

(B) in clause (ii), by striking “subsection (b).” and inserting “section 274E.”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “The requirements referred” and inserting “Except as provided in section 274E, the requirements referred”.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)(B), by striking “in the case of a protected individual (as defined in paragraph (3)),”;

(2) by striking paragraph (3); and

(3) by inserting after paragraph (2) the following:

“(3) MISUSE OF VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity to misuse the verification system as described in section 274E(g).”

SEC. 1306. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for all fiscal years beginning on or after October 1, 2024, the Commissioner of Social Security and the Secretary of Homeland Security shall ensure that an agreement is in place that—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner with respect to employment eligibility verification, including responsibilities described in this title and in the amendments made by this title, such as—

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

(B) responding to individuals who contest a tentative nonconfirmation or administratively appeal a final nonconfirmation provided with respect to employment eligibility verification;

(2) provides the funds required under paragraph (1) annually in advance of the applicable quarter based on an 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) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under such agreement, which shall be reviewed by the Inspector General of the Social Security Administration and the Inspector General of the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) IN GENERAL.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2024, has not been reached as of October 1 of such fiscal year, the latest agreement described in such subsection shall be deemed in effect on an interim basis for such fiscal 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 to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system.

(2) NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Not later than October 1 of any fiscal year during which an interim agreement applies under paragraph (1), the Commissioner and the Secretary shall notify the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Ways and Means of

the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives of the failure to reach the agreement required under subsection (a) for such fiscal year.

(B) QUARTERLY NOTIFICATIONS.—Until the agreement required under subsection (a) has been reached for a fiscal year, the Commissioner and the Secretary, not later than the end of each 90-day period after October 1 of such fiscal year, shall notify the congressional committees referred to in subparagraph (A) of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 1307. REPORT ON THE IMPLEMENTATION OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

Not later than 2 years after the date on which final rules are published pursuant to section 1309(a), and annually thereafter, the Secretary of Homeland Security and the Attorney General shall jointly submit a report to Congress that includes—

(1) an assessment of the accuracy rates of the responses of the electronic employment verification system established under section 274E of the Immigration and Nationality Act, as added by section 1301(a) (referred to in this section and in section 1308 as the “System”), including tentative and final nonconfirmation notices issued to employment-authorized individuals and confirmation notices issued to individuals who are not employment-authorized;

(2) an assessment of any challenges faced by persons or entities (including small employers) in utilizing the System;

(3) an assessment of any challenges faced by employment-authorized individuals who are issued tentative or final nonconfirmation notices;

(4) an assessment of the incidence of unfair immigration-related employment practices described in section 274E(g) of the Immigration and Nationality Act, related to the use of the System;

(5) an assessment of the photo matching and other identity authentication tools described in section 274E(a)(4) of the Immigration and Nationality Act, including—

(A) the accuracy rates of such tools;

(B) the effectiveness of such tools at preventing identity fraud and other misuse of identifying information;

(C) any challenges faced by persons, entities, or individuals utilizing such tools;

(D) operation and maintenance costs associated with such tools; and

(E) the privacy and civil liberties safeguards associated with such tools;

(6) a summary of the activities and findings of the U.S. Citizenship and Immigration Services E-Verify Monitoring and Compliance Branch (referred to in this paragraph as the “Branch”), or any successor office, including—

(A) the number, types and outcomes of audits, internal reviews, and other compliance activities initiated by the Branch in the previous year;

(B) the capacity of the Branch to detect and prevent violations of section 274E(g) of the Immigration and Nationality Act; and

(C) an assessment of the degree to which persons and entities misuse the System, including—

(i) using the System before an individual’s date of hire;

(ii) failing to provide required notifications to individuals;

(iii) using the System to interfere with or otherwise impede individuals’ assertions of their rights under other laws; and

(iv) using the System for unauthorized purposes; and

(7) an assessment of the impact of implementation of the System in the agricultural industry and the use of the verification system in agricultural industry hiring and business practices.

SEC. 1308. MODERNIZING AND STREAMLINING THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall submit a plan to Congress for modernizing and streamlining the employment eligibility verification process. Such plan shall include—

(1) procedures to allow persons and entities to verify the identity and employment authorization of newly hired individuals where the in-person, physical examination of identity and employment authorization documents is not practicable;

(2) a proposal to create a simplified employment verification process that allows employers that utilize the System—

(A) to verify the identity and employment authorization of individuals without having to complete and retain Form I-9, Employment Eligibility Verification, in paper, electronic, or any subsequent replacement form; and

(B) to maintain evidence of an inspection of the employee’s eligibility to work; and

(3) any other proposal that the Secretary determines would simplify the employment eligibility verification process without compromising the integrity or security of the System.

SEC. 1309. RULEMAKING; PAPERWORK REDUCTION ACT.

(a) RULEMAKING.—

(1) PROPOSED RULES.—Not later than 270 days before the end of the application period described in section 1101(c), the Secretary of Homeland Security shall promulgate and publish in the Federal Register proposed rules implementing this title and the amendments made by this title.

(2) FINAL RULES.—The Secretary shall finalize the rules promulgated pursuant to paragraph (1) not later than 180 days after the date on which they are published in the Federal Register.

(b) PAPERWORK REDUCTION ACT.—

(1) IN GENERAL.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the “Paperwork Reduction Act”) shall apply to any action to implement this title or the amendments made by this title.

(2) ELECTRONIC FORMS.—All forms designated or established by the Secretary that are necessary to implement this title and the amendments made by this title—

(A) shall be made available in paper or electronic formats; and

(B) shall be designed in such a manner to facilitate electronic completion, storage, and transmittal.

ORDERS FOR TUESDAY, JANUARY 14, 2025

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Tuesday, January 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business for debate only, with Senators permitted to speak therein for up to 10

minutes each; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings; finally, that at 2:45 p.m., morning business be closed and the Senate resume consideration of Calendar No. 1, S. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. THUNE. Mr. President, if there is no further business to come before the

Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Tuesday, January 14, 2025, at 12 noon.