

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the establishment of the Office of the Small Business and Employee Advocate.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FRANKEN

Viz:

1 At the end of subtitle A of title III, add the following:

2 **SEC. 3107. OFFICE OF THE SMALL BUSINESS AND EM-**
3 **PLOYEE ADVOCATE.**

4 (a) ESTABLISHMENT OF SMALL BUSINESS AND EM-
5 PLOYEE ADVOCATE.—The Secretary shall establish and
6 maintain within U.S. Citizenship and Immigration Serv-
7 ices the Office of the Small Business and Employee Adv-
8 cate (in this section referred to as the “Office”). The pur-
9 pose of the Office shall be to assist small businesses and
10 individuals in complying with the requirements of section
11 274A of the Immigration and Nationality Act (8 U.S.C.
12 1324a), as amended by this Act, including the resolution

1 of conflicts arising in the course of attempted compliance
2 with such requirements.

3 (b) FUNCTIONS.—The functions of the Office shall
4 include, but not be limited to, the following:

5 (1) Informing small businesses and individuals
6 about the verification practices required by section
7 274A of the Immigration and Nationality Act, in-
8 cluding, but not limited to, the document verification
9 requirements and the employment verification sys-
10 tem requirements under subsections (c) and (d) of
11 that section.

12 (2) Assisting small businesses and individuals
13 in addressing allegedly erroneous further action no-
14 tices and nonconfirmations issued under subsection
15 (d) of section 274A of the Immigration and Nation-
16 ality Act, and in completing the appeals process
17 under that subsection.

18 (3) Informing small businesses and individuals
19 of the financial liabilities and criminal penalties that
20 apply to violations and failures to comply with the
21 requirements of section 274A of the Immigration
22 and Nationality Act, including, but not limited to, by
23 issuing best practices for compliance with that sec-
24 tion.

1 (4) To the extent practicable, proposing
2 changes in the administrative practices of the em-
3 ployment verification system required under sub-
4 section (d) of section 274A of the Immigration and
5 Nationality Act to mitigate the problems identified
6 under paragraph (2).

7 (5) Identifying recommendations for legislative
8 action to mitigate such problems.

9 (c) ACCESSIBILITY TO THE PUBLIC.—

10 (1) IN PERSON, ONLINE, AND TELEPHONE AS-
11 SISTANCE.—The Office shall provide information
12 and assistance specified in subsection (b) in person
13 at locations designated by the Secretary, online
14 through an Internet website of the Department
15 available to the public, and by telephone.

16 (2) AVAILABILITY TO ALL EMPLOYERS.—In
17 making information and assistance available, the Of-
18 fice shall prioritize the needs of small businesses and
19 individuals. However, the information and assistance
20 available through the Office shall be available to any
21 employer.

22 (d) AVOIDING DUPLICATION THROUGH COORDINA-
23 TION.—In the discharge of the functions of the Office, the
24 Secretary shall consult with the Secretary of Labor, the
25 Secretary of Agriculture, the Commissioner, the Attorney

1 General, the Equal Employment Opportunity Commission,
2 and the Administrator of the Small Business Administra-
3 tion in order to avoid duplication of efforts across the Fed-
4 eral government.

5 (e) DEFINITIONS.—In this section:

6 (1) The term “employer” has the meaning
7 given that term in section 274A(b) of the Immigra-
8 tion and Nationality Act.

9 (2) The term “small business” means an em-
10 ployer with 49 or fewer employees.

11 (f) FUNDING.—There shall be appropriated, from the
12 Comprehensive Immigration Reform Trust Fund estab-
13 lished by section 6(a)(1) of this Act, such sums as may
14 be necessary to carry out the functions of the Office.