Support Comprehensive Immigration Reform

The demand for skilled tradespeople and electricians has been growing for well over the past decade. The traditional pathways in the United States needed to meet the demand have not kept pace. NECA contractors and apprenticeship programs need a pathway for legal immigration to develop a trained workforce and help close the skills gap. NECA contractors employ highly trained and skilled workers who are well compensated in wages, health and pension benefits, core components of a strong and sustainable workforce.

KEY POINTS

NECA supports an effective, permanent, and mandatory electronic verification program for both the public and private sectors. Current law requires employers who work with the federal government to verify the status only of their employees working on federal projects. With an increasing number of states like Florida, Georgia, and Tennessee implementing private-sector mandates in 2026, NECA supports a mandatory federal system that is accurate, efficient and user friendly and improves current law to include the private sector. The program must include the following provisions:

- Require employers to verify the identity and employment eligibility of any individual who has not been previously verified and allow them a reasonable period of time to verify current employees.
- Include a safe harbor for employers who use the system that waives liability for contractors who have complied with verification requirements but may still, unknowingly, use subcontractors that employ illegal workers.
- A “knowing” intent standard for liability for both employers and contractors that engage with subcontractors, suppliers and exchanges.
- Eliminate the duplicative and onerous administrative paperwork burden that falls on employers.
- A Federal preemption provision that will prohibit state and local governments from limiting the right for employers to verify the eligibility of their current and prospective employees.

Aggressive and effective enforcement action against employers who knowingly violate the law. As long as bad-actor employers knowingly exploit undocumented workers for business purposes, the flow of undocumented immigrants into the U.S. will continue. Laws are already on the books that impose criminal penalties on employers who knowingly violate employment laws by hiring workers who are in the U.S. illegally. Those laws should be aggressively and effectively enforced. While criminal penalties can include fines up to $3,000 per unauthorized worker and imprisonment for up to 6 months for pattern violations, criminal prosecutions have historically been rare. NECA supports robust enforcement that creates meaningful deterrence and levels the playing field for law-abiding contractors.

Reform and improve current and future guest worker programs. NECA supports a fair and balanced guest worker program that meets the needs of the construction industry. Unfortunately, the existing H-2B program, which allows U.S. employers who meet specific regulatory requirements to bring guest workers to the United States to fill temporary nonagricultural jobs, is not flexible enough or responsive to market conditions to meet the workforce demands of some sectors within the construction industry and must be reformed to accommodate employment needs. Currently, only 10 percent of construction firms use H-2B or similar visa programs, partly because the 5-8 month processing timeline and restrictive eligibility criteria make the program impractical for many legitimate workforce needs.

Include the construction industry in any new guest worker program. A guest worker program must provide a sufficient number of visas to meet market demand. NECA believes this will be an excellent opportunity for the electrical construction industry to recruit, train and hire essential, qualified guest workers when there are no available or willing American workers.

Create an earned pathway for citizenship for current undocumented workers who meet stringent criteria. From the perspective of the electrical construction industry, it is critical for any reforms to the existing guest worker programs to provide the opportunity for foreign workers to not simply temporarily participate in our economy for a short period of time but to lay the groundwork for a pathway to citizenship. Guest workers must have the option to stay in the U.S. long enough to finish their apprenticeship training and to continue to work in the U.S. when their apprenticeship training is completed. Under current H-2B rules, workers can stay a maximum of 3 consecutive years, then must depart for at least 3 months, a timeline incompatible with multi-year apprenticeship programs that develop the skilled workforce America needs. Allowing dedicated workers who complete rigorous training programs and demonstrate good standing to pursue permanent residency and citizenship strengthens our workforce, rewards investment in skills development, and ensures that training resources produce long-term benefits for the U.S. economy.

Guest workers should be paid competitive wages. Any new guest worker program must have competitive wage rates that meet the standards and level of our workforce. Reform must ensure guest workers are paid competitive wages at a prevailing rate for their particular occupation or the local wage rates in their geographical area, whichever is greater. The methodology used for this determination must be objective, consistent, and repeatable across the country to prevent the exploitation of guest workers and protect wage standards across the industry. However, enforcement capacity must be strengthened; with only 611 Wage and Hour Division investigators policing 170 million workers, violations too often go undetected. NECA members are committed to fair compensation and support robust enforcement mechanisms that protect both guest workers and law-abiding contractors from unfair competition.

NECA ASKS

Support comprehensive immigration reform legislation that:

- **Implements effective employee eligibility verification and aggressively enforces laws against employers who knowingly hire undocumented workers**
- **Reforms current guest worker programs and creates new programs that include construction, provide sufficient visas to meet market demand, and allow workers to complete apprenticeships with an earned pathway to citizenship**
- **Requires competitive prevailing wages for all guest workers and strengthens enforcement capacity to protect workers and law-abiding contractors**
- **Ensures border security and proper accounting of all legal immigrants**