

SENATE CONCURRENT RESOLUTION NO. 14

BY SENATORS WHEAT, ABRAHAM, ALLAIN, BASS, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, DUPLESSIS, EDMONDS, FESI, FOIL, HARRIS, HENRY, HENSGENS, HODGES, JACKSON-ANDREWS, JENKINS, KLEINPETER, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MIZELL, MORRIS, MYERS, OWEN, PRESSLY, PRICE, REESE, SEABAUGH, SELDERS, STINE, TALBOT AND WOMACK

A CONCURRENT RESOLUTION

To memorialize the United States Congress 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 States workers, employers must demonstrate the need for a specific number of H-2A workers; and

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

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

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

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

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

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

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

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

WHEREAS, labor-intensive industries, including specialty crop growers, have been some of the hardest hit by the AEWR, with these growers spending nearly forty percent of their total cash expenses on labor alone; and

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

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

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

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES