



**Testimony of Rep. Gabrielle Giffords
before the Committee on the Judiciary,
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and
International Law
Hearing on Electronic Employment Verification Systems:
Needed Safeguards to Protect Privacy and Prevent Misuse
June 10, 2008**

Chairwoman Lofgren, Ranking Member King, and members of this Subcommittee, thank you for allowing me to testify today. It is an honor to be given this opportunity to talk an issue of deep concern to Southern Arizona – employee verification.

I am from Tucson, a community that is directly impacted by the effects of illegal immigration. My district includes about a 114 mile section of the 2,000 mile U.S.-Mexico border. It includes the "Tucson Sector," which is the most heavily trafficked sector of the border in the country. To give you some context, last year, 387 thousand illegal immigrants were apprehended in Arizona. That's approximately 1,000 illegal immigrants every single day.

In addition to knowing a lot about border security, my constituents have a broad understanding of the immigration crisis as a whole. They know, and I agree, that an enforcement-only approach will not fix the problem. We must improve our visa programs, upgrade and expand the federal government's capacity to verify documents, give employers the tools they need to check the citizenship of employees, and take a thoughtful look at our economy and workforce needs.

As you know, the Arizona legislature has chosen to take action in response to the federal government's failure to fix the system. As the members of this Committee know, Arizona was the first state to mandate that all Arizonan employers use of E-Verify.

As the first state, our experience in Arizona is of great interest here in Washington, D.C. I believe the Arizona experience should inform the on-going debate about employment verification and whether the current E-Verify program administered through the Department of Homeland Security should be extended and/or mandated nation-wide.

Some of the businesses that have signed up have reported a variety of challenges with using E-Verify. They are finding it complicated, unreliable, and burdensome. They are also having difficulty getting answers from DHS to their questions about the system.

I have heard from employers, employees and civil rights advocates who are very vocal that nationally mandating E-Verify AS-IS for ALL employees would be disastrous.

They are all experiencing the downfalls of using an inaccurate database with inadequate privacy protections. Between October 2006 and March 2007, roughly 3,000 foreign-born U.S. citizens were initially flagged as not-work-authorized. These errors have specifically impacted Arizona workers who have had their ability to work wrongly impacted.

The experience of Arizona employers and employees makes it clear that we can do better and that action is needed.

Having reflected on what is happening in Arizona and the challenges we have seen, I

think we need a system that includes these three key elements:

1. Explicitly pre-emption of state laws such as the one in Arizona;
2. Privacy protections for U.S. citizens and legal workers;
3. Liability protections for employers who play by the rules; and

That is why I am a cosponsor of legislation introduced by Ranking Member Sam Johnson. H.R. 5515, the New Employee Verification Act, or NEVA provides a simplified, effective and balanced alternative to E-Verify.

NEVA is carefully crafted to ensure a legal workforce, safeguard workers' identities, and protect social security. It is also realistic.

Under NEVA, U.S. citizens would be verified through the Social Security database and not funneled through DHS as currently occurs under E-Verify. Only non-citizens would be verified through DHS.

This bill protects the Social Security Administration's primary mission and trust funds by authorizing employment verification only through funds appropriated in advance. By making SSA the agency with primary responsibility, it acknowledges that the social security database is crucial to a functioning system. We do not take the risk that funds intended for SSA get bottle-necked in another agency.

NEVA also fights identity theft by allowing the use of private sector contractors, certified by the federal government, to authenticate the identity of employees. This is a defining characteristic of this legislation that makes it functional and unique compared to other employment verification legislation.

NEVA has been well-received in Arizona, largely because it takes a responsible approach. For example, the following local business organizations and CEO's have endorsed NEVA: the Tucson Metropolitan Chamber of Commerce, the Greater Sierra Vista Area Chamber of Commerce, the Marana Chamber of Commerce, Stanley P. Abrams, President of The Stanley Group, Mark Clark, President & CEO of CODAC Behavioral Health Services, Inc., and Dr. Peter Likins, Chair of the Southern Arizona Town Hall, and Retired President of the University of Arizona.

As this Subcommittee considers the current employee verification proposals, please take the Arizona experience and lessons to heart.

Southern Arizonans, like most Americans, expect their elected officials to tackle not just the easy issues – but the tough ones. The fact that immigration has become polarized, radioactive, divisive, and ugly is evidence, *in fact*, that Congress **must** responsibly confront it.

Our broken immigration system is simply not an insurmountable problem. However, if Congress does nothing or simply extends E-Verify without much-needed reform, we will have failed.

Only through a realistic, long-term solution for the undocumented population living in the U.S., and targeted, effective enforcement of realistic laws will we restore legality and legitimacy to our immigration system.

Thank you for the opportunity to testify today and for considering NEVA as an important alternative to the current and burdensome employee verification system.