



May 13, 2025

The Honorable Mark Johnson, Chair
Ohio House of Representatives
Commerce and Labor Committee
Room 018
77 South High Street
Columbus, OH 43215

Proponent Testimony in Support of HB 246

Dear Chairman Mark Johnson, Vice Chair Beth Lear, Ranking Member Lauren McNally and other distinguished Members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement for FAIR, the Federation for American Immigration Reform. On behalf of our members and supporters, I am writing to express FAIR's support for House Bill (HB) 246 which would require contractors engaged in state or local public works construction, as well as non-residential construction contractors, to use E-Verify to ensure a legal workforce.

FAIR is a non-profit organization that believes our immigration laws must be reformed to serve our nation's interests. Founded in 1979, FAIR has three million members and supporters nationwide including approximately 13,000 in Ohio.

Already, 8 USC 1324(a) makes it unlawful for an employer to hire an individual for employment without attesting that he/she has verified documents establishing the identity of the individual and verifying employment authorization. The E-Verify program simply ensures that these criteria are met. Therefore, it appears that one reason some employers prefer the paper I-9 employment verification process over the electronic E-Verify system would be a willful desire to ignore potentially fraudulent identity and work authorization documents.

Americans lose out on millions of job opportunities every year because companies seeking cheap labor choose to fill positions with illegal aliens. Since most illegal aliens come to the United States from impoverished countries with failing economies, the vast majority are willing to work for any remuneration they consider reasonable, even though the wage offered may be significantly below the market rate or even below legal minimum wage. Unscrupulous employers regularly exploit illegal alien laborers to cut their costs and increase their profits.

Moreover, Pew Research found in 2022 approximately 8.3 million illegal aliens participated in the US labor force, and, according to FAIR's 2023 Cost Study at least 25 percent of those operate in the "underground economy" – that is, they work "under the table." These individuals are not authorized to work in the United States and their employers do not comply with applicable immigration, safety, wage and hour, and tax laws. In most cases, the employer and the illegal alien willfully collaborate to violate the law. In others, employers rely on weak employment verification requirements and voluntarily turn a blind eye to questionable identity and immigration documents.

For nearly three decades, the United States has had a simple, effective tool that would virtually eliminate the employment of illegal aliens. The E-Verify system was created in 1997 to provide business owners with a fast, easy, accurate and free way to ensure that they are compliant with federal immigration law. It works by allowing employers to electronically and instantly check the legal work status of their newly hired employees.

To appreciate the ability of the E-Verify system to accurately screen out unauthorized alien applicants for employment, one needs to understand how E-Verify operates. In fiscal year 2024, 98.49 percent of all employees that were entered into the program were confirmed as work authorized. Out of the 43,495,876 total cases, 42,766,806 (98.32 percent) were automatically or within 24 hours confirmed as work authorized. There were only 1.68 percent that received an initial mismatch and of those, .17 percent were later confirmed as work authorized. This contrasts with the current I-9 employment verification process system which essentially amounts to the "honor system" – hoping prospective employees won't use fraudulent documents and employers will catch them if they do—which essentially has a 100 percent chance of missing at least some unauthorized applicants.

Moreover, E-Verify is a shield against the widespread dangers of identity theft because a prospective employee's full name, Social Security Number, date of birth, gender and photo ID must all match. Almost all employment-related identity theft is SSN-only fraud: according to a Social Security official, "[n]inety-eight percent of Social Security-related ID theft cases involve people who use their own names but invent or steal their numbers."

In addition to its effectiveness in verifying work authorization, E-Verify is rated very highly and positively by employers who use it. In a 2021 survey of customer satisfaction by CFI Group, E-Verify received an average score of 88 out of 100 from all new and existing users. Moreover, E-Verify is operated and maintained by the federal government, in a partnership between the Department of Homeland Security and the Social Security Administration. It costs nothing for an employer or prospective employee to use. Likewise, it costs nothing to the states that require it.

As an organization, FAIR uses the E-Verify system to ensure its employees are work authorized. According to FAIR's Director of Human Resources, the process is simple. Employee information is entered into the system. If the employee is work-eligible, FAIR is immediately provided with a case verification number and told the case is closed. In the six years the current director has submitted information into the E-Verify system, there was only one instance where an individual was not immediately verified. In that instance, it took a day to corroborate work eligibility and once verified, the case was closed.

While opponents of E-Verify may argue that it is federally preempted, the U.S. Supreme Court in 2011 in *Chamber of Commerce v. Whiting*, 563 U.S. 582, upheld Arizona legislation that required all employers, public and private, to use E-Verify.

With 7.9 percent of the U.S. workforce currently unemployed or underemployed as of March 2025, those who are lawfully permitted to work in this country deserve every opportunity to find jobs without competing against illegal aliens willing to work for sub-standard wages. Requiring employers to use E-Verify is therefore smart public policy because it not only protects employers from violating the law – it protects American workers from unfair job competition and wage depression.

For the aforementioned reasons, FAIR urges you to favorably pass HB 246. Please do not hesitate to reach out to me if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall

Director of State and Local Engagement