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AMENDMENT TO H.R. 1772

OFFERED BY MS. JACKSON LEE OF TEXAS

Page 40, line 18, insert after "this paragraph." the following:

1 "(10) ANNUAL AUDIT AND REPORT.—

2 "(A) PURPOSE OF THE AUDIT AND RE-
3 PORT.—The Office for Civil Rights and Civil
4 Liberties of the Department of Homeland Secu-
5 rity shall conduct annual audits of the
6 verification system, to assess employer compli-
7 ance with verification system requirements, in-
8 cluding civil rights and civil liberties protec-
9 tions, and compliance with the verification sys-
10 tem rules and procedures.

11 "(B) REQUIREMENTS OF AUDIT.—Annual
12 audits shall include the following:

13 "(i) Use of testers to check if employ-
14 ers are using the verification system prop-
15 erly, including if employers are misusing
16 the verification system to prescreen job ap-
17 plicants, if employers are giving proper no-
18 tification to employees regarding both ten-
19 tative and final nonconfirmations, and if

1 employers are taking adverse actions
2 against workers based upon tentative non-
3 confirmations.
4 "(ii) Random audits of employers to
5 confirm that employers are using the sys-
6 tem and in a manner consistent with civil
7 rights and civil liberties protections; and
8 "(iii) Periodic audits of employers for
9 which the Office for Civil Rights and Civil
10 Liberties of the Department of Homeland
11 Security or the Office of Special Counsel
12 for Immigration-Related Unfair Employ-
13 ment Practice of the Department of Jus-
14 tice has received information or complaints
15 or actual charges of citizenship or national
16 origin discrimination or document abuse.
17 "(C) AUTHORITY OF OFFICE FOR CIVIL
18 RIGHTS AND CIVIL LIBERTIES.—The Office for
19 Civil Rights and Civil Liberties of the Depart-
20 ment of Homeland Security shall have the au-
21 thority to obtain from users of the verification
22 system relevant documents and testimony and
23 answers to written interrogatories. The Office
24 shall also have the authority to conduct site vis-
25 its, and interview employees.

1 "(D) FAILURE OF EMPLOYERS TO CO-
2 OPERATE.—Employers that fail to cooperate
3 with the Office for Civil Rights and Civil Lib-
4 erties shall be noted in the annual report set
5 forth below in this subsection.
6 "(E) REQUIREMENT FOR REPORTS.—Not
7 later than 18 months after the date of the en-
8 actment of the Act, and annually thereafter, the
9 Office for Civil Rights and Civil Liberties shall
10 submit a report to the President of the Senate,
11 the Speaker of the House of Representatives,
12 and the appropriate committees and sub-
13 committees of Congress that contains the find-
14 ings of the audit carried out under this para-
15 graph.".