

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 63

BY REPRESENTATIVE ROMERO

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to modify the H-2B nonimmigrant program to assist with the labor workforce shortage in the state of Louisiana.

WHEREAS, according to the United States Department of Labor, the H-2B nonimmigrant program permits employers to temporarily hire nonimmigrants to perform nonagricultural labor or services in the United States; and

WHEREAS, according to the United States Department of Labor, under the program, employment is only of a temporary nature for a limited period of time, such as a one-time occurrence, seasonal need, peak-load need, or intermittent need; and

WHEREAS, in order to qualify for H-2B nonimmigrant classification, employers must show that there are not enough United States workers who are qualified, able, willing, and available to do the temporary work, and that employing H-2B workers will not adversely affect the wages and working conditions of similarly employed United States workers; and

WHEREAS, according to the United States Citizenship and Immigration Services, there is a statutory numerical limit or "cap" on the total number of non-United States citizens who may be issued an H-2B visa or be granted H-2B status during a fiscal year; and

WHEREAS, the United States Congress currently has the H-2B cap set at sixty-six thousand visas per fiscal year, with thirty-three thousand H-2B visas granted to workers who begin employment in the first half of the fiscal year (October 1 - March 31) and the remaining thirty-three thousand H-2B visas granted to workers who begin employment in the second half of the fiscal year (April 1 - September 30); and

WHEREAS, any unused visas from the first half of the fiscal year are available for employers seeking to hire H-2B workers during the second half of the fiscal year; however, unused H-2B visas from the previous fiscal year do not carry over into the next fiscal year; and

WHEREAS, once the H-2B cap is reached, the United States Citizenship and Immigration Services may only accept petitions for H-2B status from individuals who are exempted from the H-2B cap; and

WHEREAS, those individuals who are exempted from the H-2B cap include:

(1) Workers in the United States in H-2B status, who extended their stay, changed employers, or changed the terms and conditions of employment.

(2) Workers previously counted against the H-2B cap in the same fiscal year and the employer has indicated the workers were already counted.

(3) The spouse and children of H-2B workers.

(4) Fish roe processors or fish roe technicians or supervisors in that industry; and

WHEREAS, according to the Louisiana State University (LSU) Agricultural Center, in the last several years, there has been a steady increase in the number of applications for H-2B status and the number of H-2B workers; and

WHEREAS, according to the LSU Agricultural Center, based on the latest data on states and H-2B employment usage, Louisiana is ranked fourth with employing five thousand nine hundred and seventy-four H-2B workers, which accounted for four and seven tenths percent of the total certified positions for the first and second quarters for the 2020 fiscal year; and

WHEREAS, based on these statistics, the H-2B program is greatly utilized by Louisiana businesses and appears necessary for operation; and

WHEREAS, the ongoing COVID-19 pandemic has not only affected and burdened the healthcare industry in this state, but the business industry as well, since as a result of the COVID-19 pandemic, businesses had to temporarily, and in some cases permanently, shut down and layoff employees; and

WHEREAS, businesses are slowly, but surely, starting to recover from the collateral effects of an ongoing healthcare crisis that has caused our state's economy to become somewhat stagnant; and

WHEREAS, a modification of the H-2B program could help business owners further extend their recruitment efforts and allow them to hire more H-2B workers as necessary to help revitalize their business and keep them afloat.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to modify the H-2B nonimmigrant program to assist with the labor workforce shortage in the state of Louisiana.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE