

VIA FACSIMILE: (202) 282-9188

March 26, 2009

The Honorable Janet Ann Napolitano
Department of Homeland Security
Nebraska Avenue Center, NW
Washington, DC 20528

RE: Bush Administration Regulations (“No-Match” letters & FAR E-Verify Regulations)

Dear Secretary Napolitano:

The business community calls on the Department of Homeland Security (DHS) to begin working with the employer community as well as with other interested parties in finding a reasonable and humanitarian solution to the issues surrounding worksite enforcement of immigration law.

We urge you to reject the Bush administration’s last-minute attempts to dictate how the new administration should do worksite enforcement. Specifically, the Bush administration’s efforts to redirect the Social Security Administration (SSA) and the Federal Acquisition Regulations Council (FAR Council) from their core missions, and to turn them instead into immigration enforcement agencies. Also, there are strong legal arguments that the final rules on SSA’s “no-match” letters¹ and the FAR Council’s Basic Pilot plus mandate² are illegal and, thus, were challenged in court. The business community sees this as an opportunity to move forward with DHS to create positive solutions in the realm of employment verification rather than more misguided policies.

The best means to move away from economically disruptive immigration raids is to give employers the proper tools and authority to screen workers for work authorization status *before* they are hired. If Congress and the Administration are unwilling to give employers that authority, any new system, which continues to require the employee’s work authorization to be verified *after* hiring, needs to be efficient, fast, workable, and reliable under real life conditions. To avoid situations where U.S. citizens and work authorized aliens may be unjustly affected by inaccurate verification data, a right of appeal should be afforded.

The current I-9 system for checking work authorization is not perfect, but it is fast and has led to a workforce that is 95% work authorized. Business, labor, and civil rights groups worked with the past administration and the 110th Congress in trying to find a solution to address the issue of the remaining 5% to no avail. Furthermore, employment verification is only one aspect of our broken immigration system. Thus, permanent reform of our employment verification laws should occur in conjunction with comprehensive immigration reform.

1 Published at 72 Fed. Reg. 45,611 (Aug. 15, 2007) and amended by 73 Fed. Reg. 63843 (October 28, 2008).

2 Published at 73 Fed. Reg. 67,651 (Nov. 14, 2008) and amended by 74 Fed. Reg. 1937 (Jan. 14, 2009).

However, when the 110th Congress failed to act, the past Administration attempted to circumvent the proper legislative process with these regulations. The government estimated that the rules would cause massive layoffs of U.S. citizens and employment-authorized workers as well as billions of dollars in social costs. Nonetheless, the past Administration pressed on with these regulations.

Once again, we urge you to reject these misguided regulations and look forward to meeting with you, your officials, and other interested parties at the negotiating table to find a solution that would not negatively affect our economy.

On behalf of:

Agriculture Coalition for Immigration Reform

Alliance for Security and Trade

American Horse Council

American Hotel & Lodging Association

American Meat Institute

American Nursery & Landscape Association

American Staffing Association

Arizona Nursery Association

Associated Builders and Contractors

Associated General Contractors

Associated Landscape Contractors of Colorado

Associated Oregon Loggers

California Association of Nurseries and Garden Centers

California Farm Bureau Federation

California Grape & Tree Fruit League

Coalition for a Working Oregon

Colorado Nursery & Greenhouse Association

Essential Worker Immigration Coalition

Georgia Chamber of Commerce

Golf Course Superintendents Association of America

Greater Irving-Las Colinas Chamber of Commerce

ImmigrationWorks USA

Indiana Chamber of Commerce

Indiana Nursery and Landscape Association

International Franchise Association

Irrigation Association

Lafayette – West Lafayette Chamber of Commerce

Long Beach Area Chamber of Commerce

Los Angeles Area Chamber of Commerce

Lubbock Chamber of Commerce

Manhattan Chamber of Commerce

Maryland and Virginia Milk Producers Cooperative Association

Maryland Nursery and Landscape Association

MetroWest Chamber of Commerce (MA)

Mexicans and Americans Thinking Together

Michigan Milk Producers Association

Minnesota Agri-Growth Council

Minnesota Chamber of Commerce

Minnesota Nursery & Landscape Association
Missouri Chamber of Commerce and Industry
Montana Chamber of Commerce
National Association of Home Builders
National Christmas Tree Association
National Council of Chain Restaurants
National Milk Producers Federation
National Restaurant Association
National Roofing Contractors Association
National Wooden Pallet and Container Association
Nisei Farmers League
Northwest Dairy Association
OFA an Association of Horticulture Professionals
Oregon Association of Nurseries
Oregon Dairy Farmers Association
Oregon Restaurant Association
Professional Landcare Network
Small Business & Entrepreneurship Council

Society of American Florists
South East Dairy Farmers Association
Stuart/Martin County Chamber of Commerce
Tennessee Nursery & Landscape Association
Texas Association of Business
Texas Border Coalition
Texas Employers for Immigration Reform
Texas Nursery & Landscape Association
The Business Council of New York State
The Greater El Paso Chamber of Commerce
Tree Care Industry Association
Tulsa Metro Chamber
U.S. Chamber of Commerce
U.S. Hispanic Chamber of Commerce
Ventura County Agricultural Association
Virginia Nursery & Landscape Association
West Virginia Chamber of Commerce
Western Growers
Western United Dairymen