

112TH CONGRESS
1ST SESSION

H. R. 3160

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. BROUN of Georgia introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, 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.**

4 This Act may be cited as the “Improving Methods
5 to Promote Regular Occurrences of the Verification of
6 Employability Status Act of 2011”.

1 **SEC. 2. MAKING THE E-VERIFY PROGRAM PERMANENT.**

2 (a) PERMANENCE.—Section 401(b) of the Illegal Im-
3 migration Reform and Immigrant Responsibility Act of
4 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a
5 note) is amended—

6 (1) in the subsection heading, by striking “;
7 TERMINATION”; and

8 (2) by striking the second sentence and insert-
9 ing the following: “The programs provided for under
10 this subtitle shall not have a termination date.”.

11 (b) PILOT PROGRAM REFERENCES.—Section
12 401(d)(1) of the Illegal Immigration Reform and Immi-
13 grant Responsibility Act of 1996 (division C of Public Law
14 104–208; 8 U.S.C. 1324a note) is amended—

15 (1) in the paragraph heading by striking
16 “PILOT PROGRAM” and inserting “PROGRAM”; and

17 (2) by striking “3 pilot”.

18 **SEC. 3. VERIFICATION OF CURRENT AND NEWLY HIRED**
19 **EMPLOYEES; PROTECTION FROM LIABILITY**
20 **FOR EMPLOYERS VERIFYING EMPLOYEES; IN-**
21 **FORMATIONAL POSTERS.**

22 Section 403 of the Illegal Immigration Reform and
23 Immigrant Responsibility Act of 1996 (division C of Pub-
24 lic Law 104–208; 8 U.S.C. 1324a note) is amended—

25 (1) in subsection (a)(3)(A), by adding at the
26 end the following: “The person or other entity may

1 wait for confirmation of the individual’s identity and
2 work eligibility before beginning to pay or train the
3 individual.”;

4 (2) in subsection (a)(3), by adding at the end
5 the following:

6 “(C) CURRENT EMPLOYEES.—Not later
7 than 14 business days after beginning to par-
8 ticipate in the program, a person or other entity
9 may use the program to verify the employment
10 authorization of an employee hired prior to the
11 participation in the program only if the person
12 or other entity verifies the employment author-
13 ization of every employee hired prior to the par-
14 ticipation in the program.”;

15 (3) in subsection (a)(4)(B)(iii), by inserting
16 after “until a nonconfirmation becomes final” the
17 following: “and the individual exhausts any adminis-
18 trative or judicial review if the individual initiates
19 such review.”;

20 (4) in subsection (d), by striking “through the
21 confirmation system.” and inserting the following:

22 “through the confirmation system if—

23 “(1) such action occurred due to an error in the
24 program that was unknown to the employer at the
25 time of such action; and

1 “(2) the person or other entity terminates the
2 employment of the individual upon being informed of
3 the error.”; and

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

5 “(e) USE OF FRAUDULENT DOCUMENTATION AND
6 SANCTIONS.—

7 “(1) FRAUDULENT DOCUMENTATION.—Each
8 instance of a person or other entity participating in
9 the program who employs an unauthorized individual
10 after providing or accepting documentation the per-
11 son or entity knows to be fraudulent shall—

12 “(A) be treated as a violation of section
13 274A(a)(1)(B) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1324A(a)(1)(B)) with re-
15 spect to each offense; and

16 “(B) create a rebuttable presumption that
17 the employer has violated section 274A(a)(1)(A)
18 of the Immigration and Nationality Act (8
19 U.S.C. 1324A(a)(1)(A)).

20 “(2) SANCTIONS.—Notwithstanding the
21 amounts specified in section 274A(e)(5) of the Im-
22 migration and Nationality Act (8 U.S.C.
23 1324A(e)(5)), the applicable civil monetary penalty
24 for a violation under this subsection shall require the
25 person or entity to pay a civil penalty in an amount

1 of not less than \$200 and not more than \$2,000 for
2 each individual with respect to whom such violation
3 occurred.

4 “(f) INFORMATIONAL POSTERS.—In the case where
5 the Secretary of Homeland Security requires under this
6 subtitle a person or other entity to display an informa-
7 tional poster, such poster shall be written only in English.
8 The Secretary shall allow a person or other entity with
9 less than 25 employees to meet any informational poster
10 requirement by giving its employees a pamphlet meeting
11 the same requirements and containing the same informa-
12 tion as the poster.”.

13 **SEC. 4. EFFECTIVE DATE.**

14 The amendments made by this Act shall take effect
15 180 days after the date of the enactment of this Act.

○