

HR 1772

Legal Workforce Act

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Apr 26, 2013

Current Status: Placed on the Union Calendar, Calendar No. 508.

Latest Action: Placed on the Union Calendar, Calendar No. 508. (Dec 16, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/1772>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (33 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bishop, Rob [R-UT-1]	R · UT		Apr 26, 2013
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Apr 26, 2013
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Apr 26, 2013
Rep. Calvert, Ken [R-CA-42]	R · CA		Apr 26, 2013
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Apr 26, 2013
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Apr 26, 2013
Rep. Farenthold, Blake [R-TX-27]	R · TX		Apr 26, 2013
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Apr 26, 2013
Rep. Franks, Trent [R-AZ-8]	R · AZ		Apr 26, 2013
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Apr 26, 2013
Rep. Gowdy, Trey [R-SC-4]	R · SC		Apr 26, 2013
Rep. Holding, George [R-NC-13]	R · NC		Apr 26, 2013
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Apr 26, 2013
Rep. King, Peter T. [R-NY-2]	R · NY		Apr 26, 2013
Rep. Labrador, Raul R. [R-ID-1]	R · ID		Apr 26, 2013
Rep. Lance, Leonard [R-NJ-7]	R · NJ		Apr 26, 2013
Rep. Poe, Ted [R-TX-2]	R · TX		Apr 26, 2013
Rep. Royce, Edward R. [R-CA-39]	R · CA		Apr 26, 2013
Rep. Schweikert, David [R-AZ-6]	R · AZ		Apr 26, 2013
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Apr 26, 2013
Rep. Stivers, Steve [R-OH-15]	R · OH		Apr 26, 2013
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Apr 26, 2013
Rep. Heck, Joseph J. [R-NV-3]	R · NV		May 9, 2013
Rep. Culberson, John Abney [R-TX-7]	R · TX		May 20, 2013
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		May 20, 2013
Rep. Bachus, Spencer [R-AL-6]	R · AL		Jun 12, 2013
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Jul 8, 2013
Rep. Sessions, Pete [R-TX-32]	R · TX		Jul 10, 2013
Rep. Frelinghuysen, Rodney P. [R-NJ-11]	R · NJ		Jul 18, 2013
Rep. Kingston, Jack [R-GA-1]	R · GA		Sep 17, 2013
Rep. Stewart, Chris [R-UT-2]	R · UT		Mar 24, 2014
Rep. Brooks, Mo [R-AL-5]	R · AL		Jul 9, 2014
Rep. Marchant, Kenny [R-TX-24]	R · TX		Jul 10, 2014

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Discharged From	Dec 16, 2014
Judiciary Committee	House	Discharged from	Jun 25, 2013
Ways and Means Committee	House	Referred to	Jun 3, 2013

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

Legal Workforce Act - (Sec. 2) Amends the Immigration and Nationality Act to require an employer to attest, during the specified verification period for recruiting or hiring, and under penalty of perjury, that the employer has verified that an individual is not an unauthorized alien by:

- obtaining and recording the individual's Social Security account number or a Department of Homeland Services (DHS)-established identification or authorization number, and
- examining specified documents that establish such individual's identity and employment authorization.

Authorizes DHS to prohibit or restrict the use of documents it finds unreliable.

Requires an individual to attest, under penalty of perjury, that he or she is a U.S. citizen or national, a lawful permanent resident, or an alien authorized to work in the United States.

Requires an employer to:

- retain a copy of the verification form for a specified period of time and make it available for inspection by DHS, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor;
- record notices of confirmation or nonconfirmation of a person's identity or work eligibility; and
- notify an individual for whom a tentative nonconfirmation of identity or work eligibility has been received.

Makes a nonconfirmation final if the person does not contest the nonconfirmation within a specified time period.

Authorizes an employer who has received a final nonconfirmation for an individual to terminate or decline to recruit that individual. Requires an employer who does not terminate such employment or recruitment to notify DHS. Makes failure to notify or to continue employment a violation of the prohibition on unlawful employment of aliens.

Establishes a phased-in employment eligibility verification system (EEVS) participation deadline (6-24 months) for employers based upon the number of employees. Requires agricultural employer participation within 24 months.

Authorizes an employer to condition a job offer based upon E-Verify confirmation.

Requires employers to verify the work eligibility of aliens (phased-in over 6-24 months) with temporary work authorization within three business days after the date on which their work authorization expires.

Requires reverification within six months of the following workers who have not been verified under E-Verify: (1) federal, state, or local government employees; (2) certain employees who require a federal security clearance; and (3) certain employees assigned to work in the United States under a federal contract.

Authorizes an employer voluntarily to reverify employees. (Requires any such reverification to be applied to all individuals so employed).

Requires the Social Security Administration (SSA) to notify annually all employees who submit a Social Security number to which more than one employer reports income if there is a pattern of unusual multiple use.

Prohibits the information provided under the employment eligibility confirmation process from being used other than for enforcement of this Act and other federal criminal provisions.

Prescribes factors for good faith compliance.

(Sec. 3) Directs the Secretary of DHS (Secretary) to establish EEVS patterned after the E-Verify system. (Eliminates the current paper-based I-9 system.)

Requires EEVS to:

- be telephone- and electronic media-accessible;
- provide employers with temporary verification or nonverification within 3 working days of an inquiry, and in the case of nonverification, a final verification or nonverification within 10 working days;
- provide maximum identity theft protection; and
- limit the subjects of verification to individuals hired, referred, or recruited, employees and prospective employees, and individuals seeking to confirm voluntarily their own employment eligibility.

Requires SSA and DHS to update EEVS database information.

Limits individual remedies for a wrongful termination claim to an action under the Federal Tort Claims Act. Prohibits class actions.

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

(Sec. 4) Includes employment recruitment and referral within the scope of EEVS. Requires EEVS use by union halls and nonprofit employment agencies.

(Sec. 5) Prescribes protections for employers who use EEVS in good faith.

(Sec. 6) Preempts any state or local law relating to the hiring, continued employment, or status verification for employment eligibility purposes of unauthorized aliens.

Authorizes states to enforce this Act, following federal implementing regulations and criminal penalty structures.

(Sec. 7) Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to repeal its prohibitions and requirements regarding employment of unauthorized aliens, which are replaced by the prohibitions and requirements of this Act.

(Sec. 8) Increases civil and criminal penalties for employers who violate illegal hiring and employment laws.

Authorizes DHS to bar a business that is a repeat violator of, or is convicted of a crime under, this section from receiving federal contracts, grants, or cooperative agreements.

Directs the Secretary to create an office to investigate state and local governmental agency complaints about businesses that hire or employ illegal immigrants.

(Sec. 9) Subjects employers to federal criminal penalties for fraudulent use of identity or work authorization documents.

(Sec. 10) Requires DHS to reimburse the SSA for EEVS operating costs.

(Sec. 11) Directs the Secretary to establish programs that block a Social Security account number:

- that has been subject to unusual multiple EEVS use or that is suspected or determined to have been compromised

by identity fraud or other misuse, unless the individual using the number establishes that he or she is the legitimate holder; or

- by a parent or legal guardian to prevent theft of a child's identity.

(Sec. 12) Requires an employer who utilizes the E-Verify photo matching tool to match the photograph to both the photograph on the identity or employment eligibility document provided by an employee and to the face of the employee submitting the document.

(Sec. 13) Directs the Secretary establish at least two identity authentication employment eligibility verification pilot programs to provide employers with identity authentication and employment verification of enrolled new employees.

(Sec. 14) Sets forth SSA auditing requirements.

Actions Timeline

- **Dec 16, 2014:** Reported (Amended) by the Committee on Judiciary. H. Rept. 113-677, Part I.
- **Dec 16, 2014:** Committee on Ways and Means discharged.
- **Dec 16, 2014:** Committee on Education and the Workforce discharged.
- **Dec 16, 2014:** Placed on the Union Calendar, Calendar No. 508.
- **Jun 26, 2013:** Committee Consideration and Mark-up Session Held.
- **Jun 26, 2013:** Ordered to be Reported (Amended) by the Yeas and Nays: 22 - 9.
- **Jun 25, 2013:** Subcommittee on Immigration and Border Security Discharged.
- **Jun 3, 2013:** Referred to the Subcommittee on Social Security.
- **May 16, 2013:** Subcommittee Hearings Held.
- **May 16, 2013:** Referred to the Subcommittee on Immigration and Border Security.
- **Apr 26, 2013:** Introduced in House
- **Apr 26, 2013:** Referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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.