E-VERIFY AND THE POTENTIAL EFFECTS ON GOVERNMENT CONTRACTORS

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E-VERIFY AND THE POTENTIAL EFFECTS ON GOVERNMENT CONTRACTORS

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This thesis examines E-Verify, an electronic employment verification program aimed to deter the hiring of illegal immigrants by federal government contractors. The data, which has been collected by the Government Accountability Office, the U.S. Chamber of Commerce, and many others indicates that E-Verify, as a piece of public policy, is not the answer to the problems of immigration in our country. Not only will the program be extremely costly for all of those involved, it is not at a level of functionality necessary for implementation, it lacks the capability to effectively oversee all of those effected by its mandatory implementation, and those government agencies responsible for its usability are not currently capable of running the program. It seems that, while immigration reform is necessary, mandatory implementation of this poorly conceived piece public policy would be a mistake.

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Chapter 1

INTRODUCTION

Following the tragic events of September 11, 2001, the United States and President George W. Bush highlighted two related initiatives: 1) the so-called war on terror; and 2) immigration reform. Without a doubt, the most important of those initiatives was the war on terror; however, Bush remained extremely adamant about immigration reform throughout his administration. He routinely addressed publicly the issues of border fencing, “catch and release,” guest worker programs, and employment verification. In Bush’s State of the Union Address in 2008, he spoke on the issues of border fencing and “catch and release:”

“America needs to secure our borders—and with your help, my administration is taking steps to do so. We’re increasing worksite enforcement, deploying fences and advanced technologies to stop illegal crossings. We’ve effectively ended the policy of “catch and release” at the border, and by the end of this year, we will have doubled the number of border patrol agents. Yet we also need to acknowledge that we will never fully secure our border until we create a lawful way for foreign workers to come here and support our economy. This will take pressure off the border and allow law enforcement to concentrate on those who mean us harm. We must also find a sensible and humane way to deal with people here illegally. Illegal immigration is complicated, but it can be resolved. And it must be resolved in a way that upholds both our laws and our highest ideals.”

Throughout his administration, Bush continually pushed Congress, his cabinet, and state and local governments to address the immigration issues facing the United States. With divided public opinion, and divided opinion in the United States Congress, immigration reform efforts became gridlocked, eventually dying in the House of Representatives, the Senate, or both. Because of this gridlock, Bush and his administration were forced to find alternate avenues in which to move forward with immigration reform. One avenue was through employment verification or E-verify.

On June 9, 2008, Bush issued an Executive Order to require federal contractors to use E-Verify, an electronic employment verification system, to confirm that the contractors' employees may legally work in the United States. Following the Executive Order, the Department of Defense, NASA, and the General Services Administration issued a proposed rule that would amend the Federal Acquisition Regulations to implement this new requirement. The requirement would build off of the voluntary basic pilot/E-verify established in 1997.

Based in large part on opposition from multiple industries and led by the United States Chamber of Commerce, the new requirement has yet to be fully implemented. Following the issuance of the proposed rule in June of 2008, the U. S. Chamber of Commerce filed a court challenge to delay implementation. Since the chamber's challenge, the implementation date has been repeatedly delayed. Originally, the chamber and the government reached an agreement to suspend the rule until February 20, 2009. However, in early February the litigants again agreed to
extend the implementation date even further to May 21, 2009, to allow newly inaugurated President Barrack Obama and his Administration an opportunity to review the rule.

With the rule seemingly stalled in litigation, some states have taken it into their own hands to create legislation that requires the use of E-verify. The first to do this was Arizona in December 2007. Since then, states such as Colorado, Minnesota, Oklahoma, Mississippi, Rhode Island, and Georgia have all implemented the required use of E-verify. The following map highlights where legislation has passed, where it has been recommended, and where there has been no enacted legislation (the map has not been updated since the 2009 Kentucky General Assembly introduced legislation requiring E-verify, thus it is a blue state when it should be orange). See key below.

As George Bush's immigration reform continues to be fought at the federal level, state governments have begun to push the initiative at the state level. Recognizing the need to revamp the previous employment verification requirements
and I-9 forms, Bush and the seven states that have adopted legislation requiring E-verify have begun to bring attention to the issue. The I-9 forms, which verify the eligibility for persons to work in the United States, became a requirement with the passage of the Immigration Reform and Control Act of 1986 (IRCA). Since the passage of IRCA, aliens working illegally in the United States have become a serious point of contention both at the federal and state levels. With a massive increase in the amount of illegal hirings across the board in the United States, Bush saw an opportunity with the basic pilot/E-verify program to update and improve employment verification. While the policy will only affect government contractors and not all registered employers, any reform in immigration would be a victory for the Bush administration.

In the following pages, the history of employment verification will be discussed, followed by an in-depth look at E-verify and its implications. I will then address the potential economic impact on government contractors by highlighting a specific case. While reform in the process of employment verification is obviously needed, is E-verify the most capable program for this task? Is the fiscal impact worth the benefits of E-verify? The following pages will address all of the issues and bring into focus possible answers to whether or not E-verify is the correct solution.
On November 6, 1986, President Ronald Reagan signed into law the Immigration Reform and Control Act of 1986 (Public Law 99-603). The policy, which was drafted by Kentucky Representative Romano L. Mazzoli and Wyoming Senator Alan K. Simpson, was recommended to Congress by the bipartisan commission on immigration reform, chaired by then Notre Dame President Reverend Theodore Hesburgh. The final product, though, was quite different from its original form, a piece of legislation first introduced in 1983.

The first Mazzoli-Simpson Bill, which did not contain a section dealing with anti-discrimination measures, elicited serious criticism by civil rights groups who feared the presence of abuse and unfair practices towards Hispanics. Because of the sharp criticism and well-organized civil rights protests, the bill failed to be acted upon in the U.S. House of Representatives.

The following year, however, marked an important turning point for the Mazzoli-Simpson legislation. While it fell apart in the conference committee,
employer opposition to the employer sanctions provision, which will be explained in full, began to slowly subside. Additionally, agricultural employers began to focus their attention on trying to gain alternative sources of foreign labor rather than protesting employer sanctions. As this was occurring, Mazzoli and Simpson continued to alter their legislation to try to address some of these concerns. The result of that was the inclusion of the anti-discrimination clause. According to the written summary and explanation of the Immigration Reform and Control Act provided by the Committee on the Judiciary of the House of Representatives, the clause,

- Creates the Office of Special Counsel in the Justice Department for the purpose of investigating and prosecuting any charges of discrimination due to an unlawful immigration-related employment practice.
- Prohibits discrimination based on citizenship or alien status if the person alleging discrimination is a U.S. citizen or permanent resident alien, refugee, asylee or newly legalized alien, who has filed a notice of intent to become a U.S. Citizen.
- Exempts employers of three or fewer from coverage.
- Terminates measures if employer sanctions are terminated or if Congress enacts a joint resolution to terminate.3

As with the opposition subsided and important revisions were made by the sponsors of the legislation, the final Immigration Reform and Control Act was passed by both chambers of Congress and signed into law in November 1986. This landmark

legislation changed the face of immigration laws in the United States by doing two major things:

1) Provided for the legalization of undocumented aliens in the United States through amnesty.
2) Established a system of employer sanctions, through the use of I-9 forms, to ensure that undocumented persons are prevented from gaining employment in the United States.

In the Preface to the Summary and Explanation provided by the Judiciary Committee, Committee Chairman Peter W. Rodino, Jr., suggested that the Congress, in passing the legislation,

"Recognized that the status quo—under which millions of persons, because of their undocumented status, are forced to live in a shadow society and under which additional undocumented millions travel annually to the United States in search of jobs—is simply intolerable. It is for this reason that legalization and employer sanctions must necessarily be the key elements of any serious effort to come to grips with the problem of undocumented migration."\(^4\)

The first of the two main things that the Immigration Reform and Control Act did was proved for the legalization of undocumented aliens in the United States. Essentially, the legislation provided a one-time amnesty for all illegal aliens who have continuously resided in the United States since before January 1, 1982, or any alien who had worked in agriculture for 90 days prior to May 1986.\(^5\) Following a

\(^4\) See note 3 above
\(^5\) See note 3 above
period of temporary resident status for eighteen months, the legislation provides for adjustment to permanent resident status if an individual can show minimal understanding of English and knowledge of history and government of the United States. Or is pursuing instruction to achieve that understanding and knowledge. The legalization program was intended to provide a humane solution to the problem of what to do about the undocumented aliens who have established roots in the United States and who have been productive members of society.

The issue of amnesty has been a point of contention for a long time, however. The issue resurfaced during the Bush administration as he began his push for immigration reform. When the Immigration Reform and Control Act originally passed, many American citizens were outraged at the inclusion of the amnesty clause. Many saw it as a free pass for essentially committing an illegal act, and the legislators who supported this legislation caught a lot of flack for it, both publicly and privately.

The second of the two main things that the Immigration Reform and Control Act did was to establish a system of employer sanctions, through the use of I-9 forms, to ensure that undocumented persons are prevented from gaining employment in the United States. This provision, commonly referred to as employer sanctions, is aimed at deterring employers from hiring undocumented aliens by making it unlawful. Included in the provision is the following:
• Requires employers to verify all new hires by examining either (1) a U.S. Passport, or (2) a U.S. birth certificate or social security card and a driver’s license, state issued I.D. card, or an alien identification document.
• Requires each employer to attest in writing under penalty of perjury, that he has seen the documentation mentioned above.
• Establishes employer sanction penalties as follows:
  o First offense-A civil fine not less that $250 nor more than $2,000 per each alien involved
  o Second Offense- A civil fine of not less than $2,000 nor more than $5,000 per each alien involved
  o Third Offense- A civil fine of not less than $3,000 nor more than $10,000 per each alien involved
  o Authorizes criminal penalties for up to six months imprisonment and/or $3,000 fine for “pattern of practice” violations.\(^6\)

In dealing with employment verification in the United States, this provision really establishes a precedent. In addition to the items previously listed, this provision creates the I-9 form for employment verification. The form, see Appendix A, requires both the employer and employee to attest, respectively, that the employer has verified that they have reviewed the documents presented by their employees to establish identity and work eligibility and that the documents appear to be genuine; and the employee has verified that they are a U.S citizen, lawfully admitted permanent resident, or alien authorized to work in the United States.\(^7\)

Prior to the proposal for a modification in employment verification, E-verify, the I-9 form was all the government relied upon to determine the eligibility of

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\(^6\) See note 3 above
employment. Throughout the time in which the I-9 has been used, there have been many complaints against it. The main argument is that too much liability is placed in the hands of the employer. Under the Immigration Reform and Control Act, the employer is responsible for deciding whether or not the documents provided to him by the potential employee are legitimate forms or if they are counterfeit. If an employer makes a mistake and decides that a document is real, when in reality it is counterfeit, that employer may be fined. In all fairness, when the employer is charged with a violation, the United States Attorney General is required to provide him or her with notice. Further, upon request, the employer has the right to a hearing before an administrative law judge in the Department of Justice.

Nonetheless, the employer is often left with the bulk of the responsibility when determining the authenticity of documents of identification. In addition, many employers complained about the inability to regulate and oversee the process. By giving the employers' discretion to determine eligibility, very little oversight was conducted. Because of this, there was a large increase in the use of counterfeit forms of identification and a subsequent increase in the amount of illegal workers in the United States. While the Immigration Reform and Control Act provided the country with a precedent in employment verification, it did so rather poorly. According to statistics recorded by the Department of Homeland Security, formally the U.S. Immigration and Naturalization Service, show that following the implementation of the I-9 forms, the number of deportable aliens present and working in the United States did not reduce.
<table>
<thead>
<tr>
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<tbody>
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<tr>
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<td>1,057,977</td>
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<tr>
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<td>1992</td>
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</table>
The numbers show that, following the implementation of the Immigration Reform and Control Act of 1986, very little changed. In fact, the number of deportable aliens found increased on average following the immigration reform. What the statistics actually prove is that more illegal aliens were coming into the United States in search of employment. Ensuring complete oversight of employment verification was unrealistic and, therefore, the country saw an increase in the number of illegal aliens applying for and getting jobs.

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According to the Center for Immigration Studies, the amount of illegal aliens present in the United States grew by four million from 2000 to 2007. With such a massive increase in illegal immigration into the country, there is sufficient justification for implementing immigration reform, especially in the area of employment verification and work site enforcement. The current situation, however, does not differ from the situation leading up to the immigration reforms of 1986. The table below shows that a steady increase in immigrant population in the 1970s through the early 1980s strongly resembles the increase that occurred from 2000 to 2007 (the year that the basic pilot/E-verify program was highlighted as a main initiative by the Bush Administration).

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As you can see, the periods of time leading up to a push for immigration reform are extremely similar. In 1986, Mazzoli and Simpson focused on employment verification by including employer sanctions and the use of the I-9. In 2008, the Bush Administration narrowed down its immigration reform to focus specifically on verifying that government contractors and subcontractors are not hiring illegal immigrants.

While the scope of the two reform initiatives might differ, the principles remain the same. As most of us were taught throughout our academic careers, we

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10 See note 9 above
must study the past in order to avoid repeating it. Moreover, the reform initiative in 1986 can educate those who are pushing for the implementation of E-verify. As the previous summary of the Immigration Reform and Control Act of 1986 addresses, immigration reform, with a focus of employment reform, can be difficult to achieve. In 1986 the I-9 form and the process it entailed was obviously flawed. As these flaws with I-9 continued to grow and produce reciprocal problems, the initial intention of the reform began to fail.

Before the federal and state governments rush to require implementation of E-verify, they should learn from what happened with I-9 during the 1986 immigration reforms. The following pages will address E-verify in depth, but it is important to note that some of the same issues with I-9 are being highlighted with E-verify. If history teaches us anything, it should be to perfect the policy before implementing it.
Chapter 3

E-Verify

History

As the number of immigrants continues to increase in the United States following the reform acts of 1986, it seems that it is once again necessary to address immigration reform. As mentioned previously, George Bush, spurred by the attacks of September 11, 2001, to the initiative to push for this reform. As in 1986, Bush highlighted the importance of reforming employment verification, or what he called "work site reform."

In his previously stated State of the Union Address, given in January of 2008, Bush emphasized work site reform. His immigration initiative, though, was highly criticized, and most of the policy he introduced became gridlocked in Congress. However, by June 2009, Bush identified an avenue in which he could push for immigration reform: E-verify.

E-verify, although considered highly progressive by most of its proponents, was conceived in 1996. Riding the wave of increased immigration (both legal and illegal) in the United States following the Immigration Reform and Control Act of 1986, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Act did six specific things:
• Title I – Improvements to Border Control, Facilitation of Legal Entry, and Interior Enforcement.
• Title II – Enhanced Enforcement and Penalties Against Alien Smuggling; Document Fraud.
• Title III – Inspection, Apprehension, Detention, Adjudication, And Removal Of Inadmissible And Deportable Aliens.
• Title IV – Enforcement of Restrictions Against Employment.
• Title V – Restrictions On Benefits For Aliens.
• Title VI – Miscellaneous Provisions.\textsuperscript{11}

Most importantly, however, the act required the former Immigration and Naturalization Service (INS) and Social Security Administration (SSA) to operate three voluntary pilot programs to test electronic means for employers to verify an employee’s eligibility to work, one of which was the basic pilot program/E-verify.\textsuperscript{12}

While the other three pilot programs came into operation, the most impressive, according to the INS and SSA, was the basic pilot/E-verify.

\textbf{Pilot Program}

The original intent of the basic pilot program was to test whether alternative verification procedures could improve the existing employment verification process.

In their testimony before the Subcommittee on Social Security in the House of


\textsuperscript{12} See note 7 above
Representatives, the Government Accountability Office identified four specific points of the verification process in which they were testing the pilot:

1) Does it reduce false claims of U.S. citizenship and document fraud?
2) Does it reduce discrimination against employees?
3) Does it reduce violations of civil liberties and privacy?
4) Does it reduce the burden on employers to verify employees' work eligibility?¹³

Since its full implementation as a pilot program in 1997, the basic pilot program/E-verify became known as E-verify in 2007. As a completely voluntary program, E-verify enrolled approximately 100,000 employers as of January 2009.¹⁴ While many of its users argue its flaws, Bush issued an Executive Order for its required use by federal contractors in June 2008. Following the Executive Order a proposed rule amending the Federal Acquisition Regulations (FAR) was proposed. Currently, the requirement is held up in litigation as a result of a lawsuit filed by the U.S. Chamber of Commerce. The timeline for implementation is still unknown but will be discussed further in this chapter.

To many contractors, including those in the information technology industry, the Executive Order issued by Bush came as surprise. Most were unclear about E-

¹³ See note 7 above
verify, and those who were knowledgeable about it were unhappy by the news. They were unhappy not because it beefed up employment verification, but because E-verify is a flawed program. Across Washington, D.C., trade associations and industry groups who represent government contractors, as well as independent contractors themselves, were desperate to learn about E-verify and its impact.

**E-verify: The System**

E-verify is an Internet-based verification system that checks information provided in employees' I-9 Employment Eligibility Verification Form against databases maintained by the Department of Homeland Security (DHS) and the Social Security Administration (SSA). Contrary to popular thought, employers who are required to use E-verify must still complete and submit the I-9 form. Once the I-9 form is submitted, the employer uses E-verify's automated system to query an employee by using information provided on the I-9, for instance, his or her name and Social Security number. This query must be done within three days of the employee's start date. After the information has been entered, the program then electronically matches that information against information in SSA's Numident database and, if necessary, DHS databases to determine work eligibility. Following the matching process, E-verify notifies the employer of either confirmation of work eligibility or non-conformation of work eligibility. If an employee is determined not eligible to

\[15\] See note 7 above
work in the United States, the data is then referred to United States Citizen and Immigration Service (USCIS) staff, also referred to as immigration status verifiers, who check employee information against other information in DHS databases.

According to the Government Accountability Office (GAO) testimony,

"In cases when E-verify cannot confirm an employee’s work authorization status either through the automatic check or the check by an immigration status verifier, the system issues the employer a tentative non-confirmation of the employee’s work authorization status. In this case, the employers must notify the affected employees of the finding, and the employees have the right to contest their tentative non-confirmations by contacting SSA or USCIS to resolve any inaccuracies in their records within 8 federal working days."  \(^{16}\)

The following diagram illustrates this process:

Figure 1: E-Verify Program Verification Process

\(^{16}\) See note 7 above
Employer enters new employee Form I-9 data

Information is compared with SSA database through

Citizens

Work authorization not

Employer informs employee of finding; Must visit Authorized

Employee contests finding; Must visit Authorized

Final

Noncitizens

Emigration

Status Verifier reviews

Employee contests finding; Must visit Authorized

Final

SSA tentative nonconfirmation issued

Employee contest finding not resolve is

Final

Employer informs employee of finding

DHS tentative nonconfirmation issued

Source: GAO analysis based on USCIS information.
As with the process of verification using the E-verify program, understanding when use of the program is mandatory can be confusing. According to the Information Technology Association of America (ITAA) and the American Electronics Association (AeA), the new requirement applies to all solicitations and contracts for goods and services issued after the final implementation date. Additionally, the contract must exceed the $100,000 simplified acquisition threshold. However, there are some limited exemptions:

1) An exemption is granted for work performed outside the United States.
2) An exemption is granted for contracts with a period of performance less than 120 days.
3) An exemption is granted for requests for commercially available off-the-shelf (COTS) items and associated services.
4) An exemption is provided for subcontracts with values under $3,000.

Once E-verify is officially implemented, there are some additional requirements placed on the contractors. They must first officially enroll in the E-verify program as a “Federal Contractor.” Second, they must use E-verify to check the status of all new hires working in the United States for the company holding the contract. Following that, they are required to use E-verify to check the status of any existing employee performing substantial work on the underlying contract. Lastly, they must flow the instructions of the clause down to all applicable subcontractors, although the liability for verification rests in the hands of the subcontractor.
Nevertheless, there are exemptions in the clause dealing with new hires. First, hiring that is covered by the requirement is limited to only the entity holding the federal contract, meaning those who apply for and do not get the contract are not required to enroll in E-verify. Second, institutions of higher learning, state and local governments, federally recognized Indian Tribes, and a surety performing under a U.S. government-approved agreement are only required to verify new employees. These entities, then, are not required to verify old or existing employees.

Additionally, there are several exemptions to the requirement that existing employees must be verified. According to the proposed rule, only individuals working on “the” contract or contracts containing the new Federal Acquisitions Regulations clause need to be entered into E-verify. The requirement also applies when an existing employee who has not already been processed through the E-verify system is transferred to a covered contract. The clause also excludes employees who normally perform support work, such as indirect and overhead functions, and no not have any “substantial duties” under the contract. Lastly, employees who have previously been verified, who hold a confidential, secret, or top-secret security clearance, or who have received Homeland Security Presidential Directive (HSPD) - 12 credentials are also exempt from the requirement.

Because the regulations and exemptions are confusing and difficult to decipher, some contractors choose to verify all employees. ITAA and AeA have both

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17 Federal Register, Vol. 73, No. 114/Thursday, June 12, 2008/Proposed Rules
given their clients that are government contractors the following should they decide to
choose this "All Employee" option:

1) If a contractor determines that the administrative burden to track
which employees working on covered contracts have been
processed through the system is too great, it can elect to verify all
current employees hired after November 6, 1986.
2) Once a contractor chooses this option, it will have 180 calendar
days from the time it enrolls in the E-verify program or notifies
DHS of its intent (if it is already a participant) to initiate the
verification process on each of its covered employees.

It is clear that the regulations and exemptions require sound legal consultation
to be understood. Not surprisingly, this is one problem many government contractors,
as well as those who represent them, have with the system. Not only is it extremely
complicated to understand, it is also extremely vague in many areas. There is,
however, some clarity found in the Memorandum of Understanding (MOU) presented
to the employer/contractor when they enroll in E-verify. What the MOU does is
explain in depth the roles of the SSA DHS and the employer/contractor. To
understand how the system operates, it is useful to identify some of the major
responsibilities that the MOU sets out for each party. First, the MOU outlines the
major responsibilities for the SSA:

1) The SSA agrees to provide the Employer with available
information that allows the Employer to confirm the accuracy of
Social Security numbers provided by all employees verified under
this MOU and the employment authorization of U.S. citizens.
2) The SSA agrees to establish a means of automated verification that is designed (in conjunction with DHS's automated system if necessary) to provide confirmation or tentative non-confirmation of U.S. citizens' employment eligibility and accuracy of SSA records for both citizens and aliens within three Federal Government work days of the inquiry.

3) SSA agrees to establish a means of secondary verification (including updating SSA records as may be necessary) for employees who contest SSA tentative non-confirmations that is designed to provide final confirmation or non-confirmation of U.S. citizens' employment eligibility and accuracy of SSA records for both citizens and aliens within 10 Federal Government work days of the date of referral to SSA, unless SSA determines that more than 10 days may be necessary. In such cases, SSA will provide additional verification instructions.  

Essentially, the SSA is tasked with a lot of the confirmation duties of the E-Verify system. However, SSA will work in close conjunction with DHS, whose responsibilities closely mirror those of the SSA. In reference to DHS, the MOU issues the following responsibilities:

1) After SSA verifies the accuracy of SSA records for aliens through E-Verify, DHS agrees to provide the Employer access to selected data from DHS’s database to enable the employer to conduct automated verification checks on alien employees by electronic means, and photo verification checks on alien employees.

2) DHS agrees to provide to the Employer a manual (the E-Verify manual) containing instructions on E-Verify policies, procedures and requirements for both SSA and DHS, including restrictions on the use of E-Verify. DHS agrees to provide training materials on E-Verify.

3) DHS agrees to issue the Employer a user identification number and password that permits the Employer to verify information provided by alien employees with DHS’s database.  

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19 See note 18 above.
While these responsibilities constitute only a few of those actually allocated to DHS, as can be seen, they take those given to SSA a bit further. Essentially, DHS offers more administrative help for the users of the system.

Lastly, the MOU provides a section for employer responsibilities. According to the memorandum, some of these responsibilities include:

1) The Employer agrees to provide to SSA and DHS the names, titles, addresses and telephone numbers of the Employer representatives to be contacted regarding E-Verify.
2) The Employer agrees to become familiar with and comply with the E-Verify Manual.
3) The Employer agrees to initiate E-Verify verification procedures for new employees within 3 Employer business days after each employee has been hired and to complete as many steps of the E-Verify process as are necessary according to the E-Verify Manual.\(^{20}\)

Industry Concerns

Although the MOU takes a more in-depth look at the responsibilities of each of these parties and explains, more specifically than does the actual policy, affected industries and affected government contractors still have some serious concerns with the system. This is exactly the reasons why required implementation has been continually pushed back. Coupled with the large presence of anti-discrimination and

\(^{20}\) See note 18 above
civil rights pressure, the E-verify system is likely to face additional, potentially longer setbacks in the future.

One of the major groups interested in these types of public policy is the U.S. Chamber of Commerce. Following the Executive Order mandating the use of E-verify issued by Bush, and the proposed rule filed by the Department of Defense, NASA, and the General Services Administration, the U.S. Chamber of Commerce was one of the first to organize and plan a way to fight E-verify. Not only did they issue a public statement that they circulated to the House Subcommittee on Social Security as well as organize a meeting of the major industry groups affected by E-verify, they also have recently filed a lawsuit against the proposed rule, currently tying it up in litigation. They have continually been at the forefront of this fight and have vowed to continue to stand out on the issue as long as E-verify is a possibility in its current form.

In the meeting previously mentioned, the Chamber of Commerce highlighted several key issues they had with E-verify in its current form. The first was what they called “scope.” The Chamber of Commerce is extremely concerned about the amount of employers E-verify would be required to cover. Clearly, the U.S. government contracts out an exceedingly large about of its projects. Preliminary estimates made by the Chamber of Commerce conclude that almost 7.4 million contractors would be subject to the E-Verify system. Further, the GAO projects that, if E-verify was made
mandatory, contractors would submit an average of 63 million queries on newly hired employees alone.\textsuperscript{21}

Because of the increase in scope that would occur if E-verify was made mandatory, both the United States Citizen and Immigration Services (USCIS), which is under DHS, and the SSA would be required to increase its capacity. What this means is that USCIS, in order to cope with the increased queries, would have to increase its staff based on a formula that considers monitoring and compliance and status verification staffing needs as the number of employers using E-verify increases. Currently, DHS and USCIS have not developed an estimate. However, industry groups have suggested that USCIS would have to increase staffing by at least 30 percent.

A similar type of transformation would have to occur in SSA as well. SSA, which would prefer a phased-in approach to mandatory usage of E-verify, would have to increase its infrastructure, increase its staff, train new and current employees in the system, and restructure its maintenance process. Unlike the USCIS, the SSA estimates that between 2009 and 2013 they would be required to hire 700 new employees for a total of 2,325 additional work years.\textsuperscript{22} The final number of new employees hired, though, would depend on legislative requirements as well as the functionality of USCIS.

\textsuperscript{21}See note 7 above
\textsuperscript{22}See note 7 above
As of January 2009, it was estimated that only 100,000 employers had enrolled in E-verify's basic pilot program. With mandatory use of E-verify by government contractors and subcontractors, an estimated 7.4 million new employers would be required to enroll. Not only does this require a complete reconstruction of the USCIS and SSA, but it requires the system to deal with a scope that it has otherwise never handled before. The Chamber of Commerce, in using scope as a point of contention against E-verify was simply highlighting a potentially devastating problem that could occur if E-verify, is made mandatory.

Additionally, the Chamber brought attention the potential costs incurred by not only the government but the contractor who is forced to enroll in E-verify as well. As the GAO points out:

"Although DHS has not prepared official cost figures, USCIS officials estimated that a mandatory E-verify program could cost a total of about $765 million for fiscal years 2009 through 2012 if only newly hired employees are queried though the program and about $838 million over the same 4-year period if both newly hired and current employees are queried." \(^{23}\)

Along those same lines, the SSA estimates mandatory use of E-verify costing them $281 million for fiscal years 2009 through 2013. These are numbers that can be rather devastating to a federal government that has deficits in the trillions.

According to the National Immigration Law Center, the costs of mandatory use E-verify would be even more impactful than the estimates provided by the GAO. Citing a letter from Peter Orszag, director of the Congressional Budget Office, the

\(^{23}\) See note 7 above
National Immigration Law Center contends that with the implementation of mandatory use of E-verify, the Social Security Trust Fund revenue would decrease by more than $22 billion over ten years. The reason for this is that E-verify would increase the number of employers and workers who resort to the black market, outside of the tax system.  

In reality, implementing a program like this is obviously going to be costly to all parties involved. In their statement to the House Subcommittee on Social Security, the Chamber of Commerce estimated that a mandatory dial-up version of the pilot program would cost the federal government, employers, and employees about $11.7 billion total per year. Further, they suggest that the majority of the cost would be placed on the shoulders of the employers.

While using the numbers above, along with the GAO report, the Chamber of Commerce uses a case in Arizona to highlight the impact mandatory use of E-verify has on employers. Arizona, which implemented the required use of E-Verify in 2007, was the first state in the country to take such measures against the hiring of illegal aliens. MCL Enterprises, a restaurant management company, was like most companies at the time state statute was passed, was not using E-Verify. Following its implementation, MCL saw large disruptions in their day-to-day operations due to the required training of their restaurant managers, assistant managers, and directors of operations. Not only did MCL have to pay fees to attend this training, it had to cope

24 See note 14 above
with the loss in productivity from key employees. In the end, MCL enterprises found
the transition to E-verify “extremely costly” and “disruptive” to operations.25

Similarly, a manager of a small business in Maryland, who refused to enroll in
the E-verify basic pilot program, argued that he “Did not have the luxury of a large
human resources department” and the costs for one year with E-verify would be
approximately $27,000.26 While examples like these highlight rather different
circumstances, the implementation process of E-verify is similar in that it is going to
be extremely costly. The federal rule that requires only federal contractors and
subcontractors to implement E-verify still mandates training both externally and
online.

The Chamber of Commerce’s point in making the “cost” argument is that if
the federal government wants to require a system like E-verify to confirm
employment eligibility, they must make the implementation costs and effects more
reasonable. Clearly, mandatory implementation will not always affect the large
federal contractors, but it will have a serious impact on smaller contractors who
compete for smaller federal projects.

Among the long list of issues raised by the Chamber of Commerce, along with
industry groups and affected contractors, is the argument that E-verify is vulnerable

25 House Subcommittee on Social Security, Statement of the U.S. Chamber of
Commerce: Hearings on Employment Eligibility Verification Systems, 111th Cong.,
2008.
26 Chamber of Commerce of the USA v. Chertoff, No. 08-cv-3444-AW (D. Md
2008).
to fraud and that there are still flaws in enforcement and oversight. As the GAO report addresses, E-verify does enhance the ability for employers to identify false documents. However, E-verify is currently still incapable of detecting forms of identify fraud. In cases where an individual presents genuine documents that are borrowed or stolen in order to gain employment, the system will verify the employee even though the information belongs to another person.

As recently as 2008, USCIS has developed a photograph screening tool intended to allow an employer to verify the authenticity of a lawful permanent resident card or an employment authorization document, both of which contain photographs. Once an employer receives either the lawful permanent resident card or an employment authorization document, he can then input the document number into the E-verify system. The system will then send back a photograph and the employer is supposed to match the photograph on the computer with the photograph on the card and the physical attributes of the employee.

This process of using the photograph screening tool is not only flawed, but it is limited in its use as well. It is flawed in that it leaves a lot of discretion to the employer to determine whether or not the photographs match. With the lack of oversight and monitoring, which will be addressed, employer fraud then becomes relatively simple. Additionally, the photograph screening tool is limited because newly hired employees who are queried through E-verify and present documentation other than the lawful permanent resident card or employment authorization document to verify work eligibility (which is about 95 percent of all queries) are not subject to
the tool. In essence, the USCIS has covered a gaping wound with a small patch. There are still massive amounts of employee fraud through the use of stolen identities, borrowed Social Security numbers, etc.

Along those same lines, E-verify, as a system, is still flawed in the process of monitoring and oversight. As the GAO report points out:

"E-verify is vulnerable to acts of employer fraud, such as when the employer enters the same identity information to authorize multiple workers. Moreover, although Westat has found that most participating employers comply with E-verify program procedures, some employers have not complied or have misused the program, which may adversely affect employees."²⁷

Recently, USCIS has taken actions to help address the issue of oversight by establishing a Monitoring and Compliance branch to review employers' use of the E-verify program. However, the implementation efforts to decrease employer fraud are only now in their earliest stages and it is too early to tell whether these initiatives will be successful in deterring misuse of the system.

Oversight, along with the heavy presence of fraud, are obviously key issues that need to be addressed and more fully comprehended by the system before it can be implemented. This is not only the general consensus among industry groups and government contractors, but this is what has also been found in a study done by the GAO. Yet, this is still not the end of the arguments against mandatory E-verify.

Following their argument that E-verify lacks adequate oversight which increases its

²⁷ See note 7 above
susceptibility to fraud, the Chamber of Commerce highlights issues of discrimination and labor shortages. According to the Chamber:

“In our experience, there is a tremendous disparity between the initial E-verify results for U.S. citizens versus the initial results for resident aliens. Only 3.2% of U.S. citizens received an initial response other than “employment authorized,” while almost 75% of resident aliens received an initial response other than “employment authorized.”28

They go on to conclude that resident aliens, because of the additional costs under E-verify when there is an initial response that is not “employment authorized,” are more expensive to employ than U.S. citizens. Further, based on a Westat study done in 2007 of the Web-based pilot program, foreign-born employees were thirty times more likely to receive a false tentative non-confirmation as were U.S.-born citizens.29

The argument here is clear: E-verify is more likely to incur more costs for the employer when he hires foreign-born employees. The disparity that is present here is unacceptable, and an issue the Chamber of Commerce views as needing to be fixed before full implementation.

Similarly, the Chamber of Commerce highlighted the effect that mandatory use of E-verify would have on labor shortages:

\[\text{28 See note 25 above}\]
"Any aspect of immigration reform, such as the expansion of the E-Verify system, that have the effect of shrinking the currently available labor pool should be rolled out as part of a comprehensive immigration reform program that also addresses the legitimate need for workers in this country."\(^{30}\)

The Chamber of Commerce is arguing that, instead of incremental changes in the immigration policy, there should be a comprehensive plan that encompasses each issue. It would be simply irresponsible, according to the Chamber of Commerce, to try to regulate the available workforce without a subsequent plan to address the needs for labor in this country.

It is clear that the Chamber of Commerce has played and will continue to play a large role in leading up to the required implementation of E-verify. They are not alone, however. Many industry groups have taken it upon themselves to raise issues with E-verify. One of those groups is the Information Technology Association of America (ITAA). ITAA represents all the major IT companies who do most of their business through contracts with the federal government. Their member companies include Boeing, Lockheed Martin, Dell and Unisys, to name a few. When the possibility of required implementation of E-verify first surfaced, ITAA was one of the first industry groups to react. They immediately held informational meetings with their members and issued a statement regarding the system. In sum, the statement reflected that ITAA and its member companies support the idea of comprehensive change in immigration laws and laws that govern worksite eligibility. However, they,

\(^{30}\) See note 25 above
like many industry groups affected, believed that E-verify was an insufficient way of achieving this goal. That is not to say they do not support a program like E-verify, it simply means that E-verify itself is not, as a system, capable in its current form of producing results.

ITAA, in conjunction with other information technology industry groups such as the American Electronics Association (AeA), identified a number of issues they had with E-verify. Most, however, coincide with the issues raised by the Chamber of Commerce and the GAO mentioned previously. One issue that stood out the most to industry groups like ITAA and AeA was that E-verify is simply not at a level of operation necessary for a program with the implications of E-verify. For ITAA and AeA the issue lies in the following:

"The majority of E-verify queries entered by employers—about 92 percent—confirm within seconds that the employee is work-authorized. About 7 percent of the queries cannot be immediately confirmed as work authorized by SSA, and about 1 percent cannot be immediately confirmed as work authorized by USCIS because employees’ information queried through the system does not match information in SSA or DHS databases. The majority of SSA erroneous tentative non-confirmations occur because employees’ citizenship or other information, such as name changes, is not up to date in the SSA database, generally because individual do not request that SSA make these updates."\(^{31}\)

Furthermore, the National Immigration Law Center reports that queries submitted to the pilot program by Intel Corporation in 2008 resulted in nearly 13

\(^{31}\) See note 7 above
percent of all workers being initially flagged as unauthorized for employment. After significant time spent fighting the initial ruling, all of the workers were, in turn, approved by the pilot program.\textsuperscript{32}

These findings by the GAO and the National immigration Law Center indicate why it would be difficult for industry groups highly invested in government contracting practices to support a program with such flaws. While a 7 percent error rate might not seem like a large amount, when you are forced to deal with an influx of 7.4 million employers using the system, that error rate can become extremely high.

As it seems, there appears to be more negatives than positives with mandating use of E-verify. The federal government, employers, and employees all have to worry about issues of scope, fraud and oversight, costs, discrepancies and discrimination, labor shortages, and system error rates. It is because of this that groups like ITAA, AeA, and the Chamber of Commerce have come together to fight this policy. Groups such as these are not against immigration reform and are certainly not against increased workforce eligibility enforcement. They simply believe that the program that is being implemented must be fully capable of achieving the goals it has set out to achieve. In the case of E-verify, the program is not, in its current form, capable of carrying out the tasks required of it.

\textbf{Implementation Timeline}

\footnotesize{\textsuperscript{32} See note 14 above}
Originally, the new rule, mandating a new modified version of the E-verify/Basic Pilot program on federal contractors and subcontractors, was scheduled to become effective on January 15, 2009. However, based in large part on industry’s challenges to this poorly conceived public policy, the government has continually agreed to suspend applicability of the rule. Its original push back date was set for February 20, 2009, but as a result of the Chamber-led litigation against the E-verify/Basic Pilot Program, the deadline for implementation has been further delayed to May 21, 2009 to allow President Barack Obama’s administration an opportunity to review the rule. Under the new applicability date, any solicitations that occur prior to May 21, 2009, would not contain the contract clauses that the rule would impose.

As recent as February, industry-led coalitions, in coordination with the Chamber of Commerce, defeated the E-verify requirement in the federal stimulus bill. Currently, the regulation is on hold due to a lawsuit filed by the Chamber of Commerce. With the reauthorization date for E-verify quickly approaching, Congress, in late February, passed legislation as a piggy back on the omnibus appropriations bill, effectively reauthorizing the program.

At present, the Chamber of Commerce still has the final rule tied up in litigation. In the meantime, states continue to take measures into their own hands by following the leads of Arizona, Minnesota, and others. As recent as this January legislative session in Kentucky, Representative Stan Lee introduced legislation calling for all state and federal contractors to be required to use E-verify. As the fight
continues at the federal level, it will be intriguing to see how state governments address the issue.
Chapter 4

**Potential Economic Effect on Contractors**

**Introduction**

From formation through administration, contracting with the federal government is a highly regulated process with many traps and webs to work through. Unlike commercial contracting, which is regulated by the Uniform Commercial Code, federal contracting is governed by a maze of regulations that oftentimes have federal contractors wondering why they bother with the process at all. These varying regulations dictate the processes that agencies must use in awarding a contract, as well as the regulations for contractors applying and bidding on a contract. Although both state and federal governments have attempted to streamline the responsibilities in presenting and applying for a federal contract, there are still many complicated issues within the process; a problem that could be potentially emphasized if there were to be mandatory use of E-verify.

Along with complicating the federal contracting process for contractors, the mandatory use of E-verify has the potential to have a significant financial impact as well. As documented previously, many businesses in states that have required the use of E-verify have serious complaints. MCL Enterprises, the Arizona employer
mentioned previously, found the transition to be "extremely costly" and "disruptive" to operations. The following section will take a look at how mandatory use of E-verify would impact two federal contractors located in Kentucky. For this purpose, they asked to have their names and the names of their companies kept confidential.

Fiscal Impact on Contractor One

Like MCL Enterprises in Arizona, Contractor One is fearful that mandating E-verify would not only impact the cost of productivity of his operation, but it would also cost to add a human resources department to deal with the intricacies of the program. While the initial cost of E-verify is free for government contractors to implement, costs of running the system would undoubtedly increase from simply filling out and submitting the I-9.

"Currently, my operation consists of a large team of developers, a small core of administrative staff, and two who deal with human resources. They deal with I-9s, payroll, etc. As I was examining the legislation that would mandate the use of E-verify, I was sure that it would force me to hire additional staff. With the economy as it is currently, I would have trouble increasing my staff as well as paying for potential training, and not to mention the effect it would have on the day-to-day operations upon implementation."

As is the case with most small contractors, Contractor One is looking at an increase cost of between $50,000 and $60,000, assuming he hires two additional staffers at annual salaries between $25,000 and $30,000 per year to deal with the
increase in responsibilities in human resources. These are the numbers Contractor One used in describing the dilemma he would face if, in fact, E-verify was mandated.

According to the National Immigration Law Center, small businesses like Contractor One employ approximately half of the entire U.S. workforce and have generated 60 to 80 percent of net new jobs annually over the last decade. With these types of businesses struggling the most in the current economy, additional burdens and unanticipated problems occurring from required use of E-verify could be potentially devastating to their ability to employ new people as well as create new revenue.

“We have read about the problems and seen the reports published by the Chamber of Commerce and it is hard for us to support such a program. Not only will it be cost-inefficient for us, but, because of its flaws and disparities, it could potentially cost us more money to defend good, honest, legal employees. If they can find a way to reform immigration, especially in verifying employment eligibility, I am all for it. I just don’t want it to be a system that is incapable of doing its job properly.”

As the Chamber of Commerce pointed out in their statement to the House Subcommittee on Social Security, and as Contractor One eluded to in his interview, E-verify is not currently capable of achieving the task that the government is asking of it. Neither the Chamber nor Contractor One disagrees with immigration reform at the level of employment verification, but they both suggest that there needs to be a unified, workable system that is within the context of comprehensive immigration

33 See note 14 above
reform. It seems as if the Bush administration, following September 11, 2001, made it a goal to comprehensively reform immigration. Instead, because of their inability to unify Congress and the parties most affected by this reform, they have rushed out a program that is currently insufficient to achieve the goals it was created to achieve.

In essence, the fiscal impact on any small contractor, in the current economic climate of the twenty-first century, can be extremely devastating. However, it can be devastating in a deceiving way. In the frequently asked questions section on E-verify on the Web page for the USCIS, the question “How much will it cost my company to enroll in E-verify” garnered the following response,

"Nothing; E-Verify is free. It is the best means available for determining employment eligibility of new hires and the validity of their Social Security Numbers.”

A regulatory impact analysis done by the Center for Immigration Studies suggests the opposite of the USCIS Web site in saying that E-verify will cost:

“100 or less in initial set-up costs for the Web Basic Pilot (E-Verify) and a similar amount annually to operate the system. Total costs, including training and time, are estimated to be $419 per year for a federal contractor of 10 employees and about $9,000 per year for any company over 500 employees or less than 1 percent of expected revenue of these four sizes of small entities.”

34 See note 29 above
35 See note 9 above
The point is that while the program might be free or cheap to enroll in, the costs to train, the costs to hire new employees to manage the program, and the costs to cope with its flaws will negatively impact small businesses and contractors. Although some may argue that it is cost effective, businesses on the edge of going bankrupt, like some small government contractors in Kentucky, these costs can be devastating.

**Fiscal Impact on Contractor Two**

Unlike Contractor One, Contractor Two is quite large, and is often bidding on the larger federal contracts dealing with roads in Kentucky. They have been considered in federal highway projects as well as federal bridge and infrastructure projects for over twenty years. According to Contractor Two, the fiscal impact on businesses will be most influential during times of low productivity due to flaws in the system.

"After having our accountant analyze the program, the initial start-up fees and costs to have our employees trained and operational with the system was not the problem. The problem with a business like mine is that I need to be fully operational, in terms of my men, almost at all times. When our attorney brought this to us, he emphasized the inefficiencies with the system and how it could ultimately cost us money on a job."

In essence, a large contractor becomes more fiscally impacted when the system fails. For instance, a contractor might have the same problems as the
aforementioned result of E-verify when the Intel Corporation queried 13 of its existing employees. Like the Intel situation, these employees might be ruled unauthorized to work. This type of result would have the potential of stopping or slowing work on an existing project. As days are wasted in the construction business, so too are dollars. Contractor Two emphasized this point.

“If I have a road job that is currently being done, and 10 to 15 of my men are wrongly identified by this system as unauthorized to work; that could cost me a couple hundred thousand dollars easily. Not to mention the cost incurred while we attempt to fight the result the system gives us.”

Analysis

It is interesting to take a look at how two contractors, albeit rather different ones would be impacted similarly by mandatory use of E-verify. On the one hand there is a small contractor, bidding for lower paying, smaller government contracts who would be hard-pressed to afford to implement and subsidize the flaws of E-verify. On the other hand, you have a large contractor who seeks out the most high-paying, highly contested contracts, who has the potential to be devastated financially if a similar situation happened to him as happened to the Intel Corporation in 2008.
Undoubtedly, E-verify, in its current form, would have negative fiscal impacts for government contractors. The evidence is there to back up such a claim. Both contractors I spoke to emphasized a great deal about how the general sentiment among contractors is that this would be unwise to mandate. An economic analysis commissioned by the U.S. Chamber of Commerce emphasized this sentiment by concluding that the net societal costs of a rule requiring all federal contractors to use E-verify would be $10 billion a year.36

It is amazing to see numbers as high as $10 billion as a result of implementing such a piece of public policy. What most fail to understand about the situation surrounding the mandating of E-verify is the fact that this will ultimately affect businesses because its programmatic and operational flaws are so astounding. In terms of its operational flaws, those have been highlighted here quite frequently, however, the programmatic flaws with E-verify continually play a role in the impact it will have fiscally as well. Simply put, it is not sound public policy to mandate the use of a government program and, subsequently, to require those who are affected to bear the burden of the cost. The example of the Arizona legislation makes this point loud and clear,

"The law tends to undermine the efforts of federal legislators to balance the interests of immigration enforcement with the interest of preventing discriminatory employment practices."37

36 See note 14 above
37 See note 25 above
Chapter 5

Conclusion

It is clear that among the majority of those who own business and who employ citizens, and resident aliens of this country, that reform is needed in the areas of work site enforcement and employment verification. Unfortunately, it is also the sentiment of the majority of those employers that E-verify is not a sufficient way of reforming such processes.

As history should teach us, trying to fix significant problems with insufficient means is a poor way of producing public policy. In 1986, Senators Mazzoli and Simpson drafted legislation to reform employment verification by strengthening employer sanctions and implementing the use of the I-9. While immigration was rising at a high level during the 1970s and 1980s, immigration regulations were outdated, and reform was desperately needed. However, as obvious flaws with their legislation surfaced, Senators Mazzoli and Simpson were successful in implementing their reform.

Consequently, the years that followed the Immigration Reform and Control Act of 1986 marked no changes in immigration trends. In fact, during the time period from 1991 to 1999, there was an increase in the amount of illegal aliens present in the United States. In addition, because of the lack of oversight and the continual
presence of fraud, the I-9 forms and the stricter employer sanctions were not deterring the hiring of illegal immigrants.

As a similar situation that was faced in the 1970s and 1980s began to occur in the late 1990s and into the early twenty-first century, our government is on the verge of making a similar mistake. It has been well documented across the United States that immigration rates in this country have risen tremendously in the last five to ten years. Like in the 1970s and 1980s, immigration regulations are outdated and unable to adequately cope with today’s environment. Unfortunately, mandating the use of E-verify would be identical to the types of reforms mandated in the Immigration Reform and Control Act of 1986. If we continue down this path, we will see the same results in the next five years as we saw in 1986: a steady increase in unauthorized immigrants working and living in the United States due to the inability of the public policy formed to deter it.

The simple solution, as mapped out by the Chamber of Commerce, is as follows,

“I urge you to work with the business community to create a unified, and workable, Electronic Employment Verification System within the context of comprehensive immigration reform. This includes:

- A single, federal system with regard to worksite enforcement that would preclude state and local governments from imposing multiple layers of sanctions on employers.
- An overall system that is fast, accurate, and reliable under practical real world working conditions.
• A system that provides adequate work visas to address labor shortages in our country.
• A system that does not impose undue burdens on non-citizens or create incentives for employers to treat applicants unequally based on citizenship.

Employers will be at the forefront of all compliance issues. Thus, employers should be consulted from the start in the shaping of the Electronic Employment Verification System to ensure that it is workable, reliable, and easy to use. Finally, I would like to re-emphasize that changes must be addressed within the framework of comprehensive immigration reform. 38

This solution takes us away from the unsuccessful past that the United States has had in immigration reform. It takes into account all of the major concerns industry groups and government contractors have with E-verify while emphasizing the need for comprehensive reform.

As a student of public administration, the importance of intergovernmental relations has been emphasized when dealing with public policy. Hopefully through the course of reading this paper, it is clear that there has been a substantial lack of intergovernmental relations in the processes leading up to the mandated use of E-verify. As previously mentioned, if the importance of intergovernmental relations had been emphasized at the beginning of this process, then perhaps the idea of comprehensive immigration reform would be an actuality, not simply a suggestion. In his book titled Bureaucracy, James Q. Wilson recalled:

38 See note 25 above
“Jimmy Carter and Gerald Ford could agree on little else during their 1976 presidential contest than that “the bureaucracy” was a mess.”\textsuperscript{39}

Today, the same can be said of our bureaucracy. But what most scholars would agree upon is the fact that in order to make your way through the webs of bureaucracy is to improve your interactions within it. Clearly, the mess that has been created in each agency involved in the implementation of E-verify can be cleaned up by simply consulting the study of intergovernmental relations.

\textsuperscript{39} James Q. Wilson, \textit{Bureaucracy} (United States: Basic Books, Inc., 1989),
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