

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 33

BY REPRESENTATIVE ROMERO

CONGRESS: Memorializes Congress to modify the H-2B temporary non-agricultural program to assist with labor workforce shortage in the state

## 1 A CONCURRENT RESOLUTION

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

5 WHEREAS, according to the United States Department of Labor, the H-2B  
6 temporary nonagricultural program, also commonly referred to as the H-2B nonimmigrant  
7 program or H-2B visa program, permits employers to temporarily hire non-United States  
8 citizens to perform nonagricultural labor or services in the United States; and

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

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

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

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

1 remaining thirty-three thousand H-2B visas granted to workers who begin employment in  
2 the second half of the fiscal year (April 1 - September 30); and

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

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

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

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

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

15 (3) The spouse and children of H-2B workers classified as H-4 nonimmigrants.

16 (4) Fish roe processors or fish roe technicians or supervisors of fish roe processing.

17 (5) Workers performing labor or services in the Commonwealth of the Northern  
18 Mariana Islands or Guam until December 31, 2029.

19 WHEREAS, on December 2, 2024, the United States Department of Homeland  
20 Security and the United States Department of Labor jointly published a temporary final rule,  
21 which increased the numerical cap on H-2B nonimmigrant visas to allow for over sixty-four  
22 thousand additional visas for the entirety of the 2025 fiscal year; and

23 WHEREAS, this increase in the numerical cap, is only temporarily and limited to the  
24 2025 fiscal year and, as of now, is not applicable and will not be utilized for future fiscal  
25 years; and

26 WHEREAS, these additional visas are available only to businesses in this country  
27 that are suffering irreparable harm or those that will suffer irreparable harm if they are  
28 unable to employ all the H-2B workers requested in their petition; and

29 WHEREAS, according to the United States Citizenship and Immigration Services,  
30 the agency has already received enough petitions to meet the H-2B statutory cap for the

1 second half of the 2025 fiscal year, and the filing period for supplemental H-2B visas for the  
2 remainder of the fiscal year is now open; and

3 WHEREAS, considering that the statutory cap has already been met and the  
4 supplemental H-2B visas are now being utilized, there is clearly a great need and strong  
5 desire for H-2B workers; and

6 WHEREAS, according to an October 2024 article by the American Immigration  
7 Council, an analysis of the United States Department of Labor's data has revealed that the  
8 demand for H-2B workers has increased by forty-six percent since 2018 and the number of  
9 certified workers has increased from approximately one hundred forty-seven thousand in the  
10 2018 fiscal year to over two hundred fifteen thousand in the 2023 fiscal year; and

11 WHEREAS, according to the United States Department of Labor, Louisiana ranked  
12 seventh in the top ten states that utilized the H-2B temporary nonagricultural program during  
13 the second quarter of the 2024 fiscal year; and

14 WHEREAS, the Save Our Seafood (SOS) Act, bipartisan congressional legislation  
15 that was introduced in June 2024 and, which, if it had passed, would have permanently  
16 authorized the exemption of nonimmigrants working as fish processors from the numerical  
17 cap on H-2B nonimmigrant visas; and

18 WHEREAS, according to the LSU Agricultural Center, one of the primary employers  
19 of the H-2B temporary nonagricultural program in this state is the seafood processing  
20 industry, which greatly utilizes and depends upon seasonal and temporary hired labor; and

21 WHEREAS, based on this statistical information and data, the H-2B temporary  
22 nonagricultural program is greatly utilized by Louisiana businesses and appears necessary  
23 for operation; and

24 WHEREAS, a modification of the H-2B temporary nonagricultural program could  
25 help business owners further extend their recruitment efforts and allow them to hire more  
26 H-2B workers as necessary to help meet workforce needs to ensure the successful  
27 continuation and prosperity of their businesses.

28 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
29 memorialize the United States Congress to take such actions as are necessary to modify the

1 H-2B temporary nonagricultural program to assist with the nonagricultural labor workforce  
2 shortage in the state of Louisiana.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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HCR 33 Original

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