

Subtitle A—Employment Eligibility Verification Required

SEC. 911. MANDATORY USE OF VERIFICATION SYSTEM.

Section 274A of the Immigration and Nationality Act ([8 U.S.C. 1324a](#)) is amended by striking subsections (a) through (h) and inserting the following:

"(a) Making employment of unauthorized aliens unlawful.—

"(1) In general.—It is unlawful for a person or other entity—

"(A) to hire, or to recruit or refer, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in subsection (i)(8)) with respect to such employment, or

"(B) to hire, continue to employ, or to recruit or refer, for employment in the United States an individual without complying with the requirements of subsection (b).

"(2) Continuing employment.—It is unlawful for a person or other entity, after complying with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Defense.—A person or entity that establishes that it has used the verification system (as provided in subsection (d)) or otherwise complied in good faith with the requirements of subsection (b) with respect to the hiring, continuation of employment, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1) with respect to such hiring, continuation of employment, recruiting, or referral, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

"(4) Use of labor through contract.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after November 6, 1986, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (i)(8)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) Use of State employment agency documentation.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Secretary), if the person or entity has and retains, for the period and in the manner described in subsection (b)(1)(C), appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(6) Treatment of documentation for certain employees.—

"(A) In general.—For purposes of this section, if—

"(i) an individual is a member of a collective-bargaining unit and is employed, under a collective bargaining agreement entered into between 1 or more employee organizations and an association of 2 or more employers, by an employer that is a member of such association, and

"(ii) within the period specified in subparagraph (B), another employer that is a member of the association (or an agent of such association on behalf of the employer) has complied with the requirements of subsection (b) with respect to the employment of the individual,

"the subsequent employer shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of the employee and shall not be liable for civil penalties described in subsection (e)(5).

"(B) Period.—The period described in this subparagraph is 3 years, or, if less, the period of time that the individual is authorized to be employed in the United States.

"(C) Liability.—

"(i) In general.—If any employer that is a member of an association hires for employment in the United States an individual and relies upon the provisions of subparagraph (A) to comply with the requirements of subsection (b) and the individual is an alien not authorized to work in the United States, then for the purposes of paragraph (1)(A), subject to clause (ii), the employer shall be presumed to have known at the time of hiring or afterward that the individual was an alien not authorized to work in the United States.

"(ii) Rebuttal of presumption.—The presumption established by clause (i) may be rebutted by the employer only through the presentation of clear and convincing evidence that the employer did not know (and could not reasonably have known) that the individual at the time of hiring or afterward was an alien not authorized to work in the United States.

"(iii) Exception.—Clause (i) shall not apply in any prosecution under subsection (f)(1).

"(b) Employment verification process.—

"(1) New hires, recruitment, and referral.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

"(A) Attestation after examination of documentation.—

"(i) Attestation.—During the verification period (as defined in subsection (i)(9)), the person or entity must attest, under penalty of perjury and on a form, including electronic and telephonic formats, designated or established by the Secretary by regulation not later than March 1, 2027, that it has verified that the individual is not an unauthorized alien by—

"(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

"(II) examining—

"(aa) a document relating to the individual presenting it described in clause (ii); or

"(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

"(ii) Documents establishing both employment authorization and identity.—A document described in this clause is an individual's—

"(I) unexpired United States passport or passport card;

"(II) unexpired permanent resident card that contains a photograph;

"(III) unexpired employment authorization card that contains a photograph;

"(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

"(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or

"(VI) other document designated by the Secretary, if the document—

"(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary finds, by regulation, sufficient for purposes of this clause;

"(bb) is evidence of authorization of employment in the United States, and

"(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

"(iii) Documents evidencing employment authorization.—A document described in this clause is an individual's—

"(I) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States); or

"(II) other documentation evidencing authorization of employment in the United States which the Secretary finds, by regulation, to be acceptable for purposes of this section.

"(iv) Documents establishing identity of individual.—A document described in this clause is—

"(I) an individual's unexpired State-issued driver's license or identification card, if it contains a photograph of the individual and information such as name, date of birth, gender, height, eye color, and address;

"(II) an individual's unexpired United States military identification card;

"(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

"(IV) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

"(v) Authority to prohibit use of certain documents.—If the Secretary finds, by regulation, that any document described in clause (ii), (iii), or (iv), as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this subsection.

"(vi) Signature.—Such attestation may be manifested by either a handwritten or electronic signature.

"(B) Individual attestation of employment authorization.—During the verification period (as defined in subsection (i)(9)), the individual must attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this chapter or by the Secretary to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or an electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

"(C) Retention of verification form and verification.—

"(i) In general.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity must—

"(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period—

"(aa) in the case of the recruiting or referral of an individual, ending 3 years after the date of the recruiting or referral, and

"(bb) in the case of the hiring of an individual, ending 3 years after the date on which the verification is completed, or 1 year after the date the individual's employment is terminated, whichever is later; and

"(II) if required by subparagraph (D), make an inquiry (as provided in subsection (d)) using the verification system, during the verification period, to seek verification of the identity and employment eligibility of an individual.

"(ii) Confirmation.—

"(I) Confirmation received.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

"(II) Tentative nonconfirmation received.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure.

"(III) Final confirmation or nonconfirmation received.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

"(IV) Extension of time.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

"(V) Consequences of nonconfirmation.—

"(aa) Termination or notification of continued employment.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of such fact through the verification system or in such other manner as the Secretary may specify.

"(bb) Failure to notify.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

"(VI) Continued employment after final nonconfirmation.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

"(D) Staggered mandate for new hires, recruitment, and referral.—

"(i) Use required.—Use of the verification system (as provided in subsection (d)) is required for purposes of this paragraph—

"(I) with respect to employers having 10,000 or more employees in the United States, beginning on April 1, 2027;

"(II) with respect to employers having 1,000 or more employees in the United States, beginning on October 1, 2027;

"(III) with respect to employers having 100 or more employees in the United States, beginning on April 1, 2028;

"(IV) with respect to all other employers in the United States, beginning on January 1, 2029; and

"(V) with respect to a person or other entity recruiting or referring an individual for employment in the United States, beginning on August 1, 2027.

"(ii) Transition rule.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clause (i):

"(I) This subsection, as in effect on the day before the date of enactment of this Act.

"(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1324a note](#)), as in effect on the day before the date of enactment of this Act.

"(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program, as in effect on the day before the date of enactment of this Act, including Executive Order 13465 ([8 U.S.C. 1324a note](#); relating to Government procurement).

"(iii) Existing workforce.—Verification of individuals employed before the applicable date under clause (i) shall be governed by paragraph (3).

"(E) Job offer may be conditional.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph, even if such verification is not required by law.

"(2) Reverification for individuals with limited work authorization.—

"(A) In general.—A person or entity required by paragraph (1)(D) to make an inquiry (as provided in subsection (d)) shall use the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the 3 business days before the date on which the employee's work authorization expires.

"(B) Reverification.—Clause (ii) of paragraph (1)(C) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

"(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

"(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

"(3) Previously hired individuals.—

"(A) On a mandatory basis for certain employees.—

"(i) In general.—Not later than July 1, 2027, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program.

"(ii) Individuals described.—An individual described in this clause is any of the following:

"(I) An employee of any unit of a Federal, State, or local government.

"(II) An employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential.

"(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

"(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12, are administrative or overhead personnel, or are working solely on contracts that provide commercial off-the-shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

"(bb) only applies to contracts over the simple acquisition threshold as defined in [section 2.101 of title 48](#), Code of Federal Regulations.

"(B) On a mandatory basis for existing workforce.—

"(i) Employers with 10 or more employees.—Not later than July 1, 2028, an employer having 10 or more employees in the United States shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of each individual employed by the employer in the United States whose employment eligibility has not been verified under the E-Verify Program.

"(ii) All other employers.—Not later than January 1, 2029, each employer not described in clause (i) shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of each individual employed by the employer in the United States whose employment eligibility has not been verified under the E-Verify Program.

"(C) On a mandatory basis for multiple users of same Social Security account number.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

"(i) The Commissioner of Social Security shall notify annually employees, at the employee address listed on the Wage and Tax Statement, who submit a social security account number to which more than 1 employer reports income and for which there is a

pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

"(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

"(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

"(D) On a voluntary basis before applicable deadline.—Subject to subparagraphs (A), (B), and (C), beginning on November 2, 2026, and before the applicable deadline under subparagraph (B), an employer may seek verification of the identity and employment eligibility of any individual employed by the employer using the E-Verify Program, the verification system described in subsection (d), or any successor system designated by the Secretary.

"(E) Verification.—Clause (ii) of paragraph (1)(C) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

"(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

"(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

"(4) Early compliance.—

"(A) Former E-Verify required users, including Federal contractors.—The Secretary is authorized to commence requiring employers required to participate in the E-Verify Program, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

"(B) Former E-Verify voluntary users and others desiring early compliance.—The Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program, as well as by other employers seeking voluntary early compliance.

"(5) Copying of documentation permitted.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(6) Limitation on use of forms.—A form designated or established by the Secretary under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter and sections 1001, 1028, 1546, and 1621 of title 18.

"(7) Good faith compliance.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), a person or entity is considered to have complied with a requirement of subsection (b) notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

"(B) Exception if failure to correct after notice.—Subparagraph (A) shall not apply if—

"(i) the Secretary has explained to the person or entity the basis for the failure,

"(ii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure, and

"(iii) the person or entity has not corrected the failure voluntarily within such period.

"(C) Exception for pattern or practice violators.—Subparagraph (A) shall not apply to a person or entity that has or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

"(8) Single extension of initial deadline upon certification.—In a case in which the Secretary of Homeland Security has certified to Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by April 1, 2027, the deadline established under paragraph (1)(D)(i)(I) shall be extended to July 1, 2027. No other deadline established under this section shall be extended under this paragraph.

"(c) No authorization of national identification cards.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) Employment eligibility verification system.—

"(1) In general.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1324a note](#)), the Secretary of Homeland Security shall establish and administer a

verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

"(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(2) Initial response.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

"(3) Secondary confirmation process in case of tentative nonconfirmation.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

"(4) Design and operation of system.—The verification system shall be designed and operated—

"(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

"(B) to respond accurately to all inquiries made by such persons and entities on whether individuals are authorized to be employed, to register all times when the system is unable to receive such inquiries, and to verify records maintained by the Secretary, other Federal departments, States, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including—

"(i) records maintained by the Social Security Administration;

"(ii) birth and death records maintained by vital statistics agencies of any State or other jurisdiction in the United States;

"(iii) passport and visa records (including photographs) maintained by the Department of State; and

"(iv) State driver's license or identity card information (including photographs) maintained by State department of motor vehicles;

"(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(D) to preserve the security of the information in the system by—

"(i) developing and using algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

"(ii) developing and using algorithms to detect misuse of the system by employers and employees;

"(iii) developing capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system;

"(iv) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees; and

"(v) allowing for auditing use of the system to detect fraud, misuse, or identity theft;

"(E) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(i) the selective or unauthorized use of the system to verify eligibility; or

"(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

"(F) to limit the subjects of verification to the following individuals:

"(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b);

"(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b); or

"(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

"(5) Responsibilities of Commissioner of Social Security.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for

employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act ([42 U.S.C. 405\(c\)\(2\)\(I\)](#)).

"(6) Responsibilities of Secretary of Homeland Security.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

"(7) Updating information.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

"(8) Critical infrastructure.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 ([42 U.S.C. 5195c\(e\)](#))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

"(9) Remedies.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.

"(e) Compliance.—

"(1) Complaints and investigations.—The Secretary shall establish procedures—

"(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a) or (g)(1);

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

"(C) for the investigation of such other violations of subsection (a) or (g)(1) as the Secretary determines to be appropriate; and

"(D) for the designation in the Department of Homeland Security of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) or (g)(1) under this subsection.

"(2) Authority in investigations.—In conducting investigations and hearings under this subsection—

"(A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated;

"(B) administrative law judges may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing; and

"(C) immigration officers designated by the Secretary may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).

"In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) Hearing.—

"(A) In general.—Before imposing an order described in paragraph (4), (5), or (6) against a person or entity under this subsection for a violation of subsection (a) or (g)(1), the Secretary shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary) of the date of the notice, a hearing respecting the violation.

"(B) Conduct of hearing.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of [section 554 of title 5](#), United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order.

"(C) Issuance of orders.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a) or (g)(1), the administrative law judge shall state the administrative law judge's findings of fact and issue and cause to be served on such person or entity an order described in paragraph (4), (5), or (6).

"(4) Cease and desist order with civil money penalty for hiring, recruiting, and referral violations.—With respect to a violation of subsection (a)(1)(A) or (a)(2), the order under this subsection—

"(A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of, subject to paragraph (10),—

"(i) not less than \$2,500 and not more than \$20,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred,

"(ii) not less than \$20,000 and not more than \$50,000 for each such alien in the case of a person or entity previously subject to 1 order under this paragraph, or

"(iii) not less than \$30,000 and not more than \$100,000 for each such alien in the case of a person or entity previously subject to more than 1 order under this paragraph; and

"(B) may require the person or entity to take such other remedial action as is appropriate.

"(5) Order for civil money penalty for violations.—With respect to a violation of subsection (a)(1)(B), the order under this subsection shall require the person or entity to pay a civil penalty in an amount of not less than \$2,500 and not more than \$25,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the good faith of the employer being charged, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations. Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).

"(6) Order for prohibited indemnity bonds.—With respect to a violation of subsection (g)(1), the order under this subsection may provide for the remedy described in subsection (g)(2).

"(7) Administrative appellate review.—The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary unless either (A) within 30 days, an official delegated by regulation to exercise review authority over the decision and order modifies or vacates the decision and order, or (B) within 30 days of the date of such a modification or vacation (or within 60 days of the date of decision and order of an administrative law judge if not so modified or vacated) the decision and order is referred to the Secretary pursuant to regulations, in which case the decision and order of the Secretary shall become the final agency decision and order under this subsection. The Secretary may not delegate the Secretary's authority under this paragraph to any entity which has review authority over immigration-related matters.

"(8) Judicial review.—A person or entity adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(9) Enforcement of orders.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity, the Secretary shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(10) Exemption from penalty for good faith.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring, continuation of employment, recruitment, or referral by a person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

"(11) Authority to debar employers for certain violations.—

"(A) In general.—If a person or entity is determined by the Secretary to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, the Secretary shall debar such person or entity from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment procedures set forth in the Federal Acquisition Regulation maintained under [section 1303\(a\)\(1\) of title 41](#), United States Code.

"(B) Penalty.—If the Secretary debars a person or entity in accordance with this paragraph, the Administrator of General Services shall include the person or entity on the List of Parties Excluded from Federal Procurement for not more than 5 years.

"(C) Review.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

"(f) Criminal penalties and injunctions for pattern or practice violations.—

"(1) Criminal penalty.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (a)(2) shall be fined not more than \$50,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) Enjoining of pattern or practice violations.—Whenever the Secretary has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Secretary may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Secretary deems necessary.

"(g) Prohibition of indemnity bonds.—

"(1) Prohibition.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) Civil penalty.—Any person or entity which is determined, after notice and opportunity for an administrative hearing under subsection (e), to have violated paragraph (1) shall be subject to a civil penalty of \$25,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) Miscellaneous provisions.—

"(1) Documentation.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) Preemption.—

"(A) Single, national policy.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

"(B) State enforcement of Federal law.—

"(i) Business licensing.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

"(ii) General rules.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide to each State copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section.

"(i) Definitions.—As used in this section:

"(1) Agricultural labor or services.—The term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203\(f\)](#)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities.

"(2) Date of hire.—The term 'date of hire' means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.

"(3) Entity.—The term 'entity' includes an entity in any branch of the Federal Government.

"(4) E-Verify.—The term 'E-Verify' means the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1324a note](#)).

"(5) Recruit.—The term 'recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that

refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

"(6) Refer.—The term 'refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

"(7) Secretary.—The term 'Secretary' means the Secretary of Homeland Security.

"(8) Unauthorized alien.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this chapter or by the Secretary.

"(9) Verification period.—The term 'verification period' means—

"(A) in the case of recruitment or referral, the period ending on the date recruiting or referring commences; or

"(B) in the case of hiring, the period beginning on the date on which an offer of employment is extended and ending on the date that is 3 business days after the date of hire, except that, in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends 3 business days after the alien receives the social security account number."

SEC. 912. VERIFICATION PROGRAM FUNDED BY DEPARTMENT OF HOMELAND SECURITY.

(a) Funding under agreement.—Effective for fiscal years beginning on or after October 1, 2026, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(d\)](#)), as amended by section 911, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) Continuation of employment verification in absence of timely agreement.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2026, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(d\)](#)) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 913. FRAUD PREVENTION.

(a) Blocking misused social security account numbers.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(d\)](#)), as amended by section 911, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) Allowing suspension of use of certain social security account numbers.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section

274A(d) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(d\)](#)), as amended by section 911. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) Allowing parents to prevent theft of their child's identity.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(d\)](#)), as amended by section 911. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 914. REPEAL OF OLD PROGRAM.

(a) In general.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1324a note](#)) is repealed.

(b) References.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1324a note](#)) is deemed to refer to the employment eligibility confirmation system established under [section 274A\(d\) of the Immigration and Nationality Act](#), as amended by section 911.

(c) Clerical amendment.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

(d) Effective date.—This section shall take effect on January 1, 2029.

Subtitle B—Farm Worker Modernization

PART I—DOMESTIC AGRICULTURAL WORKERS

SEC. 921. DEFINITIONS AND DETERMINATIONS.

(a) In this part:

(1) In general.—Except as otherwise provided, any term used in this part that is used in the immigration laws shall have the meaning given such term in the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act ([8 U.S.C. 1101](#))).

(2) Agricultural labor or services.—The term "agricultural labor or services" means—

(A) agricultural labor or services as such term is used in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(15\)\(H\)\(ii\)](#)), without regard to whether the labor or services are of a seasonal or temporary nature; and