ON IMMIGRATION, WASHINGTON DOESN’T KNOW BEST

Two GOP congressmen have a plan to give states authority over visas and work rules.

By Jason Riley
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For the time being, President Trump has determined, the wall will have to wait.

The president is expected to sign a federal budget agreement this week that includes no funding for a barrier along the southern border. Supporters will be disappointed that Mr. Trump has yet to follow through on a signature campaign promise, but they can take some solace that his presidency is still young and the administration remains adamant. “Make no mistake,” said White House spokesman Sean Spicer on Monday. “The wall will be built.”

Whether or not that happens, some Republicans in Congress hope that Mr. Trump isn’t confusing a border wall with more meaningful immigration reform. “My concept of border security includes a robust guest-worker program,” said Sen. Ron Johnson of Wisconsin in an interview with me on Tuesday. “It’s going to be a whole lot easier to secure the border when you’re not having to clamp down on people coming here to seek the opportunities that America provides.”

I contacted Mr. Johnson, who heads the Senate Committee on Homeland Security and Governmental Affairs, to ask about legislation he’s been crafting with GOP Rep. Ken Buck of Colorado. Their proposal, not yet formally introduced, would create a visa program that gives states a much larger role in managing immigration based on local needs. The rationale is that different parts of the country have different labor demands, and state leaders are in a better position than Washington lawmakers to assess local economic conditions. The number of visas available would be determined by the federal government and indexed to economic growth.

To guard against foreign nationals gaming U.S. welfare programs, the bill will include eligibility restrictions, and states would be responsible for confirming that visa holders are in compliance with the rules. To guard against worker exploitation, the bill would allow visa holders to change jobs. For the most part, however, states would have the freedom to tailor immigration as they see fit. Eligibility and other requirements would be determined on a state-by-state basis. Some states might require employers to pay a higher prevailing wage than other states. Some states might allow illegal immigrants to obtain visas while others ban them. Some states might enter into voluntary agreements with each other to share guest workers. Some states may decide that they have no use for the visas and not apply for any.

“We have a shortage of workers in all different areas of the economy,” said Mr. Johnson, who ran a manufacturing business for more than 30 years before being elected to the Senate in 2010. “We need to recognize that a one-size-fits-all federal model for visas or guest workers doesn’t work. Let the states manage the visas, allocate them to the industries that need the workers, set prevailing wage rates. I think states would do a better
Governors and state lawmakers increasingly agree with the senator. In recent years, as immigration reform has floundered under Democratic and Republican administrations alike, interest in a federalist approach to the problem has grown. Since 2008 a dozen states – including deep blue Massachusetts and California and deep red Utah and Oklahoma – have introduced legislation or issued executive orders aimed at regulating the flow of immigrants who can work legally within their borders. The problem is that the federal government has jurisdiction over immigration policy, and Congress has been unwilling to give states the discretion they seek. Mr. Johnson’s bill aims to preserve the federal government’s power to establish immigration guidelines while delegating day-to-day operations to the states.

When I asked Mr. Johnson why employers couldn’t simply raise wages to attract more U.S. workers, he replied that there are multiple causes for labor shortages. “We pay people not to work. We tell our kids that you have to get a four-year degree, which kind of implies that working in factories or the crafts or the trades – that there’s something wrong with that.” The senator also cited the international marketplace with which so many employers now must grapple. “Remember, you’re also operating in a global economy where you have competitive prices on products,” he said. “So you have globalization of product prices, which dictates what you can actually afford in terms of paying workers. I understand the anecdotal stories of American workers being displaced by immigrants and illegal immigrants. But there’s also the truth that a lot of business can’t hire enough people at any wage.”

Republicans like Mr. Johnson understand that fixing our broken immigration system will involve more than building walls and deporting the undocumented. Does Donald Trump?