



Statement of Congressman Lamar Smith
House Immigration Subcommittee Hearing on the “Legal Workforce Act”
Wednesday, February 4, 2015 at 10:00 a.m.

Congressman Lamar Smith (R-Texas): Thank you Mr. Chairman. I appreciate you yielding me time and giving me the opportunity to talk about this piece of legislation that I introduced in the last Congress and hope to introduce in the next few days in this Congress.

Almost 20 million Americans are unemployed or underemployed. Meanwhile, 7 million people are working in the United States illegally. These jobs should go to American citizens and legal workers who need these jobs.

The Legal Workforce Act turns off the jobs magnet that attracts so many illegal immigrants to the United States. The bill expands the E-Verify system and applies it to all U.S. employers.

Illegal workers cost Americans jobs or depress their wages, according to nearly all studies on the subject. For example, a Center for Immigration Studies report found that illegal immigration reduces the wages of American workers by approximately \$650 per worker. We need to do all we can to protect the jobs and wages of American workers.

The Legal Workforce Act also would open up millions of jobs for unemployed Americans by requiring employers to use E-Verify. The E-Verify system is quick and effective, confirming 99.7% of work-eligible employees. Recent data shows that approximately 575,000 American employers voluntarily use E-Verify already and an average of 1,400 new businesses sign up each week for e-Verify. One-third of American jobs are now covered by E-Verify.

The program is free, quick and easy to use. In fact, E-Verify will soon be available for use on smart phones; it takes about one minute per potential employee.

Individuals provide their Social Security Number when they visit a doctor, open a bank account, or buy a home. It makes sense that other businesses should check the status of prospective employees to ensure they have a legal workforce.

The Legal Workforce Act requires that U.S. employers use E-Verify to check the work eligibility of new hires in the U.S. The verification period is phased-in and depends on the size of the employer's business. Smaller businesses have up to two years to implement E-Verify.

The legislation balances immigration enforcement priorities and legitimate employer concerns. It gives employers a workable system under which they cannot be held liable if they use the system in good faith.

The bill prevents a patchwork of state E-Verify laws but retains the ability of states and localities to condition business licenses on the use of E-Verify. It also allows states to enforce the federal E-Verify requirement if the federal government fails to do so.

The Legal Workforce Act increases penalties on employers who knowingly violate the requirements of E-Verify and imposes criminal penalties on employers and employees who engage in, or facilitate identity theft.

The bill creates a fully electronic employment eligibility verification system. And it allows employers to voluntarily check their current workforce if done in a non-discriminatory manner.

Furthermore, the Legal Workforce Act gives U.S. Citizenship and Immigration Services the ability to prevent identity theft. The bill allows individuals to lock their own Social Security Number so that it cannot be used by others to verify work eligibility. The legislation also allows parents to lock the Social Security Number of a minor child to prevent identity theft.

If a Social Security Number shows unusual multiple uses, the Social Security Administration locks the number for employment verification purposes and notifies the owner that their personal information may be compromised.

A report by Westat in 2009 on error rates and the cost of E-Verify is clearly outdated. That study utilized old data and failed to consider the provisions aimed at preventing identity theft mentioned above and that are in the bill today.

In regard to costs, one study showed that three-quarters of employers stated the cost of using E-Verify is zero (\$0).

Equally important, the American people support E-Verify. Last month, a Paragon Insights poll showed that 71% of voters “support Congress passing new legislation that strengthens the rules making it illegal for businesses in the U.S. to hire illegal immigrants.” In fact, E-Verify receives the most public support of any immigration reform provision.

Unfortunately, many states do not enforce their own E-Verify laws and others only apply E-Verify in a very limited way. The Legal Workforce Act helps ensure that employers from every state have the same standard when it comes to hiring employees.

This bill is a common sense approach that will reduce illegal immigration and save jobs for American workers and legal workers. It deserves the support of everyone who wants to put the interests of U.S. workers first.

###