number in the form of an appropriate confirmation code or otherwise, on whether an individual is authorized to be employed by that employer, and

''(ii) maintains a record that such an inquiry was made and the confirmation provided (or not provided)

''(B) EXPEDITED PROCEDURE IN CASE OF NO CONFIRMATION.—In connection with subparagraph (A), the Attorney General shall establish, in consultation with the Commissioner of Social Security and the Commissioner of the Service, expedited procedures that shall be used under the confirmation mechanism in cases in which the confirmation is sought but is not provided through confirmation mechanism.

''(C) DESIGN AND OPERATION OF MECHANISM.—The confirmation mechanism shall be designed and operated—

''(i) to maximize the reliability of the confirmation process, and the ease of use by employers, recruiters, and referrers, consistent with insulating and protecting the privacy and security of the underlying information, and

''(ii) to respond to all inquiries made by employers on whether individuals are authorized to be employed by those employers, recruiters, or referrers registering all times when such response is not possible.

''(D) CONFIRMATION PROCESS.—(i) As part of the confirmation mechanism, the Commissioner of Social Security shall establish a reliable, secure method, which within the time period specified under clause (iii), compares the name and social security account number provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information.

''(ii) As part of the confirmation mechanism, the Commissioner of the Service shall establish a reliable, secure method, which, within the time period specified under clause (iii), compares the name and alien identification number (if any) provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided and whether the alien is authorized to be employed in the United States.

''(iii) For purposes of this section, the Attorney General (or a designee of the Attorney General) shall provide through the confirmation mechanism confirmation or a tentative nonconfirmation of an individual's employment eligibility within 3 working days of the initial inquiry. In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Service, an expedited time period not to exceed 10 working days within which final confirmation or denial must be provided through the confirmation mechanism in accordance with the procedures under subparagraph (B).

''(iv) The Commissioners shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(E) PROTECTIONS.—(i) In no case shall an individual be denied employment because of inaccurate or inaccessible data under the confirmation mechanism.

''(ii) The Attorney General shall assure that there is a timely and accessible process to challenge nonconfirmations made through the mechanism.

''(iii) If an individual would not have been dismissed from a job but for an error of the confirmation mechanism, the individual will be entitled to compensation through the mechanism of the Federal Tort Claims Act.

''(F) TESTER PROGRAM.—As part of the confirmation mechanism, the Attorney General shall implement a program of testers and investigative activities (similar to testing and other investigative activities assisted under the fair housing initiatives program under section 561 of the Housing and Community Development Act of 1987 to enforce rights under the Fair Housing Act) in order to monitor and prevent unlawful discrimination under the mechanism.

''(G) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE EMPLOYMENT ELIGIBILITY CONFIRMATION MECHANISM.—No person shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility confirmation mechanism established under this paragraph (including any pilot program established under paragraph (7)).

''(7) APPLICATION OF CONFIRMATION MECHANISM THROUGH PILOT PROJECTS.—

''(A) IN GENERAL.—Subsection (a)(3)(B) and paragraph (3) shall only apply to individuals hired if they are covered under a pilot project established under this paragraph.

''(B) UNDERTAKING PILOT PROJECTS.—For purposes of this paragraph, the Attorney General shall undertake pilot projects for all employers in at least 5 of the 7 States with the highest estimated population of unauthorized aliens, in order to test and assure that the confirmation mechanism described in paragraph (6) is reliable and easy to use. Such projects shall be initiated not later than 6 months after the date of the enactment of this paragraph. The Attorney General, however, shall not establish such mechanism in other States unless Congress so provides by law. The pilot projects shall terminate on such dates, not later than October 1, 1999, as the Attorney General determines. At least one such pilot project shall be carried out through a nongovernmental entity as the confirmation mechanism.

''(C) REPORT.—The Attorney General shall submit to the Congress annual reports in 1997, 1998, and 1999 on the development and implementation of the confirmation mechanism under this paragraph. Such reports may include an analysis of whether the mechanism implemented—

''(i) is reliable and easy to use;

''(ii) limits job losses due to inaccurate or unavailable data to less than 1 percent;

''(iii) increase or decreases discrimination;

''(iv) protects individual privacy with appropriate policy and technological mechanisms; and

''(v) burdens individual employers with costs or additional administrative requirements.''.

It was decided in the negative ..... { Yeas ..... 86 / Nays 331

¶31.19 [Roll No. 77]

AYES—86

Baker (CA)
Barton
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bono
Borski
Bryant (TX)
Burton
Calvert
Campbell
Canady
Cardin
Castle
Condit
Cunningham
Deal
DeFazio
DeLauro
Dreier
Duncan
Eshoo
Farr
Foglietta
Foley
Frank (MA)
Furse
Gallegly
Gejdenson
Geren
Gilchrest
Goodlatte
Goss
Holden
Horn
Hunter
Jacobs
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Kim
LaFalce
Leach
Levin
Lewis (CA)
Lowey
Manton
Markey
Martinez
McCollum
McKeon
McKinney
Meehan
Metcalf
Meyers
Miller (CA)
Moorhead
Neal
Obey
Packard
Pallone
Payne (VA)
Rohrabacher
Roth
Roukema
Royce
Sabo
Schumer
Seastrand
Shays
Smith (NJ)
Smith (TX)
Stenholm
Torricelli
Traficant
Vento
Visclosky
Vucanovich
Waxman
Wilson
Wynn
Young (AK)
Young (FL)

NOES—331

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Camp
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McNulty
Meek
Menendez
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder

Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Yates
Zeliff
Zimmer

NOT VOTING—14

Collins (IL)
Hayes
Hostettler
Johnson (CT)
Johnston
Moakley
Nadler
Radanovich
Rose
Stark
Stokes
Studds
Tate
Waters

So the amendment, as modified, was not agreed to.

After some further time,

¶31.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CANADY:

Amend subsection (c) of section 514 to read as follows:

(c) ESTABLISHING JOB OFFER AND ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS.—Paragraph (2) of section 203(c) (8 U.S.C. 1153(c)) is amended to read as follows:

''(2) REQUIREMENTS OF JOB OFFER AND EDUCATION OR SKILLED WORKER AND ENGLISH LANGUAGE PROFICIENCY.—An alien is not eligible for a visa under this subsection unless the alien—

''(A) has a job offer in the United States which has been verified;

''(B) has at least a high school education or its equivalent;

''(C) has at least 2 years of work experience in an occupation which requires at least 2 years of training; and

''(D) demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

Redesignate section 519 as section 520 and insert after section 518 the following new section (and conform the table of contents, and cross-references to section 519, accordingly):

SEC. 519. STANDARDS FOR ENGLISH LANGUAGE PROFICIENCY FOR MOST IMMIGRANTS.

Section 203 (8 U.S.C. 1153), as amended by section 524(a), is amended by adding at the end the following new subsection:

''(i) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—(1) For purposes of this section, the levels of English language speaking and reading ability specified in this subsection are as follows:

''(A) The ability to speak English at a level required, without a dictionary, to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, such as current events, work, family, and personal history, and to have a basic understanding of most conversations on nontechnical subjects, as shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States.

''(B) The ability to read English at a level required to understand simple prose in a form equivalent to typescript or printing on subjects familiar to most general readers, and, with a dictionary, the general sense of routine business letters, and articles in newspapers and magazines directed to the general reader.

''(2) The levels of ability described in paragraph (1) shall be shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States. Determinations of the tests required and the computing of the appropriate score on each such test are within the sole discretion of the Secretary of Education, and are not subject to further administrative or judicial review.

''(3) The level of English language speaking and reading ability specified under this subsection shall not apply to family members accompanying, or following to join, an immigrant under subsection (e).''.

Amend paragraph (3) of section 513(a) to read as follows:

(3) by adding at the end the following new paragraphs:

''(8) NOT COUNTING WORK EXPERIENCE AS AN UNAUTHORIZED ALIEN.—For purposes of this subsection, work experience obtained in employment in the United States with respect to which the alien was an unauthorized alien (as defined in section 274A(h)(3)) shall not be taken into account.

''(9) ENGLISH LANGUAGE PROFICIENCY REQUIREMENT.—An alien is not eligible for an immigrant visa number under this subsection unless the alien demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

In section 553(b)—

(1) in paragraph (1), strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)'', and

(2) redesignate paragraph (3) and paragraph (4), and

(3) insert after paragraph (2) the following new paragraph:

(3) In determining the order of issuance of visa numbers under this section, if an immigrant demonstrates the ability to speak and to read the English language at appropriate levels specified under section 203(i) of the Immigration and Nationality Act (as added by section 519), the immigrant's priority date shall be advanced to 180 days before the priority date otherwise established.

It was decided in the affirmative { Yeas ..... 210 / Nays ..... 207 }

¶31.21 [Roll No. 78]

AYES—210

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Boehner
Bono
Browder
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Gordon
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Luther
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Porter
Quillen
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—207

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Pomeroy
Portman
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Skaggs
Slaughter
Smith (MI)
Spratt
Stupak