

AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 399
OFFERED BY MR. RICE OF SOUTH CAROLINA

At the end of the bill, add the following (and conform the table of contents accordingly):

1 SEC. ____ . 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 E-VERIFY PRO-
15 GRAM.—

16 “(1) IN GENERAL.—In accordance with the ef-
17 fective dates described in paragraph (2), every per-
18 son or other entity that hires one or more individ-

1 uals for employment in the United States shall elect
2 to participate in the E-Verify program described in
3 section 403(a), and shall comply with the terms and
4 conditions of such an election, including by verifying
5 through the E-Verify program that each such indi-
6 vidual is authorized to work in the United States.

7 “(2) EFFECTIVE DATES.—

8 “(A) HIRING.—Except as provided in sub-
9 paragraph (C), the provisions of this subsection
10 shall apply to a person or other entity hiring an
11 individual for employment in the United States
12 as follows:

13 “(i) With respect to employers having
14 10,000 or more employees in the United
15 States on the date of the enactment of the
16 Secure Our Borders First Act of 2015, on
17 the date that is 6 months after the date of
18 the enactment of such Act.

19 “(ii) With respect to employers having
20 500 or more employees in the United
21 States, but less than 10,000 employees in
22 the United States, on the date of the en-
23 actment of the Secure Our Borders First
24 Act of 2015, on the date that is 12 months

1 after the date of the enactment of such
2 Act.

3 “(iii) With respect to employers hav-
4 ing 20 or more employees in the United
5 States, but less than 500 employees in the
6 United States, on the date of the enact-
7 ment of the Secure Our Borders First Act
8 of 2015, on the date that is 18 months
9 after the date of the enactment of such
10 Act.

11 “(iv) With respect to employers hav-
12 ing 1 or more employees in the United
13 States, but less than 20 employees in the
14 United States, on the date of the enact-
15 ment of the Secure Our Borders First Act
16 of 2015, on the date that is 24 months
17 after the date of the enactment of such
18 Act.

19 “(B) RECRUITING AND REFERRING.—Ex-
20 cept as provided in subparagraph (C), the pro-
21 visions of this subsection shall apply to a person
22 or other entity recruiting or referring an indi-
23 vidual for employment in the United States on
24 the date that is 12 months after the date of the

1 enactment of the Secure Our Borders First Act
2 of 2015.

3 “(C) AGRICULTURAL LABOR OR SERV-
4 ICES.—With respect to an employee performing
5 agricultural labor or services, this subsection
6 shall not apply with respect to the verification
7 of the employee until the date that is 24
8 months after the date of the enactment of the
9 Secure Our Borders First Act of 2015. For
10 purposes of the preceding sentence, the term
11 ‘agricultural labor or services’ has the meaning
12 given such term by the Secretary of Agriculture
13 in regulations and includes agricultural labor as
14 defined in section 3121(g) of the Internal Rev-
15 enue Code of 1986, agriculture as defined in
16 section 3(f) of the Fair Labor Standards Act of
17 1938 (29 U.S.C. 203(f)), the handling, plant-
18 ing, drying, packing, packaging, processing,
19 freezing, or grading prior to delivery for storage
20 of any agricultural or horticultural commodity
21 in its unmanufactured state, all activities re-
22 quired for the preparation, processing or manu-
23 facturing of a product of agriculture (as such
24 term is defined in such section 3(f)) for further
25 distribution, and activities similar to all the

1 foregoing as they relate to fish or shellfish in
2 aquaculture facilities. An employee described in
3 this subparagraph shall not be counted for pur-
4 poses of subparagraph (A).”.

