August 27, 2007

United States Senate
Washington, DC 20510

Dear Senator:

As the FY 2008 appropriations process moves to the Senate and to conference, the members of the Human Resource Initiative for a Legal Workforce and the higher education community write to alert you to a series of policy “riders” we believe should be stricken from final legislation.

The riders in question require federal contractors, as a condition of receiving a contract, to participate in the “Basic Pilot” employment verification system. The Department of Homeland Security has recently renamed the program “E-Verify,” but it remains a pilot program with significant challenges.

We endorse the concept of a secure, reliable electronic employment verification system. However, the current pilot program is not up to the challenge of immediately increasing its participant level to include an estimated 200,000 federal contractors – more than a 10-fold increase over current usage. The decade-old pilot program has also proven to be insufficient in detecting identity theft. In addition, Basic Pilot’s significant “non-confirmation” rate would result in the erroneous rejection of significant numbers of U.S. citizens and permanent residents, adding an enormous burden on the Social Security Administration.

The HR Initiative urges that the Senate strike the House riders from the following appropriations bills:

H.R. 3161 – Agriculture, Rural Development, Food and Drug Administration
H.R. 3093 – Commerce, Justice, Science
H.R. 3043 – Labor, Health and Human Services, Education
H.R. 3074 – Transportation, Housing and Urban Development

In addition, a similar rider to the Department of Homeland Security appropriations bill, which has passed both houses of Congress, should be stricken in conference committee.

The desire to do something positive to deter illegal immigration by ending unauthorized employment is both understandable and laudable. However, moving too fast to require participation in a program before it is ready for such an expansion will not end
unauthorized employment and will add to the growing perception that the government is unable to enforce our nation’s immigration laws.

Because the program remains a pilot, Basic Pilot/E-Verify is set to expire at the end of 2008. This presents Congress with an opportunity to use the regular legislative process to transform the out-dated program into the type of employment verification system this country needs. If carefully designed to incorporate state-of-the-art technologies, a federal electronic employment verification system can become a vital tool in ensuring that only authorized workers are added to U.S. payrolls. Congress should not shortcut the deliberative process to require participation in what was designed as a voluntary program.

The Human Resource Initiative for a Legal Workforce is a coalition of human resource professionals from thousands of small and large U.S. employers representing all parts of the American economy from the private sector to academics and government. Please visit our Web site at www.legal-workforce.org for further information, or contact Mike Aitken, Director of Governmental Affairs, Society for Human Resource Management, 703-535-6027.

Respectfully submitted,

American Association of State Colleges and Universities
American Council on Education
American Council on International Personnel
Association of American Universities
Association of Jesuit Colleges and Universities
College and University Professional Association for Human Resources
Food Marketing Institute
Hispanic Association of Colleges and Universities
HR Policy Association
International Public Management Association for Human Resources
NAFSA: Association of International Educators
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Manufacturers
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
Society for Human Resource Management