## 2021 Regular Session

### HOUSE CONCURRENT RESOLUTION NO. 63

### BY REPRESENTATIVE ROMERO

# CONGRESS: Memorializes congress to modify the H-2B nonimmigrant 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 nonimmigrant program to assist with the labor workforce shortage in the
4	state of Louisiana.
5	WHEREAS, according to the United States Department of Labor, the H-2B
6	nonimmigrant program permits employers to temporarily hire nonimmigrants to perform
7	nonagricultural labor or services in the United States; and
8	WHEREAS, according to the United States Department of Labor, under the program,
9	employment is only of a temporary nature for a limited period of time, such as a one-time
10	occurrence, seasonal need, peak-load need, or intermittent need; and
11	WHEREAS, in order to qualify for H-2B nonimmigrant classification, employers
12	must show that there are not enough United States workers who are qualified, able, willing,
13	and available to do the temporary work, and that employing H-2B workers will not adversely
14	affect the wages and working conditions of similarly employed United States workers; and
15	WHEREAS, according to the United States Citizenship and Immigration Services,
16	there is a statutory numerical limit or "cap" on the total number of non-United States citizens
17	who may be issued an H-2B visa or be granted H-2B status during a fiscal year; and
18	WHEREAS, the United States Congress currently has the H-2B cap set at sixty-six
19	thousand visas per fiscal year, with thirty-three thousand H-2B visas granted to workers who
20	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 only accept petitions for H-2B status 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.
16	(4) Fish roe processors or fish roe technicians or supervisors in that industry; and
17	WHEREAS, according to the Louisiana State University (LSU) Agricultural Center,
18	in the last several years, there has been a steady increase in the number of applications for
19	H-2B status and the number of H-2B workers; and
20	WHEREAS, according to the LSU Agricultural Center, based on the latest data on
21	states and H-2B employment usage, Louisiana is ranked fourth with employing five
22	thousand nine hundred and seventy-four H-2B workers, which accounted for four and seven
23	tenths percent of the total certified positions for the first and second quarters for the 2020
24	fiscal year; and
25	WHEREAS, based on these statistics, the H-2B program is greatly utilized by
26	Louisiana businesses and appear necessary for operation; and
27	WHEREAS, the ongoing COVID-19 pandemic has not only affected and burdened
28	the healthcare industry in this state, but the business industry as well, since as a result of the
29	COVID-19 pandemic, businesses had to temporarily, and in some cases permanently, shut
30	down and layoff employees; and

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- 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.
- 7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby

8 memorialize the United States Congress to take such actions as are necessary to modify the

- 9 H-2B nonimmigrant program to assist with the labor workforce shortage in the state of
- 10 Louisiana.
- 11 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
- 12 presiding officers of the Senate and the House of Representatives of the Congress of the
- 13 United States of America and to each member of the Louisiana congressional delegation.

### 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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Romero

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