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Green, Gene  
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Miller, Gary  
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Murphy, Patrick  
Murphy, Tim  
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Nadler  
Napolitano  
Neal (MA)  
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Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
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Sánchez, Linda  
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Sanchez, Loretta  
Sarbanes  
Saxton  
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Schiff  
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Scott (GA)  
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Wolf

Woolsey  
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Young (AK)  
Young (FL)

## NAYS—1

Paul

## NOT VOTING—9

Broun (GA)  
Brown-Waite,  
Ginny  
Buyer

Conyers  
Cubin  
Dicks  
Hulshof

Maloney (NY)  
Rangel

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining on this vote.

□ 1845

So (two-thirds being in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2260

Mr. BOREN. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 2260.

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

There was no objection.

## EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6633) to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6633

*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 "Employee Verification Amendment Act of 2008".

## SEC. 2. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "11-year period" and inserting "16-year period".

## SEC. 3. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2008, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that

are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(2) provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Office of Inspector General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2008, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

## SEC. 4. GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under subsection (a) to the Committee on Ways and Means and the Committee on the Judiciary of the House of Representatives and the Committee on Finance and the Committee on the Judiciary of the Senate.

**SEC. 5. GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM ON SMALL ENTITIES.**

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the Comptroller General's analysis of the effects of the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(1) the costs of compliance with such program on small entities;

(2) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(3) the projected reporting, recordkeeping and other compliance requirements of such program on small entities;

(4) factors that impact small entities' enrollment and participation in such program, including access to appropriate technology, geography, entity size, and class of entity; and

(5) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(b) DIRECT AND INDIRECT EFFECTS.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(c) SPECIFIC CONTENTS.—The report shall provide specific and separate details with respect to—

(1) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(2) small entities operating in States that have mandated use of the basic pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

I rise today in support of H.R. 6633. This bill, negotiated by Members of both parties, will extend the basic pilot, otherwise known as the E-Verify program, for 5 years, while also ensur-

ing that the Social Security Administration can continue to participate in the program without endangering its core mission of providing needed benefits to our seniors and the disabled. Without this bill, the authorization for the basic pilot program would expire this November.

H.R. 6633 also commissions two studies, which should help Congress evaluate the basic pilot program as it continues to work through the issues raised by the electronic employment eligibility verification systems. One of the studies seeks the causes, the remedies, and the effects of tentative non-confirmations of employment eligibility. Implicit in the concept of false negatives is the converse; false positives. We naturally contemplate that the GAO study will address the question of erroneous confirmations as well.

To understand the effectiveness of the basic pilot, we must not only know about U.S. workers falsely denied the authority to work, we must also know when it clears people who are not authorized to work.

This Congress has been very active on the issue of electronic employment verification. Several committees, including the Judiciary and Ways and Means Committees, have held no less than five hearings on the subject. The Judiciary Committee alone held three hearings over the past year on electronic employment verification.

In those hearings, we have learned that because the Department of Homeland Security relies on the Social Security Administration's databases and staff to query work authorization and fix erroneous records, the basic pilot program places significant burdens on the Social Security Administration. We don't want to jeopardize SSA's ability to carry out its core mission, which is to provide benefits to America's senior citizens and disabled Americans.

We confirmed that electronic employment verification systems pose complicated issues; issues with serious consequences for American workers who could lose their jobs and even their right to work if employment verification isn't done right.

We heard testimony in April, 2007, from the Service Employees International Union, in which we learned that, and I quote, "Unless database errors are cured, 24,000 of the 300,000 estimated workers in each congressional district would be erroneously denied eligibility to work by basic pilot." That is 24,000 Americans and legal workers in each of our districts who could be stripped of their right to work because the government can't design a proper verification system.

An independent evaluation of the basic pilot program commissioned by the Department of Homeland Security and conducted by Westat identified numerous issues with how the basic pilot program works. The Westat report documented abuse and misuse of basic pilot by employers. For example, 22

percent of employers who responded to Westat's survey recorded that they restricted work assignments to employees contesting tentative non-confirmations. It also noted significant privacy concerns in the program.

In short, we have learned that there is much work still to be done and there are many questions left to be answered. Based on these findings, I do not believe that we can permanently reauthorize the basic pilot program or make it mandatory at this time. But as we continue to work comprehensively to reform our immigration system, we certainly should allow the basic pilot to continue as a voluntary program.

I would like to especially thank my colleagues, MIKE MCNULTY from New York; LAMAR SMITH from Texas; and SAM JOHNSON from Texas, for their tremendous efforts in working to negotiate this consensus bill to bring it to the floor today, as well as the author, Congresswoman GIFFORDS, and the principal Republican cosponsor, Congressman CALVERT, whose leadership is truly remarkable.

I look forward to working with my colleagues to reform our Nation's immigration laws and to improve the electronic employment verification process. We certainly hope that our efforts will be bipartisan. If all goes well to refine and improve this system going forward, it will not take the 5 years that is provided for in this act. But certainly none of us wants the current system to go away while we continue to work to improve and get an even better system.

I think that this bipartisan bill is necessary to pass. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank Congressman CALVERT for introducing the original bill on which this legislation was based, and for sponsoring this legislation as well. Also, thanks go to Chairwoman LOFGREN, who just spoke; Ranking Members MCCRERY and JOHNSON, and Chairman RANGEL for reaching a compromise on such an important issue.

The E-Verify Program protects American workers by ensuring that jobs are reserved for legal workers. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 created the basic pilot program, which is now known as E-Verify. For the last decade, this program has provided American employers who want to do the right thing with an effective way to ensure that they are hiring a legal workforce. It ensures that new employees are not providing their employers with fake Social Security numbers.

As the E-Verify Program has grown more popular—over 69,000 employers nationwide now participate—it has become the subject of some very unfair criticism. To set the record straight, participating employers are happy with

the basic pilot program. Last year, an outside evaluation determined that "most employers found the Web basic pilot to be an effective and reliable tool for employment verification" and that an amazing 96 percent did not believe that it overburdened their staffs.

The accuracy of the databases that lie at the heart of the basic pilot program also has been unfairly maligned. However, the facts about these databases could not be more encouraging.

Last year's outside evaluation found that in less than 1 percent, only .6 percent of cases, do employees who were eventually determined to be work-authorized undergo secondary verification. This means that persons eligible to work receive immediate confirmation 99.4 percent of the time. For the native-born, 99.9 percent receive immediate confirmation. For employees born outside of the U.S., 97 percent receive immediate confirmation. That is a success rate any company in America would be happy to have.

A common misperception is that secondary verification means error by a Federal agency. That is simply not the case. Secondary verification usually means that an illegal immigrant has been caught providing false information or that an employee has failed to update their records with the Social Security Administration. This is seldom acknowledged by those who question the E-Verify Program.

Of the employees who were asked to contact local Social Security Administration offices as part of the verification process, 95 percent said their work authorization problem was resolved in a timely, courteous, and efficient manner.

Finally, it has been alleged that the Social Security Administration's Inspector General has found the agency's database to be inaccurate. However, the Inspector General actually stated, "We applaud the agency on the accuracy of the data we tested."

The legislation before us tonight reauthorizes the E-Verify Program for 5 years and puts in place a system to help ensure that the Department of Homeland Security covers the cost of the program.

It is hard to believe that those who attack E-Verify are serious about reducing illegal immigration or saving American jobs.

Mr. Speaker, I am pleased that the bill is on the House floor. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, MIKE McNULTY has served our country well for many years. He will be retiring at the end of this Congress. One of the things he has stuck up for most was disabled workers who need their Social Security benefits. As a member of the Ways and Means Committee, he has worked very hard on this issue.

I would yield 4 minutes to the gentleman from New York (Mr. McNULTY).

Mr. McNULTY. I thank the gentleman from California for her kind

comments, and also the gentleman from Texas, both of them, for their very hard work on reaching this bipartisan consensus.

Mr. Speaker, I rise in support of the bill to extend the basic pilot program, also known as E-Verify. I wish to especially thank my friend, the ranking member of the Subcommittee on Social Security, SAM JOHNSON, for his long-standing service to the Nation and for his steadfast support of the effort to protect seniors, people with disabilities, and survivors. Together, we have worked since the start of this Congress to provide needed funding for the Social Security Administration to address unacceptable backlogs in disability hearings and the decline in the service to our constituents. Moreover, we must ensure that SSA is ready for the retirement of the Baby Boom generation.

SSA has struggled to meet an increasing workload despite a decade of underfunding. Congress only recently increased funding to help address the backlog of disability claims, and we are working to continue that trend. It will take sustained adequate funding for SSA to meet the challenges of reducing its backlog while keeping pace with growing workloads.

SSA plays a significant role in the E-Verify pilot program, which is rapidly growing under DHS's direction. There is broad consensus that SSA must be paid for this work. The legislation before us provides essential protections for seniors, people with disabilities, and survivors who need Social Security benefits to meet their daily expenses. It does so by ensuring that DHS and SSA enter into annual agreements that require DHS to pay SSA in full and on a timely basis for its E-Verify related expenses.

□ 1900

I would like to thank our colleagues on the Judiciary Committee who worked with us to include language in this bill to provide for full and timely payment to SSA for its role under the E-Verify program. This is a bipartisan bill, and I urge my colleagues to support it.

Mr. Speaker, I rise in support of this bill to extend the "basic pilot" program, also known as "E-Verify."

I wish to thank my friend, the Ranking Member of the Subcommittee on Social Security Mr. JOHNSON, for his long-standing service to the Nation and for his steadfast support of the effort to protect seniors, people with disabilities, and survivors.

Together, we have worked since the start of this Congress to provide needed funding for the Social Security Administration to address unacceptable backlogs in disability hearings and the decline in service to our constituents. Moreover, we must ensure SSA is ready for the retirement of the Baby Boom generation.

SSA has struggled to meet an increasing workload despite a decade of underfunding. Congress only recently increased funding to help address the backlog of disability claims, and we are working to continue that trend. It

will take sustained adequate funding for SSA to meet the challenge of reducing its backlog while keeping pace with growing workloads.

In light of these difficulties, we have been concerned about whether SSA has been provided the necessary resources by DHS to meet its rapidly growing workload under the E-Verify program.

I thank our colleagues on the Judiciary Committee, who worked tirelessly with us to include language in this bill to provide for full and timely payment to SSA for its role under the E-Verify program.

The Social Security Act prohibits the use of Social Security program funds for non-program related purposes. Therefore, SSA executes reimbursement agreements with other agencies whenever SSA performs work on their behalf.

SSA plays a significant role in the E-Verify pilot program. Every query made by the system is run through SSA data and systems first. Every time there is a mismatch between the information sent via E-Verify and the SSA database, employees are told to contact SSA. Many must visit SSA field offices to show necessary proof of identity or work-authorization.

For this work, DHS is required to reimburse SSA. Yet the reimbursements have not always been made in a timely way. For example, the reimbursement for FY2006 was finally agreed upon within the last few weeks. Consequently, SSA has been forced to pay for the work using scarce Social Security administrative dollars, which are meant to be used to serve Social Security program participants.

At the same time, E-Verify is growing as some States and the Administration require more employers to enroll in the system.

The legislation before us provides essential protections for seniors, people with disabilities and survivors who need Social Security benefits to meet their daily expenses. It does so by ensuring that DHS and SSA enter into annual agreements that require DHS to pay SSA, in full and on a timely basis, for its E-Verify related expenses.

It also includes an important GAO study on erroneous tentative non-confirmations by the E-Verify system that are the primary cause of SSA's expenses. I am confident that the results of this study will help Congress improve the program in the next few years before it is expanded any further.

I support this bipartisan bill and urge my colleagues to support this legislation.

Mr. Speaker, now I would like to yield to my friend the gentleman from Texas, SAM JOHNSON, a great American patriot and hero, for a colloquy.

Mr. SAM JOHNSON of Texas. Thank you, Mr. McNULTY. I will tell you what, you are a protector of our future with Social Security, and there is nothing in this bill, thanks to the Judiciary people on both sides, that changes the Social Security Act or the laws and rules governing the use of Federal appropriations. Therefore, the current prohibition on Social Security's use of its limitation on administrative expenses, known as LAE, on trust fund monies for non-program purposes, remains in effect.

Is that the understanding of the chairman?

Mr. McNULTY. The gentleman is correct. Nothing in this bill changes

current law regarding how the LAE or trust funds may be used.

Mr. SAM JOHNSON of Texas. It is my understanding that the Social Security Act is quite specific with respect as to how Social Security's own funds, that is, trust funds and LAE, can be used, is that correct?

Mr. McNULTY. Mr. Speaker, the ranking member raises an excellent point. Section 201(g) of the Social Security Act does prohibit SSA from spending its own funds on anything other than the programs it is responsible for administering.

Mr. SAM JOHNSON of Texas. So Social Security would not be able to pay for E-Verify expenses if there weren't agreements with DHS that require that Department to pay Social Security expenses; is that correct?

Mr. McNULTY. Yes, that is right. Section 201 of the Social Security Act allows SSA to spend its trust fund and LAE moneys only to pay and administer Social Security benefits, special veterans benefits, SSI and Medicare. Verifying employment eligibility does not fall into any of those categories.

Mr. SAM JOHNSON of Texas. I thank the chairman for his supportive efforts to protect the Social Security programs and beneficiaries. We all recognize E-Verify is an important tool. We have to balance that recognition with the needs of our seniors, those with disabilities and others who depend on Social Security for their basic needs.

Mr. McNULTY. I want to close by thanking Representative JOHNSON for his long military service, for enduring torture for all the people of this country, and for his excellent work as an elected public official.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of the Appropriations Committee, a sponsor of the bill that we are considering tonight, and the author of the legislation on which the bill tonight is based.

Mr. CALVERT. Mr. Speaker, I rise in support of H.R. 6633. As the original author of E-Verify in 1996, I have monitored the development of the program closely over the last 12 years. It has evolved from a humble five-State pilot program to a program that is available nationwide with over 78,000 employers participating.

All employers in the United States are required by law to hire legal workers. E-Verify is the only tool available to employers to check the work status of newly-hired employees. It is timely, user-friendly, free to employers, and 99.5 percent accurate. In fact, 94.2 percent of checks to the system receive an instant green light to work.

To date, for fiscal year 2008, over 5 million queries to the system have been run successfully. A total of 3.2 million queries were made for fiscal year 2007, and 1.7 million queries were made for fiscal year 2006. Two States, Arizona and Mississippi, have made E-Verify mandatory, and almost all 50 States have legislation pending that

would require the use of E-Verify at some level in the State. Individuals who receive a tentative non-confirmation have eight business days to contact the Social Security Administration or the Department of Homeland Security to start the process to clarify that status.

DHS has also implemented the Photo Tool program for noncitizens who are authorized to work in the United States. The Photo Tool allows employers to check the photo presented on the employment authorization document with a photo in the DHS database.

As the State of Arizona has demonstrated, E-Verify prevents individuals here illegally from obtaining work, and it solves the problem of deportation, since most people choose to self-deport when they are unable to find a job. E-Verify has proved it is effective, and it is imperative we do not let the program expire on November 30 of this year.

H.R. 6633 extends E-Verify for an additional 5 years and requires two GAO reports that I believe will reaffirm the effectiveness and accuracy of this program. This legislation codifies the annual payment agreement between the Department of Homeland Security and the Social Security Administration to ensure that SSA is receiving the funds necessary to run E-Verify.

I commend Representative GIFFORDS for her sponsorship of the bill. I thank Subcommittee Chairwoman LOFGREN, Ranking Member KING, Chairman CONYERS and Ranking Member SMITH for their work on this effort as well. The American people have voiced their strong support for E-Verify. I encourage my colleagues to vote for H.R. 6633 and extend E-Verify for an additional 5 years.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this time I would like to recognize a member of the Judiciary Committee, SHEILA JACKSON-LEE, for 2 minutes, a valued member of our committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman, the chairwoman of the subcommittee, and chairman of our full committee as well, and certainly the ranking member and the ranking member of the subcommittee.

Let me also express my appreciation to Ms. GIFFORDS. We have talked about this legislation. I congratulate her for her leadership, along with the cosponsors, including Mr. CALVERT, Mr. McNULTY and Mr. JOHNSON of my State, and all the others who are supporting this legislation.

If you talk to businesses in your community, they want to do the right thing, and Americans want the right process to be in place. It is important that we hire Americans first, and I think we have been committed to that during the whole period of the discussion of immigration reform.

But I also rise to say that it is important as we pass this legislation, giving it an extension, and I frankly believe it

should not expire in November of 2008, we have to also understand that there are States where this is voluntary. I heard Mr. CALVERT say there are a number of States that will now put this in place through law, but there are a number of States that do not have it in place, and therefore it is confusing.

We need to be able to ensure that there is a comprehensive approach to the border security question that all of us agree with, but also to recognize the hard-working tax paying individuals who are here, who really should be put in a process, a line, that eliminates this undercover workforce, that allows a pathway to citizenship with paying of fines, getting in line, not getting ahead of those who have been in line, and having a period of time that they are in this country.

This particular basic pilot program, however, is vital for many of our businesses. For example, the construction industries that I have met with over and over again in Houston, Texas, and I know that have been engaged with Mr. JOHNSON and many in this Congress to try to move forward on this program that deals with the Social Security process.

We have to ensure, however, as we put this in place, that it works, that the technology works, that the oversight works, and we have to make sure that in fact we get the accurate reports to make sure that those who are using it are benefiting from it.

Mr. Speaker, I do ask my colleagues to support this legislation, but I also ask that we get to the point of comprehensive immigration reform. But as I say that, E-Verify is a good step, it is a positive step, and I know my business community will look forward it being in force.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my Texas colleague, SAM JOHNSON, who is the ranking member of the Social Security Subcommittee of the Ways and Means Committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to thank Ms. ZOE LOFGREN and Mr. LAMAR SMITH. Those two worked well with us on Social Security, and I rise today to support the bill and extend the E-Verify program. The extension is, unfortunately, the least we can do to provide a workable tool for employers who want to do the right thing and verify that their new employees are authorized to work in this country. Americans need real immigration reform. We need to protect our borders and make sure Americans are not fighting for jobs with people who are here illegally.

This bill is a step in the right direction. We have got a long way to go. I support a mandatory nationwide electronic verification system so we don't have a patchwork of conflicting State and local laws. Protecting Social Security is always the right thing to do, so as the ranking member on the Ways and Means Social Security Subcommittee, I am pleased the bill includes provisions that ensure Social

Security and DHS agree on funding to support E-Verify.

However, I ask my colleagues, how long do we have to experiment with employment verification before Congress delivers a nationwide, mandatory, long-term solution that this country needs and the American people deserve?

Last February, I, along with several of my Ways and Means colleagues, introduced the New Employment Verification Act, or NEVA. Representative GIFFORDS and I have been working together on this bill that builds on the success of E-Verify while addressing its challenges.

I hope everyone interested in this debate will take the opportunity to look at the information on this bill on my website. When it comes to immigration, the American people want, need and expect real solutions, and American employers need a first class system that helps them comply with the law.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to yield 5 minutes to the author of the bill, a freshman leader in this area of the bill with Mr. JOHNSON, Congresswoman GIFFORDS from Arizona.

Ms. GIFFORDS. Thank you, Chairwoman Lofgren, for all of your help in bringing the Employment Verification Amendment Act, H.R. 6633, to the floor today. This legislation is the result of a lot of hard work from Members on both sides of the aisle, and I appreciate the fact that Members have joined together to reauthorize the Department of Homeland Security's Basic Pilot Electronic Employment Eligibility Verification Program, also known as E-Verify. I particularly appreciate that this legislation calls for investigations into various aspects of E-Verify and ensures that we safeguard Social Security.

E-Verify was one of three employee verification pilot programs created in 1997, and it has remained a voluntary program at the Federal level for 11 years with actually very few employers enrolled. However, recent actions at the State and the Federal levels are increasing demand on E-Verify and the Social Security system that it relies on. In the last 2 years, over a dozen States have passed employee verification laws, and some, like my home State of Arizona, have mandated E-Verify for all employers and imposed severe sanctions against those who do not comply.

The administration is also increasingly requiring E-Verify's use. On June 6, 2008, President Bush signed an amendment to an executive order requiring more than 200,000 Federal contractors to use E-Verify.

E-Verify relies on the Social Security Administration's data and systems to verify the citizenship and Social Security numbers of all newly hired individuals for their eligibility to work. According to the GAO, 100 percent of E-Verify queries are first checked against

the Social Security database. The need to reauthorize the E-Verify this year presented us with an important opportunity to focus on key components of our Nation's immigration crisis, that is, the need for an effective Federal employee work authorization system.

□ 1915

I have been very clear that the current E-Verify system needs to be replaced or reformed. We need to create a mandatory Federal system that is both reliable and effective.

Americans from across the country all agree that our farms, our factories, and other businesses should not abet the flow of illegal immigrants into the United States by providing them a place to work. Yet the Federal Government has failed on many accounts to enforce existing immigration laws. That forces local and State governments to do the Federal Government's work. Employment verification is vital to solving our immigration crisis, and that is why we are here today. Right now, the only options for States is E-Verify. It is still, though, a voluntary pilot program with some obvious flaws. As I have testified to three House committees, we can do better.

But while this debate continues, E-Verify will expire this November. That is why I have introduced the Employee Verification Amendment Act to extend E-Verify, but only for 5 years. By reauthorizing E-Verify for 5 years instead of the 10, we can move to a Federal mandatory system more quickly. Within 5 years or less, the Federal Government must develop a mandatory system that operates uniformly across all 50 States. This is critical to fixing our broken immigration system.

Developing the best mandatory system possible requires us to understand the pitfalls in the current E-Verify system, and that is why this bill includes some studies into how E-Verify impacts small businesses and accurately confirms workers' eligibility.

Congress has to learn from the experience of employers and employees in States like Arizona. We are on the front lines of this immigration debate. Lessons learned from Arizona will help us develop a mandatory program that can identify undocumented workers in an efficient manner without fostering identity theft or violating workers' rights of United States citizens.

This bill also requires DHS to provide timely and appropriate payments to Social Security. In order for E-Verify or any employee verification system to work, the Social Security database and system has to have the funding that it needs to handle the increased demand created by a verification system.

The Social Security protections in this bill will keep E-Verify operational. They will also prevent interference with Social Security services to seniors, people with disabilities, and also to survivors. The AARP and the National Committee to Preserve Social Security and Medicare sent letters to

the Ways and Means Committee reflecting these concerns.

Before I close, again I want to thank Congresswoman ZOE LOFGREN for bringing this bill to the floor. I also want to thank Representatives MICHAEL McNULTY, SAM JOHNSON, LAMAR SMITH, and KEN CALVERT as well as for their leadership on the bill and all of the staff's hard work.

Illegal immigration continues to be a major problem for the United States of America. The Employee Verification Amendment Act is a step forward towards solving one aspect of the problem. This is the best approach at this critical time, and I urge my colleagues to support this legislation.

AARP,

Washington, DC, July 29, 2008.

Hon. CHARLES B. RANGEL,  
*Chairman, Committee on Ways and Means,  
House of Representatives, Longworth House  
Office Building, Washington, DC.*

Hon. JIM MCCRERY,  
*Ranking Member, Committee on Ways and  
Means, House of Representatives, Long-  
worth House Office Building, Washington,  
DC.*

DEAR CONGRESSMEN: On behalf of AARP's nearly 40 million members, we write in support of the Social Security Administration (SSA) funding provision contained in the e-verify extension bill. At a time when Social Security recipients and applicants are facing ever-greater delays in the prompt delivery of needed services, and disabled Americans are enduring long waits for their earned benefits, it is critical to secure SSA funding for all the administrative tasks the agency performs. The SSA funding provision of the bill specifically gives the agency greater assurance that it will be timely and appropriately reimbursed by the Department of Homeland Security (DHS) for expenditures the SSA undertakes in administering the employee verification program on behalf of the DHS. Ensuring that SSA receives prompt reimbursement for these expenditures is critical to the successful extension of the employee verification program, as well as to protecting the integrity of core services delivered by the agency.

The SSA funding provision in this legislation does not depart from the original funding framework established when the employee verification program was created. The Department of Homeland Security, and not the Social Security Administration, has always had the responsibility for funding the employee verification program. The SSA funding provision clarifies the funding relationship by establishing a quarterly advance payment as well as an annual accounting and reconciliation of expenditures. Without full and timely payments from the DHS (which in recent fiscal years have not been forthcoming), the SSA is forced to rely on its own administrative funding to operate the employee verification program. Given that the agency already suffers from significant administrative funding shortfalls which affect millions of Social Security recipients and applicants, this is unacceptable.

The establishment of a clear statutory reimbursement process for administrative tasks, such as e-verify, which the SSA performs for other departments and agencies could meaningfully contribute to the health of the agency's administrative budget, and by extension, to the quality and timeliness of the services the SSA delivers to Social Security recipients and applicants. We urge you to adopt legislation that gives the SSA the funding it needs to administer e-verify

without endangering the quality of services the agency provides to workers and beneficiaries.

If you have any further questions, feel free to call me, or please have your staff contact Cristina Martin Firvida of our Government Relations and Advocacy staff.

Sincerely,

DAVID P. SLOANE,  
Senior Vice President,  
Government Relations and Advocacy.

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
Washington, DC, July 14, 2008.

Hon. CHARLES B. RANGEL,  
Committee on Ways and Means,  
Longworth House Office Building, Washington,  
DC.

DEAR CHAIRMAN RANGEL: The National Committee to Preserve Social Security and Medicare understands that the Judiciary Committee intends, in the near future, to bring to the House floor legislation to extend the current E-Verify program, jointly administered by the Department of Homeland Security (DHS) and the Social Security Administration (SSA). The National Committee strongly urges the inclusion of language in the legislation that would ensure that SSA is being fully and timely reimbursed by DHS for its costs of administering the E-Verify system.

We are very concerned about the negative consequences of unreimbursed immigration workloads on an already overburdened Social Security Administration. For every dollar that goes uncompensated, a dollar is diverted from SSA's central mission of serving its own beneficiaries—the elderly, people with disabilities, and workers of all ages who have contributed and earned the right to collect Social Security benefits in a timely manner. As you know, SSA's resources are already being stretched thin by a disability backlog challenge. As a result, strains are being placed on other agency services, especially those in local offices where customers are experiencing long waits and unanswered phones. As always, SSA employees are making a strong effort to maintain their traditional quality service, but it is becoming increasingly difficult.

Unfortunately, Social Security has not always been fully or timely reimbursed for the costs of the E-Verify program. Agreements are negotiated annually between DHS and SSA. However, SSA is often left bearing the burden of these costs. For example, in FY 2005, SSA received only 80 percent of its actual costs. For FY 2006, DHS failed to reimburse SSA for any of its expenses. For FY 2008, costs remain in negotiation. Clearly, these failures are affecting the resources available to SSA for services to Social Security beneficiaries.

Earlier this year, I testified before the Subcommittee on Social Security opposing the expansion of the E-Verify program to a national employment verification system because I believe it is a significant mistake to require SSA to take on the burden of verifying the work status of every American for immigration-related purposes. At that time, I noted that the National Committee was not taking a position on the underlying goals of any immigration bill before the Congress. Similarly, the National Committee is not taking a position on the extension of the current voluntary E-Verify program. However, we do believe that it would be a serious disservice to America's seniors, people with disabilities, and other core customers of the agency if the current E-Verify program were extended without including language to ensure that SSA is being fully and timely reim-

bursed by DHS for the significant costs of this unrelated immigration workload.

Cordially,

BARBARA B. KENNELLY,  
President & CEO.

Mr. SMITH of Texas. Mr. Speaker, first of all I would like to thank the gentlewoman from Arizona for her comments and her endorsement of this bill.

I yield now 3 minutes to the gentleman from Iowa (Mr. KING) who is the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Thank you, Mr. SMITH, for your long work on immigration issues. I often come across legislation that was put in place during the nineties in particular and find out what kind of wisdom was there.

I want to also thank the Chair of the Immigration Subcommittee and the support on both sides of the aisle for bringing this 5-year reauthorization of E-Verify to the floor. But I especially want to thank KEN CALVERT. It is a rare legislator that has the vision to put something in place that has the legacy that has already been created by E-Verify. His face and his name will be forever identified with this policy, which I think is the smartest, most technologically adaptive, and the most useful tool that we have for employers that want to hire legal workers in America.

I look at this and I think, this is a reauthorization. It is a status quo. I would have liked to have had an opportunity to upgrade E-Verify, because we know a lot of things now that we didn't know when it was put in place.

One of the things that we know are 98.6 percent of the names that are submitted in through E-Verify on the computer database; and, by the way, I have it in my office and I have run it and operated it and I am familiar with its inner workings in a way—98.6 percent of the first requests are approved. Remaining in that 1.4 percent are people who are not authorized to work in the United States and that very small piece of the database that does need to be upgraded. 99.9 percent of those that are born in the United States and are American citizens and are legal to work here are approved the first time through.

So that remains in those statistics those who aren't authorized to work, who may be here illegally, or those who are here legally that aren't authorized to work. And the balance of that is mostly people who have gotten married and women who have not changed their name and the database doesn't match. USCIS has brought that up to speed here within the last several months and set it up so that their database search goes out to two different categories. It looks for those name changes that have to be cleaned up. And the other are naturalized citizens. Sometimes the paperwork of naturalized citizens doesn't catch up in time, and there has been a little delay gap

that has caused a little bit of error. That gap has been narrowed substantially by I think a good technological move by USCIS.

What I would have liked to have seen is that we reauthorize E-Verify and provide that employers can simply check those prospective employees and make it a condition that E-Verify could be used with a job offer. Not hire the person and wait for the answer in the 8 days to come back but make a job offer conditional to an E-Verify approval. And I believe an employer should be able to use E-Verify for current employees.

Those two changes would have gone a long way towards allowing an employer to verify that their entire employee base is legal. Otherwise, under the circumstances that we have, an employer is compelled to hire someone and then find out if they are legal. I think that is the wrong message to send.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. I thank the gentleman from Texas.

I support this reauthorization, but I submit that we can do better. When you require an employer in the United States to hire someone blindly as to whether they will be a legal or an illegal employee, and then after they hire them and put them on the payroll and set them up for the salary and benefits package, then they get to put the request in to go out through the Internet database, search the Department of Human Services' database, the Social Security Administration's database, and have it come back verified or not verified, that is the wrong side of this equation. I want it on the right side. I want an employer to be able to say, I didn't hire anyone illegally. But we put them in a bad position with this.

We could have done better. We could have upgraded. But this is a very, very good tool. To add to this, I am hopeful that and do expect that we will see USCIS link to E-Verify the digital photographs of those who are here working on a green card and those kind of cases. If we are able to do that, then we can verify that the face of the individual who presents the documents actually matches the documents of the individual. That is another improvement that comes along hopefully administratively.

Additionally, I will add to this that I am extra invested in E-Verify, because I have introduced legislation and will reintroduce it again this week that is called the New IDEA Act. That lets the IRS come into this mix, deny Federal deductibility for wages and benefits paid to illegals, gives safe harbor to employers that use E-Verify, and now it puts together the team and requires the IRS to communicate with the Social Security Administration and communicate with the Department of Homeland Security.



We have the tools to do this. We can work and cooperate and coordinate together with our different departments of government in the same fashion that a company would work and cooperate and coordinate with their different departments of their company. We are not doing that yet. We are taking a step in the right direction, and I am very glad to hear the bipartisan support that we have for E-Verify.

I again congratulate KEN CALVERT for a work in progress, well started, not yet well done. I urge adoption of this, and I appreciate the extension and the reauthorization.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to recognize Congressman MOORE from the heartland of the country, Kansas, for 2 minutes.

Mr. MOORE of Kansas. My thanks to Chairwoman LOFGREN for yielding me time. I would like to acknowledge the many hours and hard work my friend from California and her staff have put into the many hearings they have had on our country's history of immigration and the need for reforming our immigration laws.

I would like to thank my fellow Blue Dog, Congresswoman GABRIELLE GIFFORDS, for drafting the bipartisan Employee Verification Amendment Act, and her leadership on addressing illegal immigration. I would also like to thank Social Security Subcommittee Chair MIKE McNULTY and Ranking Member SAM JOHNSON and their staffs for their work in ensuring we protect Social Security as we extend and improve E-Verify.

Due to their work, Social Security trust funds will not be raided, in contravention of current law, to fund the costs of the E-Verify program. Our seniors and persons with disabilities should not and will not be burdened with these costs under our bill.

This year, House committees have held hearings examining how E-Verify works and how it might be improved. I am pleased we have reached the bipartisan compromise the House is now considering. We must crack down on employers who knowingly hire and take advantage of undocumented workers, and this bill will help do that.

This bill will continue E-Verify without interruption for 5 more years, which is very important, and will protect Social Security. The bill also requires the evaluation of the E-Verify databases and the need to improve them, as well as the impact E-Verify may have on small businesses, nonprofits, and municipalities. We need to address these and other legitimate concerns, like identity theft, so we can implement a far more effective and efficient mandatory employment verification system in the near future with other immigration reforms.

I urge my colleagues to support this bipartisan legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BILBRAY), who is the

chairman of the Immigration Reform Caucus.

Mr. BILBRAY. Mr. Speaker, 99 percent plus efficiency. Where else in the Federal Government can we claim that we have a program that is over 99 percent effective, efficient, and gets the job done?

I am here to support this bill; and, sadly, I am here to support it at a 5-year extension rather than the 10-year originally proposed. And my big question is, those that did not want to extend it to 10 years, what don't you understand about 99.6 percent efficiency for the American citizens in the United States? Is it too efficient and that is why we are not today extending it 10 years? That is a question I think that every Member of Congress is going to have to answer to their constituency in the very near future.

Mr. Speaker, the employee verification system is not a pilot program anymore. For over 5 years, it has been a national program not restricted to the five original States but universal throughout the United States. It has been so effective that judiciaries across this country, judges, have required that anyone caught hiring illegal has been required to use this system to make sure it doesn't happen again.

The system is so effective that the executive branch and the legislative branch has made this the gold standard for hiring employees. Congress today does and has been required to make sure that Social Security numbers and names match before we hire them. The executive branch had asked for Congress themselves to do that. You haven't heard the horror stories and the end of the world because 99.6 percent is a number hard to argue with. The executive branch was confronted by this number, and now has mandated that any contractor and every government operation will use this system from now on. The question, Mr. Speaker, is why are we just maintaining the status quo for 5 more years?

Two years ago, the American voters were very upset with the fact that the then Republican majority refused to confront the issue that the number one source of illegal immigration was illegal employment, and that there was a simple, easy way to stop the problem if there was a will in Washington to get it done, and that system was E-Verification.

Today, we are confronted with a 5-year extension of what we have had for over 5 years rather than moving forward with a system that can address the number one source of illegal immigration, a simple system that can not only stop illegal immigration but stop a lot of problems related to that.

The SAVE Act was introduced by a Democrat named HEATH SHULER from the great State of North Carolina. It was supported by over 156 Members of the House of Representatives. It has actually received a discharge petition that is within less than 30 people to

sign it to be able to bring it to a vote. That would make it a universal phase-in system to allow every employer and require every employer to not only use E-Verification before hiring somebody, but using E-Verification before—are you ready for this?—claiming a tax deduction for employing somebody who may be illegal.

□ 1930

I wish that Democrats and Republicans could have got together on that bill the way we did with this one. But sadly, the leadership of the Democratic Party in this House and Speaker PELOSI has blocked any legislation of substantive numbers that does not include an amnesty for the 20 million people illegally present.

Mr. Speaker, there are those who talk about compassion about those who are illegally here. Well, let me give you another number. Three hundred-plus illegals are sitting in prison today because an employer in Iowa did not use the E-Verification system before hiring them. And if you don't care about illegal immigration, and you say you care about immigrants coming to this country illegally, and you want to be humanitarian, then require the people that are exploiting them to check through E-Verification as a mandate, not a voluntary, so that future illegals that come into this country are not put in prison because their employer didn't check that the name and the Social Security Number matched.

I wish this town would act on its verbiage and its promises half as much as they expect the American people to respond to the responsibilities of citizenship.

As Members of Congress, we are now placed at having to vote for a 5-year extension rather than a 10, and we are denied the ability by the Speaker of the House to vote on a bill that is bipartisan, and able to address this issue. And I would ask that the SAVE Act be brought forward as soon as possible so we can back up this voluntary program with a mandatory one that will take care of the problem.

Ms. ZOE LOFGREN of California. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, we have one last speaker on this side and I will recognize him or yield to him right now, and that is, again, the gentleman from Iowa (Mr. KING) my remaining time, which I believe is 2 minutes.

Mr. KING of Iowa. Mr. Speaker, again, I thank the gentleman from Texas (Mr. SMITH).

First I wanted to say that the narrow gap that we have in efficiency that has received some criticism, if you don't use a list, you can't improve the list. Using the list improves the list. And as good as it is, as close as it is, and the improvements that have been brought forth, we can get it to become among the best lists in the country if we just use E-Verify, and I expect that will be the case.

As I look at the overall immigration picture, and we talked about enforcement and how effective is enforcement. There was an announcement that came out today, a press conference this afternoon, I think about 2:30, that rolled out a study done by Citizenship Immigration Services, CIS, Dr. Steve Camarota. And as I read through the report, and I am speaking from memory, not from a document, that report, I believe, references this way. Since last August, by their study, 1.3 million illegal aliens have self-deported, have gone back to their home countries, have left America. 1.3 million. And the analysis that is there predicts that at the present rate of self-deportation, and that is what it is, that we will see the illegal population in the United States be cut in half if that pace continues. That is a huge accomplishment.

And the people that said, well, we can't deport them all, didn't understand that they got here somehow. They got here on their own, and many of them have now decided to go back on their own. And here are the reasons.

The first one is enforcement; that ICE has begun to enforce immigration law, and as they have begun to do so, and it is the same time, in conjunction with an economy that doesn't have as much demand for lower skilled laborers. And then additionally, the publicity that surrounds the more intense enforcement that we have seen has put that all together in a package that is saying to some people that are here illegally that it is better for them to go home.

Now I have argued for a long time the administration should enforce the law. I have never believed that they enforced it consistently enough nor aggressively enough. But this is an exact response to this. The Swift raids in Iowa, the Postville raids in Iowa, ICE doing their job. And if ICE does not do their job, we don't have this 1.3 million.

And additionally, during the Eisenhower administration, they got about a 10-1 self-deportation for every one that was picked up and deported. This is a 7-1 self-deportation. That is a real difference and a real change.

I support this. We can do better. And I urge its adoption.

Ms. ZOE LOFGREN of California. Mr. Speaker, there are lies, darn lies and statistics. Isn't that the joke?

There have been a lot of figures thrown out here today. I think it is important to note that, according to the GAO, of the 7 million employers that are in the United States, less than 1 percent actually use E-Verify.

And the GAO also tells us, based on their analysis, that the SSA records contain errors about 4.1 percent of the time; 4.1 percent over 163 million workers is a lot of folks. So we have our work cut out for us.

I will note that there are 11 different bills that have been introduced by Members of this House with different ways and ideas on how to improve the

employment verification system. We need to do an improvement of this system. I hope that that will be a bipartisan effort. But we are not going to get that done between now and November. And so it is important that we extend the existing program so that at least we have this in place.

I would note that Mr. Camarota and the Center for Immigration Studies is not the USCIS. That is sort of a think tank that wants to restrict immigration. It is an advocacy group.

But the real point is that you can track immigration, both legal and unauthorized, into the United States based on the exchange rate between the peso and the dollar. And as our economy weakens, you see less individuals either coming or staying. That doesn't mean that we don't need to get this system improved and that we don't need to have a comprehensive reform of our immigration laws and system, because what we have now is not working as well as it should be in the interests of our wonderful America.

I am happy to support this extension at this time. I have appreciated working with the ranking member of the full committee, Mr. SMITH, in getting this bipartisan consensus. I hope that we can get this through the Senate promptly.

And as I said in my opening statement, I have every expectation that the necessary improvements to the E-Verify system or the employment verification system will not take 5 years. Hopefully, that will be done well before the 5 years has expired, and that we will be pleased with the necessary improvement that we will craft together.

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of H.R. 6633, the E-Verify Amendment Act. E-Verify is an Internet-based system that can be used to verify the employment eligibility of newly hired employees. It does so by checking the worker's Social Security number and citizenship status against the Social Security database. For non-citizens, it also checks work authorization status against a separate Department of Homeland Security database.

E-Verify, formerly known as Basic Pilot, was one of the recommendations to come out of the 1995 Task Force on Immigration Reform, which I chaired.

While I support this legislation, I also firmly believe E-Verify participation should be mandatory for all employers throughout the country. We know that most illegal immigrants come to this country looking for work. If they are unable to find and hold jobs, most will go home on their own. Even more important, when they learn that finding jobs in the United States is more difficult, other illegal workers will be less likely to come to this country in the first place.

E-Verify is currently used by more than 75,000 employers. Almost everyone authorized to work in the United States is immediately verified by the system. Only about one-half of 1 percent of employees queried who are actually eligible to work in the United States receive a "tentative non-confirmation." But this system gives them the opportunity to

correct their information and ensure their tax and Social Security records are accurate.

Mr. Speaker, E-Verify works. I urge my colleagues to support this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the employees verification amendment. I urge my colleagues to support this bill.

The Employee Verification Amendment Act reauthorizes the Department of Homeland Security's (DHS) Basic Pilot electronic employment eligibility verification program, also known as "E-Verify." Without congressional action, E-Verify will expire in November 2008. This legislation provides for a 5-year extension of this voluntary program for the electronic employment verification of employees. It also includes provisions that ensure DHS provides timely reimbursements to the Social Security Administration (SSA) for E-Verify's use of SSA resources. Two Government Accountability Office studies are also authorized.

The bill provides for the Department of Homeland Security's basic pilot program. Specifically, DHS's electronic employment eligibility verification program (known as "Basic Pilot" or "E-Verify") is scheduled to expire in November 2008. This legislation reauthorizes E-Verify as a voluntary pilot program for an additional 5 years—through 2013.

E-Verify is an internet-based system that can be used to verify the employment eligibility of newly-hired employees. It does so by checking an employee's Social Security number and citizenship status against the Social Security database and, for non-citizens, it checks work authorization status against a separate DHS database.

In the last 2 years, over a dozen states have passed employee verification laws. Some, like Arizona have mandated E-Verify for all employers while other states require employers in certain sectors, such as government employers and contractors, to verify their employees' work authorization status.

The Federal government is also increasingly requiring E-Verify's use. On June 6, 2008, President Bush signed an amendment to Executive Order 12989 requiring that more than 200,000 federal contractors to use E-Verify. This action will likely triple the number of requests that must be processed through E-Verify.

Importantly, the bill provides certain protections to Social Security beneficiaries. This is critical because E-Verify relies on the Social Security Administration's data and systems to verify the citizenship and Social Security numbers of all newly-hired individuals for their eligibility to work.

According to the GAO, 100 percent of E-Verify queries are first checked against the SSA database. When there are data mismatches, workers are instructed to contact SSA and must visit an SSA field office in order to resolve the discrepancy. As E-Verify grows, so does SSA's workload.

DHS is responsible for funding SSA's costs related to E-Verify; using the Social Security Trust Fund for E-Verify is against federal law.

In prior years, DHS's reimbursements to SSA have been either delayed or not forthcoming at all.

The bill also provides for two GAO studies to be completed. First, it requires a study of the basic pilot confirmation system. The GAO will report to Congress on the causes of erroneous tentative nonconfirmations, how they



are remedied and the effect they have on individuals, employers and Federal agencies.

Second, the bill authorizes a study of the effect of the basic pilot on small entities. The bill requires that the GAO will examine the experiences of small entities (small businesses, non-profits and municipalities) with using Basic Pilot by investigating direct and indirect impacts on basic pilot participants. It will also provide specific data on businesses with fewer than 50 employees as well as on small entities operating in states that have mandated use of the basic pilot program.

This legislation ensures that DHS provides timely and appropriate payments to SSA, so that E-verify does not interfere with SSA's ability to serve seniors, people with disabilities, and survivors.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge approval of this, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6633.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed, as follows:

H.R. 5170, H.R. 5983, H.R. 5531, H.R. 6193, H.R. 4806, H.R. 3815, H.R. 6576, and H.R. 6073.

#### DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5170, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 5983, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5983, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NEXT GENERATION RADIATION SCREENING ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5531, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5531, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to Advanced Spectroscopic Portal monitors, and for other purposes."

A motion to reconsider was laid on the table.

#### IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6193, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6193, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REDUCING OVER-CLASSIFICATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4806, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3815, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 3815, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REDUCING INFORMATION CONTROL DESIGNATIONS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6576, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6576, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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#### OPTIONAL ELECTRONIC PAY STUBS FOR FEDERAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6073.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6073.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMENDING THE MEMBERS OF THE NEVADA ARMY NATIONAL GUARD AND AIR NATIONAL GUARD

Mr. ELLSWORTH. Mr. Speaker, I move to suspend the rules and agree to