

Congress of the United States
Washington, DC 20515

September 28, 2009

The Honorable David Price
Chairman
Committee on Appropriations
Subcommittee on Homeland Security
B-307 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Harold Rogers
Ranking Member
Committee on Appropriations
Subcommittee on Homeland Security
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Price and Ranking Member Rogers,

We write to request that four immigration-related provisions contained in the Senate-passed version of the FY 2010 Department of Homeland Security Appropriations bill be retained in the conference report to H.R. 2892. Each of these meritorious provisions were accepted or approved after being offered as an amendment on the Senate Floor.

First, Senator Jeff Sessions offered an amendment that makes the E-Verify program permanent and ensures it is mandatory for federal contractors. Second, an amendment, offered by Senator David Vitter, prohibits funds from being used to rescind the Department's "No-Match" Rule. Third, Senator Chuck Grassley offered an amendment to allow all employers to use E-Verify to check the work eligibility of current employees. And finally, Senator Jim DeMint offered an amendment to require the completion by December 31, 2010 of 700 miles of reinforced pedestrian fencing along the southwest U.S. border.

The Hon. David Price
The Hon. Harold Rogers
September 28, 2009
Page Two

We strongly support all of these provisions and urge that they be retained in the conference report to the FY 2010 Department of Homeland Security Appropriations bill.

The E-Verify program is the most effective tool we have to protect jobs for U.S. citizens and legal immigrant workers. It is also one of the most important ways we have to help reduce illegal immigration by eliminating the jobs-magnet that attracts illegal immigrants to the United States.

Secretary Janet Napolitano has described E-Verify as “a smart, simple and effective tool that reflects our continued commitment to working with employers to maintain a legal workforce.”¹ And she noted that E-Verify’s use will “protect critical employment opportunities.”² We agree.

E-Verify is a cost-effective and dependable process currently used by over 150,000 employers, giving them the ability to verify the Social Security numbers provided by newly hired employees. With American jobs disappearing at a staggering rate, and 12.5 million legal workers in America now out of work, we cannot waste an opportunity to help make sure that any available jobs are reserved for those legal workers. U.S. citizens and legal immigrant workers should not be forced to compete with illegal immigrants for jobs. Thus, the Sessions and Grassley amendments should be retained in the final bill.

The Department’s recent decision to repeal the “No-Match” Rule, which helps employers identify individuals who may be working illegally, will also be detrimental to the ability of U.S. citizens and legal workers to find jobs. “No-Match” letters are sent by the Social Security Administration (SSA) when an employer’s tax forms show names or Social Security numbers that do not match the SSA’s files. The letters can help identify mistakes on behalf of the filers, as well as the possible illegal employment of some workers.

The “No-Match” Rule sets procedures for employers to follow in the event they received a “No-Match” letter. The decision by the Administration weakens immigration enforcement efforts that preserve jobs for legal workers. “No-Match” letters help employers who want to follow the law to identify workers employed in the U.S. illegally. Thus, the Vitter amendment should be retained in the final bill.

¹ U.S. Department of Homeland Security Press Release, “SECRETARY NAPOLITANO STRENGTHENS EMPLOYMENT VERIFICATION WITH ADMINISTRATION’S COMMITMENT TO E-VERIFY,” July 8, 2009.

² Id.

The Hon. David Price
The Hon. Harold Rogers
September 28, 2009
Page Three

Finally, we must do everything possible to stop the flow of illegal immigrants over the U.S. border with Mexico. The DeMint amendment restores Congress' original intent that DHS construct over 700 miles of double-layer pedestrian fencing along our southwestern border. Such a truly effective border barrier will protect jobs for American workers and legal immigrants, lower the fiscal burden on taxpayers, and help ensure America's safety. The DeMint amendment should be included in the final conference report to H.R. 2892.

Thank you for your attention to this matter.

Sincerely,

Lamar Smith

Nathan Deal

Bob Goodlatte

Brian P. Babin

Ray Smith

Dan Burt

Jeff Miller

Jim Sensenbrenner

Howard Coble

Daniel E. Lungren

Ed Royce
Steve Chaffetz

Steve King
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Marsha Blackburn

Gregg Harper