local government,
16 under Federal, State, or local criminal or
17 civil law for any employment-related action
18 taken with respect to a job applicant or
19 employee in good-faith reliance on informa-
20 tion provided through the system estab-
21 lished under subsection (d); and

22 “(ii) has established compliance with
23 its obligations under subparagraphs (A)
24 and (B) of paragraph (1) and subsection
25 (b) absent a showing by the Secretary of

1 Homeland Security, by clear and con-
2 vincing evidence, that the employer had
3 knowledge that an employee is an unau-
4 thorized alien.

5 “(B) MITIGATION ELEMENT.—For pur-
6 poses of subparagraph (A)(i), if an employer
7 proves by a preponderance of the evidence that
8 the employer uses a reasonable, secure, and es-
9 tablished technology to authenticate the identity
10 of the new employee, that fact shall be taken
11 into account for purposes of determining good
12 faith use of the system established under sub-
13 section (d).

14 “(C) FAILURE TO SEEK AND OBTAIN
15 VERIFICATION.—Subject to the effective dates
16 and other deadlines applicable under subsection
17 (b), in the case of a person or entity in the
18 United States that hires, or continues to em-
19 ploy, an individual, or recruits or refers an indi-
20 vidual for employment, the following require-
21 ments shall apply:

22 “(i) FAILURE TO SEEK
23 VERIFICATION.—

24 “(I) IN GENERAL.—If the person
25 or entity has not made an inquiry,

1 under the mechanism established
2 under subsection (d) and in accord-
3 ance with the timeframes established
4 under subsection (b), seeking
5 verification of the identity and work
6 eligibility of the individual, the de-
7 fense under subparagraph (A) shall
8 not be considered to apply with re-
9 spect to any employment, except as
10 provided in subclause (II).

11 “(II) SPECIAL RULE FOR FAIL-
12 URE OF VERIFICATION MECHANISM.—
13 If such a person or entity in good
14 faith attempts to make an inquiry in
15 order to qualify for the defense under
16 subparagraph (A) and the verification
17 mechanism has registered that not all
18 inquiries were responded to during the
19 relevant time, the person or entity can
20 make an inquiry until the end of the
21 first subsequent business day in which
22 the verification mechanism registers
23 no nonresponses and qualify for such
24 defense.

1 “(ii) FAILURE TO OBTAIN
2 VERIFICATION.—If the person or entity
3 has made the inquiry described in clause
4 (i)(I), but has not received an appropriate
5 verification of such identity and work eligi-
6 bility under such mechanism within the
7 time period specified under subsection
8 (d)(2) after the time the verification in-
9 quiry was received, the defense under sub-
10 paragraph (A) shall not be considered to
11 apply with respect to any employment after
12 the end of such time period.”.

13 **SEC. 9. PREEMPTION.**

14 Section 274A(h)(2) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1324a(h)(2)) is amended to read as
16 follows:

17 “(2) PREEMPTION.—The provisions of this sec-
18 tion preempt any State or local law, ordinance, pol-
19 icy, or rule, including any criminal or civil fine or
20 penalty structure, to the extent they may relate to
21 the hiring, continued employment, or verification for
22 employment eligibility purposes, of unauthorized
23 aliens.”.

1 **SEC. 10. ACCESS TO INFORMATION.**

2 (a) **DEFINED TERM.**—In this section, the term “E-
3 Verify purposes” means—

4 (1) preventing identity theft, fraud, and misuse
5 of E-Verify; and

6 (2) administering and enforcing the provisions
7 of this Act and section 274A of the Immigration and
8 Nationality Act (8 U.S.C. 1324a) governing employ-
9 ment eligibility verification.

10 (b) **FEDERAL RECORDS.**—Notwithstanding any other
11 provision of law, including section 6103 of the Internal
12 Revenue Code of 1986, with respect to Employer Identi-
13 fication Number information, the Secretary of Homeland
14 Security shall have access to relevant Federal records de-
15 scribed in clauses (i) through (iii) of section
16 274A(d)(3)(G) of the Immigration and Nationality Act (8
17 U.S.C. 1324a(d)(3)(G)) for E-Verify purposes.

18 (c) **FEDERAL COOPERATION.**—Any Federal agency
19 or other Federal Government entity possessing records de-
20 scribed in subsection (a) shall provide such assistance and
21 cooperation as the Secretary of Homeland Security may
22 request to resolve initial verification inquiries, further ac-
23 tion required results, cases in continuance, and final non-
24 confirmation results relating to such records or to other-
25 wise improve the accuracy of E-Verify.

26 (d) **STATE COOPERATION.**—

1 (1) DRIVER'S LICENSE INFORMATION.—Not-
2 withstanding section 2721 of title 18, United States
3 Code, or any other law, a State department of motor
4 vehicles may provide information described in section
5 274A(d)(3)(G)(iv) of the Immigration and Nation-
6 ality Act, as added by section 2(a) of this Act, ob-
7 tained by the department, including an individual's
8 photograph, to the Secretary of Homeland Security
9 for E-Verify purposes.

10 (2) INFORMATION SHARING AGREEMENTS.—
11 The Secretary of Homeland Security shall maximize
12 enrollment of States and other non-Federal Govern-
13 ment entities possessing information described in
14 section 274A(d)(3)(G)(iv) of the Immigration and
15 Nationality Act in information sharing agreements
16 that provide access to such information to the Sec-
17 retary for E-Verify purposes and fully implement
18 such agreements.

19 (3) CONDITIONS FOR FEDERAL GRANT FUND-
20 ING.—

21 (A) ECONOMIC DEVELOPMENT ASSISTANCE
22 GRANTS.—Section 3(4) of the Public Works
23 and Economic Development Act of 1965 (42
24 U.S.C. 3122(4)) is amended by adding at the
25 end the following:

1 “(C) GRANTS CONDITIONED ON INFORMA-
2 TION SHARING.—The term ‘eligible recipient’
3 does not include, with respect to grants author-
4 ized under section 201, 203, 205, or 207—

5 “(i) a State that—

6 “(I) does not provide access to
7 driver’s license or identity card infor-
8 mation (including photographs) main-
9 tained by the State department of
10 motor vehicles to the Secretary of
11 Homeland Security for E-Verify pur-
12 poses (as defined in section 10(a) of
13 the Mandatory E-Verify Act of 2024);
14 or

15 “(II) does not provide such as-
16 sistance and cooperation as the Sec-
17 retary may request to resolve initial
18 verification inquiries, further action
19 required results, cases in continuance,
20 and final nonconfirmation results re-
21 lating to such records; or

22 “(ii) a city, or other political subdivi-
23 sion of a State described in clause (i), in-
24 cluding a special purpose unit of such
25 State or political subdivision engaged in

1 economic or infrastructure development ac-
2 tivities, or a consortium of such political
3 subdivisions.”.

4 (B) COMMUNITY DEVELOPMENT BLOCK
5 GRANTS.—Section 104 of the Housing and
6 Community Development Act of 1974 (42
7 U.S.C. 5304) is amended by adding at the end
8 the following:

9 “(n) PROTECTIONS FOR AUTHORIZED WORKERS.—
10 “(1) IN GENERAL.—Amounts appropriated to
11 carry out this title may not be obligated or expended
12 for any State (or any unit of general local govern-
13 ment that is a political subdivision of such State)
14 that—

15 “(A) does not provide access to driver’s li-
16 cense or identity card information (including
17 photographs) maintained by the State depart-
18 ment of motor vehicles to the Department of
19 Homeland Security for E-Verify purposes (as
20 defined in section 10(a) of the Mandatory E-
21 Verify Act of 2024); or

22 “(B) does not provide such assistance and
23 cooperation as the Secretary may request to re-
24 solve initial verification inquiries, further action
25 required results, cases in continuance, and final

1 nonconfirmation results relating to such
2 records.

3 “(2) RETURNED AMOUNTS.—

4 “(A) STATE.—If a State receives funding
5 under this title during any period in which the
6 State is ineligible to receive such funding pursu-
7 ant to paragraph (1), the Secretary shall—

8 “(i) direct the State to immediately
9 return to the Secretary any such funding;
10 and

11 “(ii) reallocate amounts returned
12 under clause (i) for grants under this title
13 to other States that are not ineligible for
14 such funding.

15 “(B) UNIT OF GENERAL LOCAL GOVERN-
16 MENT.—If a unit of general local government
17 receives funding under this title during any pe-
18 riod in which it is ineligible for such funding
19 pursuant to paragraph (1)—

20 “(i) the local government shall return
21 any such amounts to the Secretary; and

22 “(ii) the Secretary shall reallocate
23 such amounts for grants under this title to
24 States and other units of general local gov-

1 ernment that are not ineligible for such
2 funding.

3 “(C) REALLOCATION RULES.—In reallo-
4 cating amounts pursuant to subparagraphs (A)
5 and (B), the Secretary—

6 “(i) shall apply the relevant allocation
7 formula under subsection (b), with all enti-
8 ties ineligible for funding pursuant to
9 paragraph (1) excluded; and

10 “(ii) shall not be subject to the rules
11 for reallocation under subsection (c).”.

12 (C) EFFECTIVE DATE.—The amendments
13 made by this paragraph shall take effect on the
14 date that is 1 year after the date of the enact-
15 ment of this Act.

16 **SEC. 11. FRAUD AND MISUSE OF DOCUMENTS.**

17 Section 1546(b) of title 18, United States Code, is
18 amended—

19 (1) in paragraph (1), by striking “identification
20 document,” and inserting “identification document
21 or document meant to establish work authorization
22 (including the documents described in section
23 274A(b) of the Immigration and Nationality Act (8
24 U.S.C. 1324a(b)),”; and

1 (2) in paragraph (2), by striking “identification
2 document” and inserting “identification document or
3 document meant to establish work authorization (in-
4 cluding the documents described in section 274A(b)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1324a(b))”,’.

7 **SEC. 12. FRAUD PREVENTION.**

8 (a) **BLOCKING MISUSED SOCIAL SECURITY ACCOUNT**
9 **NUMBERS.**—The Secretary of Homeland Security, in con-
10 sultation with the Commissioner of Social Security, shall
11 establish a program in which Social Security account num-
12 bers that have been identified to be subject to unusual
13 multiple use through E-Verify or that are otherwise sus-
14 pected or determined to have been compromised by iden-
15 tity fraud, the Social Security account numbers of de-
16 ceased individuals, or other misuse, shall be blocked from
17 use by E-Verify unless the individual using such number
18 is able to establish, through secure and fair additional se-
19 curity procedures, as determined by the Secretary of
20 Homeland Security, that the individual is the legitimate
21 holder of the number.

22 (b) **ALLOWING SUSPENSION OF USE OF CERTAIN SO-**
23 **CIAL SECURITY ACCOUNT NUMBERS.**—The Secretary of
24 Homeland Security, in consultation with the Commis-
25 sioner of Social Security, shall establish a program which

1 shall provide a reliable, secure method by which victims
2 of identity fraud and other individuals may suspend or
3 limit the use of their Social Security account numbers or
4 other identifying information for purposes of E-Verify.
5 The Secretary may implement the program on a limited
6 pilot program basis before making it fully available to all
7 individuals.

8 (c) ALLOWING PARENTS TO PREVENT THEFT OF
9 THEIR CHILD'S IDENTITY.—The Secretary of Homeland
10 Security, in consultation with the Commissioner of Social
11 Security, shall establish a program which shall provide a
12 reliable, secure method by which parents or legal guard-
13 ians may suspend or limit the use of the Social Security
14 account number or other identifying information of a
15 minor under their care for the purposes of E-Verify. The
16 Secretary may implement the program on a limited pilot
17 program basis before making it fully available to all indi-
18 viduals.

19 **SEC. 13. PROTECTION OF SOCIAL SECURITY ADMINISTRA-**
20 **TION PROGRAMS.**

21 Pursuant to an agreement with the Commissioner of
22 Social Security, the Secretary of Homeland Security shall
23 continue to provide funds to the Commissioner for the full
24 costs of the responsibilities of the Commissioner under

1 section 274A of the Immigration and Nationality Act, as
2 amended by this Act.

3 **SEC. 14. INSPECTOR GENERAL AUDITS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Inspector General
6 of the Social Security Administration, in order to uncover
7 evidence of individuals who are not authorized to work in
8 the United States, shall complete audits of—

9 (1) workers who dispute wages reported on
10 their Social Security account number because they
11 believe that their names and such numbers were
12 fraudulently used by others to secure employment;

13 (2) children’s Social Security account numbers
14 that have been fraudulently used for work purposes;

15 (3) employers whose workers present significant
16 numbers of mismatched Social Security account
17 numbers or names for wage reporting;

18 (4) Social Security account numbers of de-
19 ceased individuals that were fraudulently used for
20 work purposes; and

21 (5) Social Security account numbers of retired
22 individuals that were potentially used fraudulently
23 for work purposes.

24 (b) SUBMISSION.—The Inspector General of the So-
25 cial Security Administration shall—

1 (1) submit the audits completed pursuant to
2 subsection (a) to—

3 (A) the Committee on Finance of the Sen-
4 ate;

5 (B) the Committee on the Judiciary of the
6 Senate;

7 (C) the Committee on Homeland Security
8 and Governmental Affairs of the Senate;

9 (D) the Committee on Ways and Means of
10 the House of Representatives;

11 (E) the Committee on the Judiciary of the
12 House of Representatives; and

13 (F) the Committee on Homeland Security
14 of the House of Representatives; and

15 (2) make the information contained in such au-
16 dits available to Federal law enforcement.

17 **SEC. 15. RECRUITMENT, REFERRAL, AND CONTINUATION**
18 **OF EMPLOYMENT.**

19 (a) ADDITIONAL CHANGES TO RULES FOR RECRUIT-
20 MENT, REFERRAL, AND CONTINUATION OF EMPLOY-
21 MENT.—Section 274A(a) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1324a(a)) is amended—

23 (1) in paragraph (1)(A), by striking “for a fee”;

24 (2) in paragraph (1), by amending subpara-
25 graph (B) to read as follows:

1 “(B) to hire, continue to employ, or to re-
2 recruit or refer for employment in the United
3 States an individual without complying with the
4 requirements of subsection (b).”; and

5 (3) in paragraph (2), by striking “after hiring
6 an alien for employment in accordance with para-
7 graph (1),” and inserting “after complying with
8 paragraph (1),”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date that is 6
11 months after the date of the enactment of this Act to the
12 extent such amendments relate to continuation of employ-
13 ment.

14 **SEC. 16. DEFINITIONS.**

15 (a) IN GENERAL.—In this Act, the terms “agricul-
16 tural labor or services”, “date of hire”, “recruit”, “refer”,
17 and “unauthorized alien”, have the meanings given such
18 terms in section 274A(i) of the Immigration and Nation-
19 ality Act, as amended by subsection (b).

20 (b) AMENDMENTS TO THE IMMIGRATION AND NA-
21 TIONALITY ACT.—Section 274A of the Immigration and
22 Nationality Act (8 U.S.C. 1324a) is amended—

23 (1) in subsection (h), by striking paragraph (3);
24 and

25 (2) by adding at the end the following:

1 “(i) DEFINITIONS.—In this section:

2 “(1) AGRICULTURAL LABOR OR SERVICES.—

3 The term ‘agricultural labor or services’—

4 “(A) has the meaning given such term by
5 the Secretary of Agriculture, by regulation; and

6 “(B) includes—

7 “(i) agricultural labor (as defined in
8 section 3121(g) of the Internal Revenue
9 Code of 1986);

10 “(ii) agriculture (as defined in section
11 3(f) of the Fair Labor Standards Act of
12 1938 (29 U.S.C. 203(f)));

13 “(iii) all activities required for the
14 preparation, processing, or manufacturing
15 of a product of agriculture (as defined in
16 such section 3(f)) for further distribution;
17 and

18 “(iv) the handling, planting, drying,
19 packing, packaging, processing, freezing,
20 or grading prior to delivery for storage of
21 any agricultural or horticultural com-
22 modity in its unmanufactured state.

23 “(2) DATE OF HIRE.—The term ‘date of hire’
24 means the date of commencement of employment for
25 wages or other remuneration.

1 “(3) RECRUIT.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the term ‘recruit’ means the
4 act of soliciting a person who is in the United
5 States, directly or indirectly, and referring the
6 person to another with the intent of obtaining
7 employment for that person.

8 “(B) EXCEPTIONS.—The term ‘recruit’
9 only applies to persons or entities referring for
10 remuneration (whether on a retainer or contin-
11 gency basis) except that the term applies to—

12 “(i) union hiring halls that refer
13 union members or nonunion individuals
14 who pay union membership dues regardless
15 of whether they receive remuneration; and

16 “(ii) labor service entities or labor
17 service agencies, whether public, private,
18 for-profit, or nonprofit that recruit, dis-
19 patch, or otherwise facilitate the hiring of
20 laborers for any period of time by a third
21 party.

22 “(4) REFER.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term ‘refer’ means the
25 act of sending or directing a person who is in

1 the United States or transmitting documenta-
2 tion or information to another, directly or indi-
3 rectly, with the intent of obtaining employment
4 in the United States for such person.

5 “(B) EXCEPTIONS.—The term ‘refer’ only
6 applies to persons or entities referring for re-
7 munerated (whether on a retainer or contin-
8 gency basis) except that the term applies to—

9 “(i) union hiring halls that refer
10 union members or nonunion individuals
11 who pay union membership dues regardless
12 of whether they receive remuneration; and

13 “(ii) labor service entities or labor
14 service agencies, whether public, private,
15 for-profit, or nonprofit, that refer, dis-
16 patch, or otherwise facilitate the hiring of
17 laborers for any period of time by a third
18 party.

19 “(5) UNAUTHORIZED ALIEN.—The term ‘unau-
20 thorized alien’ means, with respect to the employ-
21 ment of an alien at a particular time, an alien who
22 is not—

23 “(A) an alien lawfully admitted for perma-
24 nent residence; or

1 “(B) otherwise authorized to be employed
2 under this Act or by the Secretary of Homeland
3 Security.”.

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