# HR 1096

Electronic Employment Eligibility Verification and Illegal Immigration Control Act

**Congress:** 111 (2009–2011, Ended)
**Chamber:** House
**Policy Area:** Immigration
**Introduced:** Feb 13, 2009
**Current Status:** Referred to the Subcommittee on Workforce Protections.
**Latest Action:** Referred to the Subcommittee on Workforce Protections. (Mar 30, 2009)
**Official Text:** https://www.congress.gov/bill/111th-congress/house-bill/1096

## Sponsor

**Name:** Rep. Marshall, Jim [D-GA-8]
**Party:** Democratic • **State:** GA • **Chamber:** House

## Cosponsors (4 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---|---|---|
| Rep. Barrow, John [D-GA-12] | D · GA | | Feb 13, 2009 |
| Rep. Bartlett, Roscoe G. [R-MD-6] | R · MD | | Feb 13, 2009 |
| Rep. DeFazio, Peter A. [D-OR-4] | D · OR | | Feb 13, 2009 |
| Rep. Taylor, Gene [D-MS-4] | D · MS | | Feb 13, 2009 |

## Committee Activity

| Committee | Chamber | Activity | Date |
|---|---|---|---|
| Education and Workforce Committee | House | Referred to | Mar 30, 2009 |
| Homeland Security Committee | House | Bills of Interest - Exchange of Letters | Sep 22, 2010 |
| Judiciary Committee | House | Referred to | Mar 16, 2009 |
| Ways and Means Committee | House | Referred To | Feb 13, 2009 |

## Subjects & Policy Tags

**Policy Area:**

Immigration

## Related Bills

*No related bills are listed.*

## Summary (as of Feb 13, 2009)

Electronic Employment Eligibility Verification and Illegal Immigration Control Act - Amends the Immigration and Nationality Act to direct the Secretary of Homeland Security to establish a toll-free telephone- or electronic media-based employment eligibility verification system.

Requires that such system: (1) provide verification or tentative non-verification of an individual's identity and employment eligibility within three days of an inquiry; and (2) provide, in the case of tentative non-verification, a secondary process for final verification or non-verification within 10 days.

Directs: (1) the Commissioner of Social Security to develop a process for comparing names and social security numbers against appropriate databases in response to employer inquiries; and (2) the Secretary to develop a process for comparing names and alien identification or authorization numbers and investigate uses of the same social security number that suggest fraud.

Limits verification system-related individual relief to procedures under the Federal Tort Claims Act. Prohibits class actions. Immunizes from civil or criminal liability a person or entity who takes action in good faith reliance on verification system information.

Sets forth employer verification requirements with respect to an affirmative defense to liability for employment of unauthorized workers, including revision of attestation and retention of verification form provisions.

Places limits on the collection and use of data from the verification system.

Expands the employment eligibility verification system to include: (1) previously hired individuals; and (2) recruitment and referral.

Provides for: (1) voluntary employer verification utilizing such system two years after enactment of this Act for previously hired individuals; (2) mandatory employer verification three years after enactment of this Act by federal, state, and local governments, and the military for employees not verified under such system working at federal, state or local government buildings, military bases, nuclear energy sites, weapons sites, airports, or critical infrastructure sites; and (3) mandatory employer verification six years after enactment of this Act for all employees not previously verified under such system.

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make employer participation in the basic pilot program mandatory two years after enactment of this Act.

Applies employment eligibility verification requirements to labor service agencies.

Revises civil and criminal penalty provisions.

Establishes in the Treasury the Employment Verification Compensation Fund.

Directs the Secretary to establish a publicly available contractor database.

Authorizes the Commissioner to carry out verification responsibilities under this Act, but only to the extent advance funds are provided by the Secretary to cover costs. Prohibits funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund from being used to carry out such responsibilities.

Sets forth specified reporting requirements by the Secretary and the Commissioner.

## Actions Timeline

- **Mar 30, 2009:** Referred to the Subcommittee on Workforce Protections.
- **Mar 16, 2009:** Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.
- **Feb 13, 2009:** Introduced in House
- **Feb 13, 2009:** Referred to House Judiciary
- **Feb 13, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, 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.
- **Feb 13, 2009:** Referred to House Ways and Means
- **Feb 13, 2009:** Referred to House Education and Labor

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