

# THE ORANGE COUNTY REGISTER

## Bill against illegal immigrant workers may go to House

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A debate is raging in Congress over whether to force every employer in the nation to use a federal program intended to weed out illegal workers.

The [Legal Workforce Act](#) – approved at a congressional committee last week – would mandate every employer to use [E-Verify](#), a free online federal program that checks if a job applicant is allowed to legally work in the country.

Supporters of the bill say the measure would push illegal immigrants from the work force and reclaim those jobs for Americans or legal residents while evening out the playing field for businesses.

Opponents say that mandating the program would saddle already-suffering small business owners with additional burdens and put Americans out of work – pointing to incidents when the system mistakenly flagged U.S. citizens as unauthorized workers. Immigrant activists estimate that at least 770,000 U.S. and legal workers would face termination if mandatory E-verify were to come to pass because of errors in the program.

It's unclear whether [House Speaker John Boehner](#) – a Republican – will allow the bill to reach a vote. The bill's backers are optimistic that it will gain Republican-controlled House support and reach the Senate floor as an amendment to another, unrelated bill. Ultimately, they contend, [President Obama](#) will have a hard time vetoing the bill.

However, political battle lines are being drawn and [some anti-illegal immigration activists with conservative leanings, such as the Tea Party Nation, are taking action to stop the bill, calling it a "job killer."](#) At the same time, U.S. Chamber of Commerce officials – longtime E-Verify skeptics – are now endorsing the measure.

E-Verify compares information from an employee's I-9 employment form with Social Security Administration and Department of Homeland Security records. The program is voluntary in most states, such as California, and only mandatory for employers who contract with the federal government.

### O.C. EMPLOYERS HAVE MIXED FEELINGS

As discussion makes its way through Congress, Orange County employers are closely watching the debate.

It's been about three years since Mike Mahony signed up for E-Verify. The vice president of Dynamic Plumbing Commercial Inc. said he's trying to do his part in the fight against illegal immigration by using the program. But he feels hamstrung and frustrated because it puts him at a disadvantage. Much of his competition doesn't use the program, he said.

Mahony, who does work in Orange County, is required to use E-Verify because he has work contracts with the federal government. In addition, he said, he does jobs in Arizona, one of a handful of states where E-Verify is required by law.

In the last three months, Mahony's company hired 100 people in California and about 5 percent didn't clear E-Verify, according to Conni Zuniga, who heads the company's human resources division. Those employees were given the option to contest it, Zuniga said, but no one has come back to clear up the issue.

"And my competition goes and hires them," Mahony said. "It's frustrating. It puts huge upward pressure on payroll and increases the costs of goods and services."

That's why Mahony supports mandatory E-Verify. If he has to use it, shouldn't every other employer in the nation — including his competition — have to use the system, as well? he asked.

"Don't make me E-Verify everyone unless you have everyone E-Verify everyone. That's my perspective. You've got to make it fair."

When asked whether he'd opt out of E-Verify if he had a choice, he said there's no easy answer.

"I have 150 families I keep fed. What do I do? Sit there and turn down work because I can't get enough workers? It's not an easy answer," he said. "I'm getting penalized for working for my country."

Once the economy picks up and jobs become plentiful, Mahony fears it'll become increasingly difficult for him to hire eligible workers.

Mark Louvier, owner of Trimco Finish in Santa Ana, said he opposes mandatory E-Verify because it creates additional hardships on small business.

While he said he follows state and federal laws in hiring, Louvier doesn't use E-Verify. He said he already follows enough state and federal laws in hiring and doesn't need yet another government system, especially if it's not a requirement.

"As stretched and thin as we are, if my administrative staff has to perform additional functions and spend more time doing work for the government, I'm the one who has to pay for the employee to do that work," Louvier said.

He used to have two full-time human resources workers, but now is down to one person who dedicates a quarter of the time to hiring.

Louvier, a former president of the California Association of Specialty Contractors, provides carpentry services for the homebuilding industry. He said immigration officials audited his workplace two years ago and found nothing.

He fears that a mandatory program may uncover some illegal workers in his work force he doesn't know about and who are valuable and skilled employees he'd have a tough time replacing.

"In my particular field, the average person would have no clue what you're talking about," Louvier said. "The training process is fairly extensive. I'm not building widgets. What my particular businesses does takes technical training and skills and a level of experience that doesn't come with a week or day of training. It could take up to two years."

## **PROTECT OR HURT LEGAL WORKERS?**

Opponents of the bill agree that a mandate would put additional stress on business owners.

"The Republicans seem to be ready to punch small business in the stomach when they are just getting back on their feet," said Tyler Moran, policy director at [National Immigration Law Center](http://www.nationalimmigrationlawcenter.org). "Ultimately Republican leadership is going to have to make the decision whether they're going to follow (bill author) Lamar Smith off of this cliff of anti-immigrant legislation at all cost or if he's going to stand with his party's principles of deregulation for business, protecting jobs and protecting the economy."

Roy Beck, who heads [NumbersUsa.com](http://www.numbersusa.com), said the bill should be supported because it protects jobs — for Americans and legal residents, he said.

"This is a tremendous bill and it will change the face of the workplace in the next two years, especially in California," Beck said. "There are millions of payroll jobs unemployed Americans will get."

He pointed to the aftermath of high-profile immigration workplace enforcement actions at Chipotle, factories and meat-packing plants. Americans lined up to take the jobs once held by illegal workers, he said.

However, those American workers don't tend to stick around long, said Daniel Griswold, director of the Cato Institute's Center for Trade Policy Studies.

"They see that it's not very desirable work and tend to drift away," he said. "It's difficult to interest native workers in filling those jobs and the pay has to go up significantly."

When employers see that they'd have to pay more to retain legal workers, it becomes one more reason for those industries to move offshore if they can't compete in the United States, Griswold said.

Businesses would have two years to adjust to the new rules if the E-Verify bill is passed, Beck said. The bill also calls for a guest worker program to fill jobs in agriculture – an industry that is currently experiencing a labor shortage.

## STRANGE BEDFELLOWS

A huge point of contention is whether American and legal workers will be hurt by a program that seeks to weed out those working without authorization.

The system has a [conservative 0.5 percent error rate](#) that would affect 770,000 of the estimated 154 million workers in the United States, experts say.

"As a statistic it might sound reasonable... but so many people out of work when you're dealing with 9 percent unemployment?" Moran said. "Is someone willing to sacrifice a job because of a government error?"

That's a question that has led to unlikely alliances among immigrant rights, left-leaning activists and Tea Party-type conservatives who believe in less government regulation.

Pushback on the bill is coming from representatives of [30 conservative, Tea Party and limited-government groups](#). Most have long opposed illegal immigration.

A couple weeks ago, the coalition launched a media campaign and sent a letter to Congress outlining their concerns.

"Many of us are taking some heat for our action, but we stand by it because in no way does it compromise our position against illegal immigration," said Kathryn Serkes of Take Back Washington. "This is a great opportunity to discuss the negative unintended consequences of well-intentioned actions out of Congress."

In the letter to Congress, the coalition states that the bill creates a de facto national I.D. System - even for citizens, violates individual civil liberties such as the right to work, and mandates a costly regulatory burden that cripples small business and encourages identify theft.

At the same time, the politically powerful U.S. Chamber of Commerce is endorsing mandatory E-Verify, stating that Lamar's bill is "a legitimate balancing of many competing interests" but also says some "concerns and issues may arise" with the measure.

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