UNITED STATES HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
CHAIRMAN BOB GOODLATTE

The Legal Workforce Act | Rep. Lamar Smith (R-Texas)

The Facts:

- E-Verify is a web-based program that discourages illegal immigration by ensuring jobs are only made available to those authorized to work in the U.S. Created in 1996 and operated by U.S. Citizenship and Immigration Services (USCIS), E-Verify checks the social security numbers of newly hired employees against Social Security Administration and Department of Homeland Security records to help ensure that they are genuinely eligible to work in the U.S.
- E-Verify is free, quick, and easy to use. It quickly confirms 99.7% of work-eligible employees and takes less than two minutes to use. Nearly 580,000 American employers currently use E-Verify.
- In October 2014, USCIS launched "My E-Verify" to protect against identity theft, allowing people to lock their social security number so that it can't be used by another person to get a job.
- Nearly 6 in 10 of America's smallest businesses believe every employer should have to use E-Verify. And 85% of Americans support requiring all U.S. employers to use E-Verify.

Summary:

- **Repeals I-9 System:** The *Legal Workforce Act* repeals the current paper-based I-9 system and replaces it with a completely electronic work eligibility check, bringing the process into the 21st century. However if an employer chooses to keep using the paper-based I-9 system they may do so.
- **Gradual Phase-In:** Phases-in mandatory E-Verify participation for new hires in six month increments beginning on the date of enactment. Within six months of enactment, businesses having more than 10,000 employees are required to use E-Verify. Within 12 months of enactment, businesses having 500 to 9,999 employees are required to use E-Verify. Eighteen months after enactment, businesses having 20 to 499 employees must use E-Verify. And 24 months after enactment, businesses having 1 to 19 employees must use E-Verify. Allows a one-time six month extension of the initial phase-in. It also requires that employees performing "agricultural labor or services" are subject to an E-Verify check within 36 months of the date of enactment.
- **Voluntary Use:** Allows employers to use E-Verify to check the work eligibility of their current employees as long as they do so in a nondiscriminatory manner and of all employees who are in the same geographic location or in the same job category.
- **States as Partners:** Preempts duplicative state laws mandating E-Verify use but gives states prominent roles in enforcing the law. Specifically, it retains the ability of states and localities to condition business licenses on the requirement that the employer use E-Verify in good faith under federal law. In addition, the bill allows states to enforce the federal E-Verify requirement and incentivizes them to do so by letting them keep the fines they recover from employers who violate the law.
- **Protects Against Identity Theft:** The bill allows individuals to lock their Social Security number (SSN) so that it can't be used by another person to get a job. It also allows parents or legal guardians to lock the SSN of their minor child. And if a SSN shows a pattern of unusual multiple use, DHS is required to lock the SSN and alert the owner that their personal information may have been compromised.
- **Safe Harbor:** Grants employers safe harbor from prosecution if they use the E-Verify program in good faith, and through no fault of their own, receive an incorrect eligibility confirmation.
- **Strengthened Penalties:** The bill raises penalties on employers who knowingly hire illegal immigrants in violation of the requirements of the bill. The bill also creates a penalty for individuals (employees or employers) who knowingly submit false information to the E-Verify system.
- **Identity Authentication Pilot Programs:** The bill requires DHS to conduct at least two pilot programs aimed at using technology within the E-Verify system to help further prevent identity theft in the system.