



## **E-Verify**

The E-Verify Employment Eligibility Verification Program is a web-based system that allows employers to confirm the eligibility of employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS).

The system was first authorized as the Basic Pilot Program in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and was implemented by the then Immigration and Naturalization Service (INS) in conjunction with the SSA. The program is currently administered by SSA and U.S. Citizenship and Immigration Services (USCIS).

### **Participation**

E-Verify is a voluntary program. However, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to enroll in E-Verify as a condition of federal contracting. In addition, numerous states and municipalities have passed legislation requiring use of the program for some or all employers, including:

- All or most employers: AL, AZ, GA, IN, LA, MS, NC, SC, TN, TX, UT
- Public employers and/or contractors: CO, FL, ID, IL, KS, MN, MO, NE, OK, PA, VA
- Employers through Local or Municipal Requirements only: MI (Ingham, Macomb & Oakland Counties), NY (Suffern Village), OR (Columbia County), WA (Clark, Cowlitz, Lewis, Pierce, Whatcom, Yakima Counties & Cities of Hoquiam, Kennewick, Lakewood)

### **Efforts to Make Program Permanent & Mandatory**

Originally scheduled to terminate in November 2001, Congress has repeatedly extended the E-Verify program, often only one year at a time. It is currently set to expire on September 30, 2019.

Electronic employment eligibility verification measures have been introduced in recent Congresses. Among these measures are bills that have variously proposed to make E-Verify permanent, make E-Verify mandatory for all employers or a subset of employers, permit or require the verification of previously hired workers through E-Verify, and authorize a new electronic employment eligibility verification system. In addition, President Trump has repeatedly voiced his support of making the E-Verify program mandatory nationwide.

As of now, none of these broad measures have been signed into law.

Current legislative proposals in the 116<sup>th</sup> Congress include:

***S. 301 – E-Verify Act of 2019***

- Introduced by Sen. Rob Portman (R-OH) on January 31, 2019
- Would make an electronic employment eligibility verification system permanent and mandatory for all employers after a 4-year phase-in period.

***S. 1806 - Permanent E-Verify Act***

- Introduced by Sen. Mitt Romney (R-UT) on June 12, 2019
- Would make the E-Verify program permanent

***S. 556 – Accountability Through Electronic Verification Act***

- Introduced by Sen. Chuck Grassley (R-IA) on February 26, 2019
- Would permanently reauthorize the E-Verify program and make use of the program mandatory for all employers to verify the employment eligibility of all employees (both existing and new hires)

***H.R. 1399 – Accountability Through Electronic Verification Act***

- Introduced by Rep. Mo Brooks (R-AL-05) on February 27, 2019
- Companion measure to the Senate bill

***H.R. 250 – Legal Workforce Act***

- Introduced by Rep. Ken Calvert (R-CA-42) on January 4, 2019
- Would make an electronic employment eligibility verification system permanent and mandatory for all employers