

HEATH SHULER

11TH DISTRICT, NORTH CAROLINA

512 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE (202) 225-6401
FAX (202) 226-6422

356 BILTMORE AVENUE, SUITE 400
ASHEVILLE, NC 28801
PHONE (828) 252-1651
FAX (828) 252-8734



Congress of the United States
House of Representatives
Washington, DC 20515-3311

DEPUTY AT-LARGE WHIP

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT

SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT

COMMITTEE ON
NATURAL RESOURCES

SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

COMMITTEE ON
SMALL BUSINESS

SUBCOMMITTEE ON
RURAL AND URBAN ENTREPRENEURSHIP
CHAIRMAN

Madam Chair, Members of the Subcommittee:

Last November I introduced H.R. 4088, the bipartisan SAVE Act, with 44 Democrats and 46 Republicans. Today, 245 Members of Congress from 44 states have joined their constituents in calling for debate and a vote on the SAVE Act.

We are committed to stopping illegal immigration through improved border security, employment verification, and interior enforcement. We cannot continue to ignore our immigration crisis by passing it on to future Congresses and future Presidents.

U.S. Customs and Border Protection estimates that over 12 million people are currently here illegally and as many as 6,000 illegal aliens are crossing our borders every day. The vast majority of these individuals come to our country in good faith to find work and a better life for their families.

The SAVE Act recognizes that America is a nation of immigrants and a nation of laws. Our country must have a welcome mat to those who come here legally. We must also consider the rules of entry, the costs illegal immigrants place on local and state governments, and the effect on millions of unemployed Americans.

While the SAVE Act has a strong emphasis on border security and interior enforcement, the real thrust of my legislation deals with employment verification. Dishonest employers who seek to exploit low-skilled immigrant labor are the primary cause for the rapid increase in our illegal population. In most cases, the jobs they offer act as a magnet, drawing people over 20 foot walls and through inhumane desert conditions to find work.

Two decades ago, our government tried to stop illegal hiring through the Form I-9 for all new employees hired after November 1986. While employment verification is current law, Form I-9 compliance alone requires business owners to be document experts as they determine if an ID is valid. This places serious liability upon them if they make a mistake.

To deal with these concerns, Congress created the Basic Pilot Program in 1996 that is now known as E-VERIFY. The SAVE Act would expand this pilot program nationwide over a four year period, affecting 40,000 larger businesses in the first year and slowly including smaller businesses in the final three years. E-VERIFY is free, easy to use, and it allows participating employers to successfully match 93% of new hires to DHS and SSA databases in less than 5 seconds.

For every one thousand workers run through the system:

- **942** workers are instantly verified by the system
- **53** workers don't bother to contest the mismatch, presumably because they are illegal

- Only 5 workers successfully contest the mismatch

Therefore, E-Verify's error rate is less than one-half of one percent, a far cry from the 4% error rate that most critics cite. Another common criticism of E-Verify is that only 70,000 businesses are registered while there are 6 million employers in the U.S. This is an example of using an accurate statistic to produce a misleading result.

According to the Department of Labor, there were 7.8 million new hires in the U.S. during the first two months of 2008. In the same time period, over a million new hires were checked through E-Verify. On that basis, E-Verify is handling at least one in eight new hires already. Based on a recent load testing, the system has the capacity to handle 240 million queries a year---that's four times the number of people in the United States who are usually hired in a given year.

E-VERIFY outlines fair and proper methods of using the system in multiple languages to protect employees from discriminatory hiring practices. E-Verify gives employers the tools they need to follow our nation's immigration laws and to avoid the penalties that result from hiring illegal aliens.

Madam Chair, I have the utmost confidence in this program, as does the Republican Secretary of Homeland Security and the Democratic Governor of Arizona who recently signed E-Verify into law. Every Congressional staffer and employee of a federal agency has passed through the E-VERIFY system over the past decade.

E-VERIFY is required by law in varying degrees in Arizona, Colorado, Georgia, Idaho, Minnesota, Utah, Mississippi, Oklahoma, and my home state of North Carolina. Prior to each state making this effort, several interest groups warned of impending disaster if E-VERIFY became law---yet the disaster never came. DHS is unaware of one case since 1996 when a U.S. citizen was denied employment because of an error with the E-VERIFY system.

Madam Chair, thank you for the opportunity to speak on E-VERIFY and the SAVE Act today. It is an honor to testify here with my colleagues. We all agree in a mandatory verification system, but we disagree on the details. I would like to submit to the record a list of my concerns with Mr. Johnson and Ms. Giffords' New Employee Verification Act and would be happy to elaborate on my opposition to this legislation during questioning.

I am pleased that your committee is taking on this vital issue with a common sense approach.

I am happy to answer any questions you might have.