

Testimony of
Mr. Richard Birkman

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STATEMENT BY

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on behalf of the

National Roofing Contractors Association (NRCA)

before the

Immigration, Border Security and Citizenship Subcommittee

of the

Senate Committee on the Judiciary

concerning

"Evaluating a Temporary Guest Worker Proposal"

February 12, 2004

Chairman Chambliss and members of the Subcommittee, my name is Rick Birkman, and I am President of Texas Roofing Company of Austin, Texas, a company specializing in commercial and industrial roofing and sheet metal. I would like to thank you for this opportunity to testify in support of President Bush's temporary guest worker proposal. Mr. Chairman, I am testifying here today on behalf of the National Roofing Contractors Association (NRCA), an organization in which I serve on the Government Relations Committee.

NRCA is an association of roofing, roof deck and waterproofing contractors. Founded in 1886, it is one of the oldest trade associations in the country and has approximately 5,000 member companies. NRCA contractors typically are small, privately held companies; the average NRCA member employs 35 people in peak season, with sales of just over \$3 million per year.

Mr. Chairman, I am also testifying on behalf of the Essential Worker Immigration Coalition (EWIC), of which NRCA is a member. EWIC is a coalition of businesses, trade associations and other organizations from across the industry spectrum concerned with the shortage of both unskilled and lesser-skilled ("essential workers") labor. A coalition membership list is attached.

NRCA and EWIC commend you, Chairman Chambliss, for holding this important hearing. NRCA also commends President Bush for re-energizing the immigration debate by putting the issue back on the front burner of the national agenda. And finally, I would like to personally commend Senator Cornyn, my Senator, for introducing the Border Security and Immigration Reform Act of 2003 (S.1387). Sen. Cornyn's bill would amend the Immigration and Nationality Act to direct the Secretaries of Homeland Security and State jointly to establish a seasonal and non-seasonal guest worker program with eligible foreign countries. The bill would also provide eligibility to apply for permanent resident status to guest workers who have participated in the program for at least three years.

Labor Demographics

The Subcommittee's hearing on President Bush's proposal is particularly important given the labor demographics the American economy faces today and in the approaching decades. Like many of the family-owned member companies of NRCA, Texas Roofing Company has found it difficult to meet its labor demands solely through relying on the domestic workforce. In fact, I would estimate that 95 percent of my workforce today is Latino, most of whom were not born in the United States. This composition is not uncommon in the roofing industry, but it is in stark contrast to the workforce of my grandfather, L. Randolph Rampy, Sr., who founded his own roofing contracting firm in Lubbock nearly 70 years ago. I have a photograph taken in 1946 on the wall in my office, and in that photograph you'll see my grandfather's employees and notice that, with the exception of two employees, all of the men in the photograph are Caucasian.

During peak season, Texas Roofing Company employs approximately 60 full time roofing and sheet metal mechanics trained in all aspects of roofing for industrial and commercial structures. Starting pay for entry-level roofers begins at \$9 per hour, and my foremen earn anywhere from \$16.50 to \$21 per hour depending on their level of experience. With overtime, some of my employees are earning over \$50,000 annually. Despite this relatively attractive pay, which is even higher in other sections of the country, roofing contractors have jobs going unfilled because there are few domestic applicants and current law provides insufficient mechanisms to fill the shortfall. Retirements and a high turnover rate due to the difficulty of the work contribute to the unfilled job numbers, but the most important variable is this - most native-born Americans simply don't view roofing as a desirable profession.

There are a variety of factors contributing to this perception, but two stand out in particular. The first reason is that the roofing trade is tough work, frequently performed under even tougher environmental conditions. In the heat of the summer, rooftops in Texas and much of the Southwest can soar upwards of 150 degrees. And in the winter, when many roof systems require repair due to inclement weather, roofers often work in wind chills well below zero.

The second reason is that the reigning educational philosophy in America today says that every student should go to college. This mindset exists despite the fact the Department of Labor's Bureau of Labor Statistics estimates that the U.S. will create 17 million new jobs by 2010, 58 percent of which will not require a four-year college degree. With educational dollars steered toward that goal, base industries such as construction and others represented among the EWIC member groups have suffered endemic labor shortfalls, as students have foregone opportunities in the construction and services industries.

NRCA's member companies, in particular, face an enduring shortage of workers, as there are not enough domestic workers to meet the labor demand facing the construction industry. The U.S. Bureau of Labor Statistics (BLS) projects that an additional 50,000 workers in the roofing industry alone will be needed during the next decade to keep pace with the demand for professional roofing services. BLS also projects that the number of essential worker jobs is expected to grow by more than 700,000 annually in the next four years. Foreign workers are necessary to fill these jobs, yet these laborers and potential employers face extraordinary hurdles in obtaining the required documentation and work-authorized status.

A Broken System

NRCA urges Congress to fix an immigration system that serves neither America's economic security nor national security needs. Compounding the shortage of domestic workers, U.S. businesses find a broken system consisting of statutes that largely prevent them from hiring the foreign essential workers necessary to satisfy the volume of services demanded by the American economy. In recent years, our nation's immigration policy has favored highly skilled and educated workers for our economy, as evidenced by the H-1B program. NRCA and EWIC agree that these highly skilled workers are necessary to drive forward innovation of ideas and products. However, once these ideas are developed and the ideas become products, essential workers are needed to manufacture, deliver and service those products. The question America must ask itself is this: Who will fill the millions of essential worker positions that we continue to create? We believe immigration must be one answer.

But current law does not provide an adequate answer. Today, roofing companies such as mine are extremely limited in their ability to hire foreign workers. One option is the H-2B visa program, which is capped at 66,000 per year. The program is highly complex, and all non-agricultural industries compete for these scarce visas. Further, the program is temporary. If an employer has long-term or permanent positions, that employer is out of luck since no long-term temporary visa exists in our current system. A second option would be to apply for a "green card", but "green cards" are limited to 5,000 per year for essential workers, and currently there is a five- to 10-year waiting list. These limited programs and the complexity of immigration law make it difficult for roofing contractors nationwide to access a sustainable supply of essential workers.

As such, the merits of a properly structured guest worker program are clear. First, it would constitute a mechanism to address worker shortages in this country that can be flexible depending on the actual need and the state of the economy. Second, it would significantly contribute to the alleviation of illegal immigration by providing an orderly, structured, and safe process by which those outside the country looking for work can enter the country, obtain legal employment, and return home to their families. Third, this process can, in turn, help address the problem of those who have entered illegally, but cannot return to their home country for fear of ever being able to obtain entry into the U.S. (legally or illegally) again.

The President's Proposal

Mr. Chairman, as you know President Bush proposed a new temporary worker program to match willing foreign workers with willing U.S. employers when no Americans can be found to fill the jobs. He also outlined his principles for immigration reform, which he said were necessary to fix a broken system and to promote compassion for those who have helped make America prosperous. NRCA and EWIC are in strong agreement with the basic principles of the Bush plan which are:

- ? Protecting the Homeland by controlling our borders
- ? American workers come first - employers must make reasonable efforts to find an American to fill a job before extending job offers to foreign workers
- ? Serving America's economy by matching willing workers with willing employers
- ? Promoting compassion in order to prevent exploitation and to establish a mechanism that would allow temporary workers to travel back and forth between their home countries and the U.S. without fear of being denied re-entry to the U.S.
- ? Providing incentives for return to one's home country
- ? Protecting the rights of legal immigrants - the program would not connect participation to a green card or citizenship, thereby allowing undocumented workers to gain an advantage over those who have followed the rules

President Bush's plan would allow workers abroad and those already employed here illegally to obtain renewable three-year work visas in order to take jobs unfilled by Americans.

Undocumented workers already in the U.S. could enter the program immediately after providing proof of employment. Workers participating in the program would be entitled to the same employment rights and protections to which native born workers are entitled. The plan also calls for an increase in the number of green cards for those wishing to reside in the U.S. permanently.

And contrary to the assertions of some, the plan neither rewards anyone here illegally with "amnesty", nor offers anyone preference over those who have waited to enter the U.S. legally.

President Bush is to be congratulated for tackling such a complex and contentious topic, for it's the right thing to do. Despite the protests of those who would have America wall off its southern neighbors, the nation's growing reliance on foreign labor is undeniable. Americans simply demand more services than our domestic workforce can supply. And yet, our current system fails to provide enough visas for employers to fill jobs they cannot satisfy domestically.

It's also clear that something must be done to address the 8-10 million undocumented individuals who are currently in the U.S. The vast majority of immigrants want nothing more than to continue contributing to our society and to share in the American Dream, but the present system is one that allows those few who wish to do us harm to hide more easily among the undocumented population. Efforts to coerce countries of origin to stem the flow of migrants, employer sanctions, and stricter border-control mechanisms have utterly failed. The predicament facing the U.S., and most developed countries for that matter, is that our ability to control immigration has withered as our enthusiasm for doing so has simultaneously grown. The U.S. maintains a rigid patchwork of laws and mounts extensive unilateral law enforcement efforts, but the simple reality is that we have lost control of our borders, and even if we were to devise a means to curtail immigration significantly, our economy would suffer substantially.

The current system has also created an underclass of workers, vulnerable to exploitation by unscrupulous employers, often afraid to seek basic services such as medical care for fear of prosecution, and frequently at life's risk making the dangerous journey into the U.S. The President's plan recognizes that our current immigration system is broken and takes meaningful steps to fix these problems.

Conclusion

Foreign workers - legal and illegal, temporary and permanent - play a critical role in our economy and our society. They were vital to our economic growth in the past decade and will be irreplaceable in the next as we face demographic and societal trends that ensure America will not have the number of workers we need to sustain the level of economic growth that America demands.

Opponents of immigration would have us enact a moratorium on new arrivals. Some would have us station troops along our borders and expel the millions of undocumented already here. NRCA and EWIC suggest another path - an immigration system that recognizes the ongoing need of the American economy for foreign workers and assists in separating those who wish to destroy America from those who wish to help build it.

The Administration has stated unmistakably its interest in working with Congress to draft legislation incorporating the principles embodied in the President's proposal. NRCA and EWIC are encouraged that the Subcommittee has embraced the President's challenge to Congress, and we look forward to working with the Administration and Congress as the immigration reform debate moves forward.