

March 24, 2006

Dear Senator Specter, Senator Leahy, Senator Grassley and Senator Baucus:

We are writing to strongly express our position that any nationwide expansion of the Basic Pilot Program must: 1) only apply to new hires, and 2) include measurable standards for system performance. If a mandatory employment eligibility verification system (EEVS) that affects every worker in this country is going to be implemented, it must be done right the first time. The costs are too high not to invest the time and resources necessary for proper planning and implementation.

The undersigned organizations have honest disagreements over whether use of an EEVS is the best way to enforce immigration law, and differing concerns about current legislative proposals. However, we all agree that expanding the Basic Pilot Program to all employees without requiring the Department of Homeland Security (DHS) to address the long-standing inadequacies of the current system would be a costly debacle for the businesses and workers. The Basic Pilot, which is used by less than one-twentieth of 1 percent of all employers, has had too many problems to assume that the DHS could successfully resolve over 50 million database queries per year. Unfortunately, the DHS's record on managing the current voluntary Basic Pilot Program and on previous large-scale projects—including its delays in implementing the US-VISIT program—hardly fills us with confidence.

We understand there is an inherent tension between establishing an EEVS quickly and doing it right, and in this case getting it right must be our foremost concern. Therefore:

The EEVS must only apply to new hires

Requiring employers to re-verify their existing workforce is adding more bureaucracy to the process, will be extremely expensive and burdensome for human resource departments, and will inevitably lead to many workers losing time from work to correct the inaccuracies in the system. The current workforce has already been authorized to work under the law using the current I-9 system. Moreover, the circularity in the workplace today, with a turnover/separation rate of 40% a year (50-60 million employees each year), means that eventually most people will be verified by the new system in a relatively timely manner without forcing employers to go through old records and re-verify all existing employees.

The EEVS must have measurable and enforceable standards

The best way to ensure successful implementation is to set standards and expectations upfront and to hold DHS accountable for meeting those standards. Experience confirms that federal agencies do not meet expectations if the standards they are given are vague and optional. The EEVS program would be particularly vulnerable to poor planning because of its unprecedented scope, and the likely disconnect between the agency mandate to get something up and running quickly and the requirements that would

ultimately determine whether it is successful, such as the need for speed, efficiency, reliability, and information security.

It is essential that any new employment verification system be a workable and fair system for both employers and employees.

Sincerely,

Associated Builders and Contractors
American Federation of Labor and Congress of Industrial Organizations
Associated General Contractors
American Immigration Lawyers Association
American Nursery & Landscape Association
Essential Worker Immigrant Coalition
Laborers' International Union of North America
National Council of La Raza
National Immigration Law Center
National Restaurant Association
National Roofing Contractors Association
Service Employees International Union
U.S. Chamber of Commerce