### **As Introduced**

# 132nd General Assembly Regular Session 2017-2018

H. R. No. 391

### **Representative Young**

#### **A RESOLUTION**

То	urge President Donald J. Trump, members of his	1
	administration, and the Congress of the United	2
	States to revise the requirements for the H-2A	3
	Temporary Agricultural Worker Visa Program	4
	established under the Immigration and Nationality	5
	Act to reduce the cost and regulatory impact on	6
	employers who utilize the Program.	7

## BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO:

WHEREAS, The Temporary Agricultural Worker Visa Program	8
established by section 218 of the Immigration and Nationality	9
Act, 8 U.S.C. 1188, (H-2A visa) is a small, yet vital, component	10
of the United States economy which requires employers to meet a	11
complicated set of requirements that protect United States	12
workers from foreign competition by establishing criteria that	13
employers must meet before they can hire visa recipients,	14
including engaging in extensive advertising efforts to recruit	15
workers in the United States, filing paperwork with four	16
government agencies, obtaining certification from the United	17
States Department of Labor, demonstrating that the need for	18
foreign labor is temporary, paying wages that often exceed	19
minimum wage, and receiving approval for the foreign worker; and	20
WHEREAS, The Temporary Agricultural Worker Visa Program	21

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reduces illegal immigration by providing a path for employers	22
with labor needs that are not met within the United States to	23
meet exhaustive and very specific requirements, pay fairly high	24
wages to the temporary workers and offer the same high wages to	25
any United States worker who is willing and able to do the job,	26
and requiring temporary workers to return to their homes at the	27
end of each season, as opposed to employers that hire	28
unauthorized aliens in place of United States workers; and	29
WHEREAS, The Temporary Agricultural Worker Visa Program	30
permits employers in the United States to bring agricultural	31
workers into the country to fill temporary agricultural jobs for	32
which the employers are unable to find local workers; and	33
WHEREAS, Employers utilizing the Temporary Agricultural	34
Worker Visa Program have attempted to fill their employment	35
vacancies locally, are providing jobs that local workers are	36
unwilling to perform, and are attempting to be good corporate	37
citizens; and	38
WHEREAS, Employers in the United States are barraged by a	39
variety of regulations that increase the cost and difficulty of	40
conducting their businesses, and the government agencies	41
responsible for enforcing the regulations are more focused on	42
penalties for noncompliance than supporting U.S. employers who	43
are attempting to comply with the regulations; and	44
WHEREAS, Compliance with the Temporary Agricultural Worker	45
Visa Program requirements should be a cooperative process	46
between employers and the United States government, rather than	47
an adversarial process, with the government auditors assisting	48
employers in complying with visa requirements, rather than	49
imposing penalties for violations; and	50
WHEREAS, The requirements for hiring workers from	51
throughout the United States in place of already-employed visa	52
holders are irrational, because the employer has already	53

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incurred the time and expense of pursuing the visa process and	54
the employer must restart the visa process from the beginning if	55
the replacement worker is unwilling or unable to complete the	
work; and	
WHEREAS, The Act's requirements unfairly require employers	58
to incur expenses to hire workers from throughout the United	59

WHEREAS, The Act's requirements unfairly require employers
to incur expenses to hire workers from throughout the United
States that parallel the expenses paid for visa recipients,
including providing transportation and housing for those
workers, when the employers have already demonstrated that there
is a shortage of workers willing and able to perform the work;
and

WHEREAS, Employers incur unreasonable costs and expend unnecessary effort to rehire the same H-2A workers in succeeding years, because the Program does not include an expedited process for rehiring a worker who has previously been vetted through the system or provide leniency on rehiring prior visa recipients who may have inadvertently violated their visa restrictions; and

WHEREAS, The Temporary Agricultural Worker Visa Program should not require employers to demonstrate that their employment needs are seasonal, because not all agricultural work is seasonal, and employees may be needed year round; and

WHEREAS, The Program's requirement that all employees engaged in corresponding employment be paid no less than the Adverse Effect Wage Rate determined under the Act discourages agricultural employers from hiring local students and part-time employees, because the employers would incur the higher H-2A visa costs for these part-time positions; and

WHEREAS, Vegetable, fruit, nursery, greenhouse, and other sectors of Ohio agriculture face fierce marketplace competition with Canadian agricultural producers, and Canada has a well-functioning bilateral visa arrangement with Mexico in which the Canadian government seeks to facilitate, rather than thwart, the

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process of agricultural producers using that visa program; now	86
therefore be it	87
RESOLVED, That we, the members of the House of	88
Representatives of the 132nd General Assembly of the State of	89
Ohio, urge President Donald J. Trump and members of his	90
administration to take executive action to reduce the regulatory	91
and compliance burdens described in this resolution that are	92
imposed on employers who hire temporary workers through the	93
Temporary Agricultural Worker Visa Program established by	94
section 218 of the Immigration and Nationality Act; and be it	95
further	96
RESOLVED, That we, the members of the House of	97
Representatives of the 132nd General Assembly of the State of	98
Ohio, urge the Congress of the United States to pass legislation	99
revising the requirements for that Program to reduce the costs	100
incurred by, and the regulatory and compliance burden imposed	101
upon, employers who use the Program to hire temporary	102
agricultural workers; and be it further	103
RESOLVED, That the Clerk of the House of Representatives	104
transmit duly authenticated copies of this resolution to	105
Secretary of Agriculture Sonny Perdue, Special Assistant to the	106
President for Agricultural Trade and Food Assistance Ray	107
Starling, the members of the Ohio Congressional delegation, and	108
the news media of Ohio.	109