

**AMENDMENT TO THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE OFFERED
BY MR. SMITH OF TEXAS
OFFERED BY MR. CONYERS**

[H.R. 3711]

In section 2, in the 8th sentence of the proposed subsection (b)(1)(C)(ii)(II), strike “individual” the first place it appears and insert “individual, or take other adverse employment action against the individual,”.

In section 2, in the proposed subsection (b)(1)(C)(ii)(II), add at the end the following: “The failure of a person or other entity to comply with the requirements of this subclause with respect to an individual shall be deemed to constitute a violation of subsection (a)(1)(A) just not sure what the implication with respect to that individual.”.

In section 2, in the proposed subsection (b)(1)(E), strike the last sentence of clause (i)(II) and amend clause (ii) to read as follows:

1 “(ii) CONSEQUENCE OF UNAUTHOR-
2 IZED USE OF SYSTEM.—Use of the
3 verification system prior to the verification

1 period described in clause (i) with respect
2 to an individual shall be deemed to con-
3 stitute a violation of subsection (a)(1)(A)
4 with respect to that individual.”.

In section 2, in the proposed subsection (b)(3)(C),
strike “system.” and insert the following: “system. A fail-
ure to comply with the preceding sentence with respect
to an individual shall be deemed to constitute a violation
of subsection (a)(1)(A) with respect to that individual.”.

Insert the following after section 8 (and redesignate
provisions accordingly):

5 **SEC. 9. UNFAIR IMMIGRATION-RELATED EMPLOYMENT**
6 **PRACTICES.**

7 Section 274B(a) of the Immigration and Nationality
8 Act (8 U.S.C. 1324b(a)) is amended by adding at the end
9 the following :

10 “(7) MISUSE OF VERIFICATION SYSTEM.—It is
11 an unfair immigration-related employment practice
12 for a person or other entity to intentionally—

13 “(A) fail to notify an individual of the re-
14 ceipt of a tentative nonverification of an indi-
15 vidual’s identity or work eligibility, as required
16 by section 274A(b)(1)(C)(ii)(II);

1 “(B) take an adverse employment action
2 (including rescinding an offer of employment,
3 terminating employment, or withholding com-
4 pensation or benefits) against an individual due
5 to receipt of a tentative nonverification of an in-
6 dividual’s identity or work eligibility;

7 “(C) require an individual to make an in-
8 quiry utilizing self-verification procedures as a
9 condition of hire or continued employment;

10 “(D) utilize the verification system prior to
11 the verification period described in section
12 274A(b)(1)(F) with respect to an individual; or

13 “(E) voluntarily verify an individual em-
14 ployed by the employer without verifying all in-
15 dividuals employed at the same geographic loca-
16 tion, or, at the option of the employer, all indi-
17 viduals employed within the same job category
18 as the individual with respect to whom the em-
19 ployer seeks voluntarily to use the verification
20 system.”.

