

HR 2028

New Employee Verification Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Apr 22, 2009

Current Status: Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International

Latest Action: Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. (May 26, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/2028>

Sponsor

Name: Rep. Johnson, Sam [R-TX-3]

Party: Republican • State: TX • Chamber: House

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Brady, Kevin [R-TX-8]	R · TX		Apr 22, 2009
Rep. Giffords, Gabrielle [D-AZ-8]	D · AZ		Apr 22, 2009
Rep. Mitchell, Harry E. [D-AZ-5]	D · AZ		Apr 22, 2009
Rep. Moore, Dennis [D-KS-3]	D · KS		Apr 22, 2009
Rep. Ryan, Paul [R-WI-1]	R · WI		Apr 22, 2009
Rep. Guthrie, Brett [R-KY-2]	R · KY		May 6, 2009
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Jun 2, 2009
Rep. Paulsen, Erik [R-MN-3]	R · MN		Jun 10, 2009
Rep. Davis, Geoff [R-KY-4]	R · KY		Jun 23, 2009

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	May 21, 2009
Judiciary Committee	House	Referred to	May 26, 2009
Rules Committee	House	Referred To	Apr 22, 2009
Ways and Means Committee	House	Referred To	Apr 22, 2009

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

New Employee Verification Act of 2009 - Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the employment eligibility confirmation pilot programs (which include the E-Verify basic pilot program).

Amends the Immigration and Nationality Act (INA) to require employers to verify employee identification and employment eligibility under the Electronic Employment Verification System (EEVS) or the Secure Employment Eligibility Verification System (SEEVs) (as established by this Act).

Permits employers subject to employee verification requirements to do so under EEVS or SEEVs.

Sets forth provisions respecting: (1) voluntary and expedited participation; (2) employer penalties for failure to participate in EEVS or SEEVs; (3) employer and employee information and document requirements; (4) employer liability protection; (5) attestation; and (6) consequences of EEVS determinations.

States that nothing in this Act shall be construed to require a national identification card.

Repeals the employment eligibility pilot programs under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Amends title II (Old Age, Survivor's and Disability Insurance) of the Social Security Act (SSA) to direct the Commissioner of Social Security to establish EEVS utilizing information in the National Directory of New Hires.

States that EEVS shall have the capacity to determine whether: (1) employer-submitted information is consistent with information maintained by the Commissioner with respect to U.S. citizens and nationals and by the Secretary of Homeland Security with respect to aliens; and (2) the individual is a citizen or national or is not an unauthorized alien.

Sets forth provisions respecting: (1) submission for confirmation of an individual's identification and employment eligibility and related EEVs determinations; (2) administrative and judicial review of employment disapproval; (3) EEVS implementation; and (4) data use by EEVS.

Directs the Commissioner to establish SEEVs to provide, through government certified private entities, for verification of identity and employment eligibility respecting new employees

Permits an employer to opt out of SEEVs after one year's participation.

Sets forth provisions respecting: (1) certification of entities; (2) database management, including limitations on accessibility and the use and storage of biometric data; (3) employer responsibilities; (4) employee protections; and (5) information security and confidentiality, including penalties for violations.

Directs the Commissioner to establish the Employment Verification Advisory Council, which shall terminate five years after enactment of this Act.

Amends INA to: (1) apply certain antidiscrimination provisions to EEVS and SEEVs; (2) increase civil money penalties for unfair employment practice violations; (3) increase civil money penalties for certain hiring, recruiting, and referral violations (reduces certain penalties for small employers, exempts certain good faith, first-time violations, and provides a safe harbor for certain contractors); and (4) increase criminal penalties for pattern or practice violations.

Amends SSA to: (1) provide for disclosure to the Secretary of Homeland Security of certain National Directory of New

Hires information about employees with the greatest number or percentage of mismatched social security information; (2) deny credit toward earnings benefits from unauthorized work; (3) revise totalization agreement provisions; and (4) prohibit survivor's lump sum death payments to individuals who have been removed from the United States under INA.

Actions Timeline

- **May 26, 2009:** Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.
- **May 21, 2009:** Referred to the Subcommittee on Workforce Protections.
- **Apr 22, 2009:** Introduced in House
- **Apr 22, 2009:** Sponsor introductory remarks on measure. (CR H4691)
- **Apr 22, 2009:** Referred to House Judiciary
- **Apr 22, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Rules, 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.
- **Apr 22, 2009:** Referred to House Education and Labor
- **Apr 22, 2009:** Referred to House Rules
- **Apr 22, 2009:** Referred to House Ways and Means