



The Associated General Contractors of America

Comprehensive Immigration Reform Needed

Background:

- ❑ AGC is a supporter of comprehensive immigration reform that address our nation security as well as our economic security. In the last Congress, the House and the Senate both passed immigration bills. AGC opposed the House bill because it did not address our economic security and was overly harsh on employers. AGC supported the Senate bill because it had the needed framework to truly address the country's immigration problems, though there were some details AGC was concerned with. In 2007, the House has introduced one immigration bill. It has the correct structure, but there are many concerns about the details of the bill. The Senate has yet to introduce a bill.

AGC Message:

- ❑ **Comprehensive Immigration Reform will Strengthen National Security.** A comprehensive approach to immigration reform would create better control over our borders and also provide for better interior enforcement against unscrupulous employers. Such efforts should be done at the same time as efforts to address both current and future labor needs.
- ❑ **Comprehensive Immigration Reform Needs to Address the Shortage of Construction Workers.** The construction industry employs more than 7 million people today, and is projected to need an additional 180,000 net new jobs annually over the next ten years. The industry added more than 200,000 new workers in 2006.
- ❑ **To Legally Alleviate the Worker Shortage, AGC Advocates for the Creation of a New Guestworker Program.** The guestworker program should include the following:
 - Visas should be valid for a long enough timeframe to ensure that the training investment put forth is not lost.
 - The visa should be renewable and there should be a way to sponsor employees for permanent residency while under the new visa process.
 - If there is a cap, it should be flexible and based on the needs of the market place.
 - Individuals using the new visa should have to stay with the sponsoring employer for a certain amount of time (unless abuse of the employee is found) in order to actually address the needs of the employer.
 - All labor and employment laws should apply.
- ❑ **Establish an Opportunity for Earned Legal Status of Undocumented Workers.** The only way to guarantee that employers can reliably recognize undocumented workers is a legal system that will establish a way for undocumented workers to gain a recognized legal status that gives them authentic documents that prove they are legally eligible for work. *Amnesty is not an option*, an earned legal status should include fines, proven work contribution (without fines for employers who had employed reasonable background checks) English proficiency and security checks.
- ❑ **The Employee Verification Process should be Simplified with Proven Programs that are Gradually Implemented to Ensure Accuracy in the Results.** The new system should include the following:
 - A new easy-to-use verification process should be made available to employers and should apply to new hires only.
 - Participation should be phased in so that the system is not overloaded and that problems with new system can be fixed.
 - Need certainty – employers should not be left in legal limbo with tentative non-confirmations from any new verification system.
 - Employer should not have liability if an employee is given a non-confirmation by the government system and the employer has to terminate employment.
 - Clear definition should be made of "critical infrastructure."
- ❑ **Employers Should not be the Immigration Police.** Future legislation should provide the following:
 - An exemption from penalty for good faith violations (i.e when employers are victims of document fraud)
 - Any increase in fines should be reasonable and be capped
 - A safe harbor for contractors should be provided if their subcontractor employs an undocumented immigrant (provided that the contractor did not know the employee was undocumented).
 - Debarment should not be expanded beyond current law. Efforts to change the procurement process and ignore current Federal Acquisition Regulations (FAR) procedures should not be part of any immigration bill. Efforts to do so distort the procurement process which was not set up to be an enforcement tool for the federal government.

Congressional Action Needed:

- ❑ Congress should pass comprehensive immigration reform that secures the border, expands opportunities for guest workers and establishes a status for current undocumented workers. Congress should focus on the implementation and enforcement details to ensure the verification system is workable.