

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
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**Opening Statement**

**Ranking Member Brian Bilbray**  
**Subcommittee on Government Management, Organization, and Procurement**

**Hearing entitled “E-Verify: Opportunities and Challenges”**

**July 23, 2009**

Thank you, Mr. Chairman

The Immigration Reform and Control Act of 1986 (IRCA) made it unlawful for employers to knowingly hire or employ aliens not eligible to work in the U.S. and required employers to check the identity and work eligibility documents of all new employees

The policies adopted in IRCA, intended to reduce illegal alien employment, were frustrated by the availability of counterfeit documents. In response to this problem, the Immigration and Naturalization Service (now called U.S. Citizenship and Immigration Services) instituted three pilot employment eligibility confirmation programs that were to last four years. The “basic pilot program,” E-Verify, a free and voluntary employment eligibility confirmation program, checked Social Security numbers and alien identification numbers provided by new employees against the Social Security Administration (SSA) and Immigration and Naturalization Service records to identify fraudulent numbers.

Today, more than 134,000 employers representing more than half a million locations nationwide have signed up for E-Verify and approximately one thousand employers sign up for E-Verify each week.<sup>1</sup> From October 1, 2008, E-Verify processed more than six million queries.<sup>2</sup> A study done by Westat, commissioned by DHS, concluded E-Verify immediately

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<sup>1</sup> [http://www.dhs.gov/ynews/releases/pr\\_1247063976814.shtm](http://www.dhs.gov/ynews/releases/pr_1247063976814.shtm)

<sup>2</sup> Id.

confirms 99.6% of work-eligible employees. For the native-born, 99.9% received immediate confirmation; for employees born outside of the U.S., 97% receive immediate confirmation.<sup>3</sup>

The Department of Homeland Security (DHS) has made a number of improvements to the E-Verify system to improve its accuracy and reduce identity theft.

On July 8, 2009, the DHS declared its intention to rescind the Social Security No-Match Rule and extend the use of the E-Verify system to require all federal contractors and subcontractors, including those who receive American Recovery and Reinvestment Act funds.<sup>4</sup> The No-Match program was implemented by the Social Security Administration (SSA) and the Internal Revenue Service to ensure SSA credits the correct earnings to the correct individual's records.

E-Verify provides employers with a tool that they can use to meet their IRCA obligations and avoid discrimination lawsuits. Rather than relying on personal opinions as to the authenticity of employee documents, E-Verify objectively determines, based on government databases, whether an employee is eligible to work in the U.S.

E-Verify program has a number of weaknesses. These weaknesses can be costly for employees who are denied a job, and employers who need workers.

Estimated costs of employee turnover range from \$3,637 to replace a supermarket cashier who makes \$6.50 per hour<sup>5</sup> to up to 150% of an employee's annual compensation.

Improvements to the E-Verify system, through biometrics and other mechanisms, may reduce the possibility of employer and employee abuses and protect employers from expensive employee turnover.

Thank you, Mr. Chairman for holding this very important hearing today. These issues not only affect my home state of California, but also the entire United States. I look forward to hearing from our witnesses.

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<sup>3</sup> Findings of the Web Basic Pilot Evaluation at 97.

<sup>4</sup> [http://www.dhs.gov/ynews/releases/pr\\_1247063976814.shtm](http://www.dhs.gov/ynews/releases/pr_1247063976814.shtm)

<sup>5</sup> Hawkes, Rob, *Retaining Good Employees is Smart Marketing*, The Vegetable Growers News, January 2001, available at <http://aggie-horticulture.tamu.edu/extension/newsletters/vpmnews/apr01/art3apr.html>.