

E-VERIFY: ENSURING LAWFUL EMPLOYMENT IN AMERICA

HEARING BEFORE THE SUBCOMMITTEE ON WORKFORCE PROTECTIONS OF THE COMMITTEE ON EDUCATION AND WORKFORCE U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED NINETEENTH CONGRESS FIRST SESSION

HEARING HELD IN WASHINGTON, DC, NOVEMBER 19, 2025

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E-VERIFY: ENSURING LAWFUL EMPLOYMENT IN AMERICA

Wednesday, November 19, 2025

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WORKFORCE PROTECTIONS,
COMMITTEE ON EDUCATION AND WORKFORCE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 2175 Rayburn House Office Building, Washington, DC, Hon. Ryan Mackenzie (Chairman of the Subcommittee) presiding.

Present: Representatives Mackenzie, Messmer, Grothman, Fine, Walberg, Omar, Takano, and Scott.

Staff present: Vlad Cerga, Director of Information Technology; Halle Greenbaum, Staff Assistant; Libby Kearns, Press Assistant; Katerina Kerska, Legislative Assistant; Trey Kovacs, Director of Workforce Policy; Campbell Ladd, Clerk; R.J. Laukitis, Staff Director; Danny Marca, Director of Information Technology; John Martin, Deputy Director of Workforce Policy/Counsel; Audra McGeorge, Communications Director; Kevin O’Keefe, Professional Staff Member; Ethan Pann, Deputy Press Secretary and Digital Director; Leah Raymond, Intern; Kane Riddell, Staff Assistant; Katherine Anne Russo, Director of Member Services and Coalitions; Dominico Sassano, Intern; Ann Vogel, Director of Operations; James Whitaker, General Counsel; Damian Arambula, Minority Intern; Ilana Brunner, Minority General Counsel; Nikhita Chinmay, Minority Intern; David Dailey, Minority Chief of Staff; Rashage Green, Minority Director of Education Policy & Counsel; Natalie Glezen, Minority Running Start Fellow; Scott Estrada, Minority Professional Staff; Maxine Jones, Minority Intern; Raiyana Malone, Minority Press Secretary; Kevin McDermott, Minority Director of Labor Policy; Marie McGrew, Minority Press Assistant; Eleazer Padilla, Minority Staff Assistant; Véronique Pluviose, Minority Staff Director; Banyon Vassar, Minority Director of IT.

Chairman MACKENZIE. This Subcommittee on Workforce Protection will come to order. I note that a quorum is present, and without objection, the Chair is authorized to call a recess at any time. Today’s hearing will examine the E-Verify Program, and how it can empower legal employment and protect American workers.

Since the start of this year our Nation has made unprecedented strides in the fight to secure the border. According to Border Patrol, crossings at our southwestern border have fallen 96 percent from September 2023 to September of this year. With the crisis at the border finally being addressed, it is also important that we look at another issue, ensuring that American workers have the protec-

tions they need and deserve to compete against unfair, illegal labor that undercuts American workers' wages.

Not only is it American workers who are the victims here, it is all workers. If they are being paid under the table and not given proper worker's compensation medical coverage, they are a victim. If they are an American worker who is having their wages unfairly undercut, they are a victim.

Legitimate businesses across America are victims of unfair competition. Social safety nets lose out on valuable resources, programs like unemployment compensation do not get the payments they deserve to provide for all legal workers across our country. One way to address that issue is through the expanded use of E-Verify. E-Verify is a free, reliable, and proven program run by the Department of Homeland Security, or DHS, which helps employers verify that they are hiring only those with the legal right to work in America.

E-Verify helps protect Americans from having their wages undercut by bad actors, hiring unauthorized workers. It also helps to provide a level playing field for those employers that are doing the right thing, and it treats American workers with respect and dignity.

Since 1986, the Immigration and Nationality Act has prohibited employers from knowingly hiring or employing unauthorized workers. Under the law, all employees and employers must complete an I-9 form, and employers must review and verify documents establishing the identity and employment authorization of the employee.

However, an employer often cannot know the information and documents received from a worker are valid. This is where E-Verify comes in. An employer can verify a worker's employment authorization electronically in a matter of seconds through the Social Security Administration data base, and if necessary, the DHS employment authorization data base.

An employer has no civil or criminal liability when relying in good faith on information provided through the E-Verify confirmation system. Approximately 98 percent of the time the employer will receive a result that employment is authorized. When there is a mismatch, the employer informs the worker, who has 10 days to take action to resolve that mismatch.

The E-Verify Program is voluntary for most employers, and there are more than 1.4 million enrolled. A growing number of states require all, or some employees in their State to use E-Verify. Adding E-Verify requirements for employees has bipartisan support.

In 2019, I was the prime sponsor of Act 75 in Pennsylvania, the Construction Industry Employee Verification Act, and that was as a member of the Pennsylvania House of Representatives that I authored that legislation that became law.

This legislation had the support of both labor and business groups, and it passed with strong bipartisan support, veto proof majorities in both chambers of the legislature, and Act 75 helped ensure there is lawful workforce construction in the construction industry in my home State of Pennsylvania, protecting American workers from unfair competition, providing that level playing field that businesses are looking for, and helping to confirm all appropriate taxes are paid.

Our witnesses from the construction and home building industries will share their experiences and their perspectives on how mandatory E-Verify in their states and industries has worked for them. They will also discuss the need to enhance workforce development, to bolster the American workforce in these industries. We can build on these lessons to ensure that more American workers than ever before are given the critical protections they deserve.

Areas where mandatory E-Verify also makes sense is for Federal contractors. We should be using E-Verify for all Federal contractors, but under current regulation, not even statute, only under current regulation, only large Federal contracts must use E-Verify. Small dollar contracts, and short-term contracts are excluded.

That is why I have introduced H.R. 2641, the Day 1, Dollar 1, E-Verify Act to codify a requirement that all Federal contractors use E-Verify. We should all agree that businesses providing services to the Federal Government, and being paid with taxpayer dollars must verify their workers as lawful.

We also know that E-Verify is not perfect, and so we want to work to improve the system. Fraud can still occur through the use of stolen social security numbers, and other forms of identity theft. But E-Verify remains a common sense win for the American people. It helps employers comply with the law of the land while advancing the policy goals of ensuring a lawful workforce protecting American workers, and guaranteeing a level playing field for businesses hiring legal workers.

With that, I look forward to hearing from our witnesses, and now I yield to the Ranking Member for her opening statement.

[The prepared statement of Chairman Mackenzie follows:]



Opening Statement of Rep. Ryan Mackenzie (R-PA), Chairman
Workforce Protections Subcommittee
“E-Verify: Ensuring Lawful Employment in America”
November 19, 2025

(As prepared for delivery)

Today’s hearing will examine the E-Verify program and how it can empower legal employment and protect American workers. Since the start of this year, our nation has made unprecedented strides in the fight to secure the border. According to the Border Patrol, crossings at our southwestern border have fallen 96% from September of 2023 to September of this year. Now that the crisis at the border has finally been addressed, it’s time to tackle the next issue: ensuring that American workers have the protections they need and deserve.

E-Verify is a free, reliable, and proven program run by the Department of Homeland Security (DHS) which helps employers verify they are only hiring those with a legal right to work in America. E-Verify helps protect Americans from having their wages undercut by bad actors hiring unauthorized workers. It also helps to provide a level playing field for employers who play by the rules and treat American workers with respect and dignity.

Since 1986, the Immigration and Nationality Act has prohibited employers from knowingly hiring or employing unauthorized workers. Under the law, all employees and employers must complete an I-9 form, and employers must review and verify documents establishing the identity and employment authorization of the employee.

However, an employer often cannot know the information and documents received from a worker are valid. This is where E-Verify comes in. An employer can verify a worker's employment authorization electronically in a matter of seconds through the Social Security Administration database and, if necessary, the DHS employment authorization database. An employer has no civil or criminal liability when relying in good faith on information provided through the E-Verify confirmation system.

Approximately 98 percent of the time, the employer will receive a result that employment is authorized. When there is a mismatch, the employer informs the worker, who has 10 days to take action to resolve the mismatch.

The E-Verify program is voluntary for most employers, and there are more than 1.4 million enrolled. A growing number of states require all or some employers in the state to use E-Verify.

Adding E-Verify requirements for employers has bipartisan support. In 2019, I was the prime sponsor of Act 75, the Construction Industry Employee Verification Act, in the Pennsylvania House of Representatives. This legislation had the support of both labor and business groups, and it passed with strong bipartisan support in both chambers of the legislature. Act Number 75 has ensured there is a lawful

workforce in the construction industry in my home state of Pennsylvania, protecting American workers from unfair competition, providing a level playing field for businesses, and helping to confirm all appropriate taxes are paid.

Our witnesses from the construction and home building industries will share their perspectives on how mandatory E-Verify in their states and industries has worked for them. They will also discuss the need to enhance workforce development to bolster the American workforce in their industries. We can build on these lessons and ensure that more American workers than ever are given these critical protections.

An area where mandatory E-Verify makes clear sense is for federal contractors. Under federal regulation, federal government contractors must use E-Verify, but small-dollar and short-term contracts are excluded. I have introduced H.R. 2641, the Day 1, Dollar 1 E-Verify Act, to codify a requirement that all federal contractors use E-Verify. We should all agree that businesses providing services to the federal government must verify their workers are lawful.

We also know that E-Verify is not perfect. Fraud can still occur through the use of stolen Social Security numbers and other forms of identity theft. But E-Verify remains a commonsense win for the American people. It helps employers comply with the law while advancing the public policy goals of ensuring a lawful workforce, protecting American workers, and guaranteeing a level playing field for businesses hiring legal workers.

Ms. OMAR. Thank you, Mr. Chairman, and thank you to our witnesses for your testimony today. Welcome back everyone. I hope my colleagues across the aisle are rested from their 8-week-long paid vacation. Over the last 2 months, I have been speaking with my constituents, and I have heard firsthand how the Trump administration's reckless economic policies and the Republican fueled healthcare crisis are impacting their lives.

From higher utility prices to expensive grocery bills, to rising healthcare premiums, working families are feeling the strain as the cost of living continues to climb. I had hope that Congress would return ready to address the real issues affecting the American people.

Instead our hearing today revolves around E-Verify, a 20 year-old program that we already know does not work. E-Verify is an

electronic employment eligibility verification system that began as a voluntary pilot program, and it is now used by only a small percentage of employers.

Nothing stops any employer from voluntarily using E-Verify. Despite that fact that it has existed for decades, very few employers use it. Why? It simply does not work. Since 2006, my Republican colleagues have repeatedly tried to mandate its use across the board. Those efforts have all failed because of broad opposition.

Widespread use of E-Verify is opposed by small business communities, civil liberty groups, religious organizations, agricultural associations and growers, privacy advocates, libertarian think tanks and immigration reform groups. Even some libertarian politicians have warned that a national E-Verify mandate would hand the government the ultimate on/off switch for whether any American is allowed to work.

Think about that for a moment. My Republican colleagues claim to be pro-business, and the party of small government, and yet they want the Federal Government to expand a program that would only work with a massive national data base that tracks and consolidates private worker information.

In practice, E-Verify has proven ineffective and harmful to employers, immigrants and American workers. The system often generates errors that deny American citizens, and legal permanent residents, job opportunities that they are fully qualified for. In 2018, a study by Cato Institute revealed that over 70,000 legal American workers were told by E-Verify that they were not authorized to work.

If every employer were forced to use E-Verify, experts estimate that those errors would hit roughly 200,000 legal workers every year, with tens of thousands wrongly pushed out of the labor market entirely. E-Verify can also facilitate hiring discrimination against job applicants of color, especially those from Latino backgrounds, because employers might unfairly avoid hiring workers who look like they might not pass the system.

This is the Republican plan, an ineffective system that is harsh on workers and burdensome on employers, and at a time when the surveillance State only continues to ramp up under President Trump, the last thing we need to give the government is another tool to intrude on our Constitutional rights, and economic freedom.

To truly help workers, Congress should focus on policies that address the real needs such as rising wages, guaranteeing paid leave, and ensuring access to quality, affordable healthcare. Instead, congressional Republicans are trying to distract us from their own failing agenda. They are blaming immigrants and driving our communities while they rip away healthcare and nutrition assistance for millions of Americans, and jack up prices with their reckless tariffs in order to pay for massive tax cuts for the rich.

At a time of real economic uncertainty, our job should be to protect people's livelihoods and bring costs down. E-Verify does nothing to help people pay for their food, their rent, or their childcare. It does nothing to protect workers from wage theft, abuse, or unsafe working conditions.

Instead of focusing on a flawed system that would worsen discrimination, complicate life for small businesses, and cause undue

stress for job seekers, Congress should use its power to address the real needs of working families. Despite America's plea for help, Congress has not raised the Federal minimum wage in 15 years.

We are not focusing on how to expand access to paid leave, childcare, or healthcare. In this very Subcommittee of Workforce Protection, we have yet to hold a hearing this year that actually expands workers' protection. These are the things that this Congress and this Subcommittee should focus on to create an economy that works for everyone, not just for the wealthy and the well-connected.

It is time to get back to work and deliver on the issues that the American people truly care about. When I am in my district, small business owners and workers are not asking for us to mandate E-Verify. I am hearing about prices rising, wage stagnation, hard-working people unable to find jobs, small businesses struggling under the weight of President Trump's tariffs.

If we want to support the working-class people, we need to address these issues, and invest in our workforce, not build another broken surveillance tool. Thank you, and I yield back.

[The prepared statement of Ranking Member Omar follows:]



OPENING STATEMENT

House Committee on Education and Workforce
Ranking Member Robert C. "Bobby" Scott

Opening Statement of Ranking Member Ilhan Omar (MN-05)

Subcommittee on Workforce Protections Hearing
"E-Verify: Ensuring Lawful Employment in America"
Wednesday, November 19, 2025 | 10:15 a.m.

Thank you, Mr. Chairman, and thank you to our witnesses for your testimony today.

Welcome back, everyone. I hope my colleagues across the aisle are rested from their eight-week-long paid vacation. Over the last two months, I have been speaking with my constituents, and I have heard firsthand how the Trump Administration's reckless economic policies and the Republican-fueled health care crisis are impacting their lives. From higher utility prices to expensive grocery bills to rising healthcare premiums, working families are feeling the strain as the cost of living continues to climb.

I had hoped that Congress would return ready to address the real issues affecting the American people. Instead, our hearing today revolves around E-Verify – a 20-year-old program that we already know does not work. E-Verify is an electronic employment eligibility verification system that began as a voluntary pilot program and is now used by only a small percentage of employers. Nothing stops any employer from voluntarily using E-Verify. But despite the fact that it has existed for decades, very few employers use it. Why? Because it simply does not work.

Since 2006, my Republican colleagues have repeatedly tried to mandate its use across the board, but those efforts have all failed because of broad opposition. Widespread use of E-Verify is opposed by the small business community, civil liberties groups, religious organizations, agricultural associations and growers, privacy advocates, libertarian think tanks, and immigration reform groups. Even some libertarian politicians have warned that a national E-Verify mandate would hand the government ["the ultimate on/off switch"](#) for whether any American is allowed to work.

Think about that for a moment: My Republican colleagues claim to be pro-business and the party of small government. And yet they want the federal government to expand a program that would only work with a massive national database that tracks and consolidates private worker information.

In practice, E-Verify has proven ineffective and harmful to employers, immigrants, and American workers. This system often generates errors that deny American citizens and legal permanent residents job opportunities for which they are fully qualified. In 2018, a study by the Cato Institute revealed that over 70,000 legal American workers were told by E-Verify they were not authorized to work. If every employer were forced to use E-Verify, [experts estimate](#) that those errors would hit roughly 200,000 legal workers every year, with tens of thousands wrongly pushed out of the labor market entirely. E-Verify can also facilitate hiring discrimination against job applicants of color, especially those from Latino backgrounds, because employers might unfairly avoid hiring workers who look like they may not pass the system.

So, this is the Republican plan: an ineffective system that is harsh on workers and burdensome on employers. And at a time when the surveillance state only continues to ramp up under President Trump, the last thing we need is to give the government another tool to intrude on our constitutional rights and economic freedom.

To truly help workers, Congress should focus on policies that address their real needs, such as raising wages, guaranteeing paid leave, and ensuring access to quality, affordable health care.

Instead, Congressional Republicans are trying to distract us from their own failing agenda: they are blaming immigrants and dividing our communities while they rip away health care and nutrition assistance from millions of Americans and jack up prices with their reckless tariffs in order to pay for massive tax cuts for the rich.

At a time of real economic uncertainty, our job should be to protect people's livelihoods and bring costs down. E-Verify does nothing to help people pay for their food, their rent, or their child care. It does nothing to protect workers from wage theft, abuse, or unsafe working conditions.

Instead of focusing on a flawed system that would worsen discrimination, complicate life for small businesses, and cause undue stress for job seekers, Congress should use its power to address the real needs of working families. Despite Americans' pleas for help, Congress has not raised the federal minimum wage in fifteen years. We are not focusing on how to expand access to paid leave, child care, or health care. In this very Subcommittee on Workforce Protections, we have yet to hold a hearing this year that actually expands workers' protections. These are the things that this Congress and this Subcommittee should focus on – to create an economy that works for everyone, not just the wealthy and well-connected.

It's time to get back to work and deliver on the issues that the American people truly care about. When I'm in my district, small business owners and workers are not asking for us to mandate E-Verify. I'm hearing about prices rising, wage stagnation, hardworking people unable to find jobs, and small businesses struggling under the weight of President Trump's tariffs. If we want to support working-class people, we need to address these issues and invest in our workforce – not build another broken surveillance tool.

Thank you, and I yield back.

Chairman MACKENZIE. Pursuant to Committee Rule 8(c), all members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m., 14 days after this hearing. Without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material noted during the hearing to be submitted for the official hearing record.

To the introduction of witnesses. Our first witness is Mrs. Jaime Address, the Vice President and Chief Human Resource Officer for Caddell Construction in Montgomery, Alabama. Mrs. Address is

testifying today on behalf of Associated General Contractors of America.

To introduce our second witness, I would like to recognize the Vice Chair of the Full Committee, the Representative from Utah, Mr. Owens.

Mr. OWENS. Thank you, Mr. Chair. I would like to introduce Chris Gamvroulas, he is the President of Ivory Development in Salt Lake City, Utah. He is testifying on behalf of the National Association of Home Builders, and Utah is a very unique innovative collaborative State, and Chris is going to be a valuable voice today as we continue to have this conversation, so thank you, and I yield back.

Chairman MACKENZIE. Thank you. Our third witness is Ms. Jessie Hahn, Senior Counsel for Labor and Employment Policy at the National Immigration Law Center, here in Washington, DC. Our final witness is Ms. Rosemary Jenks, the Cofounder and Policy Director for the Immigration Accountability Project, also in Washington, DC. Thank you to all of you for being here.

We look forward to testimony from each of you, and pursuant to Committee Rules, I will ask that each of you limit your oral testimony to a three-minute summary of the written testimony which you provided, as Committee members may have many questions. The clock will count down from 3 minutes.

Pursuant to Committee Rule 8(d), and Committee practice, however, we will not cut you off until you reach the five-minute mark. I would also like to remind the witnesses to be aware of their responsibility to provide accurate information to the Subcommittee, and with that I will recognize our first witness today, Ms. Address. You are recognized for your testimony.

STATEMENT OF MRS. JAIME ADDRESS, VICE PRESIDENT AND CHIEF HUMAN RESOURCE OFFICER, CADDELL CONSTRUCTION, MONTGOMERY, ALABAMA ON BEHALF OF THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

Ms. ADDRESS. Chairman Mackenzie, Ranking Member Omar, members of the Subcommittee on Workforce Protections, thank you for inviting me to testify today. My name is Jaime Address, and I serve as Vice President/ Chief H.R. Officer at Caddell Construction, a general contractor based in Montgomery, Alabama.

We are proud to work with the Federal Government to help build a range of civilian and defense installations across the U.S. and overseas. I am testifying on behalf of the 27,000 members of the Associated General Contractors of America, or AGC, the leading association in the construction industry.

At Caddell, my responsibilities include ensuring that every member of our domestic construction teams are authorized to work in the U.S., and that we fully comply with employment and immigration laws. We use E-Verify on every hire for our U.S. projects because we believe that having the legal workforce is not just our obligation, but it is at the heart of our commitment to fairness, integrity and our culture.

E-Verify has been a useful tool, but it is not perfect. As Congress considers policy options, I respectfully offer the following: Improve the systems' accuracy. Some construction firms report the individ-

uals who pass an E-Verify check are in fact undocumented workers.

Also, consider eliminating the requirements that contractors who complete E-Verify also complete I-9s for those same workers. This places redundant compliance burdens on employers. We urge you to include compliance and technical assistance support for E-Verify users, particularly smaller businesses.

Many construction projects include multiple construction firms. For instance, general contractors hire subcontractors who in turn subcontract portions of their work to other firms. Each firm should be individually held accountable for compliance with E-Verify requirements.

Provide notices to employers regarding changes to work authorizations. Construction firms like ours want to be in complete compliance, but few firms have the bandwidth to constantly check to see if there have been any unannounced changes in work status.

Finally, we urge consistency. There is a patchwork of varying State laws that make compliance more complex and costly. A clear uniform Federal standard would serve everyone better. The biggest problem with E-Verify is that we simply do not have enough qualified workers available for construction firms like ours to hire and verify.

The AGC recently shared that 92 percent of construction firms are having a difficult time finding enough qualified workers to hire. The Federal Government spends 80 percent of its workforce development dollars encouraging workers to pursue a 4-year college degree, yet only 38 percent of Americans earn a 4-year college degree.

That leaves only one-fifth of Federal dollars to support nearly two-thirds of the workforce. This funding imbalance is contributing to acute labor shortages within the construction industry, prompting firms either to not bid on projects, to raise prices, or to delay their construction schedules on projects they are bidding.

We strongly support greater investment in domestic workforce development, including expanding access to trade schools, apprenticeships and skills training. Those efforts will take time; we encourage Congress to consider establishing new, and expanding existing employment-based visas that could provide lawful workers, while we work to prepare more Americans for permanent, high-paying careers in construction.

Caddell, and the other members of the AGC stand ready to work with Congress, and Federal agencies, to strengthen our workforce, improve compliance, and ensure that America's infrastructure gets built by a legal, skilled, and reliable workforce. Thank you again for inviting AGC to testify before the Committee today. I look forward to answering any questions you may have.

[The prepared statement of Mrs. Address follows:]

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Written Statement of

Jaime Andress

Vice President and Chief Human Resources Officer

Caddell Construction

On behalf of

The Associated General Contractors of America

to the

United States House of Representatives

**Committee on Education and Workforce, Subcommittee on Workforce
Protections**

For a hearing on

E-Verify: Ensuring Lawful Employment in America

November 19, 2025



The Associated General Contractors of America (AGC) is the leading association in the construction industry representing more than 27,000 firms, including America's leading general contractors and specialty-contracting firms. Many of the nation's service providers and suppliers are associated with AGC through a nationwide network of chapters. AGC contractors are engaged in the construction of the nation's commercial buildings, shopping centers, factories, warehouses, highways, bridges, tunnels, airports, waterworks facilities, waste treatment facilities, levees, locks, dams, water conservation projects, defense facilities, multi-family housing projects, and more.

2111 Wilson Boulevard, Suite 1000 • Arlington, VA 22201 • Phone: (703) 548-3118

**Written Statement of Jaime Andress
Caddell Construction, Montgomery, AL
Committee on Education and Workforce
Subcommittee on Workforce Protections
United States House of Representatives
November 19, 2025**

Introduction

Chairman Mackenzie, Ranking Member Omar, and members of the Subcommittee on Workforce Protections, thank you for inviting me to testify today. My name is Jaime Andress, and I serve as the Vice President and Chief Human Resources Officer for Caddell Construction, a construction contractor based in Montgomery, Alabama. Caddell Construction is a general contractor with expertise in commercial, governmental and international markets. Caddell has completed projects totaling more than \$20 billion throughout the U.S. and in 36 countries on five continents. I am testifying on behalf of the 27,000 members of the Associated General Contractors of America, the leading association in the construction industry.

The Associated General Contractors of America represents more than 27,000 firms, including over 6,500 of America's leading general contractors, and over 9,000 specialty-contracting firms. More than 10,500 service providers and suppliers are also associated with AGC, all through a nationwide network of chapters. These firms engage in the construction of buildings, shopping centers, factories, industrial facilities, warehouses, highways, bridges, tunnels, airports, water works facilities, waste treatment facilities, dams, water conservation projects, defense facilities, multi-family housing projects, municipal utilities and other improvements to real property. Many of these firms regularly perform construction services for federal government agencies under contracts that require the use of E-Verify by law.

Background On E-Verify

At Caddell, my responsibilities include ensuring that every member of our domestic construction teams is authorized to work in the United States, and that we fully comply with employment and immigration laws. We use E-Verify on every hire for our U.S. projects, beyond what is required by federal law, because we believe that having a legal workforce isn't just our obligation but is at the heart of the way we do business. Our guiding mindset is something we call The Caddell way, which stresses accountability and a commitment to our mission and to the mission of our stakeholders. That commitment includes ethical hiring practices and protecting American jobs. The Caddell Way is about doing business the right way. It's the way our founder, John Caddell, did it, and is the way our business was engineered from the beginning. We recognize that working for the federal government is a privilege, and that our federal projects

often implicate national security considerations. A legal workforce is key to the integrity, safety and security of those projects and E-Verify has been a valuable tool in achieving those goals.

I can also attest to the system's overall ease of use. Caddell has used E-Verify for nearly two decades, having put through over a thousand new hires. In that time the system has proven reliable and efficient. One of the appeals of the system is that it provides us with a legitimate tool to use to verify the lawful status of our prospective workforce on federal construction projects. Caddell has zero tolerance for unauthorized employment. E-Verify and I-9 compliance are central to the hiring process.

It is also important to understand that very few construction projects are built by a single contractor. At Caddell, for example, we typically serve as the lead general contractor for a project and work with sometimes dozens of other subcontracting firms to complete a project. General contractors are accountable for ensuring that a project is completed on budget, in a timely, efficient, safe, and legally compliant manner. When the project owner is the federal government, the general contractor and upper tier subcontractors must assume numerous additional responsibilities in addition to E-Verify, including obligations to flow down these responsibilities to their subcontractors, often through designated contract clauses. However, it is important to understand that these are arms-length transactions, and other than contract flow down requirements, Caddell has no direct ability to dictate or oversee those firms' hiring practices and, particularly in an environment where E-Verify is required, should not be held responsible for the hiring practices of those subcontractors. For instance, general contractors hire subcontractors who, in-turn, often subcontract portions of their work to other firms.

To ensure compliance with changes to work authorization programs the Department of Homeland Security (DHS) should automatically send alerts via the E-Verify system when a work authorization has been revoked for an employee. Construction firms like ours want to be in complete compliance, but few firms have the bandwidth to constantly check to see if there have been any changes in work status.

E-Verify has been a useful tool in helping us ensure the legal status of our domestic workforce, but it is not perfect. *As Congress considers policy options, I respectfully offer the following:*

Improve the System's Accuracy

Some construction firms report that individuals who "pass" an E-Verify check are in fact undocumented workers. Improving the system to identify fraud could improve accuracy for employers checking legal status. Also, consider eliminating the requirement that contractors who complete E-Verify also complete I-9s for those same workers. This is redundant and places additional compliance and cost burdens on employers.

Provide Further Compliance Assistance

We urge Congress to include compliance and technical assistance support for E-Verify users, particularly smaller businesses. Also, many construction projects include multiple construction firms. Each of those firms should be held individually accountable for their own compliance with E-Verify requirements.

Require Notification of Change in EAD Status

Prior to June 20, 2025 the E-Verify system would automatically send case alerts when a work authorization was revoked for an individual. However, now there are no alerts for when various programs are terminated, forcing employers to manually generate status change reports, periodically to match case numbers to employees, and then act immediately when revocations are identified. Employers not checking reports receive no notification of revoked authorization which is contrary to the intention of the stated purpose that E-Verify give employers the “peace of mind that your employees are legally authorized to work in the United States”.

Provide Consistency

Finally, we urge consistency. Today there is a patchwork of varying state laws that make compliance in general more complex and costly. States differ widely in who must use E-Verify and how it is enforced. With some states placing restrictive policies on how an employer may use E-Verify, which may appear to conflict with federal E-Verify on when or who may be subjected to E-Verify. These differences create compliance challenges and raise federal preemption issues. Putting in place a clear, uniform federal standard would serve everyone better.

But the fact that we even need a system like E-Verify is a reminder of the many shortcomings with our current federal approach to workforce development for sectors like construction. The biggest problem we and many other contractors have with E-Verify is that we don’t have enough people to run through the system. There are simply not enough qualified workers available for construction firms like ours to hire and verify.

The Commercial Construction Industry is Facing a Historical Workforce Crisis

The Construction Workforce Crisis by the Numbers

Labor shortages in the commercial construction industry remain significant and widespread, impacting virtually every aspect. There were 188,000 job openings in construction at the end of August, not seasonally adjusted; a decrease of 116,000 (38 percent) year-over-year, according to the U.S. Bureau of Labor Statistics (BLS) in its latest Job Openings and Labor Turnover Survey (JOLTS) release¹. The industry hired 353,000 employees in August, up 5.4 percent from a year earlier. Despite the decline in job openings, contractors are still adding new hires, suggesting that, amid uncertainty, there is demand for labor. At the same time, the construction layoff rate remains relatively low, indicating that firms are holding onto skilled

¹ U.S. Department of Labor, Bureau of Labor Statistics (September 1, 2025), *Job Openings and Labor Turnover Survey (JOLTS)*, retrieved from <https://www.bls.gov/news.release/jolts.nr0.htm>.

workers they cannot afford to lose. In fact, the industry's unemployment rate stands at just 3.2 percent, near a historic low and well below the overall nonfarm rate of 4.5 percent. Taken together, these figures suggest contractors would have hired more workers if they had been able to find them.

AGC survey data also support the statistical reality of the labor shortage. According to results from AGC's 2025 Workforce Survey, 88 percent of construction firms report having open positions for craft workers they are trying to fill.² Among those, 92 percent of firms say they are having difficulty filling at least some of those positions – particularly among the craft workforce that performs the bulk of onsite construction work. All types of firms are experiencing these challenges. Largely similar results were reported by contractors that use exclusively union craft labor and by firms that operate as open-shop employers; by firms with \$50 million or less in annual revenue and ones with more than \$500 million in revenue; by companies in all four regions of the country; and by contractors doing building construction, highway and transportation projects, federal and heavy work, or utility infrastructure.

Nearly half of firms (49 percent) reported increasing their headcount over the past year, while 30 percent saw reductions and 21 percent reported no change. A majority of firms (62 percent) anticipate maintaining or growing their workforce, yet most expect hiring to remain difficult, with only a small minority (less than 10 percent) expecting conditions to ease. Despite this desire for growth, ninety-two percent of respondents report having difficulty filling some or all hourly craft or salaried positions.

How the Construction Industry is Working to Address the Crisis

Tight labor market conditions are prompting firms to change the way they operate, recruit and compensate workers in their efforts to overcome workforce shortages. Fifty-three percent of firms have raised base pay rates for their workers during the past year. In addition to raising pay, 42 percent of firms initiated or increased spending on training and professional development in the past 12 months. Firms are also getting more creative when it comes to recruiting workers. Fifty-five percent of survey respondents report they added online strategies, like using social media or targeted digital advertising, to connect better with younger applicants.

At Caddell, we are doing our part to attract and retain American workers. We offer competitive wages and real career pathways for those looking to build a future in this industry. In August, average hourly earnings in construction rose by 4.4 percent over the previous year, compared to 3.9 percent across the rest of the private sector. Construction workers in highway, utility, and specialty trades saw an even greater spread of gains, with residential building up 8.1 percent in July 2025. These aren't low-wage jobs, these are career opportunities with real earning potential.

² The Associated General Contractors of America and Autodesk (September 6, 2024), *2024 Workforce Survey*, retrieved from [New Survey Finds Construction Workforce Shortages Are Leading Cause Of Project Delays As Immigration Enforcement Affects Nearly 1/3 Of Firms](#)

Construction firms also pay a premium compared to the broader economy. As of August 2025, average hourly earnings in construction were 19 percent higher than the average pay for all private-sector wages. That premium rose to 26.0 percent for workers in nonresidential building construction. This is not an anomaly; construction wages have outpaced private-sector growth for years.

Contractors are increasing investments in their internal training programs in an effort to address the fact that many candidates lack the basic hard and soft skills needed to be successful. Fifty-two percent of firms are boosting spending on training and professional development programs, 23 percent are enhancing their online and video training capabilities and 10 percent are using augmented and virtual reality technology to better train workers.

Efforts are also being expanded to recruit the next generation of construction professionals, especially those outside of the traditional construction industry profile such as young adults. These recruiting efforts are essential because the economics alone do not appear to be enticing many young adults to pursue careers in construction. Despite all these efforts, the construction workforce crisis has continued to worsen and merely improving construction training opportunities will do little to help with workforce shortages if few people are willing to enter training programs.

If we want E-Verify to fulfill its purpose, connecting lawfully authorized workers with legitimate employment, then we need to make sure there are enough qualified Americans entering the workforce pipeline. That requires robust, consistent federal investment in career and technical education. With better funding, more people will have the opportunity to develop the skills needed to enter this industry, and firms like ours will be better positioned to meet demand while offering jobs that pay well and support families. Unfortunately, the current level and focus of federal workforce investment is not aligned with this need.

According to a recent AGC survey, 57 percent of construction firms are having a difficult time finding enough qualified workers to hire. One reason for these labor shortages according to a [report](#) which was produced by the Progressive Policy Institute, AGC and Procore is that the federal government spends 80 percent of its workforce development dollars encouraging workers to pursue a four-year college degree. Yet only 38 percent of Americans earn a four-year college degree.

That leaves only one-fifth of federal workforce dollars to support nearly two-thirds of the workforce. This funding imbalance is contributing to acute labor shortages within the construction industry. These labor shortages are prompting firms to either not bid on projects, or to raise prices and delay construction schedules for the projects they are bidding.

Congress should support greater investment in domestic workforce development, including expanding access to trade schools, apprenticeships, and skills training that can help bring more Americans into high paying construction careers. I should add that most pathways into construction careers do not require a four-year degree and the significant debt those degrees typically require. Increasing access to and resources for trade-building programs and on-the-job learning opportunities beyond apprenticeships or internships add incredible value and

opportunities for potential workforce talent to explore and embrace a career in construction. At Caddell, we've been able to hire individuals with non-traditional backgrounds (business owners, law enforcement, military veterans, as examples) and build on their knowledge, skills, and abilities to help them create careers and contribute as project administrators, estimators, project managers, construction executives, and market vice presidents.

It will take time for new investments in construction education and training to expand the supply of qualified American workers. Congress should consider establishing new, and expanding existing, employment-based visas that could provide lawful workers while working to prepare more Americans for permanent careers in construction. In other words, boosting funding for career and technical education and training programs that focus on fields like construction will not just help the construction industry, but will put many more U.S. citizens on a path to prosperity and success.

Conclusion

In conclusion, Caddell and the other members of the Associated General Contractors of America stand ready to work with Congress and federal agencies to strengthen our workforce, improve compliance, and ensure that America's infrastructure gets built by a legal, skilled, and reliable workforce.

Thank you again for inviting AGC to testify before the Subcommittee today. I look forward to answering any questions you may have.

Chairman MACKENZIE. Thank you. I will now recognize Mr. Gamvroulas for your testimony.

STATEMENT OF MR. CHRIS GAMVROULAS, PRESIDENT, IVORY DEVELOPMENT, SALT LAKE CITY, UTAH, ON BEHALF OF THE NATIONAL ASSOCIATION OF HOME BUILDERS

Mr. GAMVROULAS. Good morning. Thank you for this opportunity to testify on behalf of the National Association of Home Builders on E-Verify. To ensure that Ivory Homes only employs individuals authorized to work in the United States, and to comply with Utah law, we have used the E-Verify employment verification system since 2010.

Ivory Homes recognizes the important role businesses play in ensuring a legal workforce. Our human resource team conducts employment verification for all new hires. While not entirely error free, the system is easy to use, and we have only encountered two instances of identity mismatch in the first few years of using the system.

While E-Verify can be a logical starting point for discussion, it is not a substitute for the broader conversation around comprehensive immigration reform. That being said, I believe that certain recommendations will make it as accessible for small businesses as it is for larger and more well-resourced organizations.

Our members are first and foremost small business owners, indeed, 80 percent of the members of NAHB have 10 or fewer employees. A few recommendations. First, any legislation must maintain current Federal guidance that employers are responsible for verification of the identity and work authorization status of their direct employees.

While we do not verify the employees of subcontractors, we do require our subcontractors to follow Utah law, to verify legal work status of their employees. Further, we are prohibited from knowingly using unauthorized subcontract workers as a means of circumventing the system.

Second, any requirement should provide a very strong safe harbor to ensure that those that use the system in good faith, will not be held liable for errors in the system. Third, employers should be able to begin the E-Verify process when a worker accepts a position, rather than be required to wait until after the worker's start date. This cannot be understated.

We use valuable resources, precious resources, and we have to do the E-Verify after an employee accepts a position. Fourth, providing a telephonic option for employers to complete the E-Verify process is important. The reality is that the new homes in America are built in suburban and ex-urban locations that lack necessary internet infrastructure.

Fifth, if employers are going to be required to use a Federal E-Verify Program, they must be assured that there is only one set of rules for compliance. As Congress considers how best to implement comprehensive immigration reform, we also urge you to pair the discussion with solutions for boosting our domestic workforce pipeline.

In conclusion, I believe these recommendations can make E-Verify a system that is accessible to all. Thank you for the opportunity to testify.

[The prepared statement of Mr. Gamvroulas follows:]

Testimony of Chris Gamvroulas
On Behalf of the National Association of Home Builders
November 19, 2025



**Testimony of Christopher P. Gamvroulas
President, Ivory Development
On Behalf of the
National Association of Home Builders**

**Before the
House Committee on Education & Workforce
Subcommittee on Workforce Protections**

**Hearing on
E-Verify: Ensuring Lawful Employment in America
10:15 AM
Wednesday, November 19, 2025
2175 Rayburn**

Testimony of Chris Gamvroulas
On Behalf of the National Association of Home Builders
November 19, 2025

Introduction

On behalf of the more than 130,000 members of the National Association of Home Builders (NAHB), I want to thank Chairman Mackenzie, Ranking Member Omar and the Subcommittee on Workforce Protections for this opportunity to testify today on the E-Verify program.

My name is Chris Gamvroulas, and I am the President of Ivory Development, the development affiliate of Ivory Homes based in Salt Lake City, Utah. We are a multigenerational family business serving homeowners and families across Utah since 1965. We are the largest homebuilder, land developer, and multi-family builder in Utah. Since 1996, I have overseen the land acquisition, planning, entitlement and construction of over 20,000 home sites, and hundreds of acres of retail, industrial and commercial properties. Our reputation depends on our customer service and high-quality work, which are only possible because of the individuals the Ivory Companies are proud to employ.

Our company uses the E-Verify employment verification system to ensure that Ivory Homes only employs individuals authorized to work in the United States, in compliance with Utah state law and federal guidelines.

Beginning July 1, 2010, Utah required private employers with 15 or more employees to use the federal E-Verify system or another status verification system to confirm the work authorization status of new hires. Utah law has evolved over the years. Effective May 4, 2022, the threshold changed to employers with 150 or more employees required to use E-Verify or similar system.

Ivory Homes began using E-Verify on July 1, 2010 in compliance with Utah law. Our human resources team conducts employment verification for all new hires. The system is easy to use and while not entirely error-free, we encountered two instances of identity mismatch which resulted in tentative non-confirmation letters in the first few years of using E-Verify. In both cases, neither protested the mismatches.

While Ivory Homes has the resources to administer E-Verify with ease, the overwhelming majority of my colleagues and peers in the home building industry do not. Approximately 80% of NAHB members have fewer than 10 employees and often lack HR, legal departments and even office-based hiring processes. Therefore, NAHB and I are encouraged by the subcommittee's willingness to consider this issue and how businesses of all sizes can best be served under a potential national requirement. We sincerely thank you for your leadership on this important issue and I look forward to discussing our recommendations with you today.

Recommendations and Improvements to E-Verify

NAHB believes any national E-Verify mandate must include a number of provisions to protect both the employer and the employee.

First, a nationwide E-Verify mandate must continue to focus on the direct employer-employee relationship. Under current law, employers must verify the identity and work authorization status of direct employees only. Subcontractors are responsible for verifying the legal status of their

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direct employees, but all businesses are prohibited from knowingly using unauthorized subcontracted workers as a means of circumventing the law. Any new E-Verify mandate should remain consistent with current law regarding independent contractors.

Second, any mandatory E-Verify program should contain a safe harbor provision for employers to ensure that those who use the system in good faith will not be held liable by the U.S. Department of Homeland Security, or by the employer's workers, for errors in the E-Verify system. Whether the system falsely identifies an unauthorized worker as authorized, or vice versa, employers who rely in good faith on the information in the mandatory system should not be penalized for acting based on the system's responses. While the agencies have worked diligently to reduce error rates, inconsistent recordkeeping remains the biggest hurdle many employers face when using the E-Verify system.

A related and significant concern is the issue of identity theft. Under current law, employers are required to use the "reasonable person test" when reviewing identity and work authorization documents. When a new hire presents documents that would, to a reasonable person, appear genuine, an employer must accept them, and the employer may not demand additional documents to test their validity. E-Verify can only confirm work authorization based on the presented documents. It cannot confirm whether the person presenting those documents is in fact the same person represented in those documents.

The burden of fraud detection cannot and should not be placed on the shoulders of employers using the E-Verify system. Until E-Verify can detect identity fraud, employers who use E-Verify should not be held liable for unauthorized workers who have cleared the system because of identity theft. This is a reasonable and acceptable standard that should be maintained.

Third, E-Verify should allow employers to begin the worker verification process as soon as possible in the hiring process. In the event of a system error, this will allow us to have enough lead time to handle non-confirmations to ensure any issues are rectified before the employee's start date.

Should one of our new hires eventually receive a final non-confirmation stating that they are ineligible to work, businesses would lose time and resources dedicated to training that employee, only to have to start the process all over again. For this reason, it would be preferable for employers to begin the E-Verify process when a worker accepts a position rather than be required to wait until after the worker's start date.

Fourth, a national program must include provisions to ensure that the system is workable for all U.S. employers, including our nation's small businesses. NAHB is an association largely comprised of small business owners, operators and entrepreneurs with limited capacity to effectively manage regulatory burdens.

If E-Verify is mandated, it must work for the smallest employer as well as it works for the largest. It is therefore very important that telephonic access to the system be available. The reality is that many businesses around the country do not have access to reliable high-speed

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internet or the technology to access the internet from a jobsite. There must also be a better way to inform and educate small businesses about the requirements of and changes to the program beyond what is in the *Federal Register*. Small businesses, for the most part, do not have access to this document, and many have never even heard of it.

Finally, any legislation which mandates the use of E-Verify nationwide must include a strong pre-emption clause, preventing state and local governments from creating and enforcing their own verification requirements for employers. If employers are required to use the federal E-Verify program, they must be assured there is only one set of rules for compliance.

Broader Workforce Development Considerations

Due to a significant nationwide labor deficit, the home building industry faces an existential workforce crisis. In any given month, there are more than 200,000 open jobs in construction, highlighting the lack of domestically qualified tradespeople to fill these roles. Further, a lagging home building workforce has a detrimental impact on housing affordability and availability. A recent study conducted by NAHB, the Home Builders Institute, and the University of Denver found that labor shortages are extending the construction timeline of the average single-family home by nearly two months. Extended construction timelines cost \$2.663 billion annually, meaning higher carrying costs for builders and fewer affordable options for homebuyers.

Therefore, NAHB urges Congress to advance solutions that invest in our nation's domestic workforce and promote opportunities for Americans to seek lucrative and meaningful careers in the trades. Congress should immediately pass the CONSTRUCTS Act (H.R. 1055/S. 189), bipartisan and bicameral legislation that will ensure residential construction training providers, like community colleges and trade schools, have the support they need to encourage students into the home building industry.

Without question, the immigrant community has played a critical role in home building, bringing their trade-related expertise and skills to enhance the quality of our work. According to the 2023 American Community Survey, foreign-born workers account for just over a quarter of the construction labor force, including both residential and non-residential construction. In Utah, immigrant workers make up at least 20% of the construction workforce.

We are proud to say that many immigrants who have lawfully come to America and joined our industry have been able to enhance their skills, create and grow their own businesses, and forge a pathway to greater prosperity. For those workers who are not properly authorized, NAHB hopes to work with Congress to find a long-term solution in which their experience and contributions to the economy can be leveraged to put them on a pathway to permanent work authorization or temporary legal status.

Conclusion

NAHB supports a nationwide E-Verify mandate only if it maintains an employer's responsibility for only verifying the identities of direct employees; provides employer safe harbors for good-

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faith use of the E-Verify system, including identify fraud; expedites the verification process closer to an employee's hiring date; and ensures that all system requirements are accessible to small business operators, including by telephone.

E-Verify is one component to fixing our aging immigration system. To truly ensure the legality of our nation's workforce and address the broader questions posed by the growing undocumented population, NAHB urges Congress to tackle comprehensive immigration reforms through a unified approach that strengthen our borders, reform our asylum processes, improve our legal immigration channels, address the nation's undocumented population, and ensure minimal economic disruption. Congress must pair domestic workforce training solutions with any debate concerning immigration. We need to place renewed emphasis on promoting and supporting a highly skilled domestic workforce, which it can address by passing the CONSTRUCTS Act.

Thank you again for the opportunity to testify.

Chairman MACKENZIE. Thank you. Next I will recognize Ms. Hahn for her testimony.

STATEMENT OF MS. JESSIE HAHN, SENIOR COUNSEL, LABOR AND EMPLOYMENT POLICY, NATIONAL IMMIGRATION LAW CENTER, WASHINGTON, D.C.

Ms. HAHN. Chairman Mackenzie, Ranking Member Omar, and members of the Subcommittee, thank you for the opportunity to testify today. My name is Jessie Hahn. I am Senior Counsel for Labor and Employment Policy at the National Immigration Law Center. NILC has advocated for improvement to the E-Verify Program since its inception as the basic pilot program in 1997.

Our position on E-Verify has always been clear, expanding this flawed system without comprehensive immigration reform, and strong worker protections will harm workers, employers, and the economy. Today I want to focus on three critical points that underscore why a nationwide E-Verify mandate would be a disaster.

First, E-Verify is not ready for the millions of small businesses that would be forced to enroll under a national mandate. Only 13 percent of U.S. employers currently use E-Verify, despite its availability for more than two decades. That means 87 percent of employers, most of whom are small businesses, do not participate. Even in the states that have decided to require E-Verify, compliance is low, fewer than half of the employers who are required to enroll have enrolled in those states.

A recent GAO study of the Federal contractors required to enroll, found that only 15 percent had done so. This is in the states and the businesses that are required to participate in E-Verify already. Why are they resisting? E-Verify is costly and it is cumbersome. Large employers with H.R. departments can absorb the burden, but small businesses cannot.

They face complex verification processes, mismatches that delay hiring, and compliance costs that they are ill-equipped to manage. Forcing millions of small employers into this system without ad-

addressing these challenges will create both a massive compliance problem, as well as disproportionately harm small businesses.

Second, E-Verify does not shield employers from ICE raids, or other enforcement actions. There is no safe harbor for participating in E-Verify. ICE raids have devastated companies that have used E-Verify for years, even in states where it is mandatory.

Poultry companies in Mississippi, meat packing facilities in Ohio and Nebraska, have all faced raids and mass detentions, despite participating in E-Verify. Why? E-Verify cannot detect identity theft or confirm that the documents belong to the person who is presenting them.

Employers who do everything right still remain exposed to audits, raids, and the reputational harm. If the system cannot fulfill its core purpose of accurately verifying work authorization, then what is the point of mandating it?

Finally, even the Trump administration has admitted that E-Verify is unreliable. They promote it as a cornerstone of immigration enforcement, but at the same time DHS has acknowledged that the system is susceptible to identify fraud, and lacks a photo matching capabilities in many states.

The White House itself even criticized a Maine police department this summer as reckless, for relying on E-Verify to check the work authorization of a recent hire. At the same time, the government is ramping up I-9 audits and worksite raids, creating a compliance paradox for employers.

Employers are told to use E-Verify, but they are warned it will not protect them. This double bind forces businesses, especially small businesses, into an untenable position where even those who are trying to comply with the law cannot get a reliable answer from the government's own verification system.

In short, E-Verify is not ready for a nationwide mandate. It is inaccurate, it is vulnerable to fraud, and it is not even enforced where it is currently required, so expanding it to millions of small businesses will destabilize labor markets, push workers off payroll, and into the informal economy, and expose employers to greater risks.

Congress should reject any mandate until E-Verify is reformed and paired with strong worker protections, and a pathway to citizenship for undocumented workers. Anything less will create a crisis that harms workers, employers and the economy. Thank you, and I look forward to your questions.

[The prepared statement of Ms. Hahn follows:]

Statement of Jessie Hahn
Senior Counsel, Labor and Employment Policy
National Immigration Law Center

"E-Verify: Ensuring Lawful Employment in America"

November 19, 2025

Subcommittee on Workforce Protections
Committee on Education and the Workforce
United States House of Representatives

Chairman Mackenzie, Ranking Member Omar, and Members of the Subcommittee:

Thank you for the opportunity to provide testimony on the E-Verify program. My name is Jessie Hahn, and I am the Senior Counsel for Labor and Employment Policy at the National Immigration Law Center (NILC). NILC appreciates the Committee's attention to this critical issue, as E-Verify's impact on workers, employers, and the broader economy cannot be overstated.

NILC is a nonpartisan, non-profit national legal advocacy organization dedicated to defending and advancing the rights of low-income immigrants and their families. Since its inception in 1979, NILC has earned a national reputation as a leading expert on the intersection of immigration law and employment rights. NILC has analyzed, and advocated for improvements to, the E-Verify program since its initial implementation in 1997 as the Basic Pilot Program. Over the years, we have worked closely with the Department of Homeland Security (DHS), the Social Security Administration (SSA), and the Department of Justice's Immigrant and Employee Rights Section to address E-Verify's adverse impact on workers – immigrants and U.S.-born alike. Since I joined NILC ten years ago, I've researched and written on the impacts of E-Verify, provided technical assistance to nonprofit worker rights organizations and labor unions in cases where E-Verify has adversely affected their members, and advocated against the expansion of this deeply flawed program.

My testimony today focuses on why NILC strongly opposes any expansion of E-Verify absent comprehensive immigration reform and robust worker protections. Mandatory E-Verify has been included in multiple major immigration reform proposals since 2005, yet the program remains deeply flawed. It is ineffective and harmful to workers and employers alike. It does not prevent unauthorized employment, pushes workers off payrolls and into the informal economy, and creates significant burdens for lawful workers and businesses.

The History, Function, and Current Use of E-Verify

E-Verify is a federal program designed to help employers confirm the work authorization of newly hired employees. Originally launched as the Basic Pilot Program pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress has reauthorized it several times, and its use has expanded significantly since the early 2000s.¹ While participation remains largely voluntary, certain employers are required to use E-Verify under federal and state law. For example, 22 states mandate its use for some employers,² certain federal contractors must enroll,³ employers hiring F-1 visa students seeking STEM OPT extensions are required to participate,⁴ and some employers are required to participate in E-Verify pursuant to a court order or settlement.

Despite this growth, E-Verify is far from universal. In 2022, about 1,098,000 employers were enrolled,⁵ representing only 13 percent of all U.S. employers.⁶ This limited adoption underscores that, while E-Verify is a widely available tool, its use is not yet a standard practice across the labor market.

The system works as a complement to the existing I-9 employment eligibility verification process. Employers who choose or are required to participate must register, electronically sign the E-Verify Terms and Conditions, and complete online training.⁷ For each new hire, the employer submits basic biographical information from the employee's I-9 Form – such as name, date of birth, Social Security number, and citizenship status – through a secure online portal within three business days of hire.⁸ E-Verify then cross-checks this information against Social Security Administration records and, for noncitizens and some naturalized citizens, against Department of Homeland Security databases.⁹

¹ OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997, Pub. L. No. 104-208, September 30, 1996, 110 Stat. 3009, Div. C, §§ 401 et seq.

² National Conference of State Legislatures, Immigration Legislation Database, <https://www.ncsl.org/immigration/immigration-legislation-database>. Also see Equifax, 2025 E-Verify State Requirements, <https://workforce.equifax.com/e-verify-state-requirements>

³ Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification, 73 FR 67651-01.

⁴ Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students, 81 FR 13040-01.

⁵ E-Verify webpage currently says 1.44M employers enrolled <https://www.e-verify.gov/about-e-verify/what-is-e-verify>

⁶ The most recent statistics indicate that there were 8.3 million U.S. employer businesses in 2022, according to the Census Bureau's 2022 County Business Patterns. U.S. Census Bureau, Telling the Story of the Nation's Smallest Businesses, <https://www.census.gov/library/stories/2025/05/smallest-businesses.html>. According to E-Verify's website, there were 1,098,000 employers participating in E-Verify in 2022. <https://www.e-verify.gov/about-e-verify/history-and-milestones>. 1,098,000 is 13% of 8,300,000 total U.S. employer businesses.

⁷ M-775, E-Verify User Manual, current as of May 2025, p. 12 <https://www.e-verify.gov/e-verify-user-manual>

⁸ M-775, E-Verify User Manual, current as of May 2025, p. 26 <https://www.e-verify.gov/e-verify-user-manual>

⁹ M-775, E-Verify User Manual, current as of May 2025, p. 21 <https://www.e-verify.gov/e-verify-user-manual>

Most queries return immediate confirmation that the worker is authorized to work. However, if the system cannot confirm eligibility, it issues a “tentative nonconfirmation,” or TNC.¹⁰ The employee then has eight business days to contest the finding by contacting the appropriate federal agency, often in person.¹¹ If the issue is not resolved, the system issues a “final nonconfirmation,” requiring the employer to terminate the worker or risk penalties for knowingly employing someone unauthorized.¹² While errors are rare, they do occur – sometimes affecting U.S. citizens or authorized noncitizens – and can result in wrongful job loss.

E-Verify Error Rates and Their Impact on U.S. Citizens and Authorized Workers

Independent evaluations of E-Verify have revealed persistent accuracy challenges that can lead to job loss for U.S. citizens and work-authorized noncitizens. Two key metrics illustrate these issues: the erroneous tentative nonconfirmation (TNC) rate and the final nonconfirmation (FNC) accuracy rate. The erroneous TNC rate measures how often authorized workers receive an initial mismatch before being cleared,¹³ while the FNC accuracy rate reflects how often the system correctly identifies unauthorized workers rather than mistakenly flagging authorized individuals.¹⁴

According to the Westat 2012 study, the overall TNC error rate was 0.3 percent, and for U.S. citizens specifically, 0.2 percent.¹⁵ While these percentages may seem small, they translate into significant real-world consequences. If E-Verify were mandated nationwide and these error rates held, between 193,000 and 521,000 authorized workers – including citizens and lawful permanent residents – would face the burden of correcting government records or risk losing their jobs.¹⁶ While we know that the error rates have decreased since the Westat 2012 study, current externally-reviewed data on the error rate is unavailable.

¹⁰ M-775, E-Verify User Manual, current as of May 2025, p. 58 <https://www.e-verify.gov/e-verify-user-manual>

¹¹ E-Verify, How to Process a Tentative Nonconfirmation (Mismatch), <https://www.e-verify.gov/employees/tentative-nonconfirmation-overview/how-to-process-a-tentative-nonconfirmation-mismatch>

¹² M-775, E-Verify User Manual, current as of May 2025, p. 81 <https://www.e-verify.gov/e-verify-user-manual>

¹³ Andorra Bruno, Electronic Employment Eligibility Verification, Congressional Research Service, p. 9 https://www.congress.gov/crs_external_products/R/PDF/R40446/R40446.13.pdf

¹⁴ Andorra Bruno, Electronic Employment Eligibility Verification, Congressional Research Service, p. 17 https://www.congress.gov/crs_external_products/R/PDF/R40446/R40446.13.pdf

¹⁵ Westat is a social science research company that has published a series of studies on E-Verify’s program data. They published the most recent external independent evaluation of E-Verify’s error rates, which was dated July 2012 (although this report was not released to the public until July 2013) and contained the numbers referenced above: *Evaluation of the Accuracy of E-Verify Findings* (Westat, July 2012) (hereinafter “Westat, July 2012”), p. x, <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf>. More current independent evaluation of E-Verify’s accuracy rates is urgently needed.

¹⁶ H.R. 251, The Legal Workforce Act, would require all employers to use E-Verify on newly hired employees. However, the bill also allows employers to reverify their current workforce using E-Verify. Over the 12 months ending July 2025, total U.S. hires were 64.5 million. See Bureau of Labor Statistics, “Job Openings and Labor Turnover” <https://www.bls.gov/jlt/>. 64.5 million multiplied by 0.3 percent (the TNC rate from Westat 2012) equals 193,500 (about 193,000) workers who would experience a TNC. Because the Legal Workforce Act allows employers to reverify all workers, this could result in E-Verify being applied to the entire workforce. As of August 2025, the U.S. workforce was 170,778,000. See “Table A-1: Employment Status of the Civilian Population by Sex

These numbers are likely underestimates. Employers who audit their own E-Verify data report higher error rates than federal government estimates. For example, Los Angeles County reported that 2.7 percent of its E-Verify queries in 2008 and 2.0 percent in 2009 resulted in erroneous TNCs.¹⁷

Errors at the FNC stage are even more consequential. Westat estimated that 6 percent of FNCs were issued to authorized workers, meaning thousands of individuals were wrongly deemed ineligible for employment.¹⁸ These figures likely understate the problem because many employers fail to notify workers of TNCs, causing mismatches to escalate to FNCs without the worker's knowledge. Assumptions in federal models – such as presuming 70 percent of workers receive proper notice – further limit the reliability of official accuracy estimates.¹⁹

The impact of these errors is not theoretical. In 2016, 62,000 U.S. citizens and authorized workers had to prove their work eligibility due to system mistakes.²⁰ An independent study found that between 2006 and 2016, more than 580,000 authorized employees received TNCs and successfully contested them.²¹ These cases underscore a critical point: while E-Verify aims to prevent unauthorized employment, its inaccuracies impose real costs on lawful workers – costs that include job loss, administrative burdens, and, for low-wage workers, heightened vulnerability to mistreatment.

E-Verify Error Rates Disproportionately Harm Naturalized U.S. Citizens and Work-Authorized Noncitizens

Evaluations of E-Verify consistently show that its errors do not affect all workers equally. Naturalized U.S. citizens and work-authorized noncitizens face significantly higher rates of erroneous tentative nonconfirmations (TNCs) than native-born citizens. Westat's analysis found that during April–June 2008, lawful permanent residents had an erroneous TNC rate of 1.0 percent, and other authorized noncitizens faced a staggering 5.3 percent rate – compared to just 0.3 percent for U.S. citizens.²² Even among citizens, naturalized individuals were far more likely to be flagged incorrectly: 3.2 percent received a TNC versus only 0.1 percent of native-born

and Age” (Bureau of Labor Statistics, U.S. Dept. of Labor, Sep. 5, 2025), <https://www.bls.gov/news.release/empsit.t01.htm>. 170,778,000 multiplied by 0.3 percent is 521,334 (about 521,000 workers) who would experience a TNC if E-Verify were used on the entire workforce (i.e., if every employer reverified its entire workforce).

¹⁷ Marc Rosenblum, *E-Verify: Strengths, Weaknesses, and Proposals for Reform* (Migration Policy Institute, Feb. 2011), www.migrationpolicy.org/pubs/E-Verify-Insight.pdf, p. 6.

¹⁸ Westat, July 2012, p. x.

¹⁹ Westat, July 2012, p. 16.

²⁰ David J. Bier, E-Verify Has Delayed or Cost Half a Million Jobs for Legal Workers, May 16, 2017 <https://www.cato.org/blog/e-verify-has-held-or-cost-jobs-half-million-legal-workers>

²¹ David J. Bier, E-Verify Has Delayed or Cost Half a Million Jobs for Legal Workers, May 16, 2017 <https://www.cato.org/blog/e-verify-has-held-or-cost-jobs-half-million-legal-workers>

²² Westat, July 2012, p. x, <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf>.

citizens.²³ These disparities largely stem from database lags and mismatches, such as Social Security records failing to reflect updated citizenship status.

The underlying problem is systemic. The Social Security Administration's Numident database, which E-Verify relies on, was found to contain discrepancies in approximately 17.8 million records – about 4.1 percent of all entries – raising particular concerns about incorrect citizenship information for foreign-born citizens and noncitizens.²⁴ These inaccuracies mean that lawful workers, especially those who are foreign-born, are far more likely to be misidentified as unauthorized.

Furthermore, Westat's 2012 evaluation confirmed that while error rates for U.S. citizens declined over time, there was little improvement for noncitizens.²⁵ Lawful permanent residents remain four times more likely than citizens to receive an erroneous TNC, and other authorized noncitizens are over twenty-seven times more likely. These errors compound existing workplace discrimination, as employers sometimes misuse E-Verify to prescreen applicants or demand specific immigration documents – practices that violate program rules and federal anti-discrimination laws.²⁶

In short, E-Verify's inaccuracies disproportionately burden naturalized citizens and authorized noncitizens, creating barriers to employment and exposing these workers to discrimination and economic harm. Any discussion of expanding E-Verify must grapple with these inequities and their real-world consequences.

Correcting E-Verify Errors Places Burdens on Workers Who Have Done Nothing Wrong

When E-Verify incorrectly flags a work-authorized employee as ineligible for employment, the burden of fixing the error falls squarely on the worker. Resolving a tentative nonconfirmation (TNC) or final nonconfirmation (FNC) requires navigating a burdensome contest process that may involve multiple government agencies (typically the Social Security Administration and sometimes the Department of Homeland Security), gathering original identity documents, and

²³ Westat, July 2012, p. x, <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf>.

²⁴ Andorra Bruno, Electronic Employment Eligibility Verification, Congressional Research Service, p. 13 https://www.congress.gov/crs_external_products/R/PDF/R40446/R40446.13.pdf

²⁵ Westat, July 2012, p. x, <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf>.

²⁶ Prescreening applicants with E-Verify is prohibited: “An employer that participates in E-Verify MUST NOT create a case for you in E-Verify before you accept an offer of employment and complete Form I-9.” E-Verify, “Employee Rights and Responsibilities” <https://www.e-verify.gov/employees/employee-rights-and-responsibilities>. In addition, during the employment-authorization verification process, if an employer demands more or different documents than those required by law, or refuses to honor documents presented by the employee that on their face reasonably appear genuine, the conduct is an “unfair immigration-related practice” that is also referred to as “document abuse.” 8 U.S.C.A. § 1324b(a)(6); 28 C.F.R. § 44.200(a). The Immigrant and Employee Rights Section (IER) of the Civil Rights Division of the U.S. Department of Justice enforce this provision.

traveling in person to government offices.²⁷ These steps can take days or even weeks. During this time, employers may pause onboarding, delay training, or remove the worker from the schedule, resulting in significant lost wages. For individuals with limited transportation, childcare responsibilities, or jobs that do not allow time off, the burden is even heavier.

If a TNC escalates to an FNC, the consequences are more severe: the worker may lose the job entirely and must start the hiring process over, proving the system was wrong – a process that is stressful, time-consuming, and financially costly. Even when workers contest errors promptly, resolution can take weeks or months, especially if they must file Privacy Act requests to identify inaccurate records. In 2012, of the thousands of workers who contested TNCs, it took longer than eight business days to resolve the TNC in over one-third of those cases.²⁸ These delays mean missed work, lost income, and added anxiety for employees who did nothing wrong. In short, even a small error rate translates into real harm because every mistaken nonconfirmation shifts the administrative and economic cost onto workers.

E-Verify Lacks an Appeal Mechanism for Workers Who Receive an Erroneous Final Nonconfirmation

When a worker receives an erroneous Final Nonconfirmation (FNC), the absence of a true appeal mechanism creates serious and often irreversible harm. An FNC legally permits the employer to terminate the worker immediately, even if the worker is fully authorized to work. Because E-Verify does not provide a formal process for challenging or overturning an incorrect FNC, workers who are misidentified as unauthorized have no structured way to clear their records, correct the error, or prove their eligibility after the decision is made. This leaves them effectively blacklisted in the moment: they lose their job, and future employers using E-Verify may encounter the same unresolved data problem. Without an appeal process, the burden shifts entirely to the worker to navigate multiple federal agencies on their own – often without official guidance – and try to fix records that E-Verify itself has already treated as final. This can take weeks or months, during which the worker has no income and no guarantee that the issue will even be corrected. The lack of an appeals process therefore magnifies the consequences of every mistaken FNC, turning what should be a resolvable record error into job loss, financial instability, and lasting employment barriers.

Employer Misuse of E-Verify, Even When Unintentional, Can Harm Workers

E-Verify was designed as a compliance tool to confirm employment eligibility, but employers often misuse the system in ways that harm workers – even when those workers are fully

²⁷ See E-Verify “Further Action Notice” detailing all the steps an employee must take to resolve a mismatch <https://www.e-verify.gov/sites/default/files/everify/notices/SampleDualFurtherActionNotice.pdf>. Also see Tentative Nonconfirmations (Mismatches) <https://www.e-verify.gov/employers/verification-process/tentative-nonconfirmations-mismatches>.

²⁸ David J. Bier, E-Verify Has Delayed or Cost Half a Million Jobs for Legal Workers, May 16, 2017 <https://www.cato.org/blog/e-verify-has-held-or-cost-jobs-half-million-legal-workers>

authorized to work. These missteps, even when they stem from misunderstanding rather than malice, create real-world consequences that undermine job security and worker protections.

One common misuse is prescreening job applicants before a formal offer, a practice explicitly prohibited under E-Verify rules.²⁹ Employers sometimes run checks early to avoid interviewing candidates they suspect might lack work authorization, creating discriminatory barriers for lawful workers, particularly those perceived as foreign-born. Similarly, some employers demand specific immigration documents from noncitizen employees – such as permanent resident cards or employment authorization documents – while allowing U.S. citizens to present any acceptable document under I-9 rules. This selective application of documentation requirements, known as “document abuse”, violates federal anti-discrimination laws³⁰ and has resulted in enforcement actions and penalties.

Misuse also occurs after hiring. Employers may terminate or refuse to hire workers solely based on a Tentative Nonconfirmation (TNC), before the worker has had the opportunity to contest or resolve the mismatch with SSA or DHS – a practice explicitly prohibited by E-Verify rules.³¹ Others delay onboarding, cut hours, or suspend pay while a case is pending, imposing financial hardship.³² In some instances, employers treat a TNC or even a Final Nonconfirmation (FNC) as final without guiding workers through the resolution process, effectively shifting the entire administrative burden onto the employee. Some fail to re-submit corrected information after a mismatch is resolved, leaving errors in the system that can block future employment.

Collectively, these practices exploit procedural gaps in E-Verify and disproportionately harm noncitizens and naturalized citizens, who already face higher error rates. The result is lost wages, job instability, and unfair exclusion from the labor market. Expanding E-Verify without addressing these compliance gaps risks amplifying these harms and undermining the program’s stated purpose of ensuring lawful employment.

Employers Can Weaponize E-Verify to Coerce or Retaliate Against Workers Engaged in Protected Activity

E-Verify is intended as a compliance tool, but employers have exploited it as a weapon against workers exercising their rights under labor and employment laws. This abuse often occurs during

²⁹ “An employer that participates in E-Verify MUST NOT create a case for you in E-Verify before you accept an offer of employment and complete Form I-9.” E-Verify, “Employee Rights and Responsibilities” <https://www.e-verify.gov/employees/employee-rights-and-responsibilities>.

³⁰ 8 U.S.C.A. § 1324b(a)(6); 28 C.F.R. § 44.200(a).

³¹ “An employer that participates in E-Verify MUST NOT... Terminate or take any other adverse action against you (such as denying work, delaying training, withholding pay, or otherwise assuming that you are not authorized to work) because of your decision to take action to resolve a mismatch or because your mismatch case is still pending with DHS or SSA.” E-Verify, “Employee Rights and Responsibilities” <https://www.e-verify.gov/employees/employee-rights-and-responsibilities>.

³² U.S. Department of Justice Immigrant and Employee Rights Section, Identifying Possible E-Verify Related Employment Discrimination, <https://www.justice.gov/crt/case-document/file/1132551/dl?inline> (accessed Nov. 16, 2025).

union organizing efforts or workplace disputes, where immigration compliance becomes a pretext for intimidation or retaliation.

Employers may unlawfully demand re-verification or initiate new E-Verify cases after a worker asserts protected rights – such as filing complaints about workplace conditions or organizing with co-workers.³³ Selective enforcement of E-Verify when workers begin asserting rights creates a climate of fear, chilling workers from exercising their rights and making it harder – and riskier – for noncitizen workers to organize or demand better conditions.

Ruprecht Company: During union contract negotiations, Ruprecht enrolled in E-Verify after an ICE audit without bargaining with the union – a move the National Labor Relations Board (NLRB) ruled unlawful under the National Labor Relations Act.³⁴ The company compounded violations by transferring work from fired undocumented employees to contractors without bargaining, dealing directly with terminated workers about severance, and withholding lists of employees flagged by E-Verify. These actions were deemed coercive and anti-union, using immigration compliance as a smokescreen to undermine organizing efforts.

Farm Fresh Company: In another case, Farm Fresh fired four employees after running them through E-Verify following an attempt to form a union. The NLRB ordered the workers reinstated without E-Verify checks, finding the terminations retaliatory and unlawful. However, a federal judge later disagreed, creating legal uncertainty about whether E-Verify can be used post-hire in such contexts. This case highlights how employers may exploit E-Verify to retaliate against organizing workers, even when courts and labor boards conflict on remedies.

These examples demonstrate how E-Verify can be weaponized to intimidate or punish workers engaged in protected activities, undermining both labor rights and the integrity of the program. Without stronger safeguards and enforcement, E-Verify's misuse will continue to erode worker protections and amplify vulnerabilities for immigrant and foreign-born employees.

When Employers Misuse or Abuse E-Verify, There Are No Meaningful Mechanisms at DHS to Hold Them Accountable

While formal mechanisms exist to address employer misuse of E-Verify, they are limited and largely ineffective in practice. The Department of Homeland Security (DHS), through USCIS, monitors compliance via account reviews, site visits, and desk audits. When violations occur – such as prescreening applicants, running checks on existing employees, or using E-Verify for

³³ Employers may not run existing employees through E-Verify, absent a narrow exception that allows some employers with federal contracts to use E-Verify to conform the employment eligibility of existing employees. “An employer that participates in E-Verify MUST NOT... Use E-Verify to verify you if you are not a new hire.” E-Verify, “Employee Rights and Responsibilities” <https://www.e-verify.gov/employees/employee-rights-and-responsibilities>.

³⁴ *The Ruprecht Co.*, 366 NLRB No. 179 (N.L.R.B. Aug. 27, 2018).

retaliation – USCIS may issue warnings, require corrective actions, or refer cases to Immigration and Customs Enforcement (ICE) or the Department of Justice’s Immigrant and Employee Rights (IER) Section. Workers can also report violations through the E-Verify Employee Hotline, email, or DHS’s Office of Inspector General, and file discrimination complaints with IER under 8 U.S.C. §1324b.

Despite these options, enforcement is virtually nonexistent and not publicly reported. E-Verify itself cannot impose fines; the most common penalty is termination of system access, which may not deter misuse. Investigations often depend on workers coming forward – a process that is time-consuming, intimidating, and stressful. Even when USCIS identifies violations, referrals to ICE or DOJ do not guarantee prosecution or meaningful sanctions. Other agencies, such as the NLRB and Department of Labor, can intervene when misuse intersects with labor rights, but these remedies are also reactive, inconsistent, and not publicly reported.

The result is a system where employers face minimal consequences for misusing E-Verify, while workers bear the brunt of the harm – lost wages, job instability, and administrative burdens. Without stronger, proactive enforcement and meaningful penalties, E-Verify remains vulnerable to abuse, undermining its stated purpose of ensuring lawful employment.

Imposing E-Verify Mandates without Enacting Legalization Measures Will Push Immigrant Workers into the Informal Economy and Drive Down Labor Standards

Mandatory E-Verify laws aim to curb unauthorized employment, but research shows they often drive workers into the informal economy, where wages are lower and protections are minimal. When states like Arizona and Mississippi adopted strict E-Verify mandates, undocumented workers who could not pass verification did not leave the labor market entirely – they shifted into “off-the-books” jobs paid in cash, lacking basic labor protections. These informal arrangements expose workers to wage theft, unsafe conditions, and threats of immigration enforcement, while allowing employers to evade minimum wage laws, overtime requirements, and tax obligations.

Evidence from state-level E-Verify mandates illustrate this dynamic. Studies found that after Arizona’s Legal Arizona Workers Act (LAWA) took effect, the noncitizen Hispanic immigrant population declined significantly, and many workers moved from formal employment into informal work.³⁵ Arizona’s mandate did not improve outcomes for low-skilled legal workers and may have reduced overall employment, consistent with a contraction in formal labor supply. Similarly, studies have found that state-level E-Verify mandates reduce hourly earnings for likely

³⁵ Sarah Bohn, Magnus Lofstrom, Steven Raphael, Lessons from the 2007 Legal Arizona Workers Act, Public Policy Institute of California, March 2011, https://www.ppic.org/wp-content/uploads/content/pubs/report/R_311MLR.pdf, Sarah Bohn, Magnus Lofstrom, Steven Raphael, Do E-Verify Mandates Improve Labor Market Outcomes of Low-Skilled Native and Legal Immigrant Workers?, IZA Institute of Labor Economics, October 2015, <https://www.iza.org/publications/dp/9420/do-e-verify-mandates-improve-labor-market-outcomes-of-low-skilled-native-and-legal-immigrant-workers>

unauthorized men and increase self-employment – an indicator of informal work.³⁶ For Mississippi, a 2024 study documented a 10% decrease in farmworker population after its E-Verify mandate, suggesting reduced formal hiring and greater reliance on shadow labor markets.³⁷

These shifts have broader consequences for labor standards. Employers who hire off-the-books workers often cut costs by ignoring wage laws and safety regulations, depressing wages not only for undocumented workers but for all low-wage employees in affected sectors. Studies consistently show that E-Verify mandates correlate with increased subcontracting and day-labor arrangements, weakening collective bargaining and eroding job security as workers on formal payrolls have to compete with workers in the informal economy who have no choice but to accept lower wages and substandard conditions in order to remain employed.

In short, imposing E-Verify mandates without legalization measures does not eliminate unauthorized work – it pushes it underground, creating a dual labor market where exploitation becomes systemic and enforcement nearly impossible.

Pushing Immigrant Workers into the Informal Economy Drives Down Tax Revenue

Mandatory E-Verify laws not only destabilize labor markets – they also erode state and federal tax revenues by pushing workers into the informal economy. When employers cannot legally retain undocumented workers, many shift these employees “off the books” into cash-based jobs to avoid detection. This transition removes workers from payroll systems, reducing contributions to income taxes, Social Security, and unemployment insurance, while leaving workers without safety nets.

Arizona’s experience under the LAWA offers a cautionary example. The law, which took effect in 2008 and was upheld by the U.S. Supreme Court, requires all employers to use E-Verify and imposes harsh penalties, including business license suspension for violations.³⁸ While intended to “turn off the job magnet,” LAWA instead fueled the growth of Arizona’s cash economy. In the first year of implementation, state income tax collections dropped by 13 percent compared to the prior year, even as sales tax collections fell only modestly – 2.5 percent for food and 6.8 percent for clothing.³⁹ Analysts concluded that workers were still earning and spending money but were no longer paying income taxes, signaling a shift to off-the-books employment. As Arizona

³⁶ Pia M. Orrenius & Madeline Zavodny, Do state work eligibility verification laws reduce unauthorized immigration? *IZA Journal of Migration*, March 10, 2016 <https://izajodm.springeropen.com/articles/10.1186/s40176-016-0053-3>

³⁷ Kuan-Ming Huang, E-Verify and Its Implications for U.S. Agriculture, <https://www.choicesmagazine.org/choices-magazine/submitted-articles/e-verify-and-its-implications-for-us-agriculture>

³⁸ Tyler Moran, COSTLY AND INEFFECTIVE: What Arizona’s Experience with Mandatory E-Verify Teaches Us <https://www.nilc.org/wp-content/uploads/2015/12/e-verify-arizona-lessons-2011-05-26.pdf>

³⁹ Tyler Moran, COSTLY AND INEFFECTIVE: What Arizona’s Experience with Mandatory E-Verify Teaches Us <https://www.nilc.org/wp-content/uploads/2015/12/e-verify-arizona-lessons-2011-05-26.pdf>

economist Elliott Pollack observed, “What you’ve done, because of that law, is taken tax-paying people and shifted them off the tax rolls.”

The fiscal consequences extend beyond Arizona. A report from the Congressional Budget Office estimated that making E-Verify mandatory nationwide – without providing a path for unauthorized workers to become work-authorized – would drive more employers and workers into the informal economy, reducing Social Security payroll tax revenue by \$88 billion.⁴⁰ These losses compound state-level impacts, where immigrant workers contribute billions annually in taxes and consumer spending. Removing these contributions through policies that push workers underground undermines state budgets and economic stability.

In short, E-Verify mandates without legalization measures trade short-term enforcement optics for long-term fiscal harm. By shrinking the tax base and expanding the cash economy, these policies weaken public revenues while leaving workers more vulnerable to exploitation.

Small Employers Are the Least Likely to Be Enrolled in E-Verify and Will Carry the Greatest Administrative Burden Under a New E-Verify Mandate

An E-Verify mandate would impose significant compliance burdens on employers, with the greatest impact falling on small businesses. Current enrollment patterns show that most E-Verify participants are medium- and large-sized firms with dedicated HR staff and systems to manage verification processes. Small businesses, by contrast, often lack specialized personnel and infrastructure, making compliance far more time-consuming and complex. A mandate would require these employers to verify every new hire, resolve Tentative Nonconfirmations (TNCs) and Final Nonconfirmations (FNCs), maintain detailed records, and respond to audits – all while continuing core business operations.

For small businesses, these requirements translate into real costs and operational strain. Unlike large companies that can absorb compliance tasks, small firms may need to invest in new technology, train staff, and even hire compliance personnel – an expensive proposition for businesses operating on thin margins. Surveys reveal that many small employers are not enrolled in E-Verify today, often citing lack of resources or inadequate internet access. In fact, small businesses are two and a half times more likely than large firms to report insufficient access to high-speed internet, a basic requirement for E-Verify participation.

While the government does not charge fees for E-Verify, employers incur setup and maintenance costs. Median setup costs for those reporting expenses are around \$100, and annual maintenance costs average \$300–\$350.⁴¹ These figures understate the true burden for small businesses, which also face indirect costs such as lost productivity when resolving errors. In Arizona, where E-

⁴⁰ Congressional Budget Office, Cost Estimate: H.R. 1772, Legal Workforce Act, Dec. 17, 2013, available at <https://www.cbo.gov/sites/default/files/113th-congress-2013-2014/costestimate/hr17721.pdf>

⁴¹ Andorra Bruno, Electronic Employment Eligibility Verification, Congressional Research Service, p. 19 https://www.congress.gov/crs_external_products/R/PDF/R40446/R40446.13.pdf

Verify is mandatory, small business owners have reported that technical glitches and compliance steps take time away from core operations. Bloomberg Government estimated that if E-Verify had been mandatory nationwide in 2010, employers would have spent \$2.7 billion on compliance – with small businesses shouldering \$2.6 billion of that amount.

While large employers may absorb these requirements relatively smoothly, small businesses face disproportionate challenges under an E-Verify mandate. These include higher administrative costs, slower hiring, and increased exposure to penalties for mistakes – all of which could undermine efficiency and profitability in sectors already struggling with labor shortages.

Recent GAO Report Reveals Massive Lack of Compliance with the E-Verify Federal Contractor Rule, Underscoring the Negative Impacts that Would Result from Codifying the Rule

A recent Government Accountability Office (GAO) report highlights systemic failures in enforcing the federal contractor E-Verify requirement, raising serious concerns about the implications of codifying this rule into law. Although federal contracts above certain thresholds include the FAR clause mandating E-Verify, compliance is far from universal. GAO found that of approximately 74,000 federal contract awards in FY 2021, only about 15 percent were reported as using E-Verify, despite contractual obligations requiring verification of all workers performing under the contract.⁴² This gap reflects weak oversight: contracting officials from major agencies admitted they often do not check whether contractors are enrolled or actively using the system. DHS compounded the problem by halting quarterly compliance reports to agencies in 2022 due to data quality concerns, leaving agencies without reliable tools to monitor adherence.

The enforcement gaps are striking. Between 2020 and March 2023, USCIS terminated nearly 300 contractor accounts for misuse and over 5,000 for non-use, yet GAO found DHS lacked a fully functioning referral process to suspend or debar contractors whose access was revoked.⁴³ While DHS has begun implementing reforms – such as creating a referral process and collecting Unique Entity Identifiers to track enrollment – these measures remain incomplete. As a result, many contractors continue operating under federal contracts without using E-Verify, undermining the integrity of the requirement.

Codification of the E-Verify Federal Contractor Rule would also impose significant administrative burdens, particularly on small businesses that currently avoid E-Verify because they do not hold federal contracts. These firms would need to invest in technology, staff training, and compliance systems, navigate strict timelines for resolving Tentative Nonconfirmations (TNCs), and avoid discriminatory practices – all while facing heightened risk of penalties for errors. Codification could discourage small contractors from bidding on federal work, shift

⁴² U.S. Government Accountability Office, Federal Contracting: Agencies Can Better Monitor E-Verify Compliance, October 3, 2023. <https://www.gao.gov/products/gao-24-106219>

⁴³ U.S. Government Accountability Office, Federal Contracting: Agencies Can Better Monitor E-Verify Compliance, October 3, 2023. <https://www.gao.gov/products/gao-24-106219>

competitive advantages to larger firms, and exacerbate labor shortages in sectors reliant on small businesses.

In short, GAO's findings reveal that the current mandate is not effectively enforced, and codifying it without addressing systemic gaps and providing compliance support could amplify costs, risks, and inequities across the federal contracting landscape.

E-Verify Error Rates Mean Participating Employers Are Still Vulnerable to ICE Worksite Raids and I-9 Audits, Causing Workforce Disruptions and Associated Liabilities

Employers often assume that enrolling in E-Verify shields them from enforcement actions such as ICE worksite raids, I-9 audits, and fines. In reality, E-Verify offers no legal safe harbor. The system only verifies that documents match government databases – it does not confirm that the person presenting those documents is the rightful holder. This design flaw leaves E-Verify vulnerable to identity theft and document fraud, allowing unauthorized workers to pass verification even when employers “do everything right.” As a result, companies using E-Verify have still faced large-scale enforcement actions, operational shutdowns, and reputational damage.

High-profile cases underscore that this problem is common, not rare. ICE raids at Mississippi poultry plants – located in a state that mandates E-Verify – revealed hundreds of undocumented workers on payroll.⁴⁴ Similarly, Fresh Mark, a company enrolled in E-Verify and even participating in ICE's IMAGE compliance program, saw 150 workers detained during a raid.⁴⁵ Bryant Preserving in Arkansas faced a criminal investigation and worker arrests despite claiming E-Verify use.⁴⁶ Howard Industries⁴⁷ and Swift & Co., both enrolled in E-Verify, were raided in earlier enforcement actions that resulted in hundreds of arrests. These examples demonstrate that participation in E-Verify does not prevent liability or disruption when identity fraud or systemic weaknesses allow unauthorized workers to slip through.

Glenn Valley Foods: The recent raid at Glenn Valley Foods in Omaha, Nebraska, illustrates the risk vividly. ICE detained 70–80 workers – nearly half the plant's workforce – even though the company had used E-Verify “for years” to check work

⁴⁴ Washington Post, These poultry plants used E-Verify. They still hired hundreds of undocumented workers. August 16, 2019 <https://www.washingtonpost.com/business/2019/08/16/these-poultry-plants-used-e-verify-they-still-hired-hundreds-undocumented-workers/>

⁴⁵ Julie Cook Ramirez, Fresh Mark Increase in ICE Raids Concerns Employers, HR Executive, September 24, 2018 <http://hr executive.com/increase-in-ice-raids-concerns-employers/>

⁴⁶ Public News Service, Arkansas Factory Raid Disrupts Communities, Immigrant Advocates Say, September 17, 2018 <https://www.publicnewsservice.org/2018-09-17/immigrant-issues/arkansas-factory-raid-disrupts-communities-immigrant-advocates-say/a63982-1>

⁴⁷ NBC News, Immigration raid spotlights rift of have-nots, January 24, 2009 <https://www.nbcnews.com/id/wbna28816336>

authorization.⁴⁸ According to reports, ICE agents told company officials “the system is broken,” citing widespread identity theft among employees. Despite compliance efforts, the raid decimated operations, reducing capacity to just 30 percent and causing severe financial and reputational harm. This case highlights that E-Verify does not immunize employers from enforcement actions or workforce disruptions.

E-Verify provides compliance support but not protection. Employers remain exposed to audits, raids, and penalties because the system cannot detect identity fraud or guarantee ongoing work authorization. For businesses – especially those in high-risk sectors like food processing and manufacturing – the consequences include lost productivity, legal liability, and lasting damage to workforce stability.

Even the Trump Administration Recognizes that E-Verify is Unreliable, Leaving Employers in an Untenable Position

Despite promoting E-Verify as a cornerstone of immigration enforcement, the Trump administration has repeatedly acknowledged its limitations, leaving employers in a difficult position. In public statements, DHS has conceded that E-Verify is “susceptible to identity fraud” because it cannot always photo-match state-issued IDs, particularly in states that do not share license photo data. At the same time, the administration has intensified I-9 enforcement, increasing audits and penalties for paperwork violations. This dual approach creates conflicting guidance: employers are urged – or even required – to use E-Verify, yet told that reliance on it alone does not protect against enforcement. For businesses, especially those with limited compliance resources, this means higher risk and greater operational strain without clear assurance of immunity.

Employers now face a compliance paradox. They must adopt E-Verify to demonstrate good faith, while simultaneously maintaining rigorous I-9 protocols, re-verifying work authorization when status changes occur, and preparing for audits. Legal experts warn that this “double bind” forces employers to shoulder significant costs and liability. Doing less than what DHS expects risks enforcement; doing more than what the law requires can expose businesses to discrimination claims. For small employers without dedicated HR teams, these pressures create an untenable compliance environment.

Old Orchard Beach, Maine Police Department: This tension was vividly illustrated in the case of Jon Luke Evans, a reserve police officer arrested by ICE for overstaying his visa and attempting to purchase a firearm – despite having been cleared by E-Verify.⁴⁹ DHS criticized the town for “reckless reliance” on the system, arguing that E-Verify is a

⁴⁸ CBS Evening News, Employers rely on E-Verify system, but critics say it's broken by design, July 16, 2025 <https://www.facebook.com/CBSEveningNews/videos/employers-rely-on-e-verify-system-but-critics-say-its-broken-by-design/1284111926475472/>

⁴⁹ Federal E-Verify system under scrutiny after Old Orchard Beach police hiring incident, WMTW-TC, July 31, 2025 <https://www.youtube.com/watch?v=Ghpp4Y3Chow>

“proven tool” but not infallible and cannot replace deeper background checks. Local officials pushed back, noting they relied on E-Verify “because that’s what we’ve been given” and questioned what alternative system exists. Employer-side advocates called DHS’s stance “outrageous,” emphasizing that E-Verify was designed to help employers show good faith compliance. The incident underscores a systemic flaw: E-Verify vets documents, not identities, leaving employers vulnerable to enforcement actions even when they follow federal guidance.

The Trump administration’s mixed messaging – promoting E-Verify while admitting its shortcomings – creates a compliance trap for employers. Mandated use of a flawed tool without safe harbor protections forces businesses to absorb legal and reputational risks, with no clear path to certainty.

Conclusion: The Looming Crisis Under a Federal E-Verify Mandate

If Congress enacts a nationwide E-Verify mandate without creating legal pathways for workers to obtain employment authorization, the consequences for workers, employers, and the broader economy will be severe. Employers would be required to screen all new hires through a system widely acknowledged as flawed – susceptible to identity theft and prone to errors that wrongly deny work authorization to lawful employees. For workers, this means increased job loss, discrimination, and a surge in off-the-books employment as undocumented individuals shift to informal labor markets, driving down wages and working conditions across entire sectors. For employers – especially small businesses – the mandate would impose steep compliance costs, operational delays, and heightened legal risk, all without offering safe harbor protections from raids, audits, or penalties even when they follow the rules. Even diligent E-Verify users remain vulnerable to enforcement actions, as recent raids and penalties demonstrate.

The ripple effects on the economy could be profound. Industries reliant on immigrant labor, such as agriculture, construction, and hospitality, would face acute labor shortages, forcing production cuts and price increases. Meanwhile, enforcement actions would continue to disrupt businesses, as E-Verify does not prevent unauthorized hiring when identity fraud is involved. Without a complementary legal framework providing a pathway to permanent immigration status, mandating E-Verify amounts to shutting the door on millions of workers while leaving employers with no viable alternative. This policy gap risks destabilizing labor markets, undermining compliance, and accelerating the growth of an underground economy, creating a crisis that harms workers, businesses, and consumers alike.

Policy Recommendations on Behalf of the National Immigration Law Center

1. Do Not Enact an E-Verify Mandate Without a Legal Pathway for Workers and Strong Worker Protections

Congress should reject any proposal to mandate E-Verify nationwide unless it is paired with a

legal pathway to full U.S. citizenship for undocumented workers currently in the U.S. and robust labor protections for all workers. These protections must include clear anti-retaliation provisions, safeguards against employer misuse such as prescreening or discriminatory document demands, and a formal appeals process for workers wrongly flagged by the system. Without these measures, a mandate would destabilize labor markets, push workers into the underground economy, and harm industries already facing severe labor shortages, creating widespread hardship for both workers and employers.

2. Mandate Transparency Regarding E-Verify Errors and Abuse

Congress should direct independent research into the persistent inaccuracies in E-Verify, including erroneous Tentative Nonconfirmations and Final Nonconfirmations that wrongly flag U.S. citizens and work-authorized noncitizens. These errors lead to job loss, wage disruption, and discrimination, yet the system has not undergone sufficient external evaluation. A comprehensive study is essential to identify root causes and ensure accountability before expanding the program. In addition, E-Verify should publicly report on complaints received from workers regarding employer misuse and actions taken to hold employers accountable.

3. Fix the System Before Rolling Out Any Mandate

Congress must require DHS to address E-Verify's systemic flaws – such as vulnerability to identity fraud, database mismatches, and lack of an appeals process – before considering any nationwide mandate. Implementing a flawed system at scale would be irresponsible governance, exposing employers to legal risk and workers to wrongful job loss. A mandate should only follow after the program is able to demonstrate proven improvements and safeguards are in place.

Chairman MACKENZIE. Our last testifier is Ms. Jenks, and I recognize you now for your testimony.

**STATEMENT OF MS. ROSEMARY JENKS, COFOUNDER AND
POLICY DIRECTOR, IMMIGRATION ACCOUNTABILITY
PROJECT, WASHINGTON, D.C.**

Ms. JENKS. Chairman Mackenzie, Chairman Walberg, Ranking Member Omar, thank you for the opportunity to testify before you today about E-Verify. E-Verify is a critical tool for deterring illegal immigration to the United States. The vast majority of illegal aliens are coming here for economic opportunity, in other words, jobs.

Prospective illegal aliens make a rational cost benefit analysis if they believe that the economic benefits of entering illegally outweigh the risks of the journey, and of being apprehended and returned home, they come. If they know they will not be able to obtain work here, many will not come.

Removing the benefit of easily obtainable jobs, significantly shifts the calculation. In addition to deterring illegal immigration, E-Verify is a necessary tool to prevent the exploitation of illegal labor by international smuggling cartels, and unscrupulous employers.

The cartels make billions of dollars smuggling people into the United States based on the promise of jobs here. Once they arrive, often in debt to the cartels, illegal aliens are vulnerable to unscrupulous employers. E-Verify is essential not only to deter illegal immigration, but also to provide good faith employers with a cheap and effective way to verify that the documents submitted by new hires are valid.

With the proliferation of fraudulent documents, E-Verify removes the burden on employers to be document fraud experts, so long as the document submitted by new hires are reasonable valid on their face. In the absence of E-Verify, employers find themselves in a bind. If they accept documents that turn out to be fraudulent, they can be held liable for employing unauthorized aliens.

If they request additional documents, they can be sued by the employee for civil rights violations. E-Verify eliminates that problem by allowing employers to submit the information on the documents for verification by the government, and then to rely on that verification. However, voluntary use of E-Verify may create an uneven playing field for some businesses.

A business owner who wanting to obey the law participates in E-Verify, may have to pay a premium to recruit legal workers. His competitor, who does not participate in E-Verify, and does not mind violating the law to hire illegal workers, will be able to undercut the law-abiding employer by paying reduced wages, and cutting corners on benefits and safety compliance.

Abiding by the law should not be a competitive disadvantage. Is the E-Verify system perfect? No. It is still possible for illegal aliens to game the system by using the identity of an American citizen, or authorized alien worker. This problem would be alleviated by requiring states to share driver's license photos with E-Verify.

During the first half of 2025, more than 21 million new hires were run through the E-Verify system, 97.8 percent of those cases were confirmed virtually instantly. In order to become a truly effec-

tive deterrent to illegal immigration, E-Verify should be made mandatory for all employers in the United States.

Thank you, and I look forward to answering your questions.

[The prepared statement of Ms. Jenks follows:]

“E-Verify: Ensuring Lawful Employment in America”

**Testimony of Rosemary Jenks,
Cofounder and Policy Director,
Immigration Accountability Project,**

**before the Subcommittee on Workforce Protections of
the Education and Workforce Committee of
the House of Representatives**

November 19, 2025

Chairman Mackenzie and Ranking Member Omar, I appreciate the opportunity to testify before you today about E-Verify.

I am the Cofounder and Policy Director for the Immigration Accountability Project. I have been working on immigration issues in various capacities since 1990.

E-Verify is a critical tool for deterring illegal immigration to the United States. The vast majority of illegal aliens who enter the United States are coming here for economic opportunity—in other words, jobs. Prospective illegal aliens make a rational cost-benefit analysis: if they believe the benefits, especially economic benefits, of entering illegally outweigh the risks of the journey and of being apprehended and returned home, they come. If they know they will not be able to obtain work here, many will not come. Removing the benefit of easily obtainable jobs significantly shifts the calculation.

In addition to deterring illegal immigration, E-Verify is a necessary tool to prevent the exploitation of illegal labor by international smuggling cartels and unscrupulous employers. The cartels make billions of dollars smuggling people into the United States based on the promise of jobs here. Once they arrive, often in debt to the cartels, illegal aliens are vulnerable to unscrupulous employers. Mandatory use of E-Verify by U.S. employers would evaporate the cartels' promise of jobs.

E-Verify is essential not only to deter illegal aliens from seeking and obtaining employment in the United States, but also to provide good-faith employers with a cheap and effective way to verify that the documents submitted by new hires are valid. Simply posting prominently a sign that a business uses E-Verify deters many illegal aliens from even applying for a job at that business. Equally important, however, in this era of fraudulent documents, is that E-Verify removes the burden on employers to be document-fraud experts, so long as the documents submitted by new hires are “reasonably valid on their face,” as is required by law. In the absence of E-Verify, employers find themselves in a bind: if they accept documents that turn out to be fraudulent, they can be held liable for employing unauthorized aliens; but if they request additional documents, they can be sued by the employee for civil rights violations. E-Verify eliminates that problem by allowing employers to submit the information on the documents for verification by the government, and then to rely on that verification.

Is the E-Verify system perfect? No. It is still possible for illegal aliens to game the system by using the identity of an American citizen or authorized alien worker. This scenario is what leads to most “false positives,” or cases in which an unauthorized worker is confirmed by E-Verify as authorized to work. Additionally, there have been “data glitches” where authorized workers received Final Nonconfirmations in error. However, the vast majority of E-Verify “errors” are due to employer errors (e.g., inputting data incorrectly or not giving new hires the legally required opportunity to correct data errors) and employee data mismatches (e.g., when a new hire has failed to update a name change with the Social Security Administration).

During the first half of FY 2025, 21,306,003 new hires were run through the E-Verify system. Nearly all—97.8 percent—of those cases were confirmed virtually instantly, while another 0.19 percent were confirmed after an initial mismatch. Of the 2.02 percent of cases in which the new

hire was found to not be authorized to work, 0.52 percent were uncontested, 0.03 percent were contested but found unauthorized, and 1.46 percent were unresolved or still in process as of September 26, 2025.¹

In order to become a truly effective deterrent to illegal immigration, E-Verify should be made mandatory for all employers in the United States. As former Representative, civil rights icon, and Chairwoman of the U.S. Commission on Immigration Reform, Barbara Jordan told the House Judiciary Committee in 1995, “Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. Illegal aliens are here for jobs. That is the attraction. So the only effective way to deter illegal immigration must include the worksite.”²

Employer Sanctions Prior to E-Verify

The Immigration Reform and Control Act (IRCA), enacted by Congress in 1986, made it illegal for employers to hire aliens without authorization to work in the United States. This prohibition was touted as the solution to future illegal immigration so that the amnesties included in IRCA would never be repeated.

IRCA provides that:

It is unlawful for a person or other entity...to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien...with respect to such employment....³

It is unlawful for a person or other entity, after hiring an alien for employment...to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.⁴

IRCA also established the “I-9” system, in which employers must examine the identity and employment authorization documents of new hires to determine their authorization to work. This system placed the burden directly on employers to determine the validity of the documents submitted by new hires, or risk prosecution. The unintended consequence was an explosion of criminal networks producing and selling fraudulent documents “proving” both identity and employment authorization.

As Lamar Smith, chairman of the House Judiciary Committee’s immigration subcommittee from 1995 to 2000 and author of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, explained in the *St. Mary’s Law Journal* (along with then-subcommittee counsel Edward Grant) in 1997:

¹ “E-Verify Performance,” USCIS, Sept. 26, 2025, available at

<https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance>.

² “Verification of Eligibility for Employment and Benefits”, Hearing Before the Subcommittee on Immigration and Claims of the House Committee on the Judiciary, 104th Congress, 1995.

³ Pub. L. No. 99-603, § 101(a) of part A of title I (1986) (found at INA § 274A(a)(1)(A) (8 U.S.C. § 1324a(a)(1)(A))).

⁴ *Id.* (found at INA § 274A(a)(2) (8 U.S.C. § 1324a(a)(2))).

“The enforcement centerpiece of the IRCA—sanctions against employers who hire illegal aliens—failed to include any system whereby employers could reasonably verify the status of their new employees. A booming market in fraudulent documents soon developed.

“Unfortunately, the easy availability of counterfeit documents...has made a mockery of the law. Fake documents were produced in mass quantities.... As a result, even the vast majority of employers who wanted to obey the law had no reliable means of identifying illegal aliens.... At the other extreme, rogue employers could easily collude with illegal alien employees to avoid the provisions of IRCA...comfortable in the knowledge that they were presented with ‘genuine’ documents.”⁵

The Origins of E-Verify⁶

The current E-Verify program was based on a recommendation of the U.S. Commission on Immigration Reform, chaired by Barbara Jordan. In 1994, the Commission said:

“A better system for verifying work authorization is central to the effective enforcement of employer sanctions.

“The Commission recommends development and implementation of a simpler, more fraud-resistant system for verifying work authorization....

“In examining the options for improving verification, **the Commission believes that the most promising option for secure, non-discriminatory verification is a computerized registry** using data provided by the Social Security Administration...and the INS [then-Immigration and Naturalization Service].”⁷ [Emphasis in original.]

Chairwoman Jordan provided further details of the Commission’s recommendation to the House Judiciary Committee’s Subcommittee on Immigration and Claims in 1995:

“As envisioned by the Commission, [a] computerized registry would be used to verify that a social security number is valid and has been issued to the individual who is being hired. This database would be created and updated from SSA [Social Security Administration] and [DHS] files, but not connected to either. From SSA would come a limited set of data: name; social security number; and several other

⁵ Lamar Smith & Edward Grant, *Immigration Reform: Seeking the Right Reasons*, 28 St. Mary’s L.J. 883, 890 n.22 (1997), available at <https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=2201&context=thestmaryslawjournal>.

⁶ George Fishman, Senior Legal Fellow at the Center for Immigration Studies and former Chief Counsel of the immigration subcommittee of the House Judiciary Committee, was instrumental in laying out the history of E-Verify as presented in this testimony.

⁷ U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: A Report to Congress* 12 (1994), available at <https://babel.hathitrust.org/cgi/pt?id=pur1.32754064885563&seq=22>.

identifiers, such as date of birth and mother's maiden name. From [DHS] would come information about the immigration status of lawfully admitted immigrants, nonimmigrants, and other aliens permitted to remain temporarily or permanently in the United States....

"The Commission believes the key to this process is the social security number. For decades, all workers have been required to provide employers with their social security number. The computerized registry would add only one step to this existing requirement: an employer check that the social security number is valid and has been issued to someone authorized to work in the United States."⁸

As a result of this recommendation, E-Verify's precursor, the "Basic Pilot" program, was enacted into law in the 1996 IIRIRA. The conference report on IIRIRA explained that "participation [in the pilot program]...will be voluntary...except with regard to the executive and legislative branches of the Federal Government and certain employers who have been found to be in violation of certain sections of the Immigration and Nationality Act."⁹

The House initially approved IIRIRA by a vote of 333-87 (with all but six Republicans and 105 Democrats (a majority) voting in favor).¹⁰ A House-Senate conference committee agreed to a conference report that included the Basic Pilot.¹¹ The House approved the conference report by a vote of 305-123 (with all but five Republicans and 76 Democrats voting in favor).¹²

Since then, as technology has improved, the pilot program has been migrated from a telephone-based system to an automated internet-based one. In 2005, it was expanded from a five-state pilot to a nationwide program open to all employers. In 2007, the Basic Pilot was officially renamed E-Verify. Currently, E-Verify is mandated for some employers by Federal statute, Executive Order, or regulation, and for other employers by State legislation. For all remaining employers, it may be used on a voluntary basis.

Simple, Fast, and Effective

The E-Verify system is free for all employers. To use E-Verify, an employer must sign up and complete a fairly straightforward online survey to ensure he or she is familiar with the I-9 requirements, the legal parameters for E-Verify use, and anti-discrimination laws. After that, the employer goes through the standard I-9 process with each new hire.

Within three working days after the date of the hire, the employer must submit to the E-Verify system information about the new hire taken directly from the I-9 form, including name, birth date, and the number from the document or documents provided by the new hire to establish identity and work authorization, as specified in 8 U.S.C. 1324a(b)(1). These documents may

⁸ *Verification of Eligibility for Employment and Benefits, Hearing Before the Subcommittee on Immigration and Claims of the House Committee on the Judiciary* at 10.

⁹ [H.R. Rep. 104-828](#) at 233.

¹⁰ 142 Cong. Rec. 2639-40 (March 21, 1996); <https://clerk.house.gov/Votes/199689>.

¹¹ H.R. Rep. 104-828 (1996).

¹² 142 Cong. Rec. 11091 (Sept. 25, 1996); <https://clerk.house.gov/Votes/1996432>.

include a U.S. passport or green card (which establish both identity and work authorization), or a U.S. driver's license and a Social Security number (with the former establishing identity, and the latter work authorization), among others.

In the vast majority of cases—97 to 99 percent—the E-Verify system returns a confirmation of employment eligibility virtually instantaneously. E-Verify accomplishes this by pinging the Social Security database and, if necessary, DHS data to confirm that the name and birth date match the document numbers and that the person is authorized to work in the United States.

In the remaining one to three percent of cases, the E-Verify system returns a “Tentative Nonconfirmation” (TNC) because it was not able to match the data provided with a work authorized individual. In the case of a TNC, the system informs the employer of the next steps that are required, both of the new hire and of the employer. The TNC could be a result of the employer inputting the new hire's data incorrectly, a data mismatch that can be corrected by the new hire (e.g., if the new hire was recently married and has not changed her name with the Social Security Administration), or the fact that the new hire is not authorized to work.

The new hire must be given the opportunity to contest the TNC. If the employee fails to contest it, the TNC becomes a “Final nonconfirmation” (FNC). If the employee contests the TNC, he or she has ten working days to address the problem before the employer is required to either submit updated information to E-Verify or to repeat the initial inquiry. The employer is prohibited by law from terminating the new hire until the system reports a FNC. If the employer chooses not to terminate the new hire after an FNC, the employer must notify DHS of that decision. Failure to do so creates a rebuttable presumption that the employer is “knowingly” employing an unauthorized alien.

The E-Verify system is designed to provide clear instructions to both the employer and the employee if the result of the inquiry does not result in an instant verification of employment authorization. It instructs the employer to print out and deliver specific instructions for the employee on how to resolve any mismatch. It also instructs the employer on next steps and how to resolve the case.

Perhaps more importantly from the employer's perspective, E-Verify provides a **safe harbor** against civil and criminal liability. The law specifically provides that no employer using E-Verify “shall be civilly or criminally liable under any law for any action taken in good faith reliance on information provided through the confirmation system.”¹³

Good-faith use of the E-Verify system also establishes a rebuttable presumption that the employer has not knowingly employed an unauthorized alien with respect to the particular new hire.

A Government Program that Actually Works

While E-Verify is still voluntary for most employers, its use has been mandated for some employers. IIRIRA, the statute that created E-Verify, mandates its use by Federal agencies and

¹³ Pub. L. No. 104-208, § 403(d) of subtitle A of title IV of division C (as amended).

Congress. Federal regulations¹⁴ mandating the use of E-Verify by Federal contractors have survived four different presidents. These regulations should be codified, as has been proposed in H.R. 2641.

Additionally, 21 states have adopted contracting or business licensing laws with E-Verify enrollment as a condition for some or all employers. These include Alabama, Arizona, Florida, Georgia, Idaho, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia.¹⁵

The number of employers using E-Verify has increased from 265,453 in fiscal year 2011 to 1,392,898 currently.¹⁶

In FY2024, 43,495,876 employees were verified by E-Verify. In 98.32 percent of all inquiries, the employee was verified as work-authorized virtually instantly, and another 0.17 percent (72,121) were verified after a tentative nonconfirmation. Of the 1.68 percent that received TNCs:

- 36 percent (234,660) were uncontested, which generally means they were unauthorized aliens;
- One percent (7,323) led to a final nonconfirmation, meaning they were found to be unauthorized aliens; and
- 63 percent (414,966) were unresolved or in process.¹⁷ This category includes cases the employer closed as “self-terminated” and those awaiting further action by either the employer or employee.

In 2021, the CFI Group evaluated the satisfaction of participating employers with E-Verify using the methodology of the American Customer Satisfaction Index (ACSI). The customer satisfaction index was 88, as compared to the ACSI federal government report’s average satisfaction index of 63. Among the findings:

- “Overall satisfaction” with E-Verify was at 90;
- “Meets expectations” was at 89;
- “Compared to [the] ideal” verification system was at 86;
- Employers that have been using E-Verify for a year or more:
 - Would be willing to recommend it to others was at 91;
 - Were “confident in [its] accuracy” was at 93;
 - Plan to use it again in the future was at 96;
 - “Ease of navigating the E-Verify site” was at 91;
 - “Ease of submitting I-9 information on E-Verify” was at 93;
 - “Speed of receiving an initial response” was at 94; and
 - “Clarity of next steps as described in the response” was at 91.

¹⁴ 48 C.F.R. § 22.1802.

¹⁵ USCIS, *History and Milestones: Chronological Summary of the Milestones of the E-Verify Program*, <https://www.e-verify.gov/about-e-verify/history-and-milestones>.

¹⁶ *Id.*, <https://www.e-verify.gov/about-e-verify/history-and-milestones>. See also USCIS, *E-Verify: E-Verify Usage Statistics*, <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-usage-statistics>. USCIS, *E-Verify: E-Verify Employer Search*, <https://www.e-verify.gov/e-verify-employer-search>.

¹⁷ USCIS, *E-Verify: E-Verify Performance*, <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance>.

- Employers that received a tentative nonconfirmation:
 - Found the “speed of resolving the case” was at 74;
 - “Clarity of communication about the steps involved in the resolution process” was at 77;
 - “Ease of resolving the case” was at 75; and
 - “TNC referral process” was at 80.¹⁸

States that have adopted mandatory E-Verify requirements have seen success with the program, as well. Economists Pia Orrenius and Madeline Zavodny concluded in a 2016 paper evaluating state mandatory E-Verify laws that:

“E-Verify laws reduce the number of unauthorized immigrants in a state. This effect tends to be concentrated among recent arrivals and is particularly large for newly arriving immigrants.... [T]he evidence suggests that E-Verify laws divert some newly arriving unauthorized immigrants to other states. The number of new likely unauthorized immigrants rises in a state as more nearby states begin requiring employers to use E-Verify.

“[T]he results...suggest that most of the drop in the number of already-present unauthorized immigrants in states that adopt universal E-Verify laws is due to them leaving the USA entirely.”¹⁹

The following year, Orrenius and Zavodny wrote a report issued by the Federal Reserve Bank of Dallas. Ms. Orrenius stated that the report’s “key takeaways” were that “E-Verify, when it’s mandatory...can have very large deterrent effects on the employment of undocumented immigrants and possibly also on...illegal immigration.”²⁰

In addition to expanding the original E-Verify pilot into a nationwide system in 2005, USCIS has made some major improvements to the system. These include:

- Incorporating State Department passport data into E-Verify in order to help reduce the number of mismatches among naturalized citizens. E-Verify had been criticized because naturalized U.S. citizens had a higher rate of TNC than did native-born U.S. citizens. This often occurred because the naturalized citizen did not update his or her record with SSA following naturalization. USCIS addressed this problem by updating the E-Verify system to “automatically check [USCIS]

¹⁸ CFI Group, Federal Consulting Group, *Department of Homeland Security U.S. Citizenship and Immigration Services E-Verify Program: 2021 Annual Customer Satisfaction Survey Briefing* (2022), available at <https://www.e-verify.gov/sites/default/files/everify/data/EVerifyCustomerSatisfactionSurvey2021.pdf>.

¹⁹ Pia Orrenius & Madeline Zavodny, *Do State Work Eligibility Verification Laws Reduce Unauthorized Immigration?*, IZA Journal of Migration 5:5 (2016), available at <https://link.springer.com/article/10.1186/s40176-016-0053-3>.

²⁰ Federal Reserve Bank of Dallas, *Press Release: Universal E-Verify Mandates Largely Effective in Reducing Unauthorized Immigrant Employment, According to Dallas Fed Special Report* (Sept. 8, 2017), available at <https://www.dallasfed.org/news/releases/2017/nr170908>.

naturalization data” and passport photos. According to USCIS, this step “reduced citizenship status mismatches by approximately 39 percent.”²¹

- Introducing a photo-matching tool in which USCIS included the photos from visas and employment authorization documents in the E-Verify database. Employers can now match the photo in E-Verify to the photo on these Federal documents presented by the employee.
- Instituting a system that automatically prompts an employer to double-check the information entered into E-Verify when a query is about to result in a mismatch.
- Creating the Self-Check program, which allows an individual to run an E-Verify query on themselves so that they can ensure that they can fix any data mismatch and will be correctly confirmed as work authorized prior to an employer running them through the system.
- Connecting to the National Law Enforcement Telecommunications System (Nlets) to validate driver’s license and State identification documents against DMV records from 44 States and jurisdictions. (California, Maryland, Maine, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, Vermont, and Washington have opted out of the program.) USCIS performs up to 25 million driver’s license verifications annually through Nlets.²²
- Creating a “self-lock” program in which individuals can “lock” their SSN so that if it is submitted for work authorization purposes, the employer who submitted it receives a TNC. This mechanism is aimed at preventing the unauthorized use of another individual’s SSN. Importantly, parents can also use this system to lock their children’s SSNs. Identity thieves often target children for identity theft, knowing they won’t be employed, and so won’t raise suspicion with SSA.

Next Steps for E-Verify

Make it mandatory for all U.S. employers. According to USCIS, E-Verify is fully capable of handling the workload that a national mandate would generate. In 2011, a USCIS official told the House Judiciary Committee that “the system can handle up to 60 million queries [a year]. We know that.”²³ The Government Accountability Office reported that “E-Verify program officials said that in 2007, USCIS successfully simulated an operational transaction load commensurate

²¹ H.R. Rep. No. 113-677, part 1, at 19.

²² “E-Verify Overview,” USCIS, March 2021, at 8, available at <https://www.uscis.gov/sites/default/files/document/presentations/11-E-Verify.pdf>.

²³ *E-Verify—Preserving Jobs for American Workers: Hearing Before the House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement*, 112th Cong. 148 (Feb. 10, 2011) (testimony of Theresa Bertucci, Associate Director, Enterprise Services Directorate, USCIS).

with an annual rate of 240 million queries per year—the higher estimate of the number of queries expected to be generated by a mandatory E-Verify program.”²⁴

As long as E-Verify remains a largely voluntary program, those employers who want to be able to hire unauthorized workers will not use it. Illegal aliens seeking employment will simply have to avoid the businesses that participate and seek out those that don’t. This dramatically limits E-Verify’s effectiveness in deterring illegal immigration.

Just as important is the fact that voluntary use of E-Verify creates an uneven playing field for businesses. Imagine being, for example, the owner of a construction company. You feel a civic duty to obey all labor and immigration laws, so you sign up to use E-Verify to make sure your workforce is legal. If your competitor down the road feels no such civic duty, he will be able to undercut you in every bid by hiring illegal labor at reduced wages and cutting corners on benefits and safety compliance. In order to recruit authorized workers, you have to pay a sufficient wage, provide benefits, and comply with safety laws. Abiding by the law should not be a competitive disadvantage.

Both Chambers of Congress have passed mandatory E-Verify, though always as part of larger immigration bills. The failure of IRCA (amnesty in exchange for enforcement, where enforcement never happens) is a lesson that should not be repeated. The House most recently passed E-Verify as part of H.R. 2, the Secure the Border Act.

The Legal Workforce Act, H.R. 251 in the current Congress, has been introduced as a stand-alone E-Verify bill in every Congress since the 112th. The Legal Workforce Act phases in mandatory use of E-Verify by all employers in the United States. Congress should pass this bill.

Require States to share driver’s license data, including photos, with USCIS for inclusion in E-Verify. As noted earlier, the primary cause of “false positives,” or unauthorized workers being confirmed as work authorized by E-Verify, is the use of stolen identities. E-Verify confirms that the data inputted by an employer matches the data of an individual who is authorized to work in the United States, and it verifies the validity of driver’s licenses and State identification cards issued by most States through Nlets. However, it cannot confirm that the individual an employer has just hired is the same individual who was issued the documents E-Verify is matching.

As Westat pointed out in its 2009 report to DHS:

“[I]ndividuals may borrow documents belonging to relatives or friends, use stolen documents, or purchase valid documents that have been sold by the owner....

²⁴ U.S. Government Accountability Office, *Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain*, 44 (table 2) (2010), available at <https://www.gao.gov/assets/gao-11-146.pdf>.

E-Verify cannot identify these documents as fraudulent since they are, in fact, genuine....²⁵

Providing employers with the means to visually match the person standing in front of them to the person pictured on a driver's license provided by a state and to the photo in the document provided for the I-9 would go a long way toward fixing this. USCIS has proven that the E-Verify system can incorporate photos since it has included photos from immigration documents and passports in its Photo Match tool.

Require SSA to notify victims of identity theft. Identity theft is a serious crime that can have devastating impacts on the victims' lives. When two or more different employers are reporting full-time income to a single individual's Social Security account, especially when those employers are in different parts of the country, SSA has clear notice that the individual's SSN may be being misused. In most cases, this scenario means an individual's SSN has been stolen and is being used by one or more illegal aliens for employment.

For years, SSA's policy has been to ignore the situation, rather than notifying the rightful owner of the SSN. This is why most people don't learn their identity has been stolen until/unless creditors come after them for bills—or even mortgages—they know nothing about. By that time, recovering or rebuilding their identity is a nightmare.

SSA should instead be required to block further use of that SSN, notify the parties, and establish who the legitimate owner of the SSN actually is. The other party or parties should be referred for prosecution.

²⁵ Westat, *Findings of the E-Verify Program Evaluation* (2009), at 131-32, available at <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyEval2010.pdf>.

Chairman MACKENZIE. Thank you. Under Committee Rule 9, we will now ask questions of the witnesses under the 5-minute rule, and I will recognize myself first. The first question I have is for Ms. Address. Your written testimony notes that your company has been using E-Verify for nearly two decades, processing thousands of new hires, and you found the program to be generally reliable and efficient.

In addition to complying with the law, as a Federal contractor, what do you see as the additional benefits of using E-Verify?

Mrs. ANDRESS. Thank you for the question. We certainly see the additional benefits be that we have the ability to maintain a qualified and verified workforce. It is a huge commitment of ours to not just our employees, but also our clients to be able to have a stable workforce to be able to meet their project schedule, to deliver on what it is that we say, and it creates a lot of trust among our construction team members as well.

It provides a lot of—it just really aligns with our commitment to ethical hiring and provides a consistent approach as we grow our workforce.

Chairman MACKENZIE. Fantastic. Thank you. Ms. Jenks, in your written testimony, you discussed the prohibition on employers knowingly hiring unauthorized workers, and their obligation to examine employment authorization and identification documents for new hires.

However, you point out a flaw in the system. It is challenging for employers on their own to confirm the validity of those documents. Could you elaborate on how E-Verify provides a solution for those employers? If you can—microphone please, thank you.

Ms. JENKS. I did it. What happens is that the fraudulent documents have increasingly become better and better over the last few decades. We know that. There is a massive industry in fraudulent documents in this country, a lot of it generated by the cartels. The better the documents get, the harder it is for any average person to identify those documents as real or fraudulent.

I mean we have people in law enforcement who have studied fake documents for decades, and may still have trouble identifying a good, fraudulent document. An employer should not be expected to do that. You know, we have the I-9 system.

That was the initial version of well, we do not want you to hire illegal aliens because we know that that undercuts American workers and their wages, and it also leads to exploitation, but we recognize now that a paper system in the I-9 form is not sufficient, because that means that the employer has to be able to recognize this document that this new hire just handed over is fake.

That is just not a reasonable expectation, so by allowing the employer to type in the information into the E-Verify system on those documents, and get an almost instantaneous answer in 97.8 percent of cases, that the employer can rely on. By that, I mean that the employer who relies on that information is not going to be prosecuted. It does not mean that the worker, if the worker turns out to be illegal, that worker will still be deported, so the employer will lose that worker, but the employer will not be criminally prosecuted for knowingly hiring an illegal alien.

Chairman MACKENZIE. With that growing challenge of false and stolen identities that are being used to circumvent E-Verify, in your view, what policy changes should we make to close those gaps?

Ms. JENKS. The most important policy change at the moment is to require states to share the driver's license photos. E-Verify already has a partnership with the inlet system that allows for E-

Verify to verify the authenticity of a driver's license in, I believe, it is 44 states and jurisdictions.

There are 10 states that do not share even that information, but the additional step that is needed is to share the photo, because the only way that we are going to get at stolen identities and remember for every stolen identity there is an American or legal resident who has been victimized by that.

To get at that, we need for the employer to be able to compare the person standing in front of them, the person on the document that they provide, and then the person on the document as it was issued by the State, so that three way comparison is what is critical to getting rid of that last part of the problem with E-Verify, which is stolen identities.

Chairman MACKENZIE. All right. Thank you for that. My time is about to expire, so I am going to recognize next the Ranking Member, Ms. Omar from Minnesota.

Ms. OMAR. Thank you, Chairman. Ms. Hahn, thank you so much for joining us today. In your written testimony you outline several reasons why the E-Verify does not work the way that Committee Republicans claim it does. Could you walk us through the most significant problems with E-Verify's effectiveness?

What do you know about the system's error rates and the number of work authorized people who are wrongfully flagged or rejected from employment each year?

Ms. HAHN. Yes, thank you for the question. Mandating E-Verify nationwide would be a mistake because the system is not ready for the millions of small businesses that are not currently enrolled.

Part of what we know about who is enrolled, that 13 percent of employers who are enrolled, is that they tend to be much larger employers, so they tend to have H.R. departments and more infrastructure and capability to handle compliance requirements, unlike the smaller businesses that by and large are not enrolled, and do not have that type of in house assistance to handle the burdens.

That means that they need to do things like technology upgrades and staff trainings, and they will be facing different types of operational challenges in order to get to a point of compliance. On a nationwide level, people who have researched that have estimated that it would cost those employers collectively, billions of dollars to do that, to reach that.

Even for businesses that do comply, those companies as we have discussed already face raids and audits. It does not stop that from happening. Despite championing the system, the administration is unable to kind of give employers any real protection against the unreliability of the data.

What we do not have is good current data on the reliability of the system, and I think one thing that the Committee could focus on is getting a more current study on the error rates because the last time an independent external evaluation was conducted was in 2009.

That is a very long time ago, but if you take the error rates that they found at that time, and you apply them to our current employment numbers, our national folks participating in the workforce, in the labor force, we think that anywhere between roughly 200,000 and 520,000 people each year who are work authorized, and have

been hired and accepted an offer of employment, would be wrongfully denied because of the errors in E-Verify, the opportunity to start that job.

I know that proponents of the system will talk about, you know, it has got a 97–98 percent effective rate. The fact is that in your jurisdiction, if you have people coming to you because you were denied the ability to start a job that you had been offered, and you have work authorization, that is still not going to be an acceptable number of 97 percent.

Ms. OMAR. Ms. Hahn, do you think the Federal Government should create this kind of national data base for workers, and why does this idea give you a pause?

Ms. HAHN. Yes. I think in order for E-Verify to function properly, it would require a massive consolidation of data that does not currently exist, right? We would need State agencies and Federal agencies. We would need the photo data bases, and then in addition what we have not even talked about yet is the flaws in the SSA data base, and how those affect people in this system as well, right?

The Numident Data base, which is the name of the data base at SSA, has errors in roughly 17.8 million of its records, and including things like outdated citizenship status for foreign born workers, and lawful immigrants, and so this is the reason why there is a higher error rate and disproportionate harm to people who are naturalized citizens, or who are work authorized immigrants.

In order to correct all of those things, you would have to consolidate across Federal and State systems, a massive amount of personal data, and then it would need to be continuously updated, and you would have to link the identity information across the country, and that process is not only impractical, but it would effectively create a centralized national ID infrastructure that tracks every worker in America.

That raises some serious privacy concerns, and beyond the risk of hacking, I think it would enable the government to conduct surveillance far beyond employment verification, eroding civil liberties, and creating a tool to monitor individuals in a way that it was never intended.

Ms. OMAR. Thank you.

Chairman MACKENZIE. Thank you. Next, we will go to our esteemed Chairman of the Full Committee, Mr. Walberg from Michigan.

Mr. WALBERG. Thank you, Mr. Chairman, and thanks for holding this hearing, important subject. Ms. Andress, thank you for being here. This Committee, as you know, has jurisdiction over workforce issues, and certainly over training issues. We are keenly interested in seeing employees have their skills enhanced, and the opportunity for a fulfilling life.

You mentioned in your written statement that construction wages are 19 percent higher, which is significant, than the average for all private sector wages. However, as we know, many reconstruction jobs are not filled for lack of employees to be there. What recommendations do you have to increase the number of qualified workers, keying in on qualified workers, who can fill these good paying jobs?

Mrs. ANDRESS. Thank you so much for the question. There are multi-steps that should be taken to help grow the workforce in general, but specifically for the construction industry. Expansion of workforce development programs, starting as early as primary or elementary levels, so that children and their support systems have access to not just that construction is a career, but it is a desirable one that creates legacy, and provides for families, and as something that really you can be a part of something much larger.

It is not what people typically think that the industry is. Those workforce development programs, vocational trainings available to high school students, increasing support for trade schools, allowing them to take on more students at an earlier age as well would be supremely helpful.

Continuing to partner between schools, community colleges, 4-year programs, and providing that practical aspect to what it is that construction brings, and what that industry is. Supporting apprenticeships, mentorships, on the job trainings, all of those things are incredibly helpful to allowing individuals who do not know much about construction, but would be a great fit for the industry to be able to explore their own skills, and their own strengths, and be able to bring that into the industry.

One of the things that we have done specifically, along with a number of the firms within AGC is a really renewed investment into internship programs, and that can certainly come from 4 year degreed students who have it as a requirement, possibly, of their program, or just something that they want to have the practical training to go along with what it is that they are learning in a classroom, but that increase in internships is really a key part of what I know is helping us internally develop our workforce, and other firms are seeing that as well.

Support and policies that just promote recognition, that promote the desirability that talk about just the practical aspects that it is a high-paying career, and there is a lot of movement that individuals can have within the industry would be supremely helpful.

Mr. WALBERG. I appreciate that, and that is another reason why we are very pleased that finally we have got Workforce Pell, short-term Pell, into the One Big Beautiful Bill, which we would like to expand as well. Thank you.

Mr. GAMVROULAS, your written testimony says that most home builders do not use E-Verify. What could the program do to make it easier for home builders to use E-Verify?

Mr. GAMVROULAS. Thank you for the question, Mr. Chair. One, it would be to continue to make it very accessible. I noted in my testimony that 80 percent of the members of the National Association of Home Builders have 10 or fewer employees. To a large degree, they just do not even know that it exists. These are sole proprietors, they are general contractors, they are mom and pop operators, and that is true for both the home builders, and the sub-contractors that build our homes.

I think that that is one of the reasons why most of the members of NHB do not use it is because they just do not even know that it is there. I do think that if it were to be expanded, there would be two things. One, an education campaign, but also a phase in

program where you would start with the largest employers, and work it back and phase it into the smaller operators.

Mr. WALBERG. Okay. Thank you. Ms. Jenks, I assume that having a safe harbor for employers would benefit the use of E-Verify. You would agree, I am sure?

Ms. JENKS. Absolutely.

Mr. WALBERG. I have so many other questions, but I think what your point you made in your testimony was that while there are problems, yet the benefits of having this as a tool will work well, so my time has expired. I do not want to run the risk of using the good benefits of the Chairman, so I yield back.

Chairman MACKENZIE. Thank you, Mr. Chairman. Next, we will go to our friend from the minority, the Ranking Member, Mr. Scott from Virginia.

Mr. SCOTT. Thank you, Mr. Chairman. Ms. Address, you indicated you had many recommendations to improve the E-Verify system. Does your organization support it if those recommendations are not achieved?

Mrs. ANDRESS. Do you mind repeating the question?

Mr. SCOTT. Does your organization support mandating E-Verify, if we do not follow those recommendations and fix it first?

Mrs. ANDRESS. The system, as it is, is something that we support and recommendations to increase the accuracy and the efficacy of it would be something that the AGC would support.

Mr. SCOTT. Well, would you recommend mandating it for everybody if we do not follow those recommendations, if we do not fix it first? Would you still support the mandate?

Mrs. ANDRESS. Yes.

Mr. SCOTT. Well, you are not under subpoena. You do not have to answer.

Mrs. ANDRESS. Yes, no.

Mr. SCOTT. Mr. Gamvroulas, you indicated the small businesses are not ready for this. What do they do now?

Mr. GAMVROULAS. Thank you for the question. By and large, they do not actually use it. It has been the law in the State of Utah since 2010. The threshold for businesses initially was 15 or more employees. That threshold was increased in 2022 to 150 employees.

By and large in the State of Utah, most small businesses, which the home builders and subcontractors are by and large small businesses are actually not using it. That being said, they are still prohibited by law from knowingly using undocumented workers.

Mr. SCOTT. How do they verify whether people are documented or not?

Mr. GAMVROULAS. I do not know.

Mr. SCOTT. Okay. Ms. Jenks, if you have a very strong system, did you suggest that people might be working, as they say off the books?

Ms. JENKS. It is entirely possible that some employers would still hire illegal aliens off the books, certainly. If there is a mandate for E-Verify, that becomes much easier for law enforcement to target.

Mr. SCOTT. To target working under the books?

Ms. JENKS. Exactly.

Mr. SCOTT. Okay. Ms. Hahn, can you say something about what happened in Arizona?

Ms. HAHN. Yes. Arizona was one of the first states to enact a statewide E-Verify mandate, and what we saw is that after 5 years of that law going into effect, only a third of employers had started to use it, but more broadly the issue is that it pushes workers off of payrolls and into the informal economy.

Then that has knock-on effects, right because not just that they are no longer on the payroll, it is that the taxes are not being paid on those payrolls, and so specifically what they found in Arizona that was so interesting was that they documented that the State income tax collection had dropped by 13 percent, but the sales tax collection only fell by 2.5 percent.

What that indicated to the researchers was that the workers were still there, and they were still working, and spending money, but they were no longer paying income taxes.

Mr. SCOTT. Ms. Hahn, do we know what the error rate is on E-Verify?

Ms. HAHN. We have 2009 data on the error rate. It is, I think, not the current error rate, but we do not have publicly available current data on the error rate. At the time what the 2009 data said that the overall error rate for what are called tentative non-confirmations, which is the initial check that the system conducts, were .3 percent.

It sounds low until you start thinking about that is 200,000 people in the country.

Mr. SCOTT. It means false positives?

Ms. HAHN. Those are people who yes, are—well, people mean different things by false positive, so just to be clear, those are people who are authorized to work, and the system is saying they are not.

Mr. SCOTT. 3 percent?

Ms. HAHN. Yes.

Mr. SCOTT. Okay. Does anybody have different numbers? Okay. Thank you Mr. Chairman.

Chairman MACKENZIE. Thank you. Next, we will go to Mr. Fine from Florida.

Mr. FINE. Well, thank you, Mr. Chairman. I want to start by saying I think illegal immigrants are a scourge in this country. I am going to walk through why before I get to my questions. I think what we heard a lot of misstatements here about correlation leading to causation. No. 1, illegal immigrants undercut American wages. They do by definition because they cannot work on the books.

As a result they have to work off the books, and so that is true that taxes are not being paid, benefits are not being provided, and that, unlike what Ms. Hahn said, that is what leads to more legal workers working off the books, because in order to be competitive in the job market, companies begin to hire legal workers off the books in order to have them in addition to their illegal workers.

That is what I have heard from my constituents who are in the construction business back home. They say how can I possibly compete for contracts following the rules, when I have to compete with those who do not? No. 1, illegal immigrants undercut the wages of American workers.

No. 2, they do not pay taxes. Again, they are off the books. Then No. 3, they cost a fortune. When an illegal immigrant goes to the

hospital, we pay for it because they cannot have health insurance. When an illegal immigrant sends their child to school, we pay for it because they are not paying those taxes.

When an illegal immigrant drives a car for example, in my State of Florida, and they cause an accident, that causes expenses to Americans who have higher auto insurance rates because they effectively have to pay for the insurance of those illegals.

I have a view that we should deport every single illegal immigrant in order to solve these problems, and I am always amazed by the fetishization that I hear on the other side toward these folks. The fact that people are not using E-Verify, means that we need to push them to use it more, and we need to increase the penalties to do it because that is what will increase the situation.

If we want people to be trained so that they can take the jobs that illegal immigrants are taking, we need wages to go up. We need to stop competing with illegal immigrants. I do not disagree that many industries are reliant on illegal immigrant labor today. We need to fix that by sending the illegal immigrants home.

I have a question for Ms. Jenks, this hearing is about E-Verify, but I want to take a step back. This did not just come out of the blue. It was done for a reason. Why did Congress find it necessary to create an E-Verify system?

Why did they think it was important? Did they just sort of wake up 1 day? Why did they think it was necessary to require employees to only knowingly hire authorized workers, and then to impose sanctions on employers who failed to comply. What led them to do this?

Ms. HAHN. It was first made illegal to hire an unauthorized worker in the 1986 Immigration Reform and Control Act. It had been talked about by various Commissions and Members of Congress and so on for years and years prior to that, but they actually did it in 1986, and created the I-9 form, the paper system for employers to try to, you know, show that they were only hiring legal workers.

The result of that was a massive industry in fraudulent documents. As a result of that industry in fraudulent documents, and specifically a recommendation by Barbara Jordan, the Chairwoman of the Commission on Immigration Reform, created by the 1990 Immigration Act, Congress, Lamar Smith actually, who was the Chairman of the Immigration Subcommittee of the Judiciary Committee at the time.

By the way, today is his birthday, so it is very fitting that we are having this hearing today, and he will kill me if he hears me say that. He added this—the basic pilot program, this verification system that became E-Verify into the 1996 illegal immigration reform and Immigrant Responsibility Act.

It has evolved since that initial pilot program, which was very strictly limited to certain employers in five states, and then went nationwide in 2005. By the way, as a small business, our company employs five full-time workers, we use E-Verify, and I can tell you that it works in that the very first person I put through the system I actually hired from ICE, and did not expect a tentative non-confirmation for, and got one, and went to her with the letter that it told me to print out to hand to her.

She said oh yes, I forgot to change my name with the Social Security Administration. She went over lunch and did that at the Social Security Administration in Washington, DC, came back, you know, still from her lunchbreak, and it was fixed. I ran her again and it was perfect.

Mr. FINE. Thank you. Well, thank you. Look, this is a scourge. We need to be using E-Verify more because we need to deport every single illegal immigrant in this country. Thank you Mr. Chairman, I yield back.

Chairman MACKENZIE. All right. Next, we are going to go to Mr. Messmer from Indiana.

Mr. MESSMER. Thank you, Mr. Chairman. Thank you to all of our witnesses for being here today. Ms. Andress and Mr. Gamvroulas, my home State, Indiana, requires State agencies, local governments and State contractors to use E-Verify, which not only ensures their workforce is authorized, but sets an example that employers should hire legal workers.

Could you discuss the legal requirements for your companies to use E-Verify, and would you say that meeting those requirements to participate in E-Verify is straightforward?

Mrs. ANDRESS. I guess I will start. Thank you for the question. Yes, it is straightforward to answer the second part of what you said. The legal requirements are that we are a Federal contractor, and so we are required to use E-Verify, and for consistency across all of our hiring practices, we do it for all of our hires across the U.S.

Mr. GAMVROULAS. Thank you for the question. I would concur with that. We have found that it is straightforward, fairly easy to use, and as I mentioned in my comments in 15 years we have only had two tentative non-confirmations, so identify mismatches out of the literally hundreds of people that we have hired as direct employees.

Mr. MESSMER. Thank you. Ms. Jenks, the E-Verify Program helps employers ensure they are hiring authorized lawful workers. How does E-Verify also benefit American workers who should not have to compete for jobs with unauthorized workers?

Ms. JENKS. Yes, that is absolutely critical for protecting American workers because we know that the law of supply and demand applies to the economy, you know. If you flood the labor force with workers, whether they are low-skilled, high-skilled, medium-skilled, whatever, you are going to reduce wages.

When we have flooded the labor force with illegal aliens, we have reduced wages for American workers. They have to compete with people who understandably are willing to work for less, willing to take fewer benefits, willing to cut corners on safety compliance and all of that.

American workers should not have to compete against illegal aliens.

Mr. MESSMER. Thank you. There has been several articles about workers using fraudulent documents that E-Verify did not catch. How could E-Verify be improved to reduce the fraud?

Ms. JENKS. Yes. That is—it is an important improvement that is needed, and that is again to share for the states to share driver's license photos with E-Verify. I want to point out there is no E-

Verify data base. There is not an E-Verify data base. E-Verify is an internet system that pings DHS data bases, and social security data bases. There is no, you know, centralized data base for all the workers in the United States.

Sharing State driver's license photos would not change that. We are not talking about National ID Card or registry, or anything like that. This is a system that pings existing data bases.

Mr. MESSMER. Okay, thank you. Last Congress the House Republicans passed the Border Act of 2023, the Secure the Border Act of 2023, to fix some of the glaring issues facing our immigration system today. How would you recommend if we implemented the E-Verify on a national scale, and how would you recommend we roll it out, and what would you say are the most important features to keep?

Ms. JENKS. I think that the legislation that was the E-Verify legislation that was included in the Secure the Border Act is the right legislation. It has been carefully crafted. It was actually negotiated with the business community, specifically to provide the, you know, single, Federal system so they don't have to navigate 50 different State laws on E-Verify.

It is a rollout based on the size of the company. It is the most straightforward, most employer friendly, and most American worker friendly version of mandatory E-Verify, and it should be enacted. It was voted on by the House as you said, last Congress. It should be voted on again.

Mr. MESSMER. Okay, thank you. Thank you for your responses, and I yield back the rest of my time.

Chairman MACKENZIE. Thank you. Next, we will go to Mr. Takano from California.

Mr. TAKANO. Thank you, Mr. Chairman. I am just curious Ms. Andress, do you believe that there is a labor shortage in this country, or do we have enough workers, or do we have too many workers?

Mrs. ANDRESS. I think there is an acute labor shortage, specifically within the construction industry.

Mr. TAKANO. I am a little confused by Ms. Jenks' testimony that, you know, wages are being driven down by undocumented workers in the context of a labor shortage, so you know, but anyway, I want to go to Ms. Hahn. Ms. Hahn, one study for the Cato Institute estimates that E-Verify failed to stop nearly 12 million unauthorized workers from being hired between—since 2006 and 2019, while only stopping 3 million.

That is a 20 percent success rate. Can you tell me why E-Verify is so bad at accomplishing its core mission, its core purpose? What is happening under the hood that explains such a poor success rate?

Ms. HAHN. Thank you for the question. Yes, it is true. The Cato study in 2019 found that between 2006 and 2019, they blocked 3 million unauthorized hires, and allowed 12 million through. At the starting point that is showing that the system is failing on its own terms, on its own stated intent.

It is designed to prevent illegal employment, but they confirmed 86 percent of unauthorized hires just in the year 2018 alone, and the effectiveness has declined as workers have learned how to by-

pass the system, using borrowed identities. Despite billions in compliance costs, and the political emphasis on enforcement, the program really has not put a dent in unauthorized employment.

It has imposed burdens on employers, as well as the lawful workers who faced these erroneous non-confirmations, and one thing I will just add is that if you look at the data in the states where E-Verify mandates have been enacted, the population of undocumented immigrants in those states does not decline by large, you know, by and large in the time after those State laws are enacted.

Again, it is what E-Verify does, is it drives people off the books. It does not—

Mr. TAKANO. Drives them off the books, and if we were to do a national mandate, we can assume that it is not going to necessarily have an impact on—if we follow what the State, you are suggesting that the State data would point to a Federal mandate, not being a solution to reducing the amount of undocumented.

Ms. HAHN. That is correct.

Mr. TAKANO. They just drive people off the books. Okay. In June, immigration—and by the way, is Cato a crazy liberal, radical socialist?

Ms. HAHN. There are a number of issues on which the National Immigration Law Center and Cato have very different views.

Mr. TAKANO. Yes.

Ms. HAHN. This is one issue where we do actually share.

Mr. TAKANO. All right. We could say that CATO is, you know, has no—there is not a sense that they would put out flawed data, or ideologically motivated information on this particular issue. In June, immigration authorities raided a meat packing plant in Omaha, Nebraska for hiring undocumented workers, despite the employer using E-Verify.

When the President of the plant said as much as to the immigration officers during the raid, they, they immigration officials, told the plant manager that E-Verify, the E-Verify system is “broken.” In August, a police department in Maine was caught hiring an undocumented worker for his police force, despite using E-Verify.

In response, the Trump administration’s own spokesman for the DHS, called the usage of E-Verify, “reckless,” saying, “It -- the Orchard Beach Police Department’s reckless reliance on E-Verify violates Federal law, and does not absolve them of their failure to conduct basic background checks to verify legal status.”

My views on the brutality and incompetence of the Department of Homeland Security’s tactic aside, it seems that even the Trump administration acknowledges the inaccuracy of the E-Verify system. Ms. Hahn, why has DHS all of a sudden come out against E-Verify?

Ms. HAHN. That is a good question. I do not know. It does not make sense to me that they could be on the one hand telling everyone that this is the system that they want employers to enroll in. They have a program called IMAGE that E-Verify is part of, and they are trying to encourage employers to voluntarily enroll through that program.

At the same time, you know, the incident in Old Orchard Beach, Maine, this is a small beach town in Maine that hires seasonal police officers in the summer because they have an influx of people

to the beach. The town manager, and the head of the police department went on national news and said, "This is the system that we have been offered. If there is another system that we should be aware of that you would like us to use, please tell us what it is." They complied with the law.

Chairman MACKENZIE. We are going to—time has expired, so we will go to our next questioner, Mr. Grothman from Wisconsin.

Mr. GROTHMAN. Thank you. I want to talk to Mr. Gamvroulas. I used to be in the State Legislature, and there are certain lobbyists you get used to showing up in your office, and I got to know the lobbyist for the local carpenters union very well. Again and again, he would come into the office and scream about we had to do more about all these carpenters who got employer ID number, and were working, and undercutting the local carpenters.

OK. This was a routine theme of the Democratic party. We have got to be out here. We have got to be more aggressive. We have got to get rid of these 1099s, in which they are driving down wages. Why and when did the Democratic party go from saying that above all we could not have—above all we had to prevent these people coming in this country and working, and undercutting American labor.

Today, when it seems to me, they want more and more people in this country. Could you speculate on what happened in the interim there?

Mr. GAMVROULAS. I cannot. I appreciate that. Neither our company, or the NHB wants to speculate on when that happened with the Democrat party. What I can speak to is the experience that we have had, and the interest of the National Association of Home Builders to have a legal workforce.

Mr. GROTHMAN. Okay. Ms. Andress, do you have a comment on how that could have happened? How I mean we have gone from 180-degree turn here in which all of a sudden the Democrats are doing all they can to drive down the cost of labor?

Mrs. ANDRESS. I too, have no comment on that.

Mr. GROTHMAN. Ms. Jenks, or Ms. Hahn, we will go to Ms. Hahn. Say what happened between when I was in the State Legislature 15 years ago and like the No. 1 goal of the Democrats and the carpenters union was to make sure we did not have all these illegals running around, or immigrants running around.

Today when it seems to me the goal is to get more immigrants as possible.

Ms. HAHN. I am sorry, I cannot comment on behalf of the carpenters union, or the Democratic party.

Mr. GROTHMAN. It is kind of a—okay.

Ms. Jenks.

Ms. JENKS. Yes, I would be happy to comment. The biggest shift that we have seen is that the unions in general, not any specific union, but the unions in general decided that protecting American workers was no longer the goal because getting membership dues was more important, and so to increase membership dues, including from illegal aliens, and other immigrant workers, or non-immigrant workers, they would change their position.

I mean the unions used to be the strongest advocates against amnesty and against illegal immigration, and that flipped.

Mr. GROTHMAN. Okay. Well, hopefully somebody will step forward and look out for the average guy, oh, you already did. The guy by the name—I am trying to help out right now, Mark Rile was the lobbyist back for the Wisconsin carpenters.

I will ask you—I will give you a question. One of the reasons housing costs today are through the roof is we do not have enough people who are electricians or plumbers, or what have you. Can you give us any ideas as to how—and I am afraid the cost of a house will continue to be high because we do not have enough people in the pipeline, and we should have seen it coming.

Ten years ago it seemed like all the plumbers and electricians were 60 years old, so we should have seen this coming. I think schools were giving young kids very bad information. Can you think of any way we can kind of quickly get more qualified construction workers in the workforce?

Mr. GAMVROULAS. Yes. As has been stated, strong domestic and foreign-born workers, and skilled training. I will take you to one of our jobsites, and you will see a lot of very skilled labor. It is estimated that as much as 30 percent of the workforce on home building sites in the U.S. are foreign born workers.

We need to—

Mr. GROTHMAN. Really quick, I will ask you because I am running out of time. What does a plumber or carpenter with 5 years' experience, what can you expect that they will make today?

Mr. GAMVROULAS. Oh, they will make just under six figures if they have got 5 years of experience.

Mr. GROTHMAN. Just under six figures for a carpenter?

Mr. GAMVROULAS. That is correct.

Mr. GROTHMAN. For a plumber, probably more, huh?

Mr. GAMVROULAS. The skilled labor for sure.

Mr. GROTHMAN. Well, I hope they have a lot of young people listening, so they do not make the mistake of going to college. Thank you.

Chairman MACKENZIE. Thank you, and with that our members have concluded questioning. I want to thank all of our testifiers here today. The time has expired, but we will certainly welcome any comments for the record, so if you would like to submit those, we will make sure that those get into the record. With that, we are going to head to closing remarks. I would like to recognize our Ranking Member for her closing statement.

Ms. OMAR. Thank you, Mr. Chairman, and thank you again to our witnesses for speaking with us today. Over the past 2 months when Republicans shut down the government, working families have been feeling the sting of a slowing job market. Higher prices for food, gas, and unaffordable healthcare.

Instead of returning to Congress to address the economic issues facing the American people, we wasted this morning discussing and outdated and ineffective program that does nothing to lower everyday costs, improve job quality, or make workplaces safer and fairer.

E-Verify would pile more paperwork and liability onto small businesses, exasperate hiring discrimination, and deny qualified American job opportunities due to system errors. No one is stopping businesses from choosing to use E-Verify. Most do not bother

with it because of its rampant problems. Working families and small businesses are not asking for E-Verify.

They are asking for higher wages, paid leave, access to quality, affordable healthcare and childcare. It is our duty to step up and deliver effective solutions to these problems on behalf of our constituents, and build an economy that works for everyone. With that, thank you, and I yield back the rest of my time.

Chairman MACKENZIE. Thank you, and again I would like to thank all of our witnesses for testifying in today's hearing. The topic of E-Verify is a very important one for America's workforce, and after 4 years of massive inflation during the Biden administration that absolutely crushed working families, I cannot think of a better topic to focus on than figuring out how we can raise American wages.

What we see with the exploitation of illegal immigrants who are unauthorized to work in this country, is that they are being taken advantage of, being paid under the table, being paid substandard wages. That is wage theft. That is something we should be focusing on, on this Committee. Wage theft of any employee, any worker in this country who is authorized to be here.

That is something we should focus on. Then when it comes to all of the American workers who are out there, again, after being crushed with higher prices and massive inflation for 4 years during the Biden administration, we want to figure out how to raise American wages. The way that we can do that is by focusing on things like E-Verify.

This testimony today was very informative. We have heard about the ways that we can actually improve the system. One thing that came up during minority questioning was that 3 million illegal immigrants were blocked from getting hired.

That is a fantastic thing. That is incredible that we stopped 3 million people from being unauthorized to work in this country, stealing American wages, taking American jobs, that's great. That is a good thing that this system did, and we should be thankful for the fact that that occurred.

The problem exists. The 12 million illegal immigrants were taking American wages and American jobs, so we should be figuring out solutions to that problem. How do we address that? The minority wants to again be in the 20 percent minority. This is an 80/20 issue. People will support American workers. American wage increases every single day against illegal immigrant labor that is stealing from them.

They are stealing American wages, stealing American jobs, stealing taxpayer money, and the Democrats want to do nothing about that. That is what we heard today. We have an obligation to stand up for the American worker, and this Workforce Protections Subcommittee does that responsibility at every single hearing.

We take it very seriously, and E-Verify is something we should expand upon as we move forward. We are going to continue to stand with American workers, as we move forward, continue to increase American wages, and I want to thank all of you patriots for being here today, testifying on behalf of your employees and the American workers, who rely on all of us to get these things right to protect them in their jobs every single day.

With that I will conclude, and I want to say thank you again, and enjoy the rest of your day. With that, this Subcommittee is closed, and we are adjourned.

[Whereupon, at 11:33 a.m., the Subcommittee was adjourned.]

[Additional submissions from Representative Scott follows:]

AFL-CIO

— STATEMENT FOR THE RECORD —

House Education and Workforce Subcommittee on Workforce Protections Hearing

E-Verify: Ensuring Lawful Employment in America

Wednesday, November 19, 2025

The AFL-CIO is a federation of 64 affiliated unions representing more than 15 million workers across all sectors of our economy. Our members work in every state in the nation and they come from every region of the world. Like the workforce as a whole, our membership consists of people with all types of immigration status. Together, we strive to ensure that every person who works in this country receives decent pay, good benefits, safe working conditions, and fair treatment on the job.

The labor movement is united around a comprehensive approach to immigration reform and labor law enforcement that lifts standards for all workers. To have a functioning immigration system, we need an employment eligibility verification mechanism that holds employers accountable and respects workers' rights. E-Verify in its current form falls far short of that mark. The system has shown persistent error rates and affords insufficient privacy and due process protections, opening the door to discrimination and retaliation.

All too often, employers are able to evade mechanisms like E-Verify and use them as tools to bust unions and chill the exercise of workplace rights. These threats are even more severe now that this administration has stripped nearly two million people of work authorization, dismantled the National Labor Relations Board and driven out critical staff at the Department of Labor and the Equal Employment Opportunities Commission. The combination of expanding pools of vulnerable workers and gutted resources for labor enforcement agencies create an environment in which E-Verify can be used by employers to retaliate against workers for engaging in protected activity with impunity.

Congress must address these core concerns and ensure that workers have strong and enforceable legal remedies against employers who violate labor laws and misuse the system. Congress must ensure that our labor enforcement agencies have the resources they need to monitor compliance and respond quickly and effectively to worker complaints. The immigration verification process must be taken out of the hands of employers, and employers who fail to use the system properly must face strict liability.

Any expansion of E-Verify without addressing these fundamental issues will hurt working people. It will result in continued errors that cost workers their jobs, increase misclassification of workers as independent contractors, and push working people deeper into the shadow economy, further undermining our freedom to join together and fight to raise wages for all.

We call on lawmakers to create labor policies that lift wages and standards for all workers by ensuring that there are fully funded and functional labor agencies to protect workers' rights and creating a path to citizenship for all those whose labor helps our country to prosper. By comparison, expanding E-Verify, a flawed mechanism that fails to ensure basic worker protections, will only embolden abusive employers to discriminate and retaliate against hard-working people.

[Additional submissions from Representative Walberg follows:]



**TRUEBLUE, INC. STATEMENT FOR THE RECORD FOR THE NOVEMBER 19, 2025
HEARING ON “E-VERIFY: ENSURING LAWFUL EMPLOYMENT IN AMERICA”**

Thank you for the opportunity to submit this Statement for the Record regarding the November 19, 2025 hearing on “E-Verify: Ensuring Lawful Employment in America.” I am writing to you on behalf of TrueBlue, Inc., one of the largest staffing solution companies in the United States. We support efforts to strengthen E-Verify as a cornerstone of fair labor practices and immigration compliance and as a method to create a level playing field for all employers, while safeguarding businesses that act in good faith.

TrueBlue & E-Verify

TrueBlue was founded as a force for good, as a place to not only get people off the street corner and connect them to work but also to ensure they have the workplace rights and protections everybody deserves. We also give business clients certainty and confidence with our thorough screening and hiring practices and by providing flexible workforce solutions that let them focus on core operations and growth instead of constant recruiting and onboarding.

We help individuals who face barriers to employment by offering flexible schedules and a range of entry-level and general labor positions. This includes long-term unemployed individuals, minorities, veterans, and those re-entering the job market. Our recruiters partner with community colleges, unemployment centers, and organizations like Goodwill to reach these populations.

TrueBlue provides a variety of specialized workforce solutions, including temporary staffing, workforce management, and recruiting. At TrueBlue, our temporary worker-associates learn and strengthen their skills as well as pursue paths to permanent placement. In 2024, TrueBlue connected 336,000 people to work in industries such as high-skilled construction, transportation, waste, hospitality, retail, energy, health care, and manufacturing.

TrueBlue was an early adopter of E-Verify and one of the first members of ICE’s IMAGE program. We take measures to ensure each employee is eligible to work in the United States, including training our personnel to recognize fraudulent versus authentic identification documents required for completing the Form I-9.

The Challenge

Employers across the country face a dual burden: complying with complex immigration laws while meeting workforce needs; and competing against employers who knowingly hire unauthorized workers, driving down wages and creating unfair advantages.

Since 1986, employers have been required to verify work authorization through the documentation required to complete Form I-9. However, visual inspection alone cannot guarantee authenticity, and fraudulent documents remain a persistent challenge. E-Verify addresses this gap by electronically confirming employment eligibility against federal databases.

Our Two Recommendations

To help address these ongoing challenges, we recommend the Subcommittee consider adopting the proposed policies below:

1. Require All Employers with More Than 50 Employees to Use E-Verify

Nationwide adoption for employers with more than 50 employees would:

- Level the playing field for law-abiding businesses.
- Protect American workers from wage suppression caused by unauthorized employment.
- Reduce identity fraud through real-time verification.

Legislation such as the *Legal Workforce Act* and similar proposals have outlined phased implementation strategies for mandatory E-Verify, demonstrating feasibility for businesses of varying sizes.

2. Establish a Safe Harbor for Employers Using E-Verify in Good Faith

Employers who comply should not live in fear of punitive enforcement when they have followed the law. We urge Congress to create a statutory safe harbor that protects employers from immigration-related penalties when:

- They use E-Verify for all new hires.
- They exercise due diligence by ensuring documentation “reasonably appears to be genuine and relates to the individual.”

This safe harbor would encourage broader adoption of E-Verify, reduce litigation risk, and allow enforcement resources to focus on willful violators—not businesses acting in good faith. Similar provisions have appeared in prior legislative proposals, recognizing that compliance should be incentivized, not punished.

We thank you for your leadership and are happy to serve as a resource on how employers use E-Verify and other workforce matters.

Sincerely,

/s/ Garrett Ferencz

Chief Legal Officer/General Counsel

[Questions and responses submitted for the record by Ms. Rosemary Jenks follows:]



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January 6, 2026

Rosemary Jenks
Cofounder and Policy Director
Immigration Accountability Project
3205 13th Rd. S.
Arlington, VA 22204

Dear Ms. Jenks:

Thank you for testifying at the Subcommittee on Workforce Protections hearing on "E-Verify: Ensuring Lawful Employment in America," held on November 19, 2025. I appreciate your participation.

Enclosed are additional questions submitted by a Committee member following the hearing. Please provide written responses no later than January 26, 2026, for inclusion in the hearing record. Responses should be sent to Kane Riddell of the Committee staff, who may be contacted at (202) 226-3873.

Thank you again for your contribution to the work of the Committee.

Sincerely,

Ryan Mackenzie
Chairman
Subcommittee on Workforce Protections

**Questions for the Record from
REPRESENTATIVE GLENN GROTHMAN**

**Committee on Education and Workforce
Workforce Protections Subcommittee hearing titled “E-Verify: Ensuring Lawful
Employment in America”**

**Wednesday, November 19, 2025
10:15 A.M.**

**Question(s) for Rosemary Jenks, Co-Founder and Policy Director, Immigration and
Accountability Project**

1. In your written testimony, you emphasize that E-Verify is a critical tool for deterring illegal immigration to the United States. Could you explain in more detail why E-Verify is such an important component of United States immigration policy and how it strengthens the integrity of our legal workforce?
2. Your written testimony also notes that cartels earn billions of dollars each year smuggling individuals into the United States by promising that they will easily find work once they arrive. You argue that cutting off access to illegal employment is one of the most effective ways to reduce the cartels’ influence and financial power. How would a mandatory nationwide E-Verify system reduce the incentive to cross the border illegally and weaken the cartels that profit from human smuggling?
3. Recent public reports involving ICE worksite enforcement actions have unfortunately confirmed that some companies in this country continue to hire illegal immigrants and foreign workers whom they know, or should know, do not have legal work authorization. Companies that engage in this practice undermine American workers by depressing wages and displacing lawful employees. These employers also shift labor costs onto the American taxpayer, because many of the off the books workers they hire end up on Medicaid or other public assistance programs. Would a mandatory E-Verify requirement help correct this problem by ensuring that employers cannot knowingly or negligently hire illegal workers, and would it help restore a level playing field for American workers and responsible employers?

Answers submitted by Rosemary Jenks, Cofounder and Policy Director of the Immigration Accountability Project, in response to the questions submitted for the record by Rep. Glenn Grothman.

1. In your written testimony, you emphasize that E-Verify is a critical tool for deterring illegal immigration to the United States. Could you explain in more detail why E-Verify is such an important component of United States immigration policy and how it strengthens the integrity of our legal workforce?

E-Verify is the linchpin of a comprehensive strategy to reduce illegal immigration because it targets the primary driver of illegal entry: the employment magnet. Most illegal aliens enter the United States for economic opportunity. Illegal aliens perform a rational cost-benefit analysis before coming to the United States. If they believe that a U.S. job will be easily found and will pay enough to recoup the costs of the journey (including smuggling fees), send funds home to family, and survive in America, then the benefit is worth the risk of apprehension. If the benefit of easily obtainable jobs is removed, on the other hand, the costs of the journey and the risk of apprehension may outweigh the potential rewards, deterring them from coming at all.

E-Verify is the next logical step beyond the 1986 "I-9" system, which relied on employers—who are not document experts—to manually verify the validity of employee paperwork. The widespread availability of fraudulent documents makes this an impossible task for employers, especially when combined with the threat of discrimination-based lawsuits. E-Verify allows employers to confirm information against Social Security Administration (SSA) and Department of Homeland Security (DHS) records virtually instantaneously and, importantly, to rely on that confirmation.

The E-Verify system continues to demonstrate high levels of efficiency and accuracy as it scales to meet increasing state mandates and voluntary employer enrollments. The vast majority of employees (98.5 percent in FY 2024) are verified nearly instantaneously, confirming that the system effectively identifies authorized workers with minimal disruption to the hiring process.

2. Your written testimony also notes that cartels earn billions of dollars each year smuggling individuals into the United States by promising that they will easily find work once they arrive. You argue that cutting off access to illegal employment is one of the most effective ways to reduce the cartels' influence and financial power. How would a mandatory nationwide E-Verify system reduce the incentive to cross the border illegally and weaken the cartels that profit from human smuggling?

A mandatory nationwide E-Verify system would strike at the core of the business model used by international smuggling cartels. Cartels generate [billions](#) of dollars on the promise that illegal aliens will easily find employment upon arrival. If E-Verify is made

mandatory, this promise becomes demonstrably false, significantly reducing the "marketability" of the cartels' services to prospective illegal aliens. Word of the new, restrictive employment situation in the United States would travel around the globe virtually instantly and would dramatically shift the cost-benefit analysis mentioned above.

Furthermore, many illegal aliens arrive in the United States in debt to cartels. By cutting off access to the legal workforce, mandatory E-Verify would severely limit the ability of these individuals to pay off smuggling debts. Not only would this reduce the alien's willingness to take on a smuggling debt, it would reduce the cartels' willingness to front the cost of the journey. Limiting the clientele of the cartels to only those who can pay up front and who don't need a job to survive in the United States would reduce both the revenue streams and the financial power of the cartels.

3. **Recent public reports involving ICE worksite enforcement actions have unfortunately confirmed that some companies in this country continue to hire illegal immigrants and foreign workers whom they know, or should know, do not have legal work authorization. Companies that engage in this practice undermine American workers by depressing wages and displacing lawful employees. These employers also shift labor costs onto the American taxpayer, because many of the off the books workers they hire end up on Medicaid or other public assistance programs. Would a mandatory E-Verify requirement help correct this problem by ensuring that employers cannot knowingly or negligently hire illegal workers, and would it help restore a level playing field for American workers and responsible employers?**

Mandatory E-Verify is essential to creating a level playing field for both American workers and law-abiding businesses, as well as for protecting the American taxpayer. It is well established that unscrupulous employers use illegal labor to reduce wages and benefits. This means that Americans and other legal workers have to compete for jobs at substandard wages and with poor working conditions. If these legal workers can't make ends meet at the wage levels suppressed by illegal workers, they are more likely to rely on public benefits. Similarly, the illegal workers will turn to public assistance to fill the gaps caused by low wages. American taxpayers, then, bear the costs of both the displaced American workers, as well as the illegal workers. "Cheap labor," it turns out, is only cheap for the unscrupulous employer, not for society.

Similarly, unscrupulous employers undercut their law-abiding competitors by hiring illegal labor at reduced wages and ignoring safety or benefit standards. An employer that hires illegal aliens can underbid an employer that hires only legal workers, and potentially even put that law-abiding employer out of business. In the absence of mandatory E-Verify, diligently following the law is a competitive disadvantage. That is untenable in a nation built on the rule of law.

