



July 25, 2008

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

We want to share some recent information regarding our continued commitment to ensuring the success of the E-Verify program. Unless Congress acts this year to reauthorize E-Verify, this vital program is scheduled to expire in November. We agree that it is critical that Congress reauthorize E-Verify and provide the necessary funds to support this program to ensure that United States employers can continue to benefit from this valuable system. We believe this update may help as you consider the program's reauthorization.

Our agencies have made significant progress on E-Verify funding issues. This week, our agencies reconciled all past year E-Verify funding accounts and signed an Interagency Agreement (IAA) for FY 2008. This agreement covers all work that SSA has performed to date and will continue to perform in FY 2008 in direct support of E-Verify. In addition, both agencies are now working on a comprehensive master agreement to cover all work performed in support of E-Verify in FY 2009 through FY 2013. This agreement will cover all costs SSA expects to incur in support of E-Verify, including field office-based costs and all systems-related costs.

Our agencies also are in agreement that the underlying information technology supporting E-Verify must be capable of handling increases in E-Verify queries as use of the program continues to grow. The President's FY 2009 Budget requested \$100 million to fully fund E-Verify operations. Of the request, up to \$20 million will be spent on the development of the independent environment for E-Verify to query against SSA data. SSA estimates this new environment will cost approximately \$18 million in FY 2009. SSA has developed a spending plan for this investment, which is pending Office of Management and Budget (OMB) approval. Once the independent environment has been built, DHS will fund all ongoing operation and system costs, which are estimated at about \$5 million annually. Expansion of the existing system, which would occur in FY 2009, is an important Administration priority.

Congress and this Administration have worked hard to address the critical issue of immigration. As a nation of immigrants, our country draws tremendous strength from the fact that people all over the world choose to come to the United States to live, work, and raise their families. However, we are also a nation of laws, and the ability to verify the employment eligibility of our Nation's workforce is a key to enforcing the Nation's immigration laws and controlling our borders.

We appreciate Congress' continued efforts to provide the necessary tools and adequate resources to ensure that the system works securely, efficiently, and effectively. E-Verify plays a critical role in protecting American workers and the American economy, and we will continue to work together to improve the operation of the E-Verify program.

We also agree that DHS should fund all E-Verify systems and operating costs. As you know, E-Verify has never been and should not be a core mission of SSA or an initiative that should be supported from SSA's appropriated Limitation on Administrative Expenses fund or the Social Security trust funds. We agree that there must be dedicated and sustained funding of the work that SSA does with regard to E-Verify. SSA's appropriated funding will not and should not be diverted from SSA's core mission of administering the respective programs under the Social Security Act and serving retirees, the disabled, and other Americans entitled to compassionate service. While our agencies have reached broad agreement on E-Verify funding, we are finalizing the details of a five-year IAA for DHS to reimburse SSA for costs relating to E-Verify.

Use of E-Verify has grown significantly in recent years, and we expect continued growth in the future. Several States have passed laws promoting E-Verify's use, and other States are considering similar laws. As required by statute and OMB directive, Federal agencies are continuing to come on-line to use the program. Federal contractors will also soon be required to use E-Verify in accordance with Executive Order 13465 and the rulemaking recently initiated by the Federal Acquisition Regulatory Council.

Nationwide, there is a clear growing reliance on E-Verify, and there is broad bipartisan support for the program in Congress. We both support a straightforward reauthorization to extend the E-Verify program, and we strongly oppose any amendments that would weaken E-Verify in any way. We urge you to act as swiftly as possible to eliminate any uncertainty among employers about the continued availability of this critical program.

Page 3 - The Honorable Nancy Pelosi

Thank you for your continued support of both of our agencies. We are sending an identical letter to Minority Leader John A. Boehner.



Michael J. Astrue
Commissioner of Social Security



Michael Chertoff
Secretary of Homeland Security

cc:

Chairman John Conyers, Jr.

Chairman David R. Obey

Chairman Charles B. Rangel

Chairman Bennie G. Thompson

Mr. Peter King

Mr. Jerry Lewis

Mr. Jim McCrery

Mr. Lamar S. Smith