

Appendix to E-Verify, Supporting Statement (Collection Number 1615-0092)

On June 8th, 2015, USCIS published a 60-day information collection notice in the *Federal Register* (80 FR 32408). United States Citizenship and Immigration Services (USCIS) received **one-hundred and four (104)** comments from **fifteen (15)** commenters in response to its request for comments in the 60-day notice. The following is a summary of comments received to the 60-day notice and USCIS's responses:

Please note that although the initial Supporting Statement associated with this PRA notice contained information about and requested comments regarding an improved E-Verify final nonconfirmation (FNC) review process, this appendix does not address those comments. USCIS is further studying potential improvements to the E-Verify FNC review process and intends to publish a later PRA approval request containing information regarding those improvements.

Streamlined Tentative Nonconfirmation (TNC) Process

1. USCIS received **six (6)** comments on the Streamlined Tentative Nonconfirmation (TNC) Process.

1a. **Two (2)** commenters applauded USCIS for the Streamlined TNC Process.

Response: USCIS appreciates the public's support for its streamlining of the TNC process as it relates to this collection of information

1b. **Two (2)** commenters believe the Streamlined TNC Process may confuse employees with the introduction of employee emails and suggested that USCIS consider rewriting the email and printed notices to reduce confusion and encourage employees to work directly with their employers to resolve their TNCs.

Response: USCIS appreciates the commenters' suggestions for improvements to the E-Verify printed notices and emails. In order to minimize confusion regarding these notices, USCIS has updated the DHS and SSA Further Action Notices and Referral Date Confirmations to include language indicating that the employee may receive emails directly in addition to receiving printed notices from an employer. In addition, there will be separate DHS and SSA Tentative Nonconfirmation (TNC) notification emails, which include the employer's name in the email as well as information regarding access to information through myE-Verify.

1c. **One (1)** commenter believes Web Service Providers should be able to opt out of the Streamline TNC Process if their process already notifies the employee of the TNC and the process for resolving the TNC. The commenter believes that this would reduce duplicate information being provided to employees.

Response: USCIS requires E-Verify participants to provide TNC notices to affected employees to ensure that those employees understand their responsibilities and are provided an opportunity to contest a TNC. E-Verify does not review or approve the notices that some Web Service Providers may provide to employees by email. As such, USCIS is unable to ensure those affected employees are provided with the requisite information for contesting and resolving the TNC. While this may lead to some duplication of information, USCIS's notices ensure that all employees who receive a TNC notice receive standardized information regarding the meaning and consequences of the TNC, and the process for contesting and resolving the TNC.

1d. **One (1)** commenter questioned how E-Verify will contact employees who receive a TNC who do not provide an email address on their Forms I-9.

Response: The responsibility to inform an employee of a TNC belongs to the employer, and the TNC email messages from E-Verify are just an additional way, if the employee provided an email address on his or her Form I-9, for employees to be notified of the TNC. Even if E-Verify sends an employee a TNC notification email, the employer is still required to provide the employee with the E-Verify Further Action Notice and, if the employee contests the TNC, with the Referral Date Confirmation. If the employee does not provide an email address on Form I-9, E-Verify will not be able to contact the employee by email with the TNC notification and other notifications.

Final Nonconfirmation (FNC) Review

2. USCIS received **thirty-four (34)** comments on the Final Nonconfirmation (FNC) Review.

2a. **Three (3)** comments praised USCIS for the FNC Review process.

Response: USCIS appreciates the public's support for the FNC Review process as it relates to this collection of information, but has decided to continue to study potential improvements to that process, and intends to publish a later PRA approval request containing information regarding those improvements.

2b. **Thirty-one (31)** comments with concerns on the FNC review process.

Response: USCIS has decided to continue to study potential improvements to the E-Verify FNC review process, and intends to publish a later PRA approval request containing information regarding those improvements.

Reverification

3. USCIS received **forty (40)** comments on Reverification.

3a. **One (1)** commenter who likes the proposed enhancements believes they will help streamline and simplify the reverification process.

Response: USCIS appreciates the public's support for the reverification process as it relates to this collection of information.

3b. **Four (4)** commenters suggested reverification should only apply to employees hired after a company enrolled in E-Verify.

Response: USCIS understands the commenters concerns and has agreed to allow employers to choose whether they will create reverification cases only for employees hired after the employer enrolled in E-Verify or for employees hired before and after the employer enrolled in E-Verify. Once an employer chooses its reverification method, the employer will be required to continue to use that method for all reverification cases in E-Verify.

3c. **One (1)** commenter requested that reverification be made optional as they already have an electronic system that notifies them when reverification is required on Form I-9.

Response: USCIS understands that some employers already have electronic systems that notify them when reverification on Form I-9 is required; the E-Verify reverification process is an additional step

from reverification with Form I-9 that will permit employers to electronically verify that their employee has continuing employment authorization.

3d. **Five (5)** commenters requested that USCIS extend the time an employer can create a reverification case as it does not match up with Form I-9 timeline for reverification.

Response: USCIS understands the commenters' concerns. USCIS will allow employers to create a reverification case in E-Verify for employees with unexpired employment authorization as soon as Form I-9 is completed for reverification, but no later than 3 days after the employee's employment authorization expires.

3e. **Four (4)** commenters believe that the reverification proposal is not authorized by statute and DHS cannot mandate reverification. Additionally, reverification is outside the scope of the "hiring" process and would gut employer protections.

Response: Section 274A(b) of the Immigration and Nationality Act provides verification requirements for employers "in the case of an [employer] hiring, recruiting or referring an individual for employment in the United States." Since the initial regulatory implementation of these requirements in 1987, they have been interpreted by USCIS and its predecessor, without dispute, both to authorize and to require reverification of expiring temporary work authorization. Essentially, this is an extension of the original verification at the time of hire when that verification is effectively time-limited from its outset by the expiration date. This basic framework for Form I-9 verification was well-established at the time the E-Verify provisions were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Applying the principle that like terms in statutes should be construed consistently, and in light of their contemporaneous interpretation at the time of enactment, we consider that just as the term "hiring" was construed in the Form I-9 context to include reverification, references to "hire" in the E-Verify provisions similarly can and should be construed to authorize it in operating E-Verify.

With the advent of reverification, employers would continue to have a rebuttable presumption that there has been no violation of INA §274A(a)(1)(A) (knowingly hiring an unauthorized worker) with respect to an employee whose identity and employment eligibility was confirmed by E-Verify.

3f. **One (1)** commenter stated that the reverification proposal places an impermissible burden on employers as electronic reverification is unnecessarily duplicative and DHS already statutorily mandates that employers keep records of reverification information.

Response: Although employers are required to retain Form I-9 information and produce that information to DHS upon request, that process is less inclusive or efficient, and thus less effective at preventing document fraud, than requiring E-Verify employers to electronically reverify expiring temporary work authorization. Accordingly, the agency does not believe that individual employer audits will meet its fraud deterrence goals as efficiently and effectively as implementing this reverification functionality in E-Verify.

3g. **One (1)** commenter believes the process would require employers to collect information more than once in a calendar quarter.

Response: USCIS intends for the electronic reverification process to mirror and emulate the existing Form I-9 reverification process. To the extent reverification is required on the Form I-9; E-Verify employers will take the additional step to electronically verify that information. The agency has adjusted its burden estimates to take this into account.

3h. **One (1)** commenter was concerned that E-Verify employers who follow the proposed MOU's three-day reverification procedure rather than the strict expiration date rule found in the Form I-9 reverification regulation could unintentionally find themselves in violation of INA §274A(a)(2), and for federal contractors, this could lead to debarment.

Response: USCIS is unsure of the commenter's actual concern. If the employer is following the Form I-9 reverification rules and then electronically reverifies the Form I-9 information within three days, there is no apparent violation of INA §274A(a)(2). Additionally, USCIS will now allow employers to create a reverification case in E-Verify for employees with unexpired employment authorization as soon as Form I-9 is completed for reverification but no later than 3 days after the employee's employment authorization expires.

3i. **One (1)** commenter expressed concern that if employers are required to update the information from the original Form I-9 prior to an E-Verify reverification submission, this may result in instances of document abuse or allegations of requesting specific documents.

Response: E-Verify prohibits document abuse and other unlawful discrimination at all stages of the employment verification process. To the extent employers are prohibited from engaging in document abuse and other unlawful discrimination in the Form I-9 reverification process, they are likewise prohibited from engaging in that unlawful activity with respect to electronic reverification with E-Verify.

3j. **Two (2)** commenters stated that Reverification can only be implemented by undertaking a formal rulemaking (Administrative Procedure Act).

Response: USCIS disagrees with the commenters that Reverification must be implemented by a rulemaking pursuant to the Administrative Procedure Act. This revision to the OMB-approved E-Verify collection of information describes amended collection of information processes associated with existing E-Verify functionality. Participation in E-Verify is voluntary for most employers (save only Executive Branch, Legislative Branch and employers subject to certain court orders) and is entered into between DHS and employers by the execution of a Memorandum of Understanding (MOU). Through that MOU, and its associated E-Verify guidance, all participating E-Verify employers receive actual notice of the terms and conditions of E-Verify enrollment and use. Therefore, neither a formal nor informal notice and comment rulemaking is required.

3k. **Three (3)** commenters observed that "the FAR currently does not allow a federal contractor to "perform additional employment verification using E-Verify for any employee [w]hose employment eligibility was previously verified by the [c]ontractor through the E-Verify program" (emphasis added).

Response: The Federal Acquisition Regulation (FAR) E-Verify provision related to successive verifications, found at 48 C.F.R. 52.222-54(d), does not refer to reverification of expiring temporary work authorization, but to reverification after a contractor has received a new contract. As was explained in the preamble to the FAR E-Verify Final Rule, "The proposed rule clearly stated that a contractor is not required to perform additional employment verification using E-Verify for any employee whose employment eligibility was previously verified through E-Verify by that contractor. *It is not necessary to run the employee through the E-Verify program again each time the employee is assigned to work on a new contract.* When, however, an existing employee is assigned to a contract and that employee has not previously been verified through the E-Verify system, then that employee must be processed through E-Verify at the time of assignment to work on the contract." (73 FR 67651, 67674 (Nov. 14, 2008))

(emphasis added). One commenter to this PRA notice did recognize this distinction, writing, “[T]he context in which the Councils addressed reverification related to existing, previously verified employees assigned to work on new contracts, as opposed to the reverification of employees whose work authorizations have expired . . .” Accordingly, there is no confusion about the distinction between reverification of expiring temporary work authorization, which has been established and practiced through regulation since 1987, and electronically verifying an individual again just because the employer received a new federal contract. If there is ensuing confusion, E-Verify will certainly look to the FAR Council for guidance on amending the FAR.

3l. **Two (2)** commenters recommended that under federal contract law, any changes to contract have to be negotiated and if reverification goes forward, it should not be required on existing contracts.

Response: USCIS defers to the FAR Council and individual contracting officers with respect to the impact of E-Verify MOU changes on individual contracts, but notes that enrolled employers do agree in the E-Verify MOU that any and all E-Verify system enhancements by DHS or SSA, including but not limited to E-Verify checking against additional data sources and instituting new verification policies or procedures, are covered under the MOU and will not cause the need for a supplemental MOU that outlines the changes.

3m. **One (1)** commenter requested clarification on whether reverification requires an employer to complete Section 3 rather than a new Form I-9.

Response: USCIS has not proposed any changes to the Form I-9 reverification process. An employer may continue to use Section 3 of the previously completed Form I-9 if appropriate or may choose to complete Section 3 of a new Form I-9 or a completely new Form I-9 as appropriate.

3n. **One (1)** commenter requested clarification on how an employer may update an employee’s citizenship status during the Reverification process.

Response: The reverification process includes functionality to update an employee’s citizenship status. See slide 83 of the E-Verify PRA Screenshots 2015 included in the docket to this notice.

3o. **One (1)** commenter questioned how E-Verify will treat document errors during Reverification.

Response: An employer should not accept a document for Form I-9 if the document presented is inconsistent with the citizenship or immigration status identified by the employee on Form I-9, or does not appear to be genuine and to relate to the individual.

3p. **One (1)** commenter requested that reverification allow pre-population for employees who have a previous E-Verify case.

Response: E-Verify does not currently pre-populate fields. All information must be provided by the employer. Requiring the employer to provide the information rather than correct previously existing information avoids the continuation of any data errors and requires the employer to ensure accurate, current information is entered into E-Verify.

3q. **One (1)** commenter requested clarification on how changes in Section 1 of Form I-9 information should be handled during reverification.

Response: USCIS has not changed the E-Verify case creation process. As with creating a case for new hires, employers should enter their employee's most current Form I-9 information, including any updates, when creating a reverification case in E-Verify.

3r. **Two (2)** commenters asked USCIS to describe the potential penalties for employers who are not able to comply with the new reverification requirements within the timeframe provided.

Response: In addition to any penalties prescribed by statute or regulation, Article V, Section B.2 of the E-Verify Memorandum of Understanding (MOU) states "DHS may terminate this MOU, and thereby the Employer's participation in E-Verify, with or without notice at any time if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a *failure on the part of the Employer to comply with established E-Verify procedures and/or legal requirements.*" (Emphasis added).

3s. **One (1)** commenter was concerned as to whether ICE and/or OSC will consider an employer's late compliance with the new reverification requirements as knowingly continuing to employ an unauthorized worker?

Response: USCIS is unable to provide responsive information regarding ICE and OSC processes and considerations regarding compliance with reverification requirements. Please direct your inquiry to those individual agencies.

3t. **One (1)** commenter questioned what role E-Verify Monitoring & Compliance (M&C) will have in analyzing an employer's E-Verify transactions regarding reverification.

Response: USCIS will continue to observe system use to help users comply with the E-Verify Memorandum of Understanding, E-Verify Manuals, Form I-9 instructions, and applicable laws.

3u. **One (1)** commenter questioned whether an employer will be required to indicate to E-Verify when an employee with temporary work authorization terminates employment.

Response: As part of the reverification process, the employer will be asked twice whether an employee who is subject to reverification continues to be employed by the employer. The first time will be when the employer is prompted to begin the reverification process and create a reverification case for an existing employee with temporary work authorization. If the employer indicates that the employee is no longer employed, this ends the reverification process and the employer will not be permitted or required to complete the reverification process for this employee. The second time will be when the employer closes a completed reverification case. During the case closure process, the employer will be required to select a case code that accurately represents the employee's current employment status before the employer will be allowed to close the case.

3v. **Two (2)** commenters asked what impact reverification and the new E-Verify data have on M&C reviews and ICE and/or OSC Form I-9 audits.

Response: USCIS will continue to observe system use to help users comply with the E-Verify MOU, E-Verify Manuals, Form I-9 instructions, and applicable laws. USCIS is unable to provide responsive information regarding ICE and OSC processes and considerations regarding Form I-9 audits. Please direct your inquiries to those individual agencies.

3w. **Two (2)** commenters question why reverification does not discuss the process for immigration statuses which allow automatic extension of employment authorization.

Response: Certain immigration statuses, such as Temporary Protected Status (TPS), can be automatically extended. When a status is automatically extended, the validity of the individual's employment authorization document is also extended and reverification does not apply. Once the extended employment authorization document expires, then reverification applies.

Memorandum of Understanding (MOU)

4. USCIS received **eleven (11)** comments on the Memorandum of Understanding (MOU).

4a. **Three (3)** commenters requested redline versions for each version of the MOU.

Response: The Paperwork Reduction Act does not require USCIS to include redline versions of documents in the federal docket; USCIS generally does that only as a courtesy. Additionally, because the E-Verify MOUs are substantially similar to one another, and because the new language will be virtually identical in all of the different versions, USCIS did not feel that it was necessary to provide redline versions of all of the MOUs in the docket for this information collection. However, given the concerns of the commenters, USCIS has included redline versions of all six MOUs for review by commenters in the federal docket for this information collection notice.

4b. **One (1)** commenter requested USCIS strike all language related to contractual terms between the Web Service Provider and its client and indicates a typo in the MOU.

Response: USCIS agrees to delete the clause based on the commenter's suggestion. The typo has been corrected in the updated redline version, which is available in the federal docket for this information collection notice.

4c. **One (1)** commenter requested that the Web Services Providers' MOU clarify training requirements for employers using Web Services.

Response: Although this comment addresses issues outside of the scope of this information collection notice, USCIS will take it under consideration for further improvements to E-Verify. E-Verify is in the process of preparing guidance on this issue.

4d. **One (1)** commenter questioned the implementation of the Web Service MOU.

Response: All E-Verify MOUs, including the Web Services MOU, are being updated to support the proposed business processes. At this time, we expect that there will be no delay to Web Services and that all the updated MOUs will be released simultaneously.

4e. **One (1)** commenter states unilateral changes to the MOU are outside of the PRA scope, particularly as it is applied to federal contractor subject to FAR.

Response: Federal Contractors are required as a condition of contracting by a clause inserted in their contracts pursuant to FAR Section 52.222-54 to "comply, for the period of performance of this contract, with the requirements of the E-Verify program MOU." See 52.222-24(b)(5). The E-Verify MOU

at Article V. para. A. notifies employers that “Any and all system enhancements to the E-Verify program by DHS or SSA, including but not limited to E-Verify checking against additional data sources and instituting new verification procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes.” Accordingly, employers agreeing to the E-Verify MOU, including Federal Contractors, agree to comply with changes such as those described in this supporting statement. With respect to the FAR E-Verify provision and enforcement of that provision, the FAR Council and individual contracting officers are in a better position than E-Verify to discuss and determine the impact of E-Verify MOU changes on existing contractual relationships.

4f. **Two (2)** commenters stated that the changes to the MOU are unilateral and are in conflict with the MOU language stating the MOU terms will remain in effect unless modified in writing by the mutual consent of all parties.

Response: With respect to the FAR E-Verify provision and enforcement of that provision, the FAR Council and individual contracting officers are in a better position than E-Verify to discuss and determine the impact of E-Verify MOU changes on existing contractual relationships. Like all other E-Verify enrolled employers, FAR Contractor E-Verify employers agree in the E-Verify MOU that, “Any and all E-Verify system enhancements by DHS or SSA, including but not limited to E-Verify checking against additional data sources and instituting new verification policies or procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes.”

4g. **One (1)** commenter requested that the MOU provide procedural timelines for FNC review.

Response: The FNC review requirements have been included in the revised MOU, which is found in the federal docket for this information collection notice.

4h. **One (1)** commenter requested that the MOU clarify employer obligations in the MOU, including language relating to terminating/retaining employee of an employee requesting an FNC review.

Response: The revised E-Verify MOU includes language relating to the termination and retention of an employee who has requested an FNC review.

E-Verify

5. USCIS received **six (6)** general comments about E-Verify.

5a. **One (1)** commenter requested that USCIS streamline the E-Verify Web Service process by automating validations for certification results, avoid certification communications and create a portal for results and expand upgrade time and provide receipts for all communications.

Response: E-Verify is currently exploring ways to improve Web Services. The commenters’ suggestions will be taken into consideration when evaluating future options.

5b. **One (1)** commenter requested that USCIS provide a 12-18 month time frame for Web Service Providers to be up-to-date with the last Interface Control Agreement.

Response: E-Verify is currently exploring ways to improve Web Services. The commenters’ suggestions will be taken into consideration when evaluating future options.

5c. **One (1)** commenter stated E-Verify has a history of labeling legal workers as ineligible and as such the E-Verify system is unjust.

Response: Recent E-Verify accuracy reports (found at <https://www.uscis.gov/e-verify/about-program/e-verify-program-reports>) show that E-Verify is an efficient and accurate tool for employers to confirm that their employees are work-authorized. USCIS is constantly improving E-Verify to ensure that employers using it receive excellent customer-focused service and the most accurate information.

5d. **One (1)** commenter requested that E-Verify allow employers to correct case data of closed cases.

Response: Although this comment addresses issues outside of the scope of this information collection notice, USCIS will take this suggestion under consideration for further improvements to E-Verify.

5e. **One (1)** commenter also recommended USCIS utilize myE-Verify to enhance communications with employees

Response: Although this comment addresses issues outside of the scope of this information collection notice, USCIS will take it under consideration for further improvements to E-Verify and myE-Verify.

5f. **One (1)** commenter asked what the status is of replacing Form I-9 with E-Verify.

Response: IIRIRA Sec. 403 incorporates Form I-9 into the E-Verify process. Accordingly, USCIS cannot replace Form I-9 with E-Verify.

Paperwork Reduction Act (PRA)

6. USCIS received **seven (7)** comments about the PRA process.

6a. **One (1)** commenter stated USCIS failed to provide the public with the required 60-day period to comment as the "Supporting Statement" was not available until June 11, 2015 and therefore violated OMB requirements.

Response: The Paperwork Reduction Act does not require submission of a supporting statement to a federal docket with the PRA notice published in the *Federal Register*, but given advances in technology some agencies do make those documents available in that manner. In addition, the public could have contacted the USCIS Point of Contact listed in the *Federal Register* notice at any time after the notice was published with requests for additional information. USCIS does not have a record of any such contacts from the public related to this notice. Indeed, from the substantial number of detailed comments received by the agency in response to this request for comments, it is clear to USCIS that the public took full advantage of its opportunity to review and comment on the proposed change to this information collection.

6b. **One (1)** commenter stated that the proposed expansion of the information collection to add reverification through E-Verify is not authorized because the governing statute currently limits E-Verify as a program used in connection with hiring. As support for this position, the commenter points to language that would add reverification requirements to E-Verify which was included in the proposed Legal Workforce Act and the Senate comprehensive immigration reform bill S.744.

Response: As the Court found in *U.S. Chamber of Commerce, et al. v. Napolitano, et al.*, 648 F. Supp. 2d 726, 739 (D. Md. 2009) in response to these same arguments for limiting E-Verify use to initial hiring, “Nothing in IIRIRA explicitly prohibits the Executive Branch from using E-Verify for current employees. Although there is administrative guidance saying that E-Verify should not be used for that purpose, that guidance does not legally prohibit the President from so requiring. If Congress intended it to be illegal to use E-Verify for current employees, then Congress should have made that clear under IIRIRA.” Proposed legislation before Committees of Congress, such as the Legal Workforce Act or S. 744, does not alter this conclusion. In addition, as discussed above, reverification is an extension of the original verification at the time of hire when that verification is effectively time-limited from its outset by the expiration date. Just as the term “hiring” was construed in the Form I-9 context to include reverification, references to “hire” in the E-Verify provisions similarly can and should be construed to authorize it in operating E-Verify.

6c. **One (1)** commenter is concerned the PRA notice doesn’t adequately explain the agency’s plans for using information gained through proposed information collection or how it has allocated resources for efficient and effective management and use of the information collected.

Response: Sections 6 and 14 of the Supporting Statement describes the impact of these proposed collections on the agency.

6d. **One (1)** commenter stated that unilateral changes to contractor requirements change a contractor’s understanding of its contract requirements and create a burden that cannot be accurately measured based on standards in the PRA process.

Response: USCIS defers to the FAR Council and individual contracting officers regarding the impact of these changes on existing contracts. The FAR E-Verify regulations and the MOU clearly contemplate that there may be changes to the E-Verify MOU, and that USCIS is responsible for monitoring and compliance of its MOU, and individual contracting officers are responsible for monitoring and compliance activities related to Federal contracts. See 48 C.F.R. 52.222-54(b)(5).

6e. **One (1)** commenter stated USCIS failed to provide the necessary justification for imposing reverification burdens on E-Verify Employers.

Response: As was discussed in the first paragraph of the Supporting Statement, these enhancements will assist E-Verify employers with preventing document fraud and with electronically verifying the employment authorization of employees with expiring temporary work authorization. The E-Verify statute charges DHS with maximizing the reliability and ease of use of the E-Verify system and implementation of appropriate administrative, technical and physical safeguards for the system. See IIRIRA at Sec. 404(d). DHS and SSA are also directed by IIRIRA at Sec. 404(g) to update their information in a manner that promotes the maximum accuracy of E-Verify and to provide a process for the prompt correction of erroneous information, including instances when that information is brought to DHS’s and SSA’s attention in a secondary verification process. As described in the Supporting Statement, these FNC review and reverification processes support and respond to these statutory requirements by implementing improved measures to guard against document fraud in document reverification and by providing a more robust FNC review opportunity to combat instances, although few, of erroneous information in E-Verify.

6f. **One (1)** commenter requested that USCIS include Web Service providers’ costs to develop and update their software in order to meet the requirements of the new processes of Streamlined TNCs,

Reverification (existing employees and employees), and Final Nonconfirmation Review. As Web Service providers are required to provide training on the updated processes, an estimate of their training costs should also be included as well when estimating the burden.

Response: USCIS agrees with the commenters and has updated question 12 (Annual Burden Hours) of the Supporting Statement to address the burden to Web Service Providers. The 30-day Federal Register notice will also request additional data from Web Service Providers about the burden of the changes.

6g. **One (1)** commenter stated FAR contractors do not receive adequate notice of the new processes contained in this collection of information.

Response: USCIS defers to the FAR Council and individual contracting officers with respect to the impact of E-Verify MOU changes on individual contracts and the notification procedures for FAR contractors. USCIS notes that USCIS published a 60-day information collection notice on June 8th, 2015 announcing the proposed changes.