

113TH CONGRESS
1ST SESSION

H. R. 478

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to make the E-Verify Program permanent and mandatory, and to provide for certain changes to procedures for participants in the Program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2013

Mr. GINGREY of Georgia 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 concerned

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to make the E-Verify Program permanent and mandatory, and to provide for certain changes to procedures for participants in the Program.

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 Moderniza-
5 tion Act of 2013”.

1 **SEC. 2. E-VERIFY MADE PERMANENT AND MANDATORY.**

2 (a) **MADE PERMANENT.**—Section 401(b) of the Ille-
3 gal Immigration Reform and Immigrant Responsibility
4 Act of 1996 (8 U.S.C. 1324a note) is amended by adding
5 before the period at the end of the last sentence the fol-
6 lowing: “, except that the E-Verify Program described in
7 section 403(a) shall be a permanent program”.

8 (b) **MADE MANDATORY.**—Section 402 of such Act is
9 amended—

10 (1) in subsection (a), by inserting after “Except
11 as specifically provided in subsection (e)” the fol-
12 lowing: “or subsection (g)”; and

13 (2) by adding at the end the following:

14 “(g) **MANDATORY PARTICIPATION IN THE E-VERIFY**
15 **PROGRAM.**—Not later than 60 days after the date of en-
16 actment of the E-Verify Modernization Act of 2013, every
17 person or other entity that hires one or more individuals
18 for employment in the United States shall elect to partici-
19 pate in the E-Verify program described in section 403(a),
20 and shall comply with the terms and conditions of such
21 an election, including by verifying through the E-Verify
22 program that each such individual is authorized to work
23 in the United States.”.

1 **SEC. 3. PROCEDURES FOR PARTICIPANTS.**

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

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

10 (2) in subsection (a)(3), by adding at the end
11 the following:

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

21 (3) in subsection (a)(4)(B)(iii), by inserting
22 after “until a nonconfirmation becomes final” the
23 following: “and the individual exhausts any adminis-
24 trative or judicial review if the individual initiates
25 such review.”.