

## Political Economy: Life Takes Visas

By John Cranford, CQ Columnist

It's possible that not every significant issue caught in the lame-duck legislative logjam can be left unresolved until after November. Democratic leaders might prefer to stall and gamble on the election of a president from their party and the hoped-for pickup of seats in both chambers. But some things just won't wait — immigration, for instance.

Lawmakers continue to drag narrow pieces of this controversial and complicated fight over foreign workers into the public debate — often in an attempt to score political points. For example, House Republicans are trying to force a vote on a bill that would stiffen border security in an effort to put Democrats on the spot in advance of this fall's balloting.

At the same time, there's rising economic anxiety that too few unskilled seasonal workers are being admitted into the United States. Efforts to address this relatively narrow concern are putting the Congressional Hispanic Caucus and House Democratic leaders in a bind.

That's because a proposed remedy has significant bipartisan support, which makes it both seemingly easy to accomplish and a valuable bargaining chip to be used in the broader debate. In effect, Speaker [Nancy Pelosi](#) and the Hispanic Caucus have to decide whether to address a serious business concern at a time when the economy is already in jeopardy, or to play legislative poker.

Lobbying from crab pickers, summer resorts and a host of other industries persuaded Congress three years ago to allow an increase in the number of so-called H-2B visas for these temporary foreign additions to the labor force. The employers argued that they couldn't fill jobs with local workers and that a cap on the number of non-agricultural visas was limiting their operations.

Congress responded with a Band-Aid. Since 2005, foreign workers who had previously been granted temporary employment visas could be readmitted outside the annual cap of 66,000 on new entrants. The number of H-2B visas, which had totaled roughly 20,000 a decade ago, soared to 130,000 in 2007 with the addition of the new H-2R category for returning workers. But the short-term change expired Sept. 30, lawmakers can't agree on a permanent fix, and the number of visas is again capped at 66,000.

The Department of Homeland Security announced Jan. 3 that it had received so many visa applications that the 33,000 slots available for the second half of fiscal 2008 — which starts this week — are already oversubscribed. That in turn means thousands of seasonal landscaping, carnival and ranch jobs will now go begging, and in some cases the companies will shut down.

### Politics or Policy

For years, Congress has struggled with this multifaceted immigration issue. The nation is divided, particularly over what to do about 12 million or so illegal immigrants who either slipped across the border or overstayed their legal welcome. There's no evidence that the elections will change the dynamic much.

But absent an agreement over a broad overhaul of immigration policy, bipartisan pressure is building in a variety of corners for rifle-shot measures to address particular industry and regional demands. Farming interests want to make it easier to bring in temporary crop harvesters. Electronics and software companies say they, too, are pinched by limits on visas for highly skilled technical workers.

The H-2B program for unskilled labor outside of agriculture is just another example of these narrow, economically driven arguments. And it illuminates all the good points — and all the flaws — with allowing guest workers. It's tightly restricted, so employers must satisfy the Labor Department that the jobs are temporary, that there are not enough nearby residents to fill the

available positions and that bringing in foreign workers won't suppress the local wage base. But for the foreign workers themselves, there is little opportunity for permanent residence, and that denies them equal status with their citizen co-workers.

Many of these concerns would be satisfied by the terms of broader immigration bills that have been proposed but can't gain traction because of deep resentment over allowing undocumented workers a chance to achieve citizenship. Yet while that debate rages, the businesses that most need to fill vacancies suffer, whipsawed by an earlier decision to let them hire that has since been rescinded.

This is, as much as anything, a problem caused by the way business is done nowadays on Capitol Hill. Nothing is permanent — or even pretends to be. Every tweak in policy, from taxes to health care, is made to last just a year or two, until the next Congress is elected and maybe the balance of power shifts.

Some of this is the result of quirky budget rules that limit long-term decisions by enforcing artificial deficit limits. But mostly this is about politics. Lawmakers don't make strategic policy choices aimed at resolving national issues as much as they engage in tactical deployments to secure the high ground for the next fight.

As the posturing over H-2B visas shows, the consequences are problematic at best for taxpayers and ordinary citizens, and for companies and the economy as a whole.