

## LEGISLATIVE/REGULATORY UPDATE (OCTOBER 2006)

### BUSINESS ISSUES



- **House and Senate Pass H.R.6061: Secure Fence Act of 2006**—Congress passed a bill that would establish operational control over the international land and maritime borders of the U.S. Among its many measures, this bill authorizes more than 700 miles of fencing at the U.S.-Mexican border. **Status:** Bill will be sent to the President for his signature. **FCA Position:** The FCA supports legislation that protects U.S. citizens from border threats.
- **Some Lawmakers Envision Lame-Duck Session**—several lawmakers want a lame-duck session after the November election for a more “comprehensive” immigration bill that would not only include new border fences but also a new guestworker program, along with some type of legal status for undocumented immigrants. In the House, Speaker J. Dennis Hastert (R-IL), Majority Leader John Boehner (R-OH), and Judiciary Committee Chairman Jim Sensenbrenner (R-WI) would like to create legal access to foreign workers.
- **House Republican Leaders So Far Avoid Employment Provisions in Border Security Bills**—so far the GOP leadership has unveiled border security initiatives that they expect to pass before recess which would be included in the conference report on H.R.5441: the Homeland Security Appropriations Bill. They do not currently include employer verification of their workers’ eligibility. Some initiatives were earlier included in H.R.4437: Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. **Status:** Stalled in the Senate because House GOP leaders disagree with the Senate’s S.2611, the so-called amnesty bill.
- **OSHA Recommends Its Recordkeeping Handbook As a Reference Tool**—OSHA has directed contractors to its Handbook as a compendium of existing agency approved policy, including the 2001 record-keeping rule, frequently asked questions, and letters of interpretation. This handbook can be downloaded at <http://www.osha.gov/Publications/recordkeeping/index.html>.
- **Federal Reserve Says Nonresidential Construction Rising While Residential Market Falling**—the Federal Reserve’s latest data indicates that nonresidential construction is growing stronger in most of its districts, while residential construction is slumping in most parts of the country.
- **Statistics Show Men More Likely Than Women to Suffer Job-Related Eye Injuries**—Bureau of Labor Statistics show that male employees accounted for 80% of the 36,680 nonfatal injuries involving the eye that resulted in days away from work in 2004. As expected, workers in manufacturing, construction, and trade industries were most at risk of incurring such an eye injury.
- **Greater Safety Awareness Training Urged for Teens**—a research study by the Wake Forest School of Medicine recommends that construction contractors should conduct increased worksite safety training and awareness for their younger workers because work-related injuries among youth constitute a significant health problem (i.e., occupational injuries are the fourth leading cause of death among youth 10 through 19 years old).

### LABOR ISSUES

- **IUPAT Adopts “Three Strikes” Policy**—as an action targeted to enforce standards for job site conduct/productivity, the IUPAT has launched its “Top Workplace Performance Plan” that holds its union members accountable under a “three strikes” policy. The IUPAT has emphasized the need for employers to support the program by submitting a notification of termination form for cause for non-productive employees.
- **S.3534: YouthBuild Transfer Act Becomes Public Law 109-281**—S.3534, which transfers the Youth-Build Program from the Department of Housing and Urban Development to the DOL, recently became Public Law 109-281. Established in 1992, this program enables young adults, ages 16 to 24, to build or rehabilitate housing for homeless or low-income individuals while they study to earn their own high school diploma or GED. More than 226 programs exist in 43 states, with more than 8,000 young adults participating.



**HAPPY HALLOWEEN!**