

projects—for water quality, water supply, and fisheries protection—to move forward.

I urge my colleagues to vote today in support of the Senate amendments to H.R. 2828.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

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

Just in closing I want to thank all of my colleagues who were able to work in a bipartisan manner to get this done. The gentleman from California (Chairman CALVERT) worked on this bill for a long time, and before him the gentleman from California (Mr. DOOLITTLE) worked on this bill, and there was a lot of work that went into making this happen. And we all know that some of our colleagues were not as cooperative, but I do appreciate those that were able to work with us and get this done.

I urge the passage of the bill.

Mr. CARDOZA. Mr. Speaker, I am pleased to support the passage of H.R. 2828 today.

Califed reauthorization is an issue that Congress has debated for years and years and today—as a result of numerous parties working together—we are making significant strides toward increasing water supply, quality and reliability for California.

This is an enormous accomplishment and I applaud Representatives POMBO, NAPOLITANO and CALVERT and our esteemed Senator from California, Senator FEINSTEIN, for overcoming the numerous hurdles that have prevented this issue from progressing in years past.

This proposal will greatly strengthen California's agricultural economy and address the needs of a fast growing population by creating additional surface storage projects.

This delicate balance, while difficult to achieve, is critical to the success of Califed.

Today, I urge my colleagues to support this measure because it will set California on the path to a sustainable water supply for its citizens, its economy and its environment.

Mr. THOMAS. Mr. Speaker, I rise today in support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act. This legislation, authored by my good friend, Resources Water and Power Subcommittee Chairman KEN CALVERT, is the result of many years of hard work by the California water community to find a way to balance the competing water needs of agriculture, the environment, and a growing population.

My district in the Central Valley of California is a prime example of these changing needs. In 1960, Kern County had a population of about 291,000 people and an agricultural base that produced commodities with a farm gate value of \$247 million. In 2000, those numbers had increased to a population of 661,000 people and farm gate value approaching \$2.5 billion. Much of this growth is due to the construction of the State Water Project in the mid-1960's, but virtually no investment in that all-important infrastructure has been made since that time. Our water infrastructure requires attention and upgrading to continue supporting California's agriculture economy, and H.R. 2828 provides for many of these necessary improvements.

I congratulate all my colleagues from California who have worked tirelessly to overcome regional differences and reconcile competing

priorities to ensure that this vital legislation is enacted.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2828.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### IMPROVEMENTS TO EMPLOYMENT VERIFICATION SYSTEM UNDER IMMIGRATION AND NATIONALITY ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4306) to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment, as amended.

The Clerk read as follows:

H.R. 4306

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

#### SECTION 1. IMPROVEMENTS TO EMPLOYMENT VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended—

(1) in paragraph (1)(A), by inserting before “A person or entity has complied” the following: “Such attestation may be manifested by either a hand-written or an electronic signature.”;

(2) in paragraph (2), by adding at the end the following: “Such attestation may be manifested by either a hand-written or an electronic signature.”; and

(3) in paragraph (3), by inserting “a paper, microfiche, microfilm, or electronic version of” after “must retain”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the earlier of—

(1) the date on which final regulations implementing such amendments take effect; or

(2) 180 days after the date of the enactment of this Act.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4306 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4306, which would allow employers to electronically complete and store Eligibility Employment Verification Forms, known as Forms I-9.

Currently, employers must complete one of these forms for each employee to show that they have verified that the employee is eligible to work in the United States. The employer must then retain that form for at least 3 years and make it available for inspection by Immigration and Customs Enforcement, the Justice Department's Civil Rights Division, and the Department of Labor.

This legislation is straightforward and sensible. It would benefit employers in preparing and storing Forms I-9 and benefit the government in enforcing immigration, antidiscrimination, and the labor laws of our Nation.

The current regulation requires employers to retain Forms I-9 “in their original form or on microfilm or microfiche.” This regulation, promulgated in 1988, has failed to keep up with modern technology. For this reason, almost all employers have resorted to keeping Forms I-9 in the original format in which they are completed, that is, on paper.

With employers required to retain a Form I-9 for each employee for years, American businesses are holding an overwhelming number of the forms today. That is a lot of paper and paper which can easily be lost, damaged, or tampered with. This format is insecure, wasteful, and with the advent of electronic data storage, totally unnecessary.

Allowing the electronic completion and storage of Forms I-9 would also aid the men and women charged with enforcing our law, particularly when auditing large employers with multiple outlets spread across the country. In reviewing the Forms I-9 of employers who choose to keep the documents electronically, officers will be able to request one electronic file instead of potentially thousands of paper documents. This legislation would not require employers to electronically complete or store Forms I-9. It would simply permit them to do so if they so choose.

Accordingly, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of the distinguished chairman of the Committee on the Judiciary, and as well, I want to acknowledge the chairman of the Immigration, Border Security, and Claims Subcommittee and the gentleman from Michigan (Mr. CONYERS), ranking member on the full committee.

This is an important change on the benefits side of the immigration puzzle. This regulation, 8 CFR 274a2(b)(2) requires United States employers to

process and retain I-9 forms for up to 3 years. These forms are used to verify the employment eligibility and identify all employees in the United States. They are required to be kept on paper or on microfilm or microfiche.

This was fine in 1988, when the regulation was promulgated. Computers were expensive and less widely used in 1988. Paper records were an unavoidable burden then, and microfilm and microfiche were being used far more in 1988 than they are now. It is not appropriate to be restricted, however, at this point in time to such records on that kind of data in this computer age that we live in today.

Most of our corporations and small businesses are technologically sophisticated and therefore are able to access the information highway. More than half of the benefits applications that are submitted to U.S. Citizenship and Immigration Service are filed on its Web site, but employers are still required to maintain paper I-9 forms.

Employers should be permitted to keep the Form I-9 in electronic form as an option. In addition to saving paper and storage space, an electronic storage system would permit a central reservoir of sensitive data and allow retrieval of I-9 forms in a fraction of the time it takes to retrieve paper, microfiche, or microfilm copies and might, in fact, Mr. Speaker, be even more accurate.

H.R. 4306 simply would allow employers the option of electronic processing and storage of the I-9 forms. This would include electronic signatures.

I urge my colleagues to support this legislation.

The regulation 8 CFR §274a2(b)(2) requires United States employers to process and retain I-9 forms for up to 3 years. These forms are used to verify the employment eligibility and identity of all employees in the United States. They are required to be kept on paper or on microfilm or microfiche. This was fine in 1988, when the regulation was promulgated. Computers were expensive and less widely used in 1988. Paper records were an unavoidable burden then, and microfilm and microfiche were being used far more in 1988 than they are now. It is not appropriate to be restricted to such records in the computer age that we live in today.

More than half of the benefits applications that are submitted to the U.S. Citizenship and Immigration Service are filed on its website, but employers are still required to maintain paper I-9 forms. Employers should be permitted to keep the Form I-9 in electronic form. In addition to saving paper and storage space, an electronic storage system would permit a central reservoir of data and allow retrieval of I-9 forms in a fraction of the time it takes to retrieve paper, microfiche, or microfilm copies.

H.R. 4306 simply would allow employers the option of electronic processing and storage of the I-9 forms. This would include electronic signatures. I urge you to vote for H.R. 4306.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON) the author of the bill.

Mr. CANNON. Mr. Speaker, I rise to urge my colleagues to support H.R. 4306, legislation that I introduced along with the gentleman from New Jersey (Mr. ANDREWS).

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE), ranking member of the subcommittee, for their support of this bill. This is a noncontroversial bill that reinserts logic into the regulatory process by updating an outdated regulation.

The Immigration Reform and Control Act of 1986 requires the Employment Eligibility Verification form, also known as the I-9 form, to be completed and stored by an employer in order to verify the employment eligibility and identity of the employer's workforce.

The statute also stipulates that all employers must maintain these documents for at least 3 years after the date of hire or 1 year after employment is terminated, but many employers maintain the forms for longer periods of time simply because of the cost to audit the files every year.

But, Mr. Speaker, the real regulatory burden occurs with the accompanying regulations. These regulations require that the employer must retain the forms "in their original form, either paper or on microfilm or microfiche." When these regulations were promulgated, microfiche was in the stratosphere of technological progress, but to place this in proper perspective, these regulations went into effect 5 years before Adobe Acrobat was invented. With new technology available today, it is vitally important that the Congress streamline burdensome and outdated regulations.

The House Corrections Day Advisory Committee was implemented to fix such things. H.R. 4306 went before the Correction Committee, a bipartisan committee cochaired by the gentleman from Michigan (Mr. CAMP) and the gentleman from California (Mr. WAXMAN), and received the committee's blessing that this legislation should receive consideration and passage because it rectifies an outdated regulation.

The need for this legislation is evidenced by the hundreds of millions of records that are stored in warehouses across the country in order to comply with the IRCA regulations. All businesses, especially those with high employee turnover, have a burden maintaining these documents in storage all over the country. Most companies do not use microfiche, so they are inundated with reams of paper to file and maintain. Some companies ship all their forms to one centralized location while others maintain the document where an individual is originally hired, even if he is transferred, causing audits to be complex and inefficient. The non-uniform method causes burdens to the employers and the investigators who may need to access specific files.

This legislation enhances security and provides greater privacy protec-

tions for employees. Electronic computer storage with backup systems is far more secure than paper-based systems in which the paper documents can be lost, damaged, misfiled or accessed by unauthorized individuals. The automatic time and date stamping of documents which occurs on automated systems will also help prevent fabrication or tampering.

It is our intent to provide employers a more practical option to meet their obligations. By permitting these forms to be completed and stored on a computer rather than simply on paper, an employer can avoid unnecessary administrative and storage costs. This will allow employers to reinvest the savings, benefiting the broader economy through the creation of new jobs.

In addition to allowing the electronic completion and storage of the I-9 forms, this legislation also allows employers to convert existing I-9 forms into electronic versions for storage purposes. An employer who continues to use paper I-9 forms with handwritten signatures should be able to convert those forms into an electronic version for storage and security purposes.

Mr. Speaker, this legislation does not mandate anything new. It allows employers to adopt electronic completion and storage of I-9 forms if they so choose. For a small employer with few employees and a few new hires per year, the paper route may be the most logical.

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But in the industries with high employee turnover, electronic completion of I-9 forms will save time and money and help in enforcement.

I would like to thank the staff that worked on this bill. Personally I would like to thank from the Committee on the Judiciary Phil Kiko, Joseph Gibson, Art Arthur, George Fishman, Perry Apfelbaum, and Nolan Rappaport; from leadership, Brett Loper and Andrew Shore; and Robert Knotts from the staff of the gentleman from New Jersey (Mr. ANDREWS); and Todd Thorpe and Matthew Iandoli from my staff.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who has been very diligent on these issues.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I would like to begin by thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) for his help and cooperation and that of his very fine staff; the ranking member, the gentleman from Michigan (Mr. CONYERS), and his fine staff; and my friend, the gentlewoman from Texas

(Ms. JACKSON-LEE), for her help and support. Most especially I would like to say to my coauthor, the gentleman from Utah (Mr. CANNON), it has been a pleasure to work with him on a commonsense approach to solving a problem that is a wave of the present.

The law dates back 16 years, but the technology is changing every minute. What seems to be a simple change in this bill I think will have a profoundly positive effect on businesses, small and large, around the country.

As we have an increasingly diverse workforce with people from all over the world enriching our economy and our country, that workforce carries with it the responsibility to maintain records on the legal status of various workers. The maintenance of those records is burdensome, expensive and done in an ungainly way, an unseemly way in some cases, under present law.

The purpose of our bill is to make it much more simple. We say to employers that at their option they may retrieve these documents and create these documents and store these documents on electronic records rather than paper records. It is a small improvement for business, but I think it is a significant improvement that will make the records more accurate, more accessible, less burdensome to maintain and less expensive to maintain. This is how business ought to be done here.

I again thank the gentleman from Utah (Mr. CANNON) for his leadership on this and all others on both sides of the aisle. I would urge our colleagues, both Republican and Democrat, to vote "yes."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to make sure that I added as well my appreciation to the gentleman from Utah (Mr. CANNON) for his great work, along with the gentleman from New Jersey (Mr. ANDREWS) on this legislation, and also the cooperation of the chairman and the ranking member.

One of the provisions that we were able to keep in recognizing the importance of technology is giving the option of having paper, just in case there are those who had to utilize that method because of their own lack of access to the superinformation highway.

Mr. Speaker, I just wanted to add what I heard from the 9/11 Commission families yesterday regarding a debate that we will have tomorrow, and I understand that, but it did have to do with immigration issues.

My concern as we move this legislative initiative along is that it is unclear to the American public as we lump together the question of benefits versus enforcement. This bill that we have before us helps to enhance the benefits side of the responsibilities of homeland security, and that is to ensure legalization, to ensure process, to ensure that the system works. We have so much intimidated Americans around

the question of immigration that, unfortunately, we have not been able to move valuable legislation on the question of immigration reform.

Let me cite, Mr. Speaker, some issues that in fact the gentleman from Wisconsin (Chairman SENSENBRENNER) worked long and hard on. We have not been able to bring that back up again, 245(i) which is the reunification of family members. We have not been able to address that, families who are here legally. We have not been able to address those questions.

The whole question of immigration reform as it relates to documenting illegal immigrants, many of us have had comprehensive reform packages ready and waiting to be addressed, particularly talking about earned access to legalization, the Dream Act, which allows those individuals who were born here who happen not to be citizens to access higher education, legislation that deals with technology that would help secure our borders more definitively, and basic civil rights and civil liberties that are contained in the Comprehensive Fairness Reform Act of 2004 that the ranking member and I were joined on by a number of Members.

We can begin to define immigration the way we have done so in this debate today as balancing fairness and the rights of Americans as relates to making sure they have an immigration system that works, and then working with certainly those who are concerned about ensuring the safety of the homeland, particularly measuring out immigration reform that deals with security, but also deals with fairness. I think we would be much further along and I think this legislation points to the fact that Americans are willing to welcome bipartisan immigration legislation that helps fix the backlog, that helps fix some of the problems that employers face.

Might I just say in conclusion, we are going to be talking about another bill in just a moment here dealing with physicians. But our school districts around the country, many of them have asked for flexibility in immigration as it relates to school teachers who have been utilized in the elementary and primary and secondary schools, along with those who have been utilized in our higher education.

So we have a long way to go, Mr. Speaker. I believe the more we can do this in a bipartisan way, we will be making long headway. I know the gentleman from Utah (Mr. CANNON) has often said in fixing a broken system and separating out the question of terrorism and immigration, separating out enforcement, which has a bipartisan approach, from, if you will, the benefits side of it, that makes the system work on behalf of the good work of the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from Utah (Mr. CANNON).

Mr. Speaker, with that, I ask my colleagues to support H.R. 4306.

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

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

The SPEAKER pro tempore (Mr. QUINN). 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. 4306, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ACCESS TO RURAL PHYSICIANS IMPROVEMENT ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4453) to improve access to physicians in medically underserved areas, as amended.

The Clerk read as follows:

H.R. 4453

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

#### SECTION 1. MODIFICATION OF VISA REQUIREMENTS WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

##### (a) EXTENSION OF DEADLINE.—

(1) IN GENERAL.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) (as amended by section 11018 of Public Law 107-273) is amended by striking "2004." and inserting "2006."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on May 31, 2004.

(b) EXEMPTION FROM H-1B NUMERICAL LIMITATIONS.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by adding at the end the following: "The numerical limitations contained in subsection (g)(1)(A) shall not apply to any alien whose status is changed under the preceding sentence, if the alien obtained a waiver of the 2-year foreign residence requirement upon a request by an interested Federal agency or an interested State agency."

(c) LIMITATION ON MEDICAL PRACTICE AREAS.—Section 214(l)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)(D)) is amended by striking "agrees to practice medicine" and inserting "agrees to practice primary care or specialty medicine".

(d) EXEMPTION FROM GEOGRAPHIC LIMITATIONS.—Section 214(l)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)(D)), as amended by subsection (c), is further amended—

(1) by striking "except that," and all that follows through the period at the end and inserting "except that—"; and

(2) by adding at the end the following:

"(i) in the case of a request by the Department of Veterans Affairs, the alien shall not be required to practice medicine in a geographic area designated by the Secretary; and

"(ii) in the case of a request by an interested State agency, the head of such State agency determines that the alien is to practice medicine under such agreement in a facility that serves patients who reside in one or more geographic areas so designated by the Secretary of Health and Human Services (without regard to whether such facility is within such a designated geographic area), and the grant of such waiver would not cause the number of the waivers granted on behalf of aliens for such State for a fiscal year (within the limitation described in subparagraph (B)) in accordance with the conditions of this clause to exceed 5."