

[Your Letterhead]

[Date]

Laurieann Buarte
General Services Administration, Regulatory Secretariat (VPR)
1800 F Street, NW, Room 4035
Washington, D.C. 20405

Re: [Your Organization]'s Comments on Docket ID FAR-FAR-2008-0001-0003

Dear Ms. Buarte:

[Your Organization] submits these comments to the proposed regulation on Employment Eligibility Verification.

[Organization Description]

THE PROPOSED REGULATION RELIES ON AN UNRELIABLE ENFORCEMENT TOOL

Despite the proposed regulation's unfounded claim that E-Verify has improved in reliability and accuracy, the E-Verify system remains an unreliable system for verifying employment authorization. E-Verify is based on a faulty Social Security Administration (SSA) database of employee names and social security numbers. SSA's Office of Inspector General estimates that nearly 18 million records in the database contain discrepancies that could result in an incorrect tentative nonconfirmation. 13 million records with discrepancies pertain to American Citizens. The proposed regulations point out that there are numerous reasons why discrepancies can occur including: inaccurate entry of information into the E-Verify website, name changes, and changes in immigration status that are not reflected in the database.

THE RULE WILL LEAD TO EXCESSIVE COSTS ON BUSINESSES, WORKERS, AND THE ECONOMY

The loss of jobs and loss of productivity that will result due to the proposed rule is a high price to pay for an ineffective immigration enforcement tool. U.S. workers and the economy will undoubtedly bear the brunt of the costs of the rule. Because of the millions of inaccurate records in the SSA database, hundreds of thousands of U.S. workers will be required to take time off of work to visit SSA field offices to correct inaccurate tentative nonconfirmations. Many of these hundreds of thousands of workers will likely be required to make multiple visits to SSA offices in order for issues to be resolved due to evidentiary requirements. Already, several employment-authorized workers have had to make up to five visits to SSA field offices in order to correct discrepancies in the faulty database. Workers will lose time from work and pay to correct discrepancies, while employers will lose a much-needed workforce.

Requiring government contractors to use the E-Verify system will exacerbate the already existing problems of the "off the books" economy, and the gap between payroll and other taxes owed to states and the federal government, and actual payment of said taxes. The rule will allow unscrupulous employers to evade responsibility by simply paying workers as "independent contractors," or completely off the books in a cash transaction, thereby creating an even greater un-regulated underground economy. This will undoubtedly hurt law-abiding employers who pay taxes while providing added benefit to the "bad" employers.

[Your Letterhead]

Moreover, this regulation would amount to a tax on businesses seeking to do business with the government. The financial burdens associated with adherence to this rule would prevent many businesses, particularly small businesses, from pursuing government contracts. Not only is this not fair to small businesses, but it reduces the pool of potential applicants from which the government can choose, meaning that the most capable company for the contract might not even be in the running through no fault of their own. The proposed regulation discounts much of this cost as compliance “with preexisting immigration statutes”. However, most of these businesses are already in compliance with the requirement that they not **knowingly** hire undocumented employees. This regulation essentially eliminates the *knowingly* requirement and, because of the inaccuracies of the E-Verify system, requires businesses to comply with an arbitrary determination of who is and who is not authorized to work.

The proposed regulation claims that ridding contractors of undocumented employees will promote government efficiency since contractors with undocumented employees are less dependable. This argument is specious at best since the government should not be contracting with undependable contractors no matter what the reason. Rather, the opposite is true: this regulation will increase inefficiency. Contractors will lose labor hours to employees who have to constantly visit SSA offices to clear up inaccuracies in their files and will lose productive employees who are not able to clear up discrepancies for one reason or another. Contractors will also be subject to additional administrative costs which they will pass on to the government, meaning that the government will receive less product per taxpayer dollar spent.

THE RULE WILL BREAK THE SOCIAL SECURITY AGENCY, AN ALREADY OVERBURDENED AGENCY

The SSA was created to provide benefits to workers when they retire, become disabled or to their survivors at death. The agency is not suited to take part in immigration enforcement efforts. It is well documented that SSA’s primary database that is used for identification, the Numident file, is riddled with inaccuracies. This regulation’s attempt to convert this fatally flawed database will result in huge costs to the SSA and its employees as thousands of legal employees flood SSA offices across the nation to correct discrepancies in their files.

Based on the foregoing, **[your organization]** vehemently opposes the proposed Employment Eligibility Verification regulation. The rule will create havoc in the workplace, damage our national economy, and hamper our federal government’s ability to acquire the services and materials it needs for proper functioning. U.S. workers and employers will be severely harmed by the implementation of the rule. The costs of this program far outweigh its meager benefits. This is, simply put, bad policy that will hurt our nation. As such, we ask that this proposed regulation be withdrawn.

Respectfully submitted,

[Name]