

proceedings on this motion will be postponed.

BASIC PILOT EXTENSION ACT OF
2003

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2359) to extend the basic pilot program for employment eligibility verification, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Basic Pilot Extension Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM FOR STATUS INQUIRIES BY GOVERNMENT AGENCIES.

(a) IN GENERAL.—Section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)) is amended by adding at the end the following: "An inquiry described in the preceding sentence may be submitted and responded to using the confirmation system established under section 404.".

(b) CONFORMING AMENDMENT.—Section 404(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

"(3) STATUS INQUIRIES BY GOVERNMENT AGENCIES.—Notwithstanding any other provision of this section, the confirmation system may be used to submit, and to respond to, inquiries described in section 642(c). In the case of such an inquiry, citizenship or immigration status information may be provided in addition to the identity and employment eligibility information provided under subsections (b) and (c)."

SEC. 4. OPERATION OF BASIC PILOT PROGRAM IN ALL STATES.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "in, at" and all that follows through the semicolon at the end and inserting "in all States;".

(b) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking "electing—" and all that follows through "(ii) the citizen" and inserting "electing the citizen"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2359, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ illegal aliens and required employers to check the identity and work eligibility documents of all new employees. Unfortunately, illegal aliens have used the easy and cheap availability of counterfeit documents to make a mockery of IRCA. Today's document-based verification system just does not work, and it frustrates employers who do not want to hire illegal aliens, but have no choice other than to accept documents that have a high likelihood of being counterfeit.

In 1996, Congress created a pilot program to help employers verify worker eligibility. Under this program, the employers who elect to participate in the pilot program may submit Social Security numbers and alien identification numbers of newly hired employees to be checked against Social Security Administration and INS records. This weeds out bogus numbers provided by illegal aliens and thus helps to ensure that new hires are genuinely eligible to work.

The pilot program has been a great success over its 6 years of operation. A recent study conducted by the Institute for Survey Research at Temple University, in conjunction with Westat, found that 96 percent of participating employers believe the pilot to be an effective and reliable tool for employment verification; 94 percent believed it to be more reliable than the IRCA-required document check; and 83 percent believed that participating in the pilot reduced uncertainty regarding work authorization. The study recommended the continuation of the pilot.

Several participating employers indicated in a recent letter to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, that "the pilot is the best tool employers have to make sure they are not hiring unauthorized aliens. Employers have embraced the tools granted by Congress and Congress should grant a continuation of the pilot employment verification program."

H.R. 2359, introduced by the gentleman from California (Mr. CALVERT), would extend the pilot program for an additional 5 years. It would also allow volunteer employers throughout the Nation to participate in the pilot. Currently, the Department of Homeland

Security is required to operate the pilot in at least five of the seven States with the highest estimated number of illegal aliens. There is no reason why employers elsewhere in the Nation should not be allowed to participate and reap the same rewards as the current participants.

The study of the pilot found that now is not the time to require all businesses in the United States to participate. However, all this bill does is to open the pilot program to additional volunteer employers. The study explicitly found that "the Social Security Administration and INS are currently capable of handling" a nationwide voluntary program. That is all H.R. 2359 does. The study did indicate that the pilot could be improved.

However, as chairman of the Subcommittee on Immigration, Border Security, and Claims will elaborate, in the years since the time the study reviewed the pilot, the INS and the Department of Homeland Security have been successfully making these improvements. At the request of the Department of Homeland Security, H.R. 2359 would also provide that inquires by Federal, State, and local government agencies seeking to verify or ascertain the citizen or immigration status of any individual for any purpose authorized by law may be made using the mechanism of the pilot program.

□ 1800

Under current law, DHS must already respond to these agencies' request. The bill merely allows DHS to utilize the pilot program in responding. And, the pilot program contains no new databases. It merely relies on current Social Security Administration and Department of Homeland Security records system.

I urge my colleagues to support this bill. This legislation will provide willing employers throughout the Nation the tools they need to hire a legal workforce and comply with the law.

Madam Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to H.R. 2359, the Basic Pilot Extension Act of 2003. While proponents of this bill claim it is a simple extension of the basic pilot program for employment eligibility verification, this bill actually comes dangerously close to threatening the privacy of U.S. citizens and noncitizens alike.

H.R. 2359 would permit any government agency to use the basic pilot confirmation system to check the immigration or citizenship status of U.S. citizens and immigrants who come within their purview. This would include those who seek drivers' licenses, it would include professional licenses, or any person who is subject to an inquiry of a Federal, State, or local government agency.

My own home State of Texas is one of the sites for the current pilot program. Although the program was set

up with the best of intentions, a recent independent study conducted for the U.S. Department of Justice concluded that the basic pilot program is not ready for larger scale implementation at this time. The study identified problems such as inaccurate and outdated immigration databases. It brought out the civil rights violations by employers and insufficient privacy protections.

Although the program is not supposed to be used as a prescreening mechanism before employment is offered, many employers are basing hiring decisions on these checks. As a result, eligible workers are being denied employment opportunities because an outdated database says they are not eligible to work. The study concluded that these problems could become insurmountable if the program were to be expanded dramatically in scope.

Despite the findings of this study, this bill would expand a flawed program to every State of the Union. I can only conclude that this legislation is a veiled attempt to put in place the mechanism for eventual adoption of a controversial national identification program. The expansion of the pilot program would effectively create a single database, with no privacy protections, that would make it much easier for the government to track its own citizens.

Madam Speaker, it leads me to believe that such a vast invasion of a citizen's privacy must be carefully examined and debated by Congress. However, this broad expansion of government power has been attached to a seemingly benign program extension circumventing any committee hearings or subcommittee markup.

We all agree that we need to find ways to ensure employers hire workers that are legally authorized to work in the United States; however, the Basic Pilot Extension Act does nothing to take us closer to this goal. Instead, this legislation expands a currently imperfect program and creates a new and controversial identification database that could threaten the privacy of all U.S. citizens and immigrants. I urge my colleagues to oppose H.R. 2359.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Halloween is coming up, and I am afraid that the argument used by the gentleman from Texas (Mr. HINOJOSA) is designed to scare people into doing something that this bill does not do. First of all, the bill creates no new databases. The basic pilot program relies on both the Social Security Administration and INS database, and there is nothing added to these databases by this bill whatsoever.

Secondly, the bill does expand this voluntary program nationwide so that employers in other States may volunteer to participate in the verification of employment eligibility. Because the

problem of illegal aliens taking jobs away from Americans is a problem that exists in more than the 45 States that are not covered by this program, there is nothing wrong with giving these employers the opportunity to volunteer to participate in the program.

Thirdly, the gentleman from Texas (Mr. HINOJOSA) seems to argue against this legislation in that it will allow government agencies to be able to find out the employment and Social Security status and immigration status of people whose names are in an existing database.

The only change in the law is to allow the other government agencies to utilize the pilot program database, which contains information that is already available to the other government agencies through existing law. I think if anybody is to be scared by this bill, it is people who are trafficking in illegal and counterfeit documents which will be the sole source of employment verification should this bill go down and the pilot program be allowed to expire.

Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Madam Speaker, I want to emphasize two points about the Basic Pilot Extension Act of 2003. First, employers participating in the pilot program find it of immense help in the day-to-day operations of their businesses.

Second, despite some of what we have heard today already, the pilot is working extraordinarily well and will only get better in the future. The report commissioned by the INS to evaluate the program found that "an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification."

Participating employers appreciate the pilot because it reduces uncertainty. The pilot ensures that their operations will not be disrupted by the mass dismissal of employees after the Department of Homeland Security or the Social Security Administration questions the status of their employees. The pilot ensures that they will not be put in a position of hiring illegal aliens, investing hundreds or thousands of hours in training them, and then losing the benefits of this investment years down the road when they are forced to dismiss illegal aliens who were employees.

As Paul Weyrich has said in support of this bill, "If we are really serious about enforcing the immigration laws we have on the books, then we must provide the means for employers to quickly determine the validity of the documents with which they are presented. The way the pilot program works is simple and reflects plain common sense."

The report indicated that the pilot program could be improved in a few areas. Some employers had taken adverse actions against new employees

tentatively found ineligible to work, and INS databases had to be improved, especially in the context of adding data for persons recently issued a work authorization document and for new immigrants and refugees. However, remember that the report evaluated operations of the pilot in the 1990s. Since that time, INS and now the Department of Homeland Security have been actively making any needed improvements. DHS believes there has been "an overwhelming improvement in the timeliness of data entry, particularly in response to the events of September 11."

In fact, DHS now requires that all new data regarding an immigrant be entered into the system within 3 days and all new information regarding temporary visitors be entered within 14 days. As to employer responsibilities, "greater emphasis on pilot procedures has been added to training materials, and safeguards have been added to pilot software to increase compliance with required procedures. For instance, employers will be required to certify that they have talked with their employees and advised them of their rights if they cannot immediately be confirmed."

Finally, DHS reports that the soon to be implemented Internet-based version of the pilot will greatly reduce or eliminate any remaining problems.

In only about 4 percent of total cases did new hires contact the Social Security Administration or INS to resolve problems with their work authorization status. Of those employees who did contact the government, 99 percent were found to be work-authorized. Thus, employees who carried out their obligations under the verification system, as it is today, were almost always found to be work-authorized. It is not the verification system's fault when a new hire is tentatively found ineligible to work, and then that new hire fails to contact the Social Security Administration or the Department of Homeland Security. It most likely means the employee does it because he or she knows they are ineligible.

Madam Speaker, all this bill does is give willing employers nationwide the voluntary opportunity to benefit from the pilot program just the way participating employers have been benefiting for the last 6 years. I urge my colleagues to vote for H.R. 2359.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Wisconsin (Mr. SENSENBRENNER) just said that this bill does not create a new database, and I disagree with the gentleman. I disagree with the gentleman, and for the first time since I have been in Congress do I agree with the organizations called Americans for Tax Reform and the American Conservative Union.

In their report to H.R. 2359, they say that the Basic Pilot Extension Act of 2003, that the undersigned organizations write to ask Members to vote

against H.R. 2359 because this bill puts in place the mechanism for eventual adoption of a national identification system.

They say, perhaps more importantly, section 3 of this proposed bill establishes the precursor of a national identification system by amalgamating data of citizens and immigrants into what is effectively a single database that would be used for multiple purposes.

It is quite interesting if it is not going to do what the gentleman says, why they do not just put it through the regular process and let the committees debate it and discuss it and vote on it in committee instead of attaching it to another bill. All of this to say that it is alarming to see what is being done here by a group that is circumventing the process that has worked here for years and years in the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise in support of H.R. 2359, the Basic Pilot Extension Act of 2003. The basic pilot employment verification system is the only system offered to employers to verify employment eligibility for new employees.

In 1994, I spoke with a Border Patrol agent who identified a key need in the enforcement of immigration laws: Employers need a simple and reliable tool to verify the worker status of new employees.

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In response, I introduced a bill to create the basic pilot program to do just that, operate in six of the most problematic States on a voluntary basis. The basic pilot program has proven to be an overwhelming success.

The basic pilot program is the best tool available for employers to comply with immigration laws which prohibit hiring undocumented immigrants. Recently, a contract cleaning service for Wal-Mart was raided by the Bureau of Immigration and Customs Enforcement and over 250 employees were arrested. If Wal-Mart's cleaning service contractors had used the basic pilot program and verified the I-9 documents provided by their workers, this could have been avoided. We must provide companies the option of using this employment verification program and assist them in complying with Federal immigration law. Without this system, employers have no means of verifying legal work status for immigrants, causing many employers to discriminate against legal workers. This program gives employers the confidence to hire legal immigrants, reducing discrimination in the workplace.

Additionally, H.R. 2359 allows employers from any State to voluntarily use this program. Many of my colleagues expressed concerns that this

will expand the program too far, too fast. The reality is that the current program States are home to 80 percent of illegal immigrants, which means the impact on the system will be relatively small. After 7 successful years, it is time to give all employers the option of verifying their workforce and avoiding entanglements with Immigration and Customs Enforcement.

As a former restaurant owner, I tried to do the right thing. When I filed those forms, that I-9, and put two identifications in the back of that form, I hoped that they were legal. But many times you cannot tell the difference. The only chance that an employer has today to try to do the right thing is verifying the legitimacy of that Social Security number against the name of the potential employee that is coming in for employment. This is the only way they can do it, Madam Speaker. If we take this away, there will be no other options for employers.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Indiana (Mr. HOSTETTLER) for their work on this important bill. I hope that we keep this program intact in this country. We need it desperately as employers.

Mr. HINOJOSA. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. BERMAN), ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

Mr. BERMAN. Madam Speaker, I rise in opposition to H.R. 2359. I think it is important to point out a few facts. First of all, the people on this side of the aisle would be speaking in favor of this bill if it were simply to extend the sunset date on this pilot program to allow the pilot program to continue to work out the weaknesses and deficiencies that the INS study found in the program.

But this program does far more than that. This program goes from a pilot program in 5 States to a nationwide program. While my friend from California, the sponsor of the bill, may be correct, although I am not quite sure how he knows where 80 percent of the illegal immigrants are located, but let us assume that for a second the fact is 80 percent of the employers are not located in those 5 States. This is a massive expansion of the pilot program.

In 1996, we created the pilot program. In the law in 1996 we told the INS to get people to study how the program was working. The INS went and did that. They commissioned two different groups, organizations, to study the program and what was happening with those employers who were voluntarily participating. The study came back. What did the study say? The study said, based on the evaluation findings, the basic pilot program should not be expanded to a mandatory program, and this does not do that, or a large-scale program. I would suggest that opening it up to every employer in America on a voluntary basis constitutes that kind

of large-scale expansion which the study commissioned by the INS and required by the Congress said we should not do.

Why did they say that? They talked about the problems and the deficiencies in this program. It would have been nice if the Immigration Subcommittee of Judiciary had had a hearing on this bill where the authors of the study could have come forward and answered questions and developed it; but we had no hearing, we had no markup, the bill was taken directly to a markup in the full committee and put on the floor, not with a rule to allow amendments to address specific deficiencies in the operation of this pilot program, not with a rule that allowed any kind of amendments, but on suspension where no amendments can be made.

What the study found about the program, I think, is very important. The program was hindered by inaccuracies, inaccuracies and outdated information in the INS databases. The program did not consistently provide timely immigration status data which delayed the confirmation of a worker's employment authorization in one-third of the cases. The employer has decided to hire somebody. He participates in this program. He asks Social Security and INS to verify that person. In one-third of the cases he does not get an answer and then does not hire that person but goes to another person. A person who was fully authorized to work, who was in this country legally, is denied a job because of inaccuracies and a slow-to-respond operation from the INS and the Social Security Administration.

A sizable number of workers who were not confirmed, who were rejected, it turned out were work authorized, but there was something wrong in the processing of their papers. There was a mistake in the database. When they went out and checked who these people were, it turned out well over 42 percent of the sample that they used were work-authorized, but were told by the people operating the pilot program that they were not. Forty-two percent of that sample did not get a job. In some cases, the employer did not follow the rules and the guidelines of the pilot program. In other words, the program was riddled with deficiencies.

Theoretically, I have to say, if we could get an accurate, quick employee identification system where employers could know they were getting accurate information and workers who were authorized to work in this country, who were here legally, who had a right to work could get the right answer, then I would say let us talk about expansion and let us pursue that by continuing this program. But I urge this body to reject an effort to expand this nationwide to add not simply employers but State, local and Federal Government agencies to the list of people who will be using a program when that program by the INS's own study was riddled with deficiencies and weaknesses which

delayed responses, which kept people who are here legally from getting jobs or rights they would otherwise get, or be entitled to get simply because of inaccuracies in the database. This is not the kind of a program to expand at this time.

I urge a "no" vote.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume. I agree with much of what the gentleman from California pointed out.

I want to summarize my comments and say that this bill provides for the extension and expansion of a program to verify if employees are legally authorized to work in the U.S. But we have Representatives on both sides of the aisle who oppose this bill because it expands this current pilot program to all 50 States, when today the pilot program is currently covering only six States. That includes California, Texas, Florida, New York, Illinois, and Nebraska. They are the ones who have these pilot programs. This legislation would allow all the States then to have access to what is existent right now in the database.

Again, I urge my colleagues to vote "no" on H.R. 2359.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think we ought to put this legislation into its proper perspective. First, yes, this bill expands the pilot program voluntarily to the 44 States where employers cannot get this information. But it is a voluntary program, and only those employers who choose to participate will participate. No employer will be forced to participate under this piece of legislation either in the 44 new States that are opened up or in the six existing States.

Secondly, there is nothing in this bill that expands the database or which is the precursor for a national identification card. Nothing whatsoever. I personally am strongly opposed to a national ID card and will not support any legislation that establishes a national ID card either through the front door or through the back door.

Thirdly, this legislation allows State and local governments to use the basic pilot program to access information that they can get from the Department of Homeland Security or the Social Security Administration through other means. It just makes it easier when a State and local government needs to get this information for them to get it. If we do not include this change in the law, then a private sector employer will be able to get the information in a much easier manner than our State and local governments. That does not make any sense at all.

Finally, let us look at what will happen if this bill is voted down. The basic pilot program will expire next month in the six States that have been using it for the last 6 years. That means that when it expires, those employers that

have been using the basic pilot program for verification of the legal employment status of those people that they wish to hire will be forced to go back to paper documents. There are a lot of counterfeit paper documents out there. You can get them on the Internet, and you can get them on the street corner. But now in the State of California, an illegal alien can get a driver's license, which is one of the documents that is acceptable for employment verification status under the Immigration Reform Act of 1986. Thus, even a legitimate California driver's license would not verify the employment status of someone who presents that document, whether that person be a U.S. citizen, a permanent resident alien who has employment status, or an illegal alien who obtained a legal California driver's license as a result of the law that was signed by Governor Davis just a few weeks ago.

If this bill is voted down, we would go back to the bad old system of using documents as the exclusive way of establishing an applicant for a job's legal ability to be able to get that job under our immigration law. That would be a terrible tragedy.

I urge an "aye" vote.

Mr. UDALL of Colorado. Madam Speaker, I cannot vote for this bill in the manner in which it has been brought to the floor.

The Basic Pilot program was intended to streamline the process of identifying employees eligible for work in the United States. Though the Basic Pilot program has been successful for many employers in the six participating States, there are enough serious questions about its workings that I do not believe it is ready to be implemented in all fifty States.

The bill will open up the database used in this program to all government agencies, including local and state governments. This is far more than a simple extension. There are no privacy protections for individuals in this bill. The database can be used for a plethora of reasons, not limited to the verification for employment by local, State, and federal governments across the country. This will open the door to abuse.

The database has proven to have out of date information specifically in regard to visa status. Before this program is used nationwide it is imperative that the system be purged of these inaccuracies. This poses threats that both hinder a person's legal ability to work, as well as allow ineligible individuals to obtain employment.

The program itself is not the issue at hand. The intentions of the Basic Pilot program are good for employers, employees and our economy in general. It modernizes and speeds the ability of Americans to start working. However, these intentions are fruitless if the program is not effective or efficient. Before we open this program up to the rest of the country we must ensure that it is free of the kinks that have come up since its beginning. Then and only then, should this system be available for employers throughout the country.

This bill clearly goes beyond a simple extension. It is controversial. The Basic Pilot Extension Act deserves hearings, debates, and amendments to be offered. Thus, I must vote against suspending the rule and passing this

bill and I urge my colleagues to do the same so that H.R. 2359 can be considered under normal procedures.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I rise in opposition to The Basic Pilot Extension Act of 2003 (H.R. 2359) and urge all of my colleagues to vote against this bill.

The Basic Pilot Program is a new, more reliable way for employers to verify that employees are legally eligible to work in the United States. I support the Basic Pilot Program and I support an extension of the program for an additional five years.

However, I oppose the Basic Pilot Extension Act because this bill goes well beyond just extending the program for an additional five years.

This bill makes the Basic Pilot Program a national employee verification system available in all 50 states. Currently, the Basic Pilot Program is being tested in only 6 states so that flaws in the program can be addressed. Those flaws were detailed in a report by the Institute for Survey Research at Temple University. The report concluded that the Basic Pilot Program is not ready for larger-scale implementation at this time, and that the Program should remain available in only 6 states until the many problems with the program are addressed.

The problems described in the report include inaccurate and outdated information in the INS databases used to verify employment eligibility. The report also describes problems with the reliability of the training and system software, hardware, and telephone systems used in the Basic Pilot Program. The report also described how employees had their privacy violated, were not fully informed of their rights under the Basic Pilot Program, and that employers failed to submit forms in the required time deadlines.

Despite these problems and despite the explicit recommendation of the Institute for Survey Research for needed improvements, this bill expands the Basic Pilot nationwide and includes provisions that go well beyond merely verifying employment eligibility.

This bill adds a new provision that allows federal, state, or local governments, not employers, to use the pilot program to access the databases to obtain citizenship and immigration status information on anyone for any reason they wish. This includes both citizens and non-citizens, and unlike other regulations that control the use of federal databases, there are no limitations that protect the employees against discrimination, privacy violations, or other misuse. This new provision is very close to the establishment of a national register of all immigrants or a national identification card program.

Madam Speaker, the Basic Pilot Extension Act should be opposed for all of the reasons I have described. Another serious concern is that the Judiciary Committee did not hold any hearings on the changes to the information sharing provisions of this bill, and the Subcommittee on Immigration did not consider this bill at all. The Basic Pilot Extension Act of 2003 will threaten the privacy of all Americans and is riddled with flaws. I urge all of my colleagues to oppose this bill.

Mr. REYES. Madam Speaker, I rise today in opposition to H.R. 2359, the Basic Pilot Extension Act. The existing Basic Pilot Verification

Program assists employers in verifying the authenticity of new employee's eligibility information. The program operates in six States, including my state of Texas. Authorization for the program expires next month.

The bill before us today would go a great deal further than extending the pilot program in its current form. It would expand the program to all 50 states, despite the fact that a recent Immigration and Naturalization Service-funded report concluded that the Basic Pilot Program is not ready for nationwide implementation. The report cited concerns about invasions of privacy and factual inaccuracies. We need to address these problems before we extend the program to the rest of the United States.

Also, the bill expands the program beyond the area of employment, allowing any government agency to use the system to verify the immigration status of any individual for any purpose authorized by law. Expanding the program in this way would only magnify privacy concerns with the current Basic Pilot Program.

Finally, it is unfortunate that this bill is being brought before the House under suspension of the rules. Legislation of this magnitude requires far more than careful consideration that we have been afforded the time to have here today.

Madam Speaker, for all of these reasons, I urge my colleagues to vote no on H.R. 2359, the Basic Pilot Extension Act.

Mr. BACA. Madam Speaker, I rise in opposition of H.R. 2359, the Basic Pilot Extension Act. H.R. 2359 will create a new and controversial identification database that will threaten the privacy of all Americans.

The program allows employers to verify the legal status of newly hired employees by using immigration databases. Although well intentioned, the program is severely flawed. Over 40 percent of the employees denied by this program, were authorized to work. We need a program that works, not one that unjustly denies families the ability to put food on the table.

Some employers that have used this program as a screening tool, have not allowed workers to contest incorrect information, and have even refused to let employees know of their rights under the program.

Madam Speaker, the information being reported by this database is flawed and it is a result of the inaccurate and outdated information contained in the databases of the Bureau of Citizenship and Immigration Services. We cannot continue to support a program that denies workers the ability to earn a living just because a computer in Washington, D.C. has bad information. But, the most troubling part of this bill is that it allows any local or state government to look up the immigration status of any American citizen or immigrant for virtually any reason.

It is clear that H.R. 2359 will place all workers, and especially minority and immigrant workers, at risk of discrimination, mistreatment and labor rights violations. Immigration experts, civil rights advocates, and even a Congressionally mandated study of the program all say that—the Basic Pilot should not expand nationwide.

Madam Speaker, I urge my colleagues to oppose this legislation.

Mr. SHERMAN. Madam Speaker, today H.R. 2359, the Basic Pilot Extension Act, was brought to this floor on the suspension cal-

endar. The suspension calendar should be used to pass bills which are not controversial. Given the issues involved with this legislation, the leadership should not have brought this bill to the floor as a "suspension." This is but the most recent example of abuse of the suspension calendar during the 108th Congress.

Ms. WOOLSEY. Madam Speaker, I rise in opposition to the H.R. 2359, The Basic Pilot Extension Act, because this program has not demonstrated a record strong enough to be extended across the country. I know first hand that this pilot program has not lived up to its expectations because my home state of California is one of the test areas.

Madam Speaker, as you know, many employers in the counties I represent, Marin and Sonoma counties, just over the Golden Gate Bridge from S.F., depend on immigrant workers to staff their vineyards, dairies and businesses. I certainly support providing employers the tools they need to hire only those workers authorized to work in the United States. While the intent of this pilot program was a good one, it has not lived up to its promises. Now it is plagued with problems including new hires being denied by the program when they were actually authorized to work and employers abusing the program to engage in prohibited employment practices. These anti-worker practices include pre-employment screening, denying eligible workers jobs or the opportunity to contest inaccuracies in the database. Creating more loopholes for bad employers to conduct unfair labor practices was not the intent of this pilot project.

Madam Speaker, until these and other abuses are fixed, we should not be quick to expand the program. That's why I am asking my colleagues to join me in opposing this legislation, so that we can that the basic pilot program is friendly to workers as well as employers before expanding the program.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H.R. 2359, the Basic Pilot Extension Act of 2003. This Member, who is a co-sponsor of the measure, would like to thank the distinguished gentleman from California (Mr. CALVERT) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing H.R. 2359 to the Floor.

Under H.R. 2359, the Basic Pilot Program, which is an employment verification program, would be extended through 2008 and, indeed, would expand access to the program for the entire U.S.

Madam Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act.

For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of il-

legal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Madam Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the state and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Madam Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 2359.

Mr. OSBORNE. Madam Speaker, I am pleased to be an original cosponsor of H.R. 2359, the Basic Pilot Extension Act of 2003, which passed the House Judiciary Committee on September 24, 2003. The Basic Pilot Verification Program is a voluntary program that employers use in conjunction with the Bureau of Immigration and Citizenship Services (BCIS) and the Social Security Administration (SSA) to confirm employment eligibility in my home State of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the BCIS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program is scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. Employers across my district have told me

that they want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simply visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the BCIS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 2359 will extend the Basic Pilot program for employers in Nebraska and all other states for five years. I thank my colleague, Representative CALVERT, for introducing this much needed extension, and I urge all my colleagues to support H.R. 2359.

Mr. SMITH of Texas. Madam Speaker, the Basic Pilot Program was originally authorized in the 1996 Immigration Act. It allows employers in six states to verify the validity of the Social Security numbers of new hires. H.R. 2359 reauthorizes this program, and expands it to allow employers in all fifty states to voluntarily participate in the Basic Pilot Program.

The program offers employers the opportunity to ensure that the individuals they hire are eligible to work in the United States. Illegal immigrants drive down wages and take jobs from American workers. Recent studies show immigration has depressed the wages of American workers by more than \$2,500 per year. Our education systems spend millions of dollars educating illegal immigrant children. And hospitals spend millions of dollars providing health care to illegal aliens.

Ninety percent of the American people believe that we should reduce illegal immigration. Seventy-nine percent of individuals polled recently agree that the Federal government should require employers to verify the work status of potential employees.

The main attraction for the 10 to 20 million illegal aliens who have crossed our borders is work. If we want to stop illegal immigration—and its negative impacts—we must reduce the availability of jobs for illegal aliens. This pilot program combats illegal immigration because it allows employers to make sure they are hiring someone who is eligible to work in the United States.

Everyone who is concerned about lost jobs and unemployment should support the expansion of the Basic Pilot Program. If we are serious about saving jobs for citizens and legal immigrants, we should pass H.R. 2359.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HINOJOSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 2691,
DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H.R. 2359) submitted the following conference report and statement on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-330)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$850,321,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim

fees so as to result in a final appropriation estimated at not more than \$850,321,000; and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$792,725,000, to remain available until expended, of which not to exceed \$12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That of the funds provided, \$99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided further, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair