



To: Members of the Pennsylvania House of Representatives
From: Sam Denisco, Director, Government Affairs
Subject: **Oppose House Bills 1502 and 1503**
Date: June 8, 2010

On behalf of our thousands of statewide member businesses- from Fortune 100 companies to sole proprietors- the Pennsylvania Chamber of Business and Industry asks you to oppose HBs 1502 & 1503 which would mandate employers to use e-verify for public works contracts and the construction industry respectfully.

The Chamber opposes both bills on the basis that both bills are preempted by federal law. Federal law expressly preempts any state or local law imposing civil or criminal sanctions. HB 1502 imposes a debarment sanction for violations of the act. HB 1503 imposes a highly punitive and unprecedented penalty of a charter revocation. Both sanctions are analogous to a sanction that is reserved for the federal government.

The question of whether states can mandate the use of e-verify is currently on appeal to the US Supreme Court. The Obama Administration has submitted a brief asking the court to strike down the Arizona e-verify statute. The challenged Arizona law, *US Chamber of Commerce, et al. v. Candelaria*, which went into effect on January 1, 2008, requires businesses to use the federal E-Verify pilot program to electronically verify employees' eligibility to work. Businesses that fail to comply with the program are subject to heavy sanctions.

The Chamber supports comprehensive immigration reform at the federal level. What we oppose is a patchwork of state and local laws requiring employers to use a system that Congress said must be voluntary. Until the courts provide clear direction on the states' role in immigration enforcement, it is pre-mature for the Pennsylvania legislature to advance this legislation.

If you have any questions or concerns please contact Sam Denisco at 717-720-5431 or sdenisco@pachamber.org.

