

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish an alternate identity authentication program with additional identity authentication mechanisms that may be used by employers on a voluntary basis.

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

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEE

Viz:

1       On page 428, between lines 11 and 12, insert the fol-  
2       lowing:

3               “(G) VOLUNTARY PROGRAM ON IDENTITY  
4       AUTHENTICATION.—

5               “(i) IN GENERAL.—Not later than 18  
6       months after the date of the enactment of  
7       the Border Security, Economic Oppor-  
8       tunity, and Immigration Modernization  
9       Act, the Secretary shall establish by regu-  
10      lation, as part of an optional electronic  
11      platform for accessing the System, an

1 identity authentication program that is  
2 made available to individuals and entities  
3 on a voluntary basis and that contains ad-  
4 ditional mechanisms for authenticating an  
5 individual's identity and using the authen-  
6 ticated identity information for employ-  
7 ment eligibility verification purposes. Such  
8 program shall be made available for use by  
9 individuals and entities as an alternative to  
10 the mechanisms established under subpara-  
11 graph (F).

12 “(ii) DESIGN AND OPERATION OF  
13 PROGRAM.—The voluntary program re-  
14 quired by clause (i) shall be designed and  
15 operated to include an identity verification  
16 platform that—

17 “(I) uses state-of-the-art multi-  
18 dimensional knowledge-based authen-  
19 tication technology to determine to a  
20 high degree of accuracy whether an  
21 individual presenting biographic infor-  
22 mation is the individual with that true  
23 identity;

24 “(II) to the extent helpful in ac-  
25 quiring the best technology to imple-

1           ment the program, is operated pursu-  
2           ant to a contract or other agreement  
3           with a nongovernmental entity or enti-  
4           ties, but that remains under the con-  
5           trol of the Secretary as to the use of  
6           all determinations communicated by  
7           the platform, regardless of the entity  
8           operating the platform;

9                   “(III) communicates tentative  
10                  and final nonconfirmations of identity;

11                  “(IV) is integrated with the Sys-  
12                  tem so that employment authoriza-  
13                  tions will be determined for all indi-  
14                  viduals identified as presenting their  
15                  true identities through the databases  
16                  maintained by the Commissioner of  
17                  Social Security and the Secretary;

18                  “(V) is designed to make risk-  
19                  based assessments regarding the reli-  
20                  ability of a claim of a identity made  
21                  by an individual presenting biographic  
22                  information and to tailor the identity  
23                  determination in accordance with  
24                  those assessments;

1 “(VI) is designed to permit que-  
2 ries to be presented to individuals  
3 subject to identity verification at the  
4 time their identities are being verified  
5 in a manner that permits rapid com-  
6 munication through Internet, mobile  
7 phone, and landline telephone connec-  
8 tions to facilitate identity-proofing;

9 “(VII) generates queries that  
10 conform to the context of the identity  
11 verification process and the cir-  
12 cumstances of the individual whose  
13 identity is being verified;

14 “(VIII) uses publicly available  
15 databases as well as databases under  
16 the jurisdiction of the Commissioner  
17 of Social Security, the Secretary of  
18 Homeland Security (including the  
19 U.S.-VISIT data base), and the Sec-  
20 retary of State (including passport  
21 and visa databases) to formulate que-  
22 ries to be presented to individuals  
23 whose identities are being verified;

24 “(IX) will not retain data col-  
25 lected by the platform within any

1 database separate from the one in  
2 which the platform is located and will  
3 limit access to the existing databases  
4 to a reference process that shields the  
5 operator of the platform from acquir-  
6 ing possession of the data beyond the  
7 formulation of queries and verification  
8 of responses;

9 “(X) does not permit individuals  
10 or entities using the System access to  
11 any data related to the individuals  
12 whose identities are being verified be-  
13 yond confirmations and tentative and  
14 final nonconfirmations of identity;

15 “(XI) provides online assistance  
16 to individuals receiving tentative non-  
17 confirmations of identity to correct er-  
18 rors in records and achieve appro-  
19 priate confirmations to the greatest  
20 extent and as rapidly as possible;

21 “(XII) is subject to a review and  
22 appeals process by administratively re-  
23 sponsible personnel to correct errors  
24 in the capabilities of the platform;

1                   “(XIII) may include, if feasible, a  
2                   capability for permitting document  
3                   and biometric inputs that can be of-  
4                   fered to individuals and entities using  
5                   the System and may be used at the  
6                   option of employees to facilitate iden-  
7                   tity verification (but which would not  
8                   be required of either employers or em-  
9                   ployees); and  
10                  “(XIV) is developed, to the great-  
11                  est extent possible, in accordance with  
12                  the timeframes specified in this Act.