

**The “New Employee Verification Act of 2009” (NEVA), H.R. 2028
Summary of Changes Compared to H.R. 5515 from the 110th Congress**

- Incorporates provisions from H.R. 6633, the “Employee Verification Amendment Act of 2008.” This bipartisan legislation, introduced by Gabrielle Giffords (D-AZ), was approved by the House during the 110th Congress by a vote of 407 to 2. The provisions would provide for the following until NEVA is fully implemented: an extension of E-Verify, protection of Social Security by requiring an agreement between the Social Security Administration (SSA) and the Department of Homeland Security (DHS) to provide full and advance funding to SSA for its E-Verify costs. Also, the legislation requires two GAO studies on E-Verify errors and impact on small business, the results of which would be taken into account in the implementation of NEVA.
- Clarifies that the Electronic Employment Verification System (EEVS) shall be established using the employer data entry infrastructure of (not utilizing information in) the National Directory of New Hires.
- Within the requirements for the Electronic Employment Verification System (EEVS), includes that EEVS shall, as is appropriate and effective, utilize elements of the employment eligibility confirmation system (now known as E-Verify) infrastructure.
- Clarifies the definition of “subject employer” required to use EEVS to mirror the definition of “employer” in the Immigration and Nationality Act.
- Clarifies that the private sector representatives of affected industries and groups for the membership of the Employment Verification Advisory Panel includes immigration policy organizations.
- Clarifies that an employer shall not terminate an employee until receiving a final disapproval notice, unless there is good cause for dismissal for a reason other than failure to obtain approval of employment eligibility.
- Requires that the Commissioner, in consultation with the Secretary of Homeland Security, shall issue either an approval or disapproval notice to the employer through the EEVS not later than 10 business days after the date on which the individual contests their initial disapproval.
- Clarifies the required EEVS design and technology standards.

- Requires the Commissioner and the Secretary of Homeland Security to conduct a study of the feasibility of a mechanism to update all Social Security records on a continuous basis with immigration and work authorization status to permit the Commissioner to respond to employer inquiries through the EEVS without the necessity of accessing other databases. Study findings will be provided to the Committees of jurisdiction in the Congress no later than one year after the date of enactment.
- Clarifies that the Commissioner, in support of the EEVS, shall establish whether the name and Social Security number (SSN) submitted belongs to any child.
- Requires the Commissioner to seek to assign SSNs to all aliens who are authorized to work in the United States at the time of entry to the United States or at the time of acquisition of work authorized status by employing enumeration procedures administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security.
- Clarifies that procedures allowing an individual to block their SSN shall ensure the authentication of the identity of the individual requesting the block.
- Makes other technical clarifying language throughout the bill.