

2025 Regular Session

SENATE CONCURRENT RESOLUTION NO. 14

BY SENATOR WHEAT

CONGRESS. Memorializes congress to modify the H-2A nonimmigrant program to assist with Louisiana's labor workforce shortage.

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to modify the H-2A nonimmigrant visa program to address the untenable increases in wage rates resulting from the United States Department of Labor's policies that create an undue and unsustainable financial burden on Louisiana farmers, who rely on an affordable, readily available H-2A workforce.

WHEREAS, Section 218 of the Immigration and Nationality Act authorizes the lawful admission into the United States of temporary, nonimmigrant workers to perform agricultural labor or services of a temporary or seasonal nature; and

WHEREAS, according to the United States Department of Labor (DOL), under the H-2A program, employment is subject to robust immigration and occupational health and safety oversight; and

WHEREAS, in order to qualify for H-2A visa 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

WHEREAS, in order for the DOL to certify that there are not sufficient American workers available to perform the labor, and that the employment of foreign workers will not have an adverse effect on the wages and working conditions of similarly employed United

1 States workers, employers must demonstrate the need for a specific number of H-2A
2 workers; and

3 WHEREAS, the DOL enforces Congress's mandate that H-2A workers' employment
4 should not negatively impact the wages and conditions of American workers through the
5 Adverse Effect Wage Rate (AEWR); and

6 WHEREAS, costs associated with hiring an H-2A worker include not only wages,
7 but also housing, transportation, and other benefits mandated by the program; and

8 WHEREAS, the United States Department of Agriculture reports that the cost of
9 housing for an H-2A worker can cost the employer approximately \$9,000 to \$13,000 per
10 worker; and

11 WHEREAS, under the Final Rule issued in February 2023, DOL's methodology for
12 determining the AEWR has become increasingly complex, requiring any H-2A worker
13 performing duties outside the six Standard Occupation Classifications (SOCs) included in
14 the Farm Labor Survey (FLS) to be paid based on the Bureau of Labor Statistics'
15 Occupational Employment and Wage Statistics (OEWS) mean hourly wage for general
16 economic conditions, regardless of how often they perform that job; and

17 WHEREAS, the OEWS does not survey agricultural workers, leading to inflated
18 labor costs due to nonrelated industries, which have significant differences in qualifications
19 and requirements; and

20 WHEREAS, an employer seeking to employ foreign workers under the H-2A
21 program is required to offer, advertise in its recruitment, and pay a wage that is at least equal
22 to the AEWR when it is the highest applicable wage rate among the wage sources applicable
23 to the employer's job opportunity; and

24 WHEREAS, for nonrange occupations, the wage offered and paid must equal or
25 exceed the hourly AEWR, the prevailing wage rate, the Federal minimum wage, the state
26 minimum wage, or the agreed-upon collective bargaining rate, whichever is highest; and

27 WHEREAS, the 2025 AEWR for nonrange agricultural workers in Louisiana is
28 \$14.83 per hour, which is a staggering twenty-five percent increase over the last five years;
29 and

30 WHEREAS, labor-intensive industries, including specialty crop growers, have been

1 some of the hardest hit by the AEW, with these growers spending nearly forty percent of
2 their total cash expenses on labor alone; and

3 WHEREAS, the current AEW system imposes significant financial burdens on
4 farm employers, threatening the viability of agricultural operations and contributing to
5 increased consumer prices; and

6 WHEREAS, the availability of affordable agricultural labor is essential for the
7 sustainability and competitiveness of U.S. agriculture.

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9 memorialize the Congress of the United States to take such actions as are necessary to make
10 agricultural labor more affordable and readily available for all producers, and reduce the
11 regulatory compliance burden associated with maintaining an agricultural labor force.

12 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
13 memorialize the United States Congress to take such actions as to rescind the current
14 Adverse Effect Wage Rate and pause wages paid to H-2A workers at the January 2023 wage
15 rates.

16 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
17 memorialize the United States Congress to take such actions as are necessary to mandate that
18 all wage obligations paid by farmers to employees hired under the H-2A nonimmigrant visas
19 be derived solely from the Farm Labor Survey.

20 BE IT FURTHER RESOLVED that the H-2A program is indispensable for American
21 farming and it is imperative to implement measures that mitigate the financial strain on
22 farmers, and aligning wage obligations with the Farm Labor Survey is a practical step
23 towards achieving this goal, ensuring that American agriculture remains competitive and
24 sustainable in the global market.

25 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
26 secretary of the United States Senate and the clerk of the United States House of
27 Representatives and to each member of the Louisiana congressional delegation.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

	DIGEST	
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Memorializes Congress to modify the H-2A nonimmigrant visa program to address the increase in wage rates resulting from the U.S. Dept. of Labor's policies.