

110TH CONGRESS
2D SESSION

S. 3093

To extend and improve the effectiveness of the employment eligibility
confirmation program.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mr. GRASSLEY introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To extend and improve the effectiveness of the employment
eligibility confirmation program.

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 “Electronic Employ-
5 ment Verification Reauthorization Act of 2008”.

6 **SEC. 2. PERMANENT EXTENSION OF EMPLOYMENT ELIGI-**
7 **BILITY CONFIRMATION PILOT PROGRAMS.**

8 Section 401(b) of the Illegal Immigration Reform and
9 Immigrant Responsibility Act of 1996 (Public Law 104–
10 208; 8 U.S.C. 1324a note) is amended by striking “Unless

1 the Congress otherwise provides, the Secretary of Home-
 2 land Security shall terminate a pilot program at the end
 3 of the 11-year period beginning on the first day the pilot
 4 program is in effect.”.

5 **SEC. 3. REDESIGNATION OF BASIC PILOT PROGRAM.**

6 Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and
 7 405(b)(2) of the Illegal Immigration Reform and Immi-
 8 grant Responsibility Act of 1996 (division C of Public Law
 9 104–208) are amended by striking “basic pilot program”
 10 each place that term appears and inserting “E-Verify Pro-
 11 gram”.

12 **SEC. 4. REQUIRED PARTICIPATION BY UNITED STATES**
 13 **CONTRACTORS.**

14 Section 402(e) of the Illegal Immigration Reform and
 15 Immigrant Responsibility Act of 1996 (Public Law 104–
 16 208; 8 U.S.C. 1324a note) is amended—

17 (1) by redesignating paragraphs (2) and (3) as
 18 paragraphs (3) and (4), respectively; and

19 (2) by inserting after paragraph (1) the fol-
 20 lowing:

21 “(2) UNITED STATES CONTRACTORS.—Any per-
 22 son, employer, or other entity that enters into a con-
 23 tract with the Federal Government shall participate
 24 in the E-Verify Program and shall comply with the
 25 terms and conditions of such election.”.

1 **SEC. 5. CHECKING THE IMMIGRATION STATUS OF EMPLOY-**
2 **EES.**

3 Section 403(a)(3)(A) of the Illegal Immigration Re-
4 form and Immigrant Responsibility Act of 1996 (Public
5 Law 104–208; 8 U.S.C. 1324a note) is amended—

6 (1) by striking “The person” and inserting the
7 following:

8 “(i) UPON HIRING.—The person”;
9 and

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

11 “(ii) EXISTING EMPLOYEES.—An em-
12 ployer that elects to verify the employment
13 eligibility of existing employees shall verify
14 the employment eligibility of all such em-
15 ployees not later than 10 days after noti-
16 fying the Secretary of Homeland Security
17 of such election.

18 “(iii) REQUIRED PARTICIPATION.—
19 The Secretary of Homeland Security may
20 require any employer or class of employers
21 to participate in the E-Verify Program
22 with respect to individuals employed as of,
23 or hired after, the date of the enactment of
24 the Electronic Employment Verification
25 Reauthorization Act of 2008 if the Sec-
26 retary has reasonable cause to believe that

1 the employer has engaged in material vio-
2 lations of section 274A of the Immigration
3 and Nationality Act (8 U.S.C. 1324a).”.

4 **SEC. 6. REVERIFICATION.**

5 Section 403(a) of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (Public Law 104–
7 208; 8 U.S.C. 1324a note) is amended by adding at the
8 end the following:

9 “(5) REVERIFICATION.—Each employer partici-
10 pating in the E-Verify Program shall use the con-
11 firmation system to reverify the work authorization
12 of any individual not later than 3 days after the date
13 on which such individual’s employment authorization
14 is scheduled to expire, as indicated by the documents
15 that the individual provided to the employer pursu-
16 ant to section 274A(b), in accordance with the pro-
17 cedures otherwise applicable to the verification of a
18 newly hired employee under this subsection.”.

19 **SEC. 7. SMALL BUSINESS DEMONSTRATION PROGRAM.**

20 Section 403 of the Illegal Immigration Reform and
21 Immigrant Responsibility Act of 1996 (Public Law 104–
22 208; 8 U.S.C. 1324a note) is amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

1 (2) by inserting after subsection (c) the fol-
 2 lowing:

3 “(d) SMALL BUSINESS DEMONSTRATION PRO-
 4 GRAM.—The Director of United States Citizenship and
 5 Immigration Services shall establish, in a rural setting or
 6 in an area with fewer than 10,000 residents, a demonstra-
 7 tion program that assists small businesses in verifying the
 8 employment eligibility of their newly hired employees.”.

9 **SEC. 8. INTERAGENCY NONCONFIRMATION REPORT.**

10 Section 405 of the Illegal Immigration Reform and
 11 Immigrant Responsibility Act of 1996 (Public Law 104–
 12 208; 8 U.S.C. 1324a note) is amended by adding at the
 13 end the following:

14 “(c) INTERAGENCY NONCONFIRMATION REPORT.—
 15 The Director of United States Citizenship and Immigra-
 16 tion Services shall submit a monthly report to the Assist-
 17 ant Secretary of Immigration and Customs Enforcement
 18 that includes, for each person who receives final noncon-
 19 firmation through the E-Verify Program—

20 “(1) the name of such person;

21 “(2) his or her Social Security number or alien
 22 file number;

23 “(3) the name and contact information for his
 24 or her current employer; and

1 “(4) any other critical information that the As-
2 sistant Secretary determines to be appropriate.

3 “(d) USE OF MONTHLY REPORT.—The Secretary of
4 Homeland Security may use information provided under
5 subsection (c) to enforce compliance of the immigration
6 laws of the United States.”.

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