



July 8, 2009

United States Senate  
Washington, DC 20515

Dear Senator:

On behalf of Associated Builders and Contractors (ABC) and its 25,000 contractors, subcontractors, material suppliers and construction related firms across the nation, I am writing in opposition to two amendments (S.A. 1371, 1372) being offered by Senator Jeff Sessions to the 2010 Department of Homeland Security Appropriations Act (H.R. 2892) that would make the federal government's voluntary electronic employment verification system, E-Verify, a permanent program and mandate that federal contractors use the system.

ABC believes that the system still has an unacceptably high error rate and that the program places heavy administrative burdens on employers, especially small businesses which make up the majority of our membership. While it is true that the error rates in the program have been marginally improved, it is important to point out that even the smallest percentage of error has the very real potential of disqualifying legal U.S. workers from obtaining jobs or forcing them out of currently held positions. For example, if applied to a workforce of over 140 million workers, with an error rate of 1 percent, the program could disqualify over 1 million legal U.S. workers. You can well imagine the havoc this would cause in the lives of those workers and their families.

In addition, the program contains no safeguards for employers who operate in good faith when using the system. ABC believes that safe harbor provisions should be added to E-Verify prior to the program becoming a permanent fixture in the American workplace. An employer, who in good faith correctly complied with E-Verify but was provided incorrect information by the system when determining final action on an employee's status, should not be subject to an enforcement action by the federal government, or a lawsuit by that employee.

ABC believes that a workable, reliable, efficient, and easy-to-use employment verification system that meets regulators' needs without unduly burdening commerce and hampering economic growth is needed by America's employers. However, we do not view the current E-Verify program as meeting those benchmarks.

Due to the numerous flaws in the program ABC does support making E-Verify permanent and is opposed to mandating all Federal contractors use the program and we ask you to vote down the Sessions amendments (S.A. 1371, 1372) to the 2010 Department of Homeland Security Appropriations Act (H.R. 2892).

Sincerely,

Brewster B. Bevis  
Senior Director, Legislative Affairs