118TH CONGRESS
1ST SESSION

H. R. 4430

To amend the Immigration and Nationality Act to provide for improved
data privacy in the operation of the employment verification system.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mr. MCCORMICK (for himself and Mr. MASSIE) introduced the following bill;
which was referred to the Committee on the Judiciary, and in addition
to the Committee on 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 con-
cerned

A BILL

To amend the Immigration and Nationality Act to provide
for improved data privacy in the operation of the employ-
ment verification system.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "E-Verify Data Privacy

5 and Wrongful Unemployment Act of 2023".

SEC. 2. DATA PRIVACY.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended in subsection (d)(2)(D), to read as follows—

"(D) PRIVACY OF INFORMATION.—

"(i) IN GENERAL.—Any verification system established by this Section or Section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) must—

"(I) protect the privacy and security of personal information and identifiers utilized in the system; and

"(II) not include data pertaining to—

"(aa) race;

"(bb) religious, political or philosophical beliefs;

"(cc) genetic data;

"(dd) biometric information; or

"(ee) health information or vaccination status.

"(ii) INSPECTOR GENERAL REPORT.— The Inspector General of the Department of Homeland Security shall conduct an an-

1 nual study, and publicly make available on
2 its website a report thereon, determining if
3 any verification system system established
4 by this section or section 401 of the Illegal
5 Immigration Reform and Immigrant Re-
6 sponsibility Act of 1996 (8 U.S.C. 1324a
7 note) is being operated in accordance with
8 this section, and other applicable laws, and
9 shall specify any instance in which clause
10 (i)(I) or (II) was violated.''.

11 **SEC. 3. CORRECTING WRONGFUL UNEMPLOYMENT.**

12 (a) TEMPORARY EMPLOYMENT ON GOOD FAITH
13 BASIS.—If an employer reasonably believes that any
14 verification system established by section 401 of the Illegal
15 Immigration Reform and Immigrant Responsibility Act of
16 1996 (8 U.S.C. 1324a note) wrongfully failed to verify an
17 individual with a final nonconfirmation, that employer
18 may hire that individual for not longer than 180 days. The
19 employer shall inform the Secretary immediately of such
20 believed wrongful failure, and of the employment of the
21 individual. If the Secretary determines thereafter that the
22 failure was not wrongful and informs the employer, the
23 employer shall terminate the employment of that indi-
24 vidual immediately.

1   (b) REMEDIES.—If an individual alleges that the in-
2 dividual would not have been dismissed from a job or
3 would have been hired for a job but for an error of any
4 verification mechanism established by section 401 of the
5 Illegal Immigration Reform and Immigrant Responsibility
6 Act of 1996 (8 U.S.C. 1324a note), the individual may
7 seek compensation only through the mechanism of the
8 chapter 171 of title 28, United States Code, and injunctive
9 relief to correct such error. No class action may be
10 brought under this paragraph.

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