

111TH CONGRESS  
1ST SESSION

# H. R. 3676

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2009

Mr. BROUN of Georgia (for himself, Mr. MILLER of Florida, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. FLEMING, Mr. KINGSTON, Mr. AKIN, Mr. WAMP, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Utah, Mr. TIAHRT, Mr. MANZULLO, Mr. LAMBORN, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. PITTS, and Mr. BARTLETT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on 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

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## A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Methods  
3 to Promote Regular Occurrences of the Verification of  
4 Employability Status Act of 2009”.

5 **SEC. 2. MAKING THE E-VERIFY PROGRAM PERMANENT.**

6 (a) PERMANENCE.—Section 401(b) of the Illegal Im-  
7 migration Reform and Immigrant Responsibility Act of  
8 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a  
9 note) is amended—

10 (1) in the subsection heading, by striking “;  
11 TERMINATION”; and

12 (2) by striking the second sentence and insert-  
13 ing the following: “The programs provided for under  
14 this subtitle shall not have a termination date.”.

15 (b) PILOT PROGRAM REFERENCES.—Section  
16 401(d)(1) of the Illegal Immigration Reform and Immi-  
17 grant Responsibility Act of 1996 (division C of Public Law  
18 104–208; 8 U.S.C. 1324a note) is amended—

19 (1) in the paragraph heading by striking  
20 “PILOT PROGRAM” and inserting “PROGRAM”; and

21 (2) by striking “3 pilot”.

1 **SEC. 3. VERIFICATION OF CURRENT AND NEWLY HIRED**  
2 **EMPLOYEES; PROTECTION FROM LIABILITY**  
3 **FOR EMPLOYERS VERIFYING EMPLOYEES; IN-**  
4 **FORMATIONAL POSTERS.**

5 Section 403 of the Illegal Immigration Reform and  
6 Immigrant Responsibility Act of 1996 (division C of Pub-  
7 lic Law 104–208; 8 U.S.C. 1324a note) is amended—

8 (1) in subsection (a)(3)(A), by adding at the  
9 end the following: “The person or other entity may  
10 wait for confirmation of the individual’s identity and  
11 work eligibility before beginning to pay or train the  
12 individual.”;

13 (2) in subsection (a)(3), by adding at the end  
14 the following:

15 “(C) CURRENT EMPLOYEES.—Not later  
16 than 14 business days after beginning to par-  
17 ticipate in the program, a person or other entity  
18 may use the program to verify the employment  
19 authorization of an employee hired prior to the  
20 participation in the program only if the person  
21 or other entity verifies the employment author-  
22 ization of every employee hired prior to the par-  
23 ticipation in the program.”;

24 (3) in subsection (a)(4)(B)(iii), by inserting  
25 after “until a nonconfirmation becomes final” the  
26 following: “and the individual exhausts any adminis-

1 trative or judicial review if the individual initiates  
2 such review.”;

3 (4) in subsection (d), by striking “through the  
4 confirmation system.” and inserting the following:

5 “through the confirmation system if—

6 “(1) such action occurred due to an error in the  
7 program that was unknown to the employer at the  
8 time of such action; and

9 “(2) the person or other entity terminates the  
10 employment of the individual upon being informed of  
11 the error.”; and

12 (5) by adding at the end the following:

13 “(e) USE OF FRAUDULENT DOCUMENTATION AND  
14 SANCTIONS.—

15 “(1) FRAUDULENT DOCUMENTATION.—Each  
16 instance of a person or other entity participating in  
17 the program who employs an unauthorized individual  
18 after providing or accepting documentation the per-  
19 son or entity knows to be fraudulent shall—

20 “(A) be treated as a violation of section  
21 274A(a)(1)(B) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1324A(a)(1)(B)) with re-  
23 spect to each offense; and

24 “(B) create a rebuttable presumption that  
25 the employer has violated section 274A(a)(1)(A)

1 of the Immigration and Nationality Act (8  
2 U.S.C. 1324A(a)(1)(A)).

3 “(2) SANCTIONS.—Notwithstanding the  
4 amounts specified in section 274A(e)(5) of the Im-  
5 migration and Nationality Act (8 U.S.C.  
6 1324A(e)(5)), the applicable civil monetary penalty  
7 for a violation under this subsection shall require the  
8 person or entity to pay a civil penalty in an amount  
9 of not less than \$200 and not more than \$2,000 for  
10 each individual with respect to whom such violation  
11 occurred.

12 “(f) INFORMATIONAL POSTERS.—In the case where  
13 the Secretary of Homeland Security requires under this  
14 subtitle a person or other entity to display an informa-  
15 tional poster, such poster shall be written only in English.  
16 The Secretary shall allow a person or other entity with  
17 less than 25 employees to meet any informational poster  
18 requirement by giving its employees a pamphlet meeting  
19 the same requirements and containing the same informa-  
20 tion as the poster.”.

21 **SEC. 4. EFFECTIVE DATE.**

22 The amendments made by this Act shall take effect  
23 180 days after the date of the enactment of this Act.

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