

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 33

BY REPRESENTATIVE ROMERO

A CONCURRENT RESOLUTION

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

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

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

WHEREAS, in order to qualify for H-2B nonimmigrant 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 that employing H-2B workers will not adversely affect the wages and working conditions of similarly employed United States workers; and

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

WHEREAS, the United States Congress currently has the H-2B cap set at sixty-six thousand visas per fiscal year, with thirty-three thousand H-2B visas granted to workers who begin employment in the first half of the fiscal year (October 1 - March 31) and the remaining thirty-three thousand H-2B visas granted to workers who begin employment in the second half of the fiscal year (April 1 - September 30); and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, according to the United States Citizenship and Immigration Services, the agency has already received enough petitions to meet the H-2B statutory cap for the second half of the 2025 fiscal year, and the filing period for supplemental H-2B visas for the remainder of the fiscal year is now open; and

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to modify the H-2B temporary nonagricultural program to assist with the nonagricultural labor workforce shortage in the state of Louisiana.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE