

July 16, 2008

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 Capitol Building
Washington, D.C. 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
H-204 Capitol Building
Washington, D.C. 20515

Dear Speaker Pelosi and Minority Leader Boehner:

We, the undersigned, support an efficient, reliable, accurate and electronic federal employment verification system. The current pilot program, E-Verify, is set to expire in November 2008. We do appreciate that Congress will need to provide a temporary extension of the pilot program. However, Congress must not extend the program for longer than three years and must require that the current pilot employment verification system be improved.

During this session of Congress, both the House Ways and Means and Judiciary Committees held extensive hearings on E-verify that exposed serious shortcomings in the program. Democrats and Republicans alike have criticized E-Verify as an ineffective deterrent to unauthorized employment. Despite these criticisms, legislation pending in Congress would simply extend the program without addressing any of the concerns. We believe it is critical that the following issues be addressed in any extension of E-Verify:

- **Temporary Extension** – We believe that E-Verify should not be extended for longer than three years. Given the significant documented challenges of the system, we believe a more appropriate time frame is three years, which would provide Congress with more than adequate time to make changes to improve the employment verification system.
- **Social Security Administration and Database Funding** – We believe that any extension of E-verify must provide funding directly to the Social Security Administration (SSA) to clean-up SSA databases and to address the administrative strain placed on the Social Security system. E-Verify utilizes the Social Security database, which, according to the SSA's own Office of the Inspector General, has a 4.1 percent data error rate. Data errors not only deny U.S. citizens the right to work but impact access to other social security benefits as well. In addition, as E-Verify expands, it will force more employees to line up at the Social Security office to correct their records – having a direct impact on Social Security's core mission of providing retirement, disability and survivor benefits to eligible beneficiaries.
- **Identity Fraud Pilot** – We believe that any legislation extending E-Verify should authorize a pilot to explore alternatives to address the problems of the system, particularly identity theft. As has been documented in congressional hearings, E-

Verify is unable to detect fraud and identity theft because of its reliance on paper-based identity documents. This is because E-Verify does not verify the authenticity of the identity being presented for employment purposes, but rather only that the identity presented matches information in the Social Security and Department of Homeland Security databases. The proliferation of false or stolen documents can and does cause reputable employers to mistakenly hire individuals who are not eligible to work. At the same time, the lack of certainty and the threat of government-imposed penalties may lead some employers to delay or forego hiring legal workers who are eligible to work.

- **Federal Preemption** – We believe that Congress should clarify that employment verification is a federal issue and that states should not impose their own requirements. E-Verify was established by Congress as a voluntary pilot program but is quickly becoming mandatory for many employers. Eleven states have mandated that some or all employers in their state use E-verify. In June of this year, President Bush has proposed requiring federal contractors to use the E-Verify system. These mandates are creating a confusing patchwork of legal requirements for American employers and employees.

The employer community wants to comply with the law and do the right thing, but they need an employment verification system that works. Unfortunately, a 10-year extension of E-Verify is not the answer. We urge Congress to limit the extension to three years and provide for necessary and critical reforms to the employment verification system.

Sincerely,

American Council on Education
American Council on International Personnel
Association of American Universities
College and University Professional Association for Human Resources
HR Policy Association
International Public Management Association for Human Resources
National Association of Convenience Stores
National Association of Manufacturers
National Association of State Universities and Land-Grant Colleges
National Franchisee Association
Society for Human Resource Management