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REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2218

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2218, a bill for an Act relating to the verification of the identity and employment eligibility of individuals by the board of educational examiners, school districts, accredited nonpublic schools, charter schools, and innovation zone schools, and including applicability provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5104.

2. That Senate File 2218, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

EDUCATION-RELATED PROVISIONS

Section 1. Section 256.146, subsection 16, Code 2026, is amended to read as follows:

16. a. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all

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initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check.

b. The board shall have access to, and shall review the sex offender registry information under [section 692A.121](#) available to the general public, information in the Iowa court information system available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal and, every five years, for practitioners who are not subject to renewal requirements pursuant to [subsection 1](#), paragraph "a", subparagraph (2). The board may charge such a practitioner who is not subject to renewal requirements a reasonable fee for the review of the sex offender registry information, information in the Iowa court information system, the central registry for child abuse information, and the dependent adult abuse records.

c. (1) The board shall require all initial applicants for licensure, including individuals who apply for a license under section 256.152, and all applicants for license renewal, to produce evidence of the applicant's legal authorization to work in the United States as a condition of initial licensure or license renewal. The board shall accept as proof of an applicant's legal authorization to work in the United States any of the following:

(a) A document that establishes both employment authorization and identity, as described in 8 U.S.C. §1324a(b)(1)(B).

(b) A document that evidences employment authorization, as described in 8 U.S.C. §1324a(b)(1)(C), and a document that establishes the identity of the applicant, as described in 8 U.S.C. §1324a(b)(1)(D).

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(2) The board shall require all practitioners who are not subject to renewal requirements pursuant to subsection 1, paragraph "a", subparagraph (2), to produce evidence of the practitioner's legal authorization to work in the United States every five years as a condition of remaining licensed. The board shall accept as proof of a practitioner's legal authorization to work in the United States any of the following:

(a) A document that establishes both employment authorization and identity, as described in 8 U.S.C. §1324a(b)(1)(B).

(b) A document that evidences employment authorization, as described in 8 U.S.C. §1324a(b)(1)(C), and a document that establishes the identity of the practitioner, as described in 8 U.S.C. §1324a(b)(1)(D).

Sec. 2. **APPLICABILITY.** The following applies to all applications for initial licensure, and all applications for license renewal, that are submitted to the board of educational examiners on or after the effective date of this division of this Act:

The section of this division of this Act amending section 256.146.

DIVISION II

PROVIDING FALSE SOCIAL SECURITY NUMBERS — PENALTIES

Sec. 3. **NEW SECTION. 91F.1 Definitions.**

As used in this chapter unless the context otherwise requires:

1. "*Department*" means the department of workforce development.

2. "*Employer*" means a person who employs an employee in this state for wages.

Sec. 4. **NEW SECTION. 91F.2 Employment of persons with false social security numbers prohibited.**

An employer shall not hire or continue to employ an employee

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who the employer knows to have provided the employer with a social security number on any documentation for employment that does not belong to the employee.

Sec. 5. NEW SECTION. 91F.3 Enforcement — penalties.

1. The department shall enforce this chapter.

2. An employer who violates section 91F.2 shall be subject to a civil penalty of ten thousand dollars to be collected by the department.

3. For a fourth or subsequent violation of subsection 91F.2, in addition to the civil penalty provided in subsection 1, an employer shall cease operations at the location where the violation occurred until any individual who holds a majority ownership interest in the employer, and all managerial staff at the location, participate in training developed by the department regarding compliance with this chapter.

Sec. 6. Section 714.8, Code 2026, is amended by adding the following new subsections:

NEW SUBSECTION. 23. For the purpose of retaining or obtaining employment, or any other thing of value, falsely provides the employer or prospective employer with a social security number that does not belong to that person.

NEW SUBSECTION. 24. An employer knowingly providing a potential employee with a fraudulent social security number for the purpose of hiring the potential employee.

DIVISION III

IMMIGRATION STATUS — EMPLOYMENT AND LICENSURE

Sec. 7. Section 2.11, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* Each house of the general assembly shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

b. An employee may challenge the results of the submission of the employee's information to the e-verify system of

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the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the appropriate house of the general assembly as soon as practicable.

c. Each house of the general assembly shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to paragraph *b*, if applicable.

Sec. 8. Section 2A.2, subsection 2, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0i.* (1) Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

(2) An employee may challenge the results of the submission of the employee's information to the e-verify system of the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the director as soon as practicable.

(3) The director shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to subparagraph (2), if

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applicable.

Sec. 9. Section 2C.4, Code 2026, is amended to read as follows:

2C.4 Citizen of United States and resident of Iowa.

1. The ombudsman shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration, and public policy.

2. a. The ombudsman shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

b. An employee may challenge the results of the submission of the employee's information to the e-verify system of the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the ombudsman as soon as practicable.

c. The ombudsman shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to paragraph "b", if applicable.

Sec. 10. Section 7E.3, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Verification of United States citizenship and immigration status.* Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. The head of the department or agency shall transmit the results of the e-verify system check to the United States immigration and

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customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

Sec. 11. Section 10A.101, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "*SAVE program*" means the systematic alien verification for entitlements system of the United States department of homeland security and the United States citizenship and immigration services.

Sec. 12. NEW SECTION. 10A.113 **SAVE program clearinghouse.**

1. There is created within the department a SAVE program clearinghouse, which shall serve as the central entity to process requests to verify, using the SAVE program, the United States citizenship and immigration status of an individual who has applied for a professional license in this state. The department shall adopt rules pursuant to chapter 17A to implement this section.

2. The department shall transmit the results of a SAVE program clearinghouse check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

Sec. 13. NEW SECTION. 10A.114 **Citizenship and immigration status — appeal.**

1. The department shall adopt rules pursuant to chapter 17A to allow an employee of a school district, an accredited nonpublic school, a charter school, an innovation zone school, a city, a county, or the executive branch including the state board of regents and each institution of higher education governed by the board, or a person who has applied for a

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professional license in this state, to challenge the results of the submission of the person's information to the SAVE program or the e-verify system of the United States citizenship and immigration services with the department.

2. A person must submit a challenge pursuant to subsection 1 and documentation proving that the results are incorrect within ten calendar days of receipt of the results.

3. The department shall review a challenge submitted pursuant to subsection 1 and communicate the results of the appeal to the person who submitted the challenge and the hiring authority or licensing board, as applicable, within seven calendar days of receipt of the challenge. The decision of the department is final agency action pursuant to chapter 17A.

Sec. 14. Section 10A.506, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 13. *a.* The licensing and regulation examining boards included in the department pursuant to subsection 1 shall use the SAVE program clearinghouse created within the department pursuant to section 10A.113 to verify the United States citizenship and immigration status of an individual who has applied for a professional license from the board.

b. A denial of an application for a professional license due to the results of the SAVE program clearinghouse check shall be appealed to the director and the director's decision shall constitute final agency action.

Sec. 15. Section 256E.7, subsection 2, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. *ow.* Be subject to and comply with the requirements of section 280.37 relating to the verification of the employment eligibility of newly hired employees in the same manner as a school district.

Sec. 16. Section 256F.4, subsection 2, Code 2026, is amended by adding the following new paragraph:

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NEW PARAGRAPH. v. Be subject to and comply with the requirements of section 280.37 relating to the verification of the employment eligibility of newly hired employees in the same manner as a school district.

Sec. 17. NEW SECTION. **262.9E Verification of citizenship and immigration status.**

1. The state board of regents and each institution of higher education governed by the board shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

2. The state board of regents and each institution of higher education governed by the board shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

Sec. 18. Section 272C.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *"SAVE program clearinghouse"* means the SAVE program clearinghouse created within the department of inspections, appeals, and licensing pursuant to section 10A.113.

Sec. 19. Section 272C.4, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Use the SAVE program clearinghouse to confirm the United States citizenship and immigration status of an individual who has applied for a professional license from the board.

Sec. 20. Section 272C.10, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 9. For a license deemed a professional license by the licensing board, unlawful presence in the United

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States, as determined by using the SAVE program clearinghouse.

Sec. 21. NEW SECTION. **272C.15A Disqualifications for unlawful presence.**

A licensing board established after January 1, 1978, and pursuant to the provisions of this chapter, shall not issue or renew a professional license to an individual who the licensing board is unable to verify is lawfully present in the United States, as determined by using the SAVE program clearinghouse.

Sec. 22. NEW SECTION. **280.37 Verification of citizenship and immigration status.**

1. The board of directors of each school district and the authorities in charge of each accredited nonpublic school shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

2. The board of directors of each school district and the authorities in charge of each accredited nonpublic school shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

Sec. 23. Section 331.324, subsection 1, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Op.* Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. The board shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

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Sec. 24. NEW SECTION. 364.26 Verification of citizenship and immigration status.

A city shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. A city shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

DIVISION IV

VOTER REGISTRATION — UNAUTHORIZED ALIENS

Sec. 25. Section 39A.2, subsection 1, paragraph a, subparagraph (2), Code 2026, is amended to read as follows:

(2) Falsely swears to an oath required pursuant to section 48A.7A or 48A.11.

Sec. 26. Section 48A.2, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *“Unauthorized alien”* means a person who is unlawfully present in the United States under the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq., as modified by applicable federal statutes, rules, and regulations.

Sec. 27. Section 48A.6, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who is an unauthorized alien.

Sec. 28. Section 48A.11, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Each voter registration form shall include the following oath:

By submitting this form, I do solemnly swear and affirm that I am qualified to register to vote under the Constitution and laws of the State of Iowa, and that all information provided in

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my voter registration application is true. I have carefully reviewed the instructions for completing the Iowa voter registration application, and I further swear or affirm that I am a United States citizen. I understand that if I have provided false information on my voter registration application that I could be subject to criminal penalties for perjury and that I may be fined, imprisoned, or, if not a United States citizen, deported from or refused entry into the United States.

Sec. 29. NEW SECTION. **48A.25B Verification of citizenship.**

1. *a.* The state registrar of voters shall attempt to verify all registered voters' United States citizenship using the systematic alien verification for entitlements system of the United States citizenship and immigration services, or its successor agency. The state registrar of voters shall provide notice to each county commissioner of registration of the results of the citizenship verification for each registrant in the county commissioner's county.

b. Upon receipt of a notification that a registrant has not been verified as a United States citizen, a county commissioner of registration shall designate the records of the registrant as unconfirmed as provided in section 48A.37, subsection 2.

2. A county commissioner of registration shall send notice to a registrant whose record has been designated as unconfirmed pursuant to subsection 1 that includes all of the following:

a. An opportunity for the registrant to cancel the registrant's voter registration.

b. Instructions on how the registrant can provide proof of citizenship to the county commissioner of registration.

c. Information on how to contact the United States citizenship and immigration services, or its successor agency, to correct information that the registrant believes is inaccurate.

3. A registration that has been designated as unconfirmed pursuant to subsection 1 shall be canceled pursuant to section

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48A.30 if the registrant does not provide proof of citizenship within ninety days of receiving a notice sent pursuant to subsection 2.

4. The state registrar of voters shall, on a monthly basis, verify the United States citizenship of all newly registered voters as provided in subsection 1 and shall, on an annual basis, verify the United States citizenship of all registered voters as provided in subsection 1.

5. The state registrar of voters shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 30. NEW SECTION. **802.2H Election misconduct in the first degree.**

An information or indictment for election misconduct in the first degree in violation of section 39A.2 shall be found within five years after the commission of the offense.

Sec. 31. Section 802.3, Code 2026, is amended to read as follows:

802.3 Felony — aggravated or serious misdemeanor.

In all cases, except those enumerated in [section 802.1](#), [802.2](#), [802.2A](#), [802.2B](#), [802.2C](#), [802.2D](#), [802.2E](#), [802.2F](#), [802.2G](#), [802.2H](#), or [802.10](#), an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

DIVISION V

PRETRIAL DETENTION

Sec. 32. Section 811.1, subsection 1, Code 2026, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0d.* "*Forcible felony*" means the same as defined in section 702.11.

NEW PARAGRAPH. *00d.* "*Indictable offense*" means the same as defined in section 801.4.

NEW PARAGRAPH. *e.* "*Unauthorized alien*" means a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8

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U.S.C. §1101 et seq. "*Unauthorized alien*" shall be interpreted consistently with any applicable federal statutes, rules, or regulations.

Sec. 33. Section 811.1, subsection 2, unnumbered paragraph 1, Code 2026, is amended to read as follows:

~~All~~ Except as provided in subsection 3, all defendants are bailable both before and after conviction, by sufficient surety, or subject to release upon condition or on their own recognizance, except that the following defendants shall not be admitted to bail:

Sec. 34. Section 811.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* Notwithstanding subsection 2, all defendants are bailable before conviction, by sufficient surety, or subject to release upon conditions or on their own recognizance, except when the offense is for a forcible felony. A charge for a forcible felony creates a rebuttable presumption that the person is dangerous and that there is not a sufficient surety or condition of release that will reasonably assure the personal safety of another person or persons. If a court determines that there is probable cause to believe that the defendant committed a forcible felony, then the defendant shall be detained without bail. The prosecuting attorney, or the court on its own motion, must move for pretrial detention. The defendant may rebut the presumption by demonstrating, by a preponderance of the evidence, that adequate conditions of release will reasonably assure the personal safety of another person or persons.

b. It shall be presumed that there are not sufficient sureties or conditions of release that will secure the appearance at trial of an unauthorized alien for an indictable offense. If a court determines that there is probable cause to believe that the defendant committed an indictable offense and the court further determines by a preponderance of the evidence

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that the defendant is an unauthorized alien, the prosecuting attorney, or the court on its own motion, shall move for pretrial detention. The defendant may rebut the presumption by demonstrating, by a preponderance of the evidence, that adequate conditions of release will secure the appearance of the defendant at trial.

DIVISION VI
SEVERABILITY

Sec. 35. SEVERABILITY AND CONTINGENT IMPLEMENTATION.

1. If any provision of this Act or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application. To this end, the provisions of this Act are severable.

2. Notwithstanding subsection 1, if any provision of division III of this Act relating to employment and professional licensure verification is held invalid, the remaining provisions of division III shall continue in effect. The invalidation of provisions in division I or II of this Act shall not affect the validity or enforceability of any provision in division III.

3. a. The requirements of this Act shall be suspended during any of the following periods in which the federal government:

(1) Does not provide this state or its political subdivisions access to the e-verify system of the United States citizenship and immigration services.

(2) Does not provide this state access to the systematic alien verification for entitlements system of the United States department of homeland security and the United States citizenship and immigration services.

(3) Ceases to fund or operate the e-verify system or the systematic alien verification for entitlements system.

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(4) Terminates any memorandum of understanding, intergovernmental service agreement, or other authorization that permits this state to access such federal verification systems.

b. Upon restoration of access to such federal verification systems, the requirements of this Act shall resume effect automatically without further legislative action.

c. During any period of suspension under this subsection, no state or local government entity, or employee thereof, shall be subject to civil or criminal liability for noncompliance with the suspended requirements of this Act.

4. If any provision of this Act requiring transmission of information to federal immigration enforcement agencies is held invalid, such invalidity shall not affect any of the following:

a. The requirement to conduct employment eligibility verification using the e-verify system.

b. The requirement to conduct citizenship and immigration status verification using the systematic alien verification for entitlements system.

c. The appeal process established in section 10A.114, as enacted by division III of this Act, which shall remain in effect for challenges to verification results.

d. Any other provision of this Act not dependent upon such information transmission.

5. a. If any provision of this Act is enjoined by a federal court, and such injunction creates a conflict between the federal court order and state law requirements for political subdivisions, including cities, counties, or school districts, the injunction shall suspend the conflicting state law requirements for such entities during the pendency of the injunction.

b. No political subdivision, including a city, county, or school district, or employee thereof, shall be subject to civil or criminal penalty under state law for compliance with a

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federal court injunction that conflicts with requirements of this Act.

c. If a federal court enjoins specific provisions of this Act that are applicable to political subdivisions while leaving state agency requirements in effect, the state agency requirements shall continue to operate independently.

6. Each division of this Act shall be construed as independent legislation. The invalidation of any provision in division II or division III shall not affect the validity, implementation, or enforcement of any provision in division I. The invalidation of division I shall not affect divisions II or III. The invalidation of division II shall not affect division I or III.

7. If any aspect of the appeal process established in section 10A.114, as enacted by division III of this Act, is held invalid, the remaining procedural protections shall continue in effect. If the timeline established in section 10A.114 is held invalid, challenges shall be processed under the default administrative procedures of chapter 17A until alternative procedures are established by rule.

8. Courts shall construe any invalidity as narrowly as possible to preserve maximum effect for the remaining valid provisions. No provision shall be held invalid based solely on its association with invalid provisions if it can operate independently.>

2. Title page, by striking lines 1 through 5 and inserting <An Act relating to state regulatory compliance and eligibility requirements, including by modifying provisions related to the verification of the identity and employment eligibility of individuals by the board of educational examiners, school districts, accredited nonpublic schools, charter schools, and innovation zone schools; the provision of a false social security number to an employer, prospective employer, or a potential employee; qualifications for employment, professional

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licensure, voter registration, and bail; making penalties applicable; and including applicability provisions.>

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

LYNN EVANS, CHAIRPERSON

BROOKE BODEN, CHAIRPERSON

KERRY GRUENHAGEN

STEVEN HOLT

KEN ROZENBOOM

CHARLEY THOMSON