

	McCain-Kennedy/Kolbe-Flake S 1033/HR 2330	Kyl-Cornyn S. 1438	Tancredo HR 3333	Dreier HR 98	Calvert HR 19	Barrett HR 688	Gallegly HR 1770	Hagel S 1917	Gonzalez HR 4038
Technology	<ul style="list-style-type: none"> ◆SSA maintains Employee Eligibility Confirmation System. ◆Machine-readable doc including encryption. ◆Secondary verification that responds in 10 days. ◆Creates a new INA § 274E superceding current I-9 and “Basic Pilot” systems. 	<ul style="list-style-type: none"> ◆Verification system that is interoperable between DHS and SSA; machine readable, tamper-proof ID containing biometrics. ◆Renames the “Basic Pilot” as “Employment Eligibility Verification Program,” or EEVP. 	<ul style="list-style-type: none"> ◆All state employment agencies and employers must use America’s Job Bank. ◆Renames the “Basic Pilot” as “Employment Authorization Status Instant Check” or “EASI Check,” cross-checking the social security database. 	<ul style="list-style-type: none"> ◆Upgraded technology for a new Social Security card made of durable plastic containing anti-tampering technology; magnetic strip that employers can scan to check employment eligibility against an “employment eligibility database.” ◆Card must contain photo; incorporate into the current Basic Pilot requirements. 	<ul style="list-style-type: none"> ◆No new technology proposed but relies on existing “Basic Pilot.” ◆Renames the basic pilot program as the “Employment Eligibility Verification System.” 	<ul style="list-style-type: none"> ◆Social Security cards must have same security feature as \$100-federal reserve note and U.S. passport. ◆Directs DHS to establish a verification system and to work with the Commissioner of SSA to establish a secondary verification system that provides a response in 7 days. 	<ul style="list-style-type: none"> ◆Relies on existing technology in Basic Pilot which verifies the SSN. 	<ul style="list-style-type: none"> ◆Electronic filing of “employment verification documents.” ◆ Fully integrate the DHS and HHS (SSA) databases. 	<ul style="list-style-type: none"> ◆ None
Employee Requirements	<ul style="list-style-type: none"> ◆Must possess machine-readable card to show eligibility. ◆Applies to all workers, including US citizens. 	<ul style="list-style-type: none"> ◆Increased penalty for misuse of SSN and false claim to citizenship. ◆Present machine-readable, tamper resistant SS cards. ◆Must submit to EEVP check when applying for position. 	<ul style="list-style-type: none"> ◆All workers, including US citizens, must submit to EASI check verification. 	<ul style="list-style-type: none"> ◆Must possess such card and present to employer. ◆Eventually transition all employment verification processes to proposed system. ◆ Applicable to all workers, including US citizens. 	<ul style="list-style-type: none"> ◆Must submit to verification through the system. ◆Applies to all workers, including US citizens. 	<ul style="list-style-type: none"> ◆Petitioner must pay \$100 anti-fraud fee for all NIV except A,B,G or S visas ◆Must possess new Social Security Card. All workers including US citizens must comply with this requirement. 	<ul style="list-style-type: none"> ◆All workers, including US citizens, must submit to the verification. 	<ul style="list-style-type: none"> ◆ Present machine-readable or tamper resistant DHS or SS cards, instead of documents from the current list of documents for I-9 purposes. 	<ul style="list-style-type: none"> ◆ No change from current law
Employer Verification Requirements	<ul style="list-style-type: none"> ◆Use electronic job registry and receive good-faith safe haven. ◆Must provide referral letter to employee seeking secondary verification; must supply info on employee to database. 	<ul style="list-style-type: none"> ◆Mandates use of EEVP by all employers. ◆Good faith defense for employers who use EEVP. ◆Requirement applies to hiring of all workers, including US citizens. 	<ul style="list-style-type: none"> ◆Mandatory use of EASI check. ◆Good defense for use of EASI check. 	<ul style="list-style-type: none"> ◆All must follow procedure that DHS is to set forth to verify eligibility; may phone in inquiry or have electronic equipment to scan card. ◆Good faith defense for hiring and firing if error in the system and employer has no actual knowledge. 	<ul style="list-style-type: none"> ◆All employers must participate in verification system, which will become mandatory incrementally over the next 7 years. 	<ul style="list-style-type: none"> ◆All must use Basic Pilot within 3 days of hiring. If not, then no good faith defense. ◆ May not terminate employment until non-verification becomes final. ◆Must retain verification documentation for inspection for 3 years, and 1 year after termination. 	<ul style="list-style-type: none"> ◆Employers at critical infrastructure sites to participate in the Basic Pilot program. ◆ Unlawful for such employers to authorize an employee's access to critical infrastructure after receiving a notification of non-confirmation from the commissioner of Social Security. 	<ul style="list-style-type: none"> ◆Participate in mandatory Employment Eligibility Verification System per time frame below. 	<ul style="list-style-type: none"> ◆ No change from current law

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Implementation	<ul style="list-style-type: none"> Machine-readable visa within 6 months of enactment. "Gradual" phase out of current system at a schedule to be determined by the HHS and DHS. 	<ul style="list-style-type: none"> Mandatory participation in EEVP 12 months after enactment. 3 months after enactment to begin work on new SS card, and 1 year after enactment SSA must issue new card. 	<ul style="list-style-type: none"> Federal agencies, gov't contractors and employers of over 50 must use EASI Check w/in 1 year of enactment. Employers of 20 or more must use system in 2 years. All others have 3 years. 	<ul style="list-style-type: none"> Database must be complete and employers must begin using the new system 2 years after enactment. 	<ul style="list-style-type: none"> Gradual phasing in: Employers with 10k or more workers must comply within 1 year, 5K workers 2 years, 1K workers 3 years, 500 workers 4 years, 250 workers 5 years, 100 workers 6 years, and all employers 7 years. 	<ul style="list-style-type: none"> All social security cards issued after January 1, 2008 shall be secured social security account number cards. Verification system must be operational 2 years from enactment. 	<ul style="list-style-type: none"> Affected employers must participate in program within 1 year of enactment. 	<ul style="list-style-type: none"> Gradual phase in: 5K+ workers-2 yrs 1K+ workers-3 yrs 250+ workers-4 yrs Others-5 years Sec'y of Commerce must certify system does not discriminate and won't delay hiring for more than 5 days before moving to next phase. 	<ul style="list-style-type: none"> 30 days from enactment
Penalties	<ul style="list-style-type: none"> Amends section 274B to increase amount of fines. 	<ul style="list-style-type: none"> Increase penalty for hiring illegal workers. 	<ul style="list-style-type: none"> Increases monetary penalties in INA § 274A (e)(4) (i)-(iii) to \$5K, \$10K and \$25K respectively. Doubles civil penalty for misrep in LCA from \$1K-\$35K to \$2K-\$70K. 	<ul style="list-style-type: none"> Up to \$50K fine for EACH violation; must reimburse government for deportation costs. In case of non-payment of fine; government may sue in any district wherever assets are located, regardless of amount in controversy. 	<ul style="list-style-type: none"> Noncompliance of the new requirement to participate will result in sanctions, but there is no enhanced penalty in addition to the existing law. 	<ul style="list-style-type: none"> Specifically directs DHS to issue cease and desist orders and to impose a fine (of unspecified amount) for violation of the provision prohibiting acceptance of consulate issued ID. 	<ul style="list-style-type: none"> Failure to use the confirmation system is a violation of INA §274A(a)(1)(B). 	<ul style="list-style-type: none"> Up to \$5,000 and 3 yrs of imprisonment for false claim to USC for employment. Criminal penalty for misuse of SSN by individual or improper disclosure of SSN by gov't official. 	<ul style="list-style-type: none"> Increases fine per violation to \$50,000. Denial of agricultural assistance for violators. Good faith defense stricken from current law.
Resources		<ul style="list-style-type: none"> 2000 new agents on worksite enforcement. 1000 new agents on fraud investigation. \$5 million each of next 5 years to create electronic record to replace current A-files. 	<ul style="list-style-type: none"> For FY 2006, 2,000 new CBP inspectors. 300 new attorneys. 500 new special agents. 2000 new deportation officers. 	<ul style="list-style-type: none"> \$10 million grant for technology to carry out this section. Increase by 10,000 the number of agents doing employer sanctions. 	<ul style="list-style-type: none"> Authorization of appropriations. No new agents. 			<ul style="list-style-type: none"> (Per S. 1916) Authorizes unspecified amount of funding for additional personnel, including employer sanctions agents. 	<ul style="list-style-type: none"> None
Cosponsors	Brownback-Lieberman Graham-Salazar 18 cosponsors in House		Burgess (TX)-Jones (NC)	53 cosponsors in House	27 Cosponsors in House	Alexander (LA)- Bradley (NH)- Brown-waite (FL)- Goode (VA)- Myrick (NC)- Platts (PA)- Tancredo (CO)	21 cosponsors in House	None	Reyes