

The logo consists of a dark blue square with the words "Roll" and "Call" stacked vertically in a white, bold, sans-serif font.

Inflation and worker shortage fuel push on immigration bills

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Rep. Dan Newhouse had a message for the grassroots organizers who gathered outside the Capitol to discuss what chances remain for bipartisan immigration legislation, such as his bill to address the labor shortages harming farmers in both red and blue states.

Call your senators.

“The ball is in their court,” the Washington Republican said at the late April event. He asked for help “to urge our senators to take action, to build urgency around this issue, to pass much, much needed immigration reform.”

As concerns about rising levels of migration to the southwest border dominate discussions on Capitol Hill, lawmakers and advocates are pointing to high inflation rates and critical labor shortages in a push for the Senate to take action soon on more narrow immigration bills that could boost the U.S. economy.

They see an opening ahead of the midterm elections in November for efforts to revise guestworker visa problems — including H-2A seasonal agricultural visas and H-2B visas for non-agricultural labor, like hospitality and food processing.

The bill Newhouse sponsored along with California Democratic Rep. Zoe Lofgren, dubbed the Farm Workforce Modernization Act, passed the House in March 2021 with 30 Republican votes. That makes it one of the most bipartisan immigration proposals currently circulating in Congress.

Yet the measure, which would allow some farmworkers to apply for green cards and revise the H-2A visa program, has stalled for more than a year as Colorado Democratic Sen. Michael Bennet and Idaho Republican Sen. Michael D. Crapo negotiate a Senate version.

The senators ramped up efforts on the bill in February because of high inflation rates and the approaching elections, according to a person familiar with the discussions, who was not authorized to speak publicly due to the sensitive nature of the negotiations.

Giev Kashkooli, legislative director for United Farm Workers, which supports the farmworker legislation, noted this is the first time in two decades where a bill to legalize migrant farmworkers has passed one chamber and has the support of leadership in the other chamber, as well as the president.

“As difficult as it seems from the outside to get it done now, the truth is we’re closer than we’ve ever been,” Kashkooli said.

The push for action on the migrant farmworker bill comes as a small, bipartisan group of senators have embarked on efforts to identify leaner immigration bills that could possibly garner 60 votes, the minimum needed for legislation to advance in the Senate. The first meeting of that group included discussions about economic needs.

Immigration remains one of the most difficult areas to move legislation. That’s something well known to Bennet, who as a member of the bipartisan “Gang of Eight” ushered comprehensive immigration legislation through the Senate nearly a decade ago only to see it stall in the House.

Bennet told CQ Roll Call he met recently with farmers and ranchers in his home state, and they are “desperate for us to find a way to fix this issue.”

“We’re still talking, and I’m still hopeful that we’re going to land something here. But we haven’t been able to so far,” Bennet said. “It’s a question of whether we can overcome, you know, the obstacles here to do it.”

Border divides

Divisive politics over border security threaten to hinder efforts to reach bipartisan immigration deals, even among Republicans who said they see a need this session for legislation that targets guestworker visa programs.

The Biden administration’s plans to lift pandemic-related asylum restrictions later this month have divided Senate Democrats, and Republican senators have used the issue to stall a vote on COVID-19 aid legislation.

Sen. John Cornyn, R-Texas, who has been involved in bipartisan immigration efforts, said it may be “too little, too late.”

“I would like to do some consensus legislation on immigration, and I think it does exist. But it’s not possible to do it while the border crisis is raging,” Cornyn said. “What the Biden administration ought to do is focus on regaining control of the border, fixing our broken asylum system. And then I think we can have that conversation.”

Sen. Joni Ernst, R-Iowa, struck a similar note, even though a number of agricultural associations in her home state have thrown their support behind the migrant farmworker bill.

“Well, there’s no doubt that we do need to modernize our visa programs and immigration, but if we’re not controlling the border, what’s the point?” Ernst said. “I think that’s the issue that we’re having right now: is in order to do one, we need to do the other.

David Bier, associate director of immigration studies at the Cato Institute, agreed there is more of a chance in the agricultural space for immigration legislation to pass than other areas. But he remained pessimistic that the more narrowly divided Senate would sign off on the House-passed version of the bill.

“I don’t think any Republican in the Senate would vote for that bill right now without some kind of border security attached,” Bier said.

Economic pressures

Current economic conditions, however, offer up a glimmer of optimism that Congress could act on narrower immigration bills targeting key sectors of the economy facing labor shortages.

Data published by the Labor Department’s Bureau of Labor Statistics shows the U.S. labor market is the tightest it’s been in over a decade, with 0.5 unemployed people for every one job opening as of March.

These shortages are particularly acute in the agricultural industry, which struggles to attract American workers willing to do the seasonal, physically demanding labor.

Meanwhile, the leisure and hospitality industries, frequent users of the H-2B guest-worker visa for seasonal non-agricultural labor, saw a quit rate of more than 5 percent in March, according to Labor Department data.

Harry Holzer, a Georgetown University professor who previously served as former chief economist at the Department of Labor, said the U.S. should aim to attract more immigrants in industries plagued by labor shortages.

Agriculture “is the industry where the fewest Americans want to work, and the wages that would be needed to attract Americans to that work would be astronomical,” Holzer said.

For that reason, some Republicans have expressed support for guest-worker visa programs.

Republican Minority Whip John Thune introduced two bills this session to ensure businesses have access to guest worker visas when they need them, and said employers in his home state of South Dakota “desperately need” more H-2B visas.

“I’m hoping that they can come together, maybe, on some of these issues where there’s agreement,” Thune said. “Clearly, workforce shortages is one that should prompt, I would hope, some bipartisan interest in fixing some of these issues.”

Sen. Lisa Murkowski, R-Alaska, told Homeland Security Secretary Alejandro Mayorkas at a Wednesday hearing that H-2B visas are “critically important” to the salmon industry in her state.

When asked about his support for revisions to migrant farm worker visas, Iowa Sen. Charles E. Grassley, the top Republican on the Senate Judiciary Committee that oversees immigration bills, said that “as far as Iowa’s concerned, there’s a great need for legalized employment, immigration.”

Summer vote?

The migrant farmworker legislation seeks to address labor shortages in the agricultural industry, which depends on undocumented immigrants and migrants on seasonal visas.

The bill would allow employers to hire some workers on H-2A visas — currently limited to seasonal labor — for year-round work, while also streamlining the visa application process for employers. It would also regulate wage growth for H-2A workers to combat rising food costs and protect migrant workers who sue their employers.

Though no details are set in stone, the person familiar said Crapo and Bennet are eyeing more than 30 revisions to the House-passed version of the bill, including changes to provisions guiding farmworker wages and arbitration mandates as well improvements to the E-Verify system.

The senators hope to introduce this bill in time for a vote this summer before Congress leaves Washington in August, the person said.

Crapo also signaled urgency to move the bill, but stopped short of promising a summer vote. “My hope is to move as soon as we can, but I can’t put a timeframe on it,” Crapo said Thursday.

President Joe Biden, on the same day, urged Congress to pursue narrow immigration bills in the absence of legislative progress on a broad overhaul of the immigration system.

“If Congress won’t act on broader reform, let’s pass the bills that have bipartisan support,” Biden said at a White House reception to mark Cinco de Mayo. “It’s not only the right thing to do, but it’s, economically, the smart thing to do, as well.”