

*EWIC Statement  
September 29, 2017*

**Mark-up of H.R. 3711 - Legal Workforce Act - Congressman Lamar Smith and House Judiciary Chairman, Bob Goodlatte Introduce a Bill to Improve the E-Verify System**

We write to thank Representatives Lamar Smith and Chairman Goodlatte for the work done on H.R. 3711, The Legal Workforce Act re-introduced by Congressman Lamar Smith on September 8, 2017, and we support your continued efforts toward immigration reform. This is a bill that, if passed, would mandate an improved E-Verify program on all employers and for all new hires.

EWIC is a coalition of businesses, trade associations, and other organizations from across the industry spectrum that supports reform of U.S. immigration policy to facilitate a sustainable workforce for the American economy while ensuring our national security and prosperity. We want to underscore the need for establishing a workable, reliable and efficient worksite enforcement employment eligibility system. A new E-Verify mandate would impact every business in the United States as well as every employee. It is imperative that this new system function properly and be administered in the proper environment.

One of the most important goals for EWIC that is included in the current version of H.R. 3711 is a clarification that federal jurisdiction preempts state and local laws. Business needs one standard to comply with and eliminating the morass of state and local employment verification laws. State, local and municipal immigration laws imposing new rules and regulations are virtually impossible to track and follow. Small businesses are particularly burdened by the myriad of rules and regulations that are currently imposed by non-federal immigration “authorities.”

Some additional important goals for EWIC that are included in H.R. 3711 are:

- Safe harbors for employers that use E-Verify in good faith;
- Fully electronic version will be available to employers. The fully electronic version will provide reminders to employers when temporary work authorization is expiring, and will provide printable and searchable records for employers;
- A reasonable number of reliable documents to reduce fraud;
- A “knowing” intent standard for liability for both employers and contractors that have subcontractor relationships (although we have concerns about the lower knowledge standard for the criminal penalties);
- Reasonable system response times;
- An option for employers to begin the verification process once an offer has been officially made;

- Provisions to make the system workable for our nation’s small businesses, including toll-free telephonic access to the system and a phase-in to the program based on business size, ensuring that larger employers enter the system first, followed by a gradual inclusion of smaller businesses;
- Accountability for errors when employers and/or employees are given inaccurate information; and
- Recognition that automatic debarment of employers from federal government contracts is not an authority that should be given to DHS and must be handled through current law under the Federal Acquisition Regulations (“FAR”).

Congress still needs to fix our immigration system to recognize the ongoing need of the American economy for workers when not enough American workers are available, and to separate those who wish to harm our nation from those who wish to help build it. The current system does not work for anyone, and Congress needs to address the issue in a coherent manner that serves both our national security and economic interests.

We believe H.R. 3711 is a good starting point. It takes significant steps to achieving EWIC’s goals for an improved E-Verify system. We are prepared to continue to work with all involved to establish a functional, reliable and efficient system.