

February 14, 2008

The Honorable Nancy Pelosi  
Speaker of the U.S. House of Representatives  
235 Cannon House Office Building  
Washington, DC 20515

Dear Speaker Pelosi:

We are writing to you as members of the meat, poultry and livestock industries to convey our strong opposition to H.R. 4088 and S. 2368, the Secure America through Verification and Enforcement Act ("SAVE" Act). This legislation, introduced by Representative Heath Shuler and Senator Mark Pryor, while a well-intended effort to implement more effective immigration enforcement, raises many concerns for those in our industry. The meat, poultry and livestock sectors have been a proponent of a more effective enforcement of our immigration laws as a part of comprehensive immigration reform and have also been strong supporters of the Basic Pilot/E-verify program since its inception. The E-verify program is intended to exclude unauthorized workers through verification of employment documents with the use of government databases. In fact, a significant segment of our industry has been using this program for employment verification for many years.

We have strongly supported past efforts by Congress to reauthorize the program and were at the forefront advocating expansion of the program to all 50 states after its initial introduction as a pilot program in just 6 states. We believe that expansion and improvement of the E-verify program can effectively exclude imposters using fraudulent employment documents, make the program more effective, and should be the top enforcement priority. This represents a measured approach to fixing the current broken system without imposing the draconian measures of the SAVE Act that will prove incapable of effective implementation, severely harm U.S. businesses, and fail to address the problem of document fraud that defeats the current employment verification system.

The SAVE Act has many troubling provisions including:

- The immediate inclusion of more than one million employers into the Basic Pilot/E-Verify program no later than one year after enactment without addressing the current deficiencies in the program.
- Fails to address the problem of identity fraud that defeats the current E-verify system.
- Depletes government and private sector resources by requiring re-verification of employees already found to be authorized to work under current law.
- The Social Security Administration (SSA) must now issue a "No-Match" letter to every employer with one or more employees that have provided information which does not correspond with information in the SSA database. Upon receipt of an SSA no-match letter, employees only have 10 business days to resolve issues before the employer must terminate the worker. The Department of Homeland

Security (DHS) final rule gave 90 days after receipt to correct a problem. This provision presumes the employee guilty despite the documented inaccuracies in the SSA database. Employers could receive a “No-Match” letter over a year after hire indicating that their employee is unauthorized to work after the employer has trained and invested much time and money in them.

- Provides no benchmarking provisions to ensure that DHS and SSA assess the accuracy of their databases and correct problems prior to implementation.
- Does not address liability protection for an employer who relies on E-Verify information and terminates an employee, in the event that the employee is later found eligible to work in the United States.
- Does not preempt state and local laws that duplicate or conflict with federal immigration law, creating needless confusion and inconsistencies for businesses operating in multiple states.

The E-Verify program does not effectively address the problem of identity theft which enables individuals to use social security or alien work authorization document numbers that are legitimate and exist in the government’s database but do not relate to the individual presenting them to an employer for work authorization purposes. This results in employers hiring persons who have stolen the identity of others and results in costly disruptions of a business if DHS later discovers the identity theft and removes the imposters from the employer’s workforce.

We do not believe mandating and expanding a government program with known deficiencies is the best course to move forward in addressing this critically important issue. Rather, we are advocating an extension and improvement of the E-verify program to include, among others, the following modifications:

- Continue voluntary participation for all employers unless an employer is found liable under the employer sanctions or unfair immigration-related employment practices provisions of the Immigration and Nationality Act (INA);
- The program be directed and used for new hires only, serving as a virtual border to prevent the hiring of ineligible applicants;
- Require SSA and DHS to ascertain prior to confirming work authorization for an applicant whether the applicant’s social number is being reported by multiple employers simultaneously. It also would require that DHS provide “real time” updating of the status of alien work authorization documents;
- Create a new pilot program that employers would have the option of using to address the problem of identity fraud.
- Reduce the current 24 document combinations to only 7 in order to simplify the hiring process, rely upon the most fraud resistant documents and facilitate administrative ease for employers.
- Provide reasonable timeframes for employers and workers to respond to the government’s determinations of work eligibility. Employers could not terminate contesting employees until they receive a final non-confirmation from DHS and terminated employees would have an opportunity for administrative and judicial appeals

- Employers that comply with the E-Verify program requirements would be provided a safe harbor.
- Federal law would preempt state and local governments from prohibiting or mandating employer participation in the E-Verify program.
- Federal preemption in the area of immigration law would be reaffirmed.

We, the undersigned, are in favor of logical reform of our Nation's immigration laws to better serve both the economic and national security needs of the United States. We also realize that the current state is unacceptable, exposing employers to unwarranted liability and worker shortages under a dysfunctional system and a growing conglomeration of varying state and local laws. We urge Congress to improve our immigration system and recognize the need for workers when no American workers are available. The current system simply does not work. Congress needs to address the issue in a coherent manner and fix what is broken before issuing overbroad enforcement mandates that will repeat the counterproductive efforts of similar sweeping initiatives in the past.

Respectfully,

American Meat Institute  
National Cattlemen's Beef Association  
National Chicken Council  
National Meat Association  
National Pork Producers Council  
National Turkey Federation