

TESTIMONY OF CONGRESSMAN KEN CALVERT

Judiciary Subcommittee on Immigration Policy and Enforcement

June 15, 2011

Hearing on the “Legal Workforce Act”

I would like to thank my colleague from California, Chairman Gallegly, Ranking Member Lofgren, and the entire subcommittee for inviting me to testify on the Legal Workforce Act, which would require employers to conduct mandatory employment eligibility verification. I would also like to thank Chairman Smith for the hard work both he and his staff have put into the Legal Workforce Act.

Before I came to Congress, I owned and operated several restaurant businesses. I was required by law to hire a legal workforce but there was no tool available to determine if the identifying documentation presented at the time of employment was fraudulent. When I first created employment verification in 1996, I wanted to build a system that would utilize existing information and processes that was reliable, fair and simple to use.

At that time, and still today, every employer is required to file an I-9 form based on paper identification documents. My solution was simple: provide employers a way to check that a given name and Social Security number match government records. Today, the E-Verify program has over 268,000 employers representing 900,000 hiring sites. In fiscal year 2011, there have been more than 10.9 million queries run through the system. The Legal Workforce Act would essentially make E-Verify mandatory by requiring the Secretary of Homeland Security to implement a verification process for mandatory employment verification.

Of the millions of queries run through the computer based E-Verify system, 98.3% of employees are instantly verified. Individuals who are given a tentative non-confirmation are given eight business days to contact SSA or DHS regarding their case. Currently one percent of all queried employees choose to contest an E-Verify result and only half of them - **point five percent** - are successful in contesting that the governments information was incorrect. E-Verify is doing the job it was intended: denying employment to people in the United States not authorized to work.

E-Verify is ready for mandatory use. The Legal Workforce Act would phase in the mandatory requirement over 24 months for most employers with the exception for agricultural labor which will have 36 months to comply. As a member from an agriculture state, I think it is important to ensure our agriculture community has the labor they need. I support parallel legislation to provide a workable guest worker program that includes the necessary safeguards to ensure that guest workers leave on time. This should be easier to do because with mandatory employment verification guest workers will not be able to secure a legal job in the U.S. after their seasonal work visa expires.

The Legal Workforce Act also implements worker protections for mismatched Social Security numbers and use of multiple Social Security numbers. The bill also provides good faith exemptions for employers who use the program while increasing the penalties for employers who knowingly hire illegal immigrants.

The Legal Workforce Act is a thoughtful and comprehensive approach to mandatory employment verification and E-Verify is ready to fulfill the obligation. America is ready for mandatory employment verification: employers are required by law to hire a legal workforce, and mandatory E-Verify will ensure that they are complying with the law.

While the legal name of the current program is “Basic Pilot Program,” the effective brand name is E-Verify. Many businesses have incorporated the term “E-Verify” into their business and marketing plans. I would strongly suggest that we enshrine the name in law to provide clarity and continuity for businesses currently using E-Verify.

E-Verify is an extremely effective program and as we’ve seen from recent actions all over the country, from Arizona to Rhode Island, mandatory employment verification is quickly becoming a reality. As Members of Congress responsible for controlling our borders and enforcing legal employment, let’s build upon what works and give the American people what they want: a federal law mandating employment verification.

Thank you again for inviting me to testify and I welcome any questions you may have.