H. R. 6633

To evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Ms. Giffords (for herself, Mr. Calvert, Mr. McNulty, Mr. Smith of Texas, Mr. Moore of Kansas, Mr. Sam Johnson of Texas, Mr. Childers, Mr. Ryan of Wisconsin, Mrs. Boyd of Kansas, Mr. Bilbray, Mr. Lampson, and Mr. Ellsworth) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor and Ways and Means, 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 evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Employee Verification Amendment Act of 2008”.

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SEC. 2. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking “11-year period” and inserting “16-year period”.

SEC. 3. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2008, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the
basic pilot confirmation system established under such section;

(2) provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Office of Inspector General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2008, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fis-
cal year until such time as an agreement required under
subsection (a) is subsequently reached, except that the
terms of such interim agreement shall be modified by the
Director of the Office of Management and Budget to ad-
just for inflation and any increase or decrease in the vol-
ume of requests under the basic pilot confirmation system.
In any case in which an interim agreement applies for any
fiscal year under this subsection, the Commissioner and
the Secretary shall, not later than October 1 of such fiscal
year, notify the Committee on Ways and Means, the Com-
mittee on the Judiciary, and the Committee on Appropria-
tions of the House of Representatives and the Committee
on Finance, the Committee on the Judiciary, and the
Committee on Appropriations of the Senate of the failure
to reach the agreement required under subsection (a) for
such fiscal year. Until such time as the agreement re-
quired under subsection (a) has been reached for such fis-
cal year, the Commissioner and the Secretary shall, not
later than the end of each 90-day period after October
1 of such fiscal year, notify such Committees of the status
of negotiations between the Commissioner and the Sec-
retary in order to reach such an agreement.
SEC. 4. GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.

(a) In General.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) Matters To Be Studied.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.

(c) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under subsection (a) to the Committee on Ways and Means and the Committee on the Judiciary of the House of Representatives and the Committee on Finance and the Committee on the Judiciary of the Senate.
SEC. 5. GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM

ON SMALL ENTITIES.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representa-
tives and the Senate a report containing the Comptroller General’s analysis of the effects of the basic pilot program described in section 403(a) of the Illegal Immigration Re-
form and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(1) the costs of compliance with such program on small entities;

(2) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(3) the projected reporting, recordkeeping and other compliance requirements of such program on small entities;

(4) factors that impact small entities’ enroll-

ment and participation in such program, including access to appropriate technology, geography, entity size, and class of entity; and
(5) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(b) Direct and Indirect Effects.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(e) Specific Contents.—The report shall provide specific and separate details with respect to—

(1) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(2) small entities operating in States that have mandated use of the basic pilot program.