

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. R. No. 391

Representative Young

A RESOLUTION

To urge President Donald J. Trump, members of his 1
administration, and the Congress of the United 2
States to revise the requirements for the H-2A 3
Temporary Agricultural Worker Visa Program 4
established under the Immigration and Nationality 5
Act to reduce the cost and regulatory impact on 6
employers who utilize the Program. 7

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
OHIO:**

WHEREAS, The Temporary Agricultural Worker Visa Program 8
established by section 218 of the Immigration and Nationality 9
Act, 8 U.S.C. 1188, (H-2A visa) is a small, yet vital, component 10
of the United States economy which requires employers to meet a 11
complicated set of requirements that protect United States 12
workers from foreign competition by establishing criteria that 13
employers must meet before they can hire visa recipients, 14
including engaging in extensive advertising efforts to recruit 15
workers in the United States, filing paperwork with four 16
government agencies, obtaining certification from the United 17
States Department of Labor, demonstrating that the need for 18
foreign labor is temporary, paying wages that often exceed 19
minimum wage, and receiving approval for the foreign worker; and 20

WHEREAS, The Temporary Agricultural Worker Visa Program 21

reduces illegal immigration by providing a path for employers 22
with labor needs that are not met within the United States to 23
meet exhaustive and very specific requirements, pay fairly high 24
wages to the temporary workers and offer the same high wages to 25
any United States worker who is willing and able to do the job, 26
and requiring temporary workers to return to their homes at the 27
end of each season, as opposed to employers that hire 28
unauthorized aliens in place of United States workers; and 29

WHEREAS, The Temporary Agricultural Worker Visa Program 30
permits employers in the United States to bring agricultural 31
workers into the country to fill temporary agricultural jobs for 32
which the employers are unable to find local workers; and 33

WHEREAS, Employers utilizing the Temporary Agricultural 34
Worker Visa Program have attempted to fill their employment 35
vacancies locally, are providing jobs that local workers are 36
unwilling to perform, and are attempting to be good corporate 37
citizens; and 38

WHEREAS, Employers in the United States are barraged by a 39
variety of regulations that increase the cost and difficulty of 40
conducting their businesses, and the government agencies 41
responsible for enforcing the regulations are more focused on 42
penalties for noncompliance than supporting U.S. employers who 43
are attempting to comply with the regulations; and 44

WHEREAS, Compliance with the Temporary Agricultural Worker 45
Visa Program requirements should be a cooperative process 46
between employers and the United States government, rather than 47
an adversarial process, with the government auditors assisting 48
employers in complying with visa requirements, rather than 49
imposing penalties for violations; and 50

WHEREAS, The requirements for hiring workers from 51
throughout the United States in place of already-employed visa 52
holders are irrational, because the employer has already 53

incurred the time and expense of pursuing the visa process and 54
the employer must restart the visa process from the beginning if 55
the replacement worker is unwilling or unable to complete the 56
work; and 57

WHEREAS, The Act's requirements unfairly require employers 58
to incur expenses to hire workers from throughout the United 59
States that parallel the expenses paid for visa recipients, 60
including providing transportation and housing for those 61
workers, when the employers have already demonstrated that there 62
is a shortage of workers willing and able to perform the work; 63
and 64

WHEREAS, Employers incur unreasonable costs and expend 65
unnecessary effort to rehire the same H-2A workers in succeeding 66
years, because the Program does not include an expedited process 67
for rehiring a worker who has previously been vetted through the 68
system or provide leniency on rehiring prior visa recipients who 69
may have inadvertently violated their visa restrictions; and 70

WHEREAS, The Temporary Agricultural Worker Visa Program 71
should not require employers to demonstrate that their 72
employment needs are seasonal, because not all agricultural work 73
is seasonal, and employees may be needed year round; and 74

WHEREAS, The Program's requirement that all employees 75
engaged in corresponding employment be paid no less than the 76
Adverse Effect Wage Rate determined under the Act discourages 77
agricultural employers from hiring local students and part-time 78
employees, because the employers would incur the higher H-2A 79
visa costs for these part-time positions; and 80

WHEREAS, Vegetable, fruit, nursery, greenhouse, and other 81
sectors of Ohio agriculture face fierce marketplace competition 82
with Canadian agricultural producers, and Canada has a well- 83
functioning bilateral visa arrangement with Mexico in which the 84
Canadian government seeks to facilitate, rather than thwart, the 85

process of agricultural producers using that visa program; now 86
therefore be it 87

RESOLVED, That we, the members of the House of 88
Representatives of the 132nd General Assembly of the State of 89
Ohio, urge President Donald J. Trump and members of his 90
administration to take executive action to reduce the regulatory 91
and compliance burdens described in this resolution that are 92
imposed on employers who hire temporary workers through the 93
Temporary Agricultural Worker Visa Program established by 94
section 218 of the Immigration and Nationality Act; and be it 95
further 96

RESOLVED, That we, the members of the House of 97
Representatives of the 132nd General Assembly of the State of 98
Ohio, urge the Congress of the United States to pass legislation 99
revising the requirements for that Program to reduce the costs 100
incurred by, and the regulatory and compliance burden imposed 101
upon, employers who use the Program to hire temporary 102
agricultural workers; and be it further 103

RESOLVED, That the Clerk of the House of Representatives 104
transmit duly authenticated copies of this resolution to 105
Secretary of Agriculture Sonny Perdue, Special Assistant to the 106
President for Agricultural Trade and Food Assistance Ray 107
Starling, the members of the Ohio Congressional delegation, and 108
the news media of Ohio. 109