

106TH CONGRESS
1ST SESSION

S. 1953

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the establishment of a voluntary legal employment authentication program (LEAP) as a successor to the current pilot programs for employment eligibility confirmation.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 1999

Mr. KERREY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the establishment of a voluntary legal employment authentication program (LEAP) as a successor to the current pilot programs for employment eligibility confirmation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Legal Employment Au-
5 thentication Program (LEAP) Act of 1999”.

1 **SEC. 2. AUTHORIZING LEGAL EMPLOYMENT AUTHENTICA-**
 2 **TION PROGRAM (LEAP) AS A SUCCESSOR TO**
 3 **CURRENT PILOT PROGRAMS.**

4 (a) ESTABLISHMENT OF LEGAL EMPLOYMENT AU-
 5 THENTICATION PROGRAM (LEAP).—Subtitle A of title IV
 6 of the Illegal Immigration Reform and Immigrant Respon-
 7 sibility Act of 1996 (division C of Public Law 104–208)
 8 is amended to read as follows:

9 **“Subtitle A—Legal Employment Au-**
 10 **thentication Program (LEAP)**
 11 **for Employment Eligibility Con-**
 12 **firmation**

13 **“SEC. 401. ESTABLISHMENT OF PROGRAM.**

14 “(a) IN GENERAL.—The Attorney General, in close
 15 consultation with the Secretary of Labor and the Commis-
 16 sioner of Social Security, shall establish a legal employ-
 17 ment authentication program for employment eligibility
 18 confirmation under this subtitle.

19 “(b) IMPLEMENTATION.—The Attorney General shall
 20 implement such program in a manner that permits per-
 21 sons and other entities to have elections under section 402
 22 of this division made and in effect no later than 1 year
 23 after the date of the enactment of Legal Employment Au-
 24 thentication Program (LEAP) Act of 1999.

25 “(c) REFERENCES IN SUBTITLE.—In this subtitle—

1 “(1) PROGRAM AND LEAP REFERENCES.—The
2 terms ‘program’ and ‘LEAP’ refer to the legal em-
3 ployment authentication program provided for under
4 this subtitle.

5 “(2) CONFIRMATION SYSTEM.—The term ‘con-
6 firmation system’ means the confirmation system es-
7 tablished under section 404 of this division.

8 “(3) REFERENCES TO SECTION 274A.—Any ref-
9 erence in this subtitle to section 274A (or a subdivi-
10 sion of such section) is deemed a reference to such
11 section (or subdivision thereof) of the Immigration
12 and Nationality Act.

13 “(4) I-9 OR SIMILAR FORM.—The term ‘I-9 or
14 similar form’ means the form used for purposes of
15 section 274A(b)(1)(A) or such other form as the At-
16 torney General determines to be appropriate.

17 “(5) LIMITED APPLICATION TO RECRUITERS
18 AND REFERRERS.—Any reference to recruitment or
19 referral (or a recruiter or referrer) in relation to em-
20 ployment is deemed a reference only to such recruit-
21 ment or referral (or recruiter or referrer) that is
22 subject to section 274A(a)(1)(B)(ii).

23 “(6) UNITED STATES CITIZENSHIP.—The term
24 ‘United States citizenship’ includes United States
25 nationality.

1 “(7) STATE.—The term ‘State’ has the mean-
 2 ing given such term in section 101(a)(36) of the Im-
 3 migration and Nationality Act.

4 **“SEC. 402. VOLUNTARY ELECTION TO PARTICIPATE IN THE**
 5 **PROGRAM.**

6 “(a) VOLUNTARY ELECTION.—Subject to subsection
 7 (c)(3)(B), any person or other entity that conducts any
 8 hiring (or recruitment or referral) may elect to participate
 9 in the program. Except as specifically provided in sub-
 10 section (e), the Attorney General may not require any per-
 11 son or other entity to participate in the program.

12 “(b) BENEFIT OF REBUTTABLE PRESUMPTION.—

13 “(1) IN GENERAL.—If a person or other entity
 14 is participating in the program and obtains con-
 15 firmation of identity and employment eligibility in
 16 compliance with the terms and conditions of the pro-
 17 gram with respect to the hiring (or recruitment or
 18 referral) of an individual for employment in the
 19 United States, the person or entity has established
 20 a rebuttable presumption that the person or entity
 21 has not violated section 274A(a)(1)(A) with respect
 22 to such hiring (or such recruitment or referral).

23 “(2) CONSTRUCTION.—Paragraph (1) shall not
 24 be construed as preventing a person or other entity
 25 that has an election in effect under subsection (a)

from establishing an affirmative defense under section 274A(a)(3) if the person or entity complies with the requirements of section 274A(a)(1)(B) but fails to obtain confirmation under paragraph (1).

“(c) GENERAL TERMS OF ELECTIONS.—

“(1) IN GENERAL.—An election under subsection (a) shall be in such form and manner, under such terms and conditions, and shall take effect, as the Attorney General shall specify. The Attorney General may not impose any fee as a condition of making an election or participating in the program.

“(2) SCOPE OF ELECTION.—Any electing person or the entity may provide that the election under subsection (a) shall apply (during the period in which the election is in effect)—

“(A) to all its hiring (and all recruitment or referral); or

“(B) to its hiring (or recruitment and referral) in one or more places of hiring (or recruitment or referral, as the case may be).

“(3) ACCEPTANCE OF ELECTIONS.—The Attorney General shall accept all elections made under subsection (a).

“(4) TERMINATION OF ELECTIONS.—The Attorney General may terminate an election by a per-

1 son or other entity under this section because the
 2 person or entity has substantially failed to comply
 3 with its obligations under the program. A person or
 4 other entity may terminate an election in such form
 5 and manner as the Attorney General shall specify.

6 “(d) CONSULTATION, EDUCATION, AND PUB-
 7 LICITY.—

8 “(1) CONSULTATION.—The Attorney General,
 9 the Secretary of Labor, and the Commissioner of So-
 10 cial Security shall closely consult with representa-
 11 tives of employers (and recruiters and referrers) in
 12 the development and implementation of the program,
 13 including the education of employers (and recruiters
 14 and referrers) about such programs.

15 “(2) PUBLICITY.—The Attorney General shall
 16 widely publicize the election process and program,
 17 including the voluntary nature of the program and
 18 the advantages to employers (and recruiters and re-
 19 ferrers) of making an election under this section.

20 “(3) ASSISTANCE THROUGH DISTRICT OF-
 21 FICES.—The Attorney General shall designate one or
 22 more individuals in each District office of the Immi-
 23 gration and Naturalization Service for a Service Dis-
 24 trict in which the program is being implemented—

1 “(A) to inform persons and other entities
2 that seek information about the program of the
3 voluntary nature of such programs, and

4 “(B) to assist persons and other entities in
5 electing and participating in the program in ef-
6 fect in the District, in complying with the re-
7 quirements of section 274A, and in facilitating
8 confirmation of the identity and employment
9 eligibility of individuals consistent with such
10 section.

11 “(e) SELECT ENTITIES REQUIRED TO PARTICIPATE
12 IN THE PROGRAM.—

13 “(1) FEDERAL GOVERNMENT AND INDE-
14 PENDENT AGENCIES.—

15 “(A) EXECUTIVE DEPARTMENTS.—

16 “(i) IN GENERAL.—Each Department
17 and independent agency of the Federal
18 Government shall elect to participate in the
19 program and shall comply with the terms
20 and conditions of such an election.

21 “(ii) ELECTION.—Subject to clause
22 (iii), the Secretary of each such Depart-
23 ment and head of each such independent
24 agency may limit the election to hiring oc-
25 curring in certain areas and in specified di-

visions within the Department or agency in the same manner as is permitted under subsection (c)(2).

“(iii) **ROLE OF ATTORNEY GENERAL.**—The Attorney General shall assist and coordinate elections under this subparagraph in such manner as assures that—

“(I) a significant portion of the total hiring within each Department and independent agency is covered under the program, and

“(II) there is significant participation by the Federal Executive branch in the program.

“(B) **LEGISLATIVE BRANCH.**—Each Member of Congress, each officer of Congress, and the head of each agency of the legislative branch, that conducts hiring shall elect to participate in the program and comply with the terms and conditions of such an election.

“(2) **APPLICATION TO CERTAIN VIOLATORS.**—

An order under section 274A(e)(4) or section 274B(g) of the Immigration and Nationality Act may require the subject of the order to participate

1 in, and comply with the terms of, the program with
 2 respect to the subject's hiring (or recruitment or re-
 3 ferral) of individuals in a State covered by the pro-
 4 gram.

5 “(3) CONSEQUENCE OF FAILURE TO PARTICI-
 6 PATE.—If a person or other entity is required under
 7 this subsection to participate in the program and
 8 fails to comply with the requirements of such pro-
 9 gram with respect to an individual—

10 “(A) such failure shall be treated as a vio-
 11 lation of section 274A(a)(1)(B) with respect to
 12 that individual, and

13 “(B) a rebuttable presumption is created
 14 that the person or entity has violated section
 15 274A(a)(1)(A).

16 Subparagraph (B) shall not apply in any prosecution
 17 under section 274A(f)(1).

18 “(f) CONSTRUCTION.—This subtitle shall not affect
 19 the authority of the Attorney General under any other law
 20 (including section 274A(d)(4)) to conduct demonstration
 21 projects in relation to section 274A.

22 **“SEC. 403. PROCEDURES FOR PARTICIPANTS IN THE PRO-**
 23 **GRAM.**

24 “(a) IN GENERAL.—A person or other entity that
 25 elects to participate in the program agrees to conform to

1 the following procedures in the case of the hiring (or re-
 2 cruitment or referral) for employment in the United States
 3 of each individual covered by the election:

4 “(1) PROVISION OF ADDITIONAL INFORMA-
 5 TION.—The person or entity shall obtain from the
 6 individual (and the individual shall provide) and
 7 shall record on the I–9 or similar form—

8 “(A) the individual’s social security ac-
 9 count number, if the individual has been issued
 10 such a number, and

11 “(B) if the individual does not attest to
 12 United States citizenship under section
 13 274A(b)(2), such identification or authorization
 14 number established by the Immigration and
 15 Naturalization Service for the alien as the At-
 16 torney General shall specify,

17 and shall retain the original form and make it avail-
 18 able for inspection for the period and in the manner
 19 required of I–9 forms under section 274A(b)(3).

20 “(2) PRESENTATION OF DOCUMENTATION.—

21 “(A) IN GENERAL.—The person or other
 22 entity, and the individual whose identity and
 23 employment eligibility are being confirmed,
 24 shall, subject to subparagraph (B), fulfill the

1 requirements of section 274A(b) with the fol-
2 lowing modifications:

3 “(i) A document referred to in section
4 274A(b)(1)(B)(ii) (as redesignated by sec-
5 tion 412(a) of this division) must be des-
6 ignated by the Attorney General as suit-
7 able for the purpose of identification in the
8 program.

9 “(ii) A document referred to in sec-
10 tion 274A(b)(1)(D) must contain a photo-
11 graph of the individual.

12 “(iii) The person or other entity has
13 complied with the requirements of section
14 274A(b)(1) with respect to examination of
15 a document if the document reasonably ap-
16 pears on its face to be genuine and it rea-
17 sonably appears to pertain to the indi-
18 vidual whose identity and work eligibility is
19 being confirmed.

20 “(B) LIMITATION OF REQUIREMENT TO
21 EXAMINE DOCUMENTATION.—If the Attorney
22 General finds that the program would reliably
23 determine with respect to an individual
24 whether—

1 “(i) the person with the identity
2 claimed by the individual is authorized to
3 work in the United States, and

4 “(ii) the individual is fraudulently
5 using the social security account number of
6 another person,

7 if a person or entity could fulfill the require-
8 ment to examine documentation contained in
9 subparagraph (A) of section 274A(b)(1) by ex-
10 amining a document specified in either subpara-
11 graph (B) or (D) of such section, the Attorney
12 General may provide that, for purposes of such
13 requirement, only such a document need be ex-
14 amined. In such case, any reference in section
15 274A(b)(1)(A) to a verification that an indi-
16 vidual is not an unauthorized alien shall be
17 deemed to be a verification of the individual’s
18 identity.

19 “(3) SEEKING CONFIRMATION.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (C), the person or other entity shall
22 make an inquiry, as provided in section
23 404(a)(1) of this division, using the confirma-
24 tion system to seek confirmation of the identity
25 and employment eligibility of an individual, by

1 not later than the end of 3 working days (as
2 specified by the Attorney General) after the
3 date of the hiring (or recruitment or referral, as
4 the case may be).

5 “(B) EXTENSION OF TIME PERIOD.—If the
6 person or other entity in good faith attempts to
7 make an inquiry during such 3 working days
8 and the confirmation system has registered that
9 not all inquiries were received during such time,
10 the person or entity can make an inquiry in the
11 first subsequent working day in which the con-
12 firmation system registers that it has received
13 all inquiries. If the confirmation system cannot
14 receive inquiries at all times during a day, the
15 person or entity merely has to assert that the
16 entity attempted to make the inquiry on that
17 day for the previous sentence to apply to such
18 an inquiry, and does not have to provide any
19 additional proof concerning such inquiry.

20 “(C) PERMITTING USE OF MACHINE-READ-
21 ABLE DOCUMENTS.—If the individual whose
22 identity and employment eligibility must be con-
23 firmed presents to the person or entity hiring
24 (or recruiting or referring) the individual a li-
25 cense or other document described in section

1 274A(b)(1)(D)(i) that includes a machine-read-
2 able social security account number, the person
3 or entity may make an inquiry through the con-
4 firmation system by using a machine-readable
5 feature of such document.

6 “(D) LIMITED DISCLOSURE.—The con-
7 firmation system shall disclose to the person or
8 entity making the inquiry only a confirmation
9 or nonconfirmation of the individual’s eligibility
10 to be employed and shall not disclose any social
11 security account number or any other social se-
12 curity account information.

13 “(E) USE OF ELECTRONIC INQUIRY SYS-
14 TEM.—The confirmation system shall permit,
15 not later than 2 years after the date of the en-
16 actment of this subparagraph, for inquiries to
17 be made, and confirmation and nonconfirmation
18 to be made transmitted, through electronic
19 media (such as a modem or telephone).

20 “(4) CONFIRMATION OR NONCONFIRMATION.—

21 “(A) CONFIRMATION UPON INITIAL IN-
22 QUIRY.—If the person or other entity receives
23 an appropriate confirmation of an individual’s
24 identity and work eligibility under the confirma-
25 tion system within the time period specified

1 under section 404(b) of this division, the person
2 or entity shall record on the I-9 or similar form
3 an appropriate code that is provided under the
4 system and that indicates a final confirmation
5 of such identity and work eligibility of the indi-
6 vidual.

7 “(B) NONCONFIRMATION UPON INITIAL IN-
8 QUIRY AND SECONDARY VERIFICATION.—

9 “(i) NONCONFIRMATION.—If the per-
10 son or other entity receives a tentative
11 nonconfirmation of an individual’s identity
12 or work eligibility under the confirmation
13 system within the time period specified
14 under 404(b) of this division, the person or
15 entity shall so inform the individual for
16 whom the confirmation is sought.

17 “(ii) NO CONTEST.—If the individual
18 does not contest the nonconfirmation with-
19 in the time period specified in section
20 404(c) of this division, the nonconfirmation
21 shall be considered final. The person or en-
22 tity shall then record on the I-9 or similar
23 form an appropriate code which has been
24 provided under the system to indicate a
25 tentative nonconfirmation.

1 “(iii) CONTEST.—If the individual
2 does contest the nonconfirmation, the indi-
3 vidual shall utilize the process for sec-
4 ondary verification provided under section
5 404(c) of this division. The nonconfirma-
6 tion will remain tentative until a final con-
7 firmation or nonconfirmation is provided
8 by the confirmation system within the time
9 period specified in such section. In no case
10 shall an employer terminate employment of
11 an individual because of a failure of the in-
12 dividual to have identity and work eligi-
13 bility confirmed under this section until a
14 nonconfirmation becomes final. Nothing in
15 this clause shall apply to a termination of
16 employment for any reason other than be-
17 cause of such a failure.

18 “(iv) RECORDING OF CONCLUSION ON
19 FORM.—If a final confirmation or noncon-
20 firmation is provided by the confirmation
21 system under section 404(c) of this divi-
22 sion regarding an individual, the person or
23 entity shall record on the I-9 or similar
24 form an appropriate code that is provided
25 under the system and that indicates a con-

1 firmation or nonconfirmation of identity
2 and work eligibility of the individual.

3 “(C) CONSEQUENCES OF NONCONFIRMA-
4 TION.—

5 “(i) TERMINATION OR NOTIFICATION
6 OF CONTINUED EMPLOYMENT.—If the per-
7 son or other entity has received a final
8 nonconfirmation regarding an individual
9 under subparagraph (B), the person or en-
10 tity may terminate employment (or recruit-
11 ment or referral) of the individual. If the
12 person or entity does not terminate em-
13 ployment (or recruitment or referral) of
14 the individual, the person or entity shall
15 notify the Attorney General of such fact
16 through the confirmation system or in such
17 other manner as the Attorney General may
18 specify.

19 “(ii) FAILURE TO NOTIFY.—If the
20 person or entity fails to provide notice with
21 respect to an individual as required under
22 clause (i), the failure is deemed to con-
23 stitute a violation of section 274A(a)(1)(B)
24 with respect to that individual and the ap-
25 plicable civil monetary penalty under sec-

tion 274A(e)(5) shall be (notwithstanding the amounts specified in such section) no less than \$500 and no more than \$1,000 for each individual with respect to whom such violation occurred.

“(iii) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A). The previous sentence shall not apply in any prosecution under section 274A(f)(1).

“(b) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE CONFIRMATION SYSTEM.—No person or entity participating in the program shall be civilly or criminally liable under any law for any action taken in good faith reliance on information provided through the confirmation system.

1 **“SEC. 404. EMPLOYMENT ELIGIBILITY CONFIRMATION SYS-**
2 **TEM.**

3 “(a) IN GENERAL.—The Attorney General, in co-
4 operation with the Secretary of Labor and the Commis-
5 sioner of Social Security, shall establish the program con-
6 firmation system through which the Attorney General (or
7 a designee of the Attorney General, which may be a non-
8 governmental entity)—

9 “(1) responds to inquiries made by electing per-
10 sons and other entities at any time through a toll-
11 free telephone line or other toll-free electronic media
12 concerning an individual’s identity and whether the
13 individual is authorized to be employed, and

14 “(2) maintains records of the inquiries that
15 were made, of confirmations provided (or not pro-
16 vided), and of the codes provided to inquirers as evi-
17 dence of their compliance with their obligations
18 under the program.

19 To the extent practicable, the Attorney General shall seek
20 to establish such a system using one or more nongovern-
21 mental entities.

22 “(b) INITIAL RESPONSE.—The confirmation system
23 shall provide confirmation or a tentative nonconfirmation
24 of an individual’s identity and employment eligibility with-
25 in 3 working days of the initial inquiry. If providing con-
26 firmation or tentative nonconfirmation, the confirmation

1 system shall provide an appropriate code indicating such
2 confirmation or such nonconfirmation.

3 “(c) SECONDARY VERIFICATION PROCESS IN CASE
4 OF TENTATIVE NONCONFIRMATION.—In cases of ten-
5 tative nonconfirmation, the Attorney General shall specify,
6 in consultation with the Commissioner of Social Security,
7 Secretary of Labor, and the Commissioner of the Immi-
8 gration and Naturalization Service, an available secondary
9 verification process to confirm the validity of information
10 provided and to provide a final confirmation or noncon-
11 firmation within 10 working days after the date of the
12 tentative nonconfirmation. When final confirmation or
13 nonconfirmation is provided, the confirmation system shall
14 provide an appropriate code indicating such confirmation
15 or nonconfirmation.

16 “(d) DESIGN AND OPERATION OF SYSTEM.—The
17 confirmation system shall be designed and operated—

18 “(1) to maximize its reliability and ease of use
19 by persons and other entities making elections under
20 section 402(a) of this division consistent with insu-
21 lating and protecting the privacy and security of the
22 underlying information;

23 “(2) to respond to all inquiries made by such
24 persons and entities on whether individuals are au-

1 thorized to be employed and to register all times
2 when such inquiries are not received;

3 “(3) with appropriate administrative, technical,
4 and physical safeguards to prevent unauthorized dis-
5 closure of personal information; and

6 “(4) to have reasonable safeguards against the
7 system’s resulting in unlawful discriminatory prac-
8 tices based on national origin or citizenship status,
9 including—

10 “(A) the selective or unauthorized use of
11 the system to verify eligibility;

12 “(B) the use of the system prior to an
13 offer of employment;

14 “(C) the exclusion of certain individuals
15 from consideration for employment as a result
16 of a perceived likelihood that additional
17 verification will be required, beyond what is re-
18 quired for most job applicants; or

19 “(D) the authority of the Immigration and
20 Naturalization Service to impose a civil money
21 penalty of not less than \$500 and no more than
22 \$1,000 for each individual with respect to
23 whom such a violation occurred.

24 “(e) RESPONSIBILITIES OF THE COMMISSIONER OF
25 SOCIAL SECURITY.—As part of the confirmation system,

1 the Commissioner of Social Security, in consultation with
2 the entity responsible for administration of the system,
3 shall establish a reliable, secure method, which, within the
4 time periods specified under subsections (b) and (c), com-
5 pares the name and social security account number pro-
6 vided in an inquiry against such information maintained
7 by the Commissioner in order to confirm (or not confirm)
8 the validity of the information provided regarding an indi-
9 vidual whose identity and employment eligibility must be
10 confirmed, the correspondence of the name and number,
11 whether the individual has presented a social security ac-
12 count number that is not valid for employment, and
13 whether the individual is fraudulently using the social se-
14 curity account number of another person. The Commis-
15 sioner shall not disclose or release social security informa-
16 tion (other than such confirmation or nonconfirmation),
17 except that if an officer or employee in connection with
18 conducting activities under the program discovers evidence
19 of criminal activity, the officer or employee may report
20 such activity to authorized law enforcement officials.

21 “(f) RESPONSIBILITIES OF THE COMMISSIONER OF
22 THE IMMIGRATION AND NATURALIZATION SERVICE.—As
23 part of the confirmation system, the Commissioner of the
24 Immigration and Naturalization Service, in consultation
25 with the entity responsible for administration of the sys-

1 tem, shall establish a reliable, secure method, which, with-
 2 in the time periods specified under subsections (b) and (c),
 3 compares the name and alien identification or authoriza-
 4 tion number described in section 403(a)(1)(B) of this divi-
 5 sion which are provided in an inquiry against such infor-
 6 mation maintained by the Commissioner in order to con-
 7 firm (or not confirm) the validity of the information pro-
 8 vided, the correspondence of the name and number, wheth-
 9 er the alien is authorized to be employed in the United
 10 States, and whether the individual is fraudulently using
 11 the social security account number of another person.

12 “(g) UPDATING INFORMATION.—The Commissioners
 13 of Social Security and the Immigration and Naturalization
 14 Service shall update their information in a manner that
 15 promotes the maximum accuracy and shall provide a proc-
 16 ess for the prompt correction of erroneous information, in-
 17 cluding instances in which it is brought to their attention
 18 in the secondary verification process described in sub-
 19 section (c).

20 “(h) LIMITATION ON USE OF THE CONFIRMATION
 21 SYSTEM AND ANY RELATED SYSTEMS.—

22 “(1) IN GENERAL.—Notwithstanding any other
 23 provision of law, nothing in this subtitle shall be
 24 construed to permit or allow any department, bu-
 25 reau, or other agency of the United States Govern-

1 ment to utilize any information, data base, or other
2 records assembled under this subtitle for any other
3 purpose other than as provided for under the pro-
4 gram.

5 “(2) NO NATIONAL IDENTIFICATION CARD.—
6 Nothing in this subtitle shall be construed to author-
7 ize, directly or indirectly, the issuance or use of na-
8 tional identification cards or the establishment of a
9 national identification card.

10 “(i) AUTHORIZATION.—The Attorney General shall
11 enter into a cooperative agreement with the Secretary of
12 Labor and the Commissioner of Social Security for the
13 purpose of carrying out this subtitle. Under the agree-
14 ment, officers and employees of the Immigration and Nat-
15 uralization Service and of the Department of Labor, in
16 cooperation with the Social Security Administration, are
17 authorized to confirm the eligibility of individuals to be
18 employed in the United States. In confirming such eligi-
19 bility, such officers and employees may use records that
20 include Social Security account numbers to determine with
21 respect to an individual whether the person with the iden-
22 tity claimed by the individual is authorized to be employed
23 in the United States and whether the individual is fraudu-
24 lently using the social security account number of another
25 person. Under the agreement, the Social Security Admin-

1 istration is authorized to release to employees of the Immi-
 2 gration and Naturalization Service information, including
 3 (but not limited to) the following:

4 “(1) The name, date of birth, and social secu-
 5 rity account number of individuals.

6 “(2) All records relating to any alien.

7 “(3) All records relating to any individual
 8 whom the Attorney General suspects is fraudulently
 9 using the social security account number of another
 10 person, including records that indicate that an indi-
 11 vidual has requested a high number of replacement
 12 social security account number cards.

13 **“SEC. 405. ANNUAL REPORTS.**

14 “The Attorney General shall submit to the Commit-
 15 tees on the Judiciary of the House of Representatives and
 16 of the Senate reports on the program. Such reports
 17 shall—

18 “(1) assess the degree of fraudulent attesting of
 19 United States citizenship,

20 “(2) include recommendations on whether or
 21 not the program should be modified, and

22 “(3) assess the benefits of the program to em-
 23 ployers and the degree to which they assist in the
 24 enforcement of section 274A.

1 **“SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated, for fiscal
3 year 2000 and each succeeding fiscal year, such sums as
4 may be necessary to carry out this subtitle.”.

5 (b) CLERICAL AMENDMENT.—The items in the table
6 of contents in section 1(d) of the Illegal Immigration Re-
7 form and Immigrant Responsibility Act of 1996 (division
8 C of Public Law 104–208) relating to subtitle A of title
9 IV are amended to read as follows:

“SUBTITLE A—LEGAL EMPLOYMENT AUTHENTICATION PROGRAM (LEAP)
FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

“Sec. 401. Establishment of program.
“Sec. 402. Voluntary election to participate in the program.
“Sec. 403. Procedures for participants in the program.
“Sec. 404. Employment eligibility confirmation system.
“Sec. 405. Annual reports.
“Sec. 406. Authorization of appropriations.”.

10 (c) SUNSET OF CURRENT CITIZEN ATTESTATION
11 AND MACHINE-READABLE-DOCUMENT PILOT PRO-
12 GRAMS.—The pilot programs under subsections (b) and
13 (c) of section 403 of the Illegal Immigration Reform and
14 Immigrant Responsibility Act of 1996 (division C of Pub-
15 lic Law 104–208) (as in effect before the date of the en-
16 actment of this Act) shall terminate when the program
17 under section 404(a) of such Act (as amended by this Act)
18 becomes effective and any reference in such subsections
19 to a pilot program under subsection (a) shall be to such

- 1 program as in effect before the date of the enactment of
- 2 this Act.

