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## IMMIGRATION REFORM

### “No-Match Rule” Lawsuit

A federal judge agreed to temporarily stop implementation of the HSD’s “No-Match” Regulation in the wake of a lawsuit filed by the AFL-CIO, the National Immigration Law Center, and the American Civil Liberties Union. The lawsuit argued that the rule oversteps the boundaries created by Congress for worksite immigration enforcement. Recently, the Small Business Administration’s Office of Advocacy announced it is encouraging the HSD to halt the final “No-Match Rule” and it is prepared to join the lawsuit to stop the rule because the DHS failed to consider the cost for small employers. However, the Office said it would be willing to assist the DHS in complying with the Regulatory Flexibility Act requirements dealing with the economic impact of such a rule on small business entities.

### Immigration Bills

Immigration politics could soon return to the Senate with an ongoing series of skirmishes before Congress adjourns for the year.

### LEGISLATIVE BILLS/ACTIONS

#### H.R.3496: Border Control and Contractor Accountability Act

Suspends contractors from Federal contracting for three years for unlawful employment of illegal immigrants and terminates the contract unless the contractor agreed to terminate employment of the immigrant.

**Status:** Referred to the Subcommittee on Government Management, Organization, and Procurement.

**FCA Position:** The FCA supports this legislation.

#### H.R.3612: Local Law Enforcement Restoration Act of 2007

Amends the Immigration and Nationality Act providing for no preemption of certain State and local laws regarding employment eligibility verification requirements.

**Status:** Referred to the Judiciary Committee.

**FCA Position:** The FCA supports this legislation.

#### H.R.1221: Education Access for Rightful Non-Citizens Act (EARN Act)

Provides for cancellation or removal and adjustment of status for certain long-term residents who entered the U.S. as children.

**Status:** Referred to the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

**FCA Position:** For your information. Since this legislation does not directly affect contractors, the FCA does not have a position.

#### H.R.1275: American Dream Act

Amends the illegal immigration and allow states to determine residency for higher education and to authorize the cancellation or removal and adjustment of status of certain alien students who are long-term U.S. residents and who

entered the U.S. as children.

**Status:** Referred to the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness.

**FCA Position:** For your information. Since this legislation does not directly affect contractors, the FCA does not have a position.

**S.237: Agricultural Job Opportunities, Benefits, and Security Act of 2007 (AgJOBS Act)**

Improve agricultural job opportunities, benefits and security for aliens in the U.S.

**Status:** Referred to the Senate Judiciary Committee.

**FCA Position:** This is for your information only; the FCA does not have a position.

**S.774: Development, Relief, and Education Act for Alien Minors Act of 2007 (DREAM Act)**

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to repeal denial of an unlawful alien's eligibility for higher education benefits based on state residence unless a U.S. national is similarly eligible without regard to such state residence, as well as authorizes the Secretary of Homeland Security to cancel the removal of, and adjust to conditional permanent resident status, an alien who meets the requirements of five pre-established criteria.

**Status:** Referred to the Senate Judiciary Committee.

**FCA Position:** For your information. Since this legislation does not directly affect contractors, the FCA does not have a position.

**S.2094: Increasing American Wages and Benefits Act**

Increases wages and benefits for blue collar workers with labor recruiter accountability and a safeguard for guest workers' rights.

**Status:** Referred to the Judiciary Committee.

**FCA Position:** For your information. Since this legislation does not directly affect contractors, the FCA does not have a position.

## **INDEPENDENT CONTRACTOR CLASSIFICATION**

### **CLASSIFICATION OF INDEPENDENT CONTRACTORS**

The GAO estimates at least 10 million workers in the U.S. are classified as independent contractors. As many as 30 percent of workers are misclassified.

### **LEGISLATIVE BILLS/ACTIONS**

**S.2044: Independent Contractor Proper Classification Act of 2007**

Provides procedures for proper classification of employees and independent contractors.

**Status:** Referred to the Senate Finance Committee.

**FCA Position:** FCA supports this legislation.

## TERRORISM RISK INSURANCE COVERAGE

### Bush Administration Opposes Federal Terrorism Insurance Coverage Extension H.R.2761

#### LEGISLATIVE BILLS/ACTIONS

H.R.2761: Terrorism Risk Insurance Revision and Extension Act of 2007

Extend the Terrorism Risk Insurance Act (TRIA)

**Status:** The House Committee on Financial Services approved H.R.2761, but with an amendment that authorized a 15-year extension. The bill was received in the Senate and referred to the Banking, Housing, and Urban Affairs Committee.

**FCA Position:** FCA supports this legislation.

## ESTATE TAX REFORM

### PERMANENT ESTATE TAX REPEAL SOUGHT

A Death Tax Repeal bill was introduced in an effort to permanently repeal the estate tax after December 31, 2010.

#### LEGISLATIVE BILLS/ACTIONS

H.R.1586: Death Tax Repeal Act of 2007

Repeals the federal estate, gift and generation-skipping transfer taxes.

**Status:** Referred to the House Ways and Means Committee with 89 co-sponsors.

**FCA Position:** The FCA supports this related legislation.

H.R.2380: Death Tax Repeal Permanency Act of 2007

Permanently repeals of the estate and generation-skipping transfer taxes. With a Democratic majority in both houses, full permanent repeal seems unlikely, though modest reforms are still possible.

**Status:** Referred to the House Ways and Means Committee with 152 co-sponsors.

**FCA Position:** FCA supports this legislation.

## TRANSPORTATION BONDS

### TAX CREDITS OFFERED ON TRANSPORTATION BONDS

#### LEGISLATIVE BILLS/ACTIONS

S.2021: Build America Bonds Act of 2007

Provides funding for new transportation infrastructure through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways.

**Status:** Referred to the Finance Committee.

**FCA Position:** FCA supports legislation with the potential to increase market share and employment opportunities.

## CANADA

### C-375: Federal Minimum Wage

Reinstate the \$10 per hour federal minimum wage, which was eliminated in 1996. The bill is now under review by the Ministers of Labour in three provinces. The Canadian Labour Congress, a coalition of labor unions, supports the measure.

### Bill C-257: Anti-Scab Legislation

Make it illegal for federal agencies to hire replacement workers when their union workers are on strike or are locked out. The bill is awaiting a third reading in Ottawa's Parliament. It is already law in British Columbia and Quebec.

### Regulation & Policy

Ministry of Labour takes workplace safety program to elementary school students in Toronto. The program, Live Safe! Work Smart! Is already required in the middle and upper schools.

## RESOURCES

### United States

- Look up a bill at [www.thomas.gov](http://www.thomas.gov)
- For Congressional information, visit <http://www.congress.org>

### Canada

- Ministry of Labour
  - <http://www.labour.gov.on.ca/english/>
- Labour Unions
  - <http://canadianlabour.ca/>

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