

**NCSL STANDING COMMITTEE on LABOR AND ECONOMIC  
DEVELOPMENT**

**POLICY DIRECTIVES AND RESOLUTIONS**

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1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: REAUTHORIZATION OF THE WORKFORCE**  
3 **INNOVATION AND OPPORTUNITY ACT**

4 **TYPE: RESOLUTION** (submitted by Committee Co-Chair  
5 Tennessee Sen. Becky Massey)

6 **WHEREAS**, economic development and employment opportunities in critical sectors  
7 require a highly skilled workforce; and

8

9 **WHEREAS**, developing the skills and competencies needed to fill in-demand jobs often  
10 requires education and training beyond high school, or in postsecondary settings during  
11 high school; and

12

13 **WHEREAS**, employers, students and workers increasingly view skill development  
14 across a yearslong continuum; and

15

16 **WHEREAS**, state legislatures continue to play a leading role in advancing workforce  
17 strategies to facilitate the success of their state economies; and

18

19 **WHEREAS**, the Workforce Innovation and Opportunity Act (WIOA) is the primary  
20 source of federal support for programs that complement and advance the workforce  
21 development priorities of the states; and

22

23 **WHEREAS**, the ever-evolving demands of the economy require federal policy to adapt  
24 and respond to workforce needs and state priorities; and

25

26 **WHEREAS**, the WIOA was last reauthorized in 2014, well before the advent of rapidly  
27 advancing technologies like artificial intelligence which are shaping economic  
28 development, labor needs, and even workforce training;

29

30 **NOW, THEREFORE,** the National Conference of States Legislatures calls on Congress  
31 to reauthorize the Workforce Innovation and Opportunity Act on a bipartisan basis; and

32  
33 **NOW, THEREFORE, BE IT RESOLVED,** that a reauthorized Workforce Innovation and  
34 Opportunity Act should facilitate a stronger and more involved role for legislatures and  
35 legislators in all the states and territories to shape the implementation of authorized  
36 programs to ensure their alignment with state workforce strategies, especially those  
37 facilitated through complementary state legislation; and

38  
39 **NOW, THEREFORE, BE IT FURTHER RESOLVED,** that a reauthorized Workforce  
40 Innovation and Opportunity Act should grant flexibilities to states whenever possible to  
41 direct funding and develop programs in ways that advance state workforce priorities and  
42 legislative strategies, especially by recognizing the opportunities provided through work-  
43 based learning and apprenticeships; and

44  
45 **NOW, THEREFORE, BE IT FURTHER RESOLVED,** that a reauthorized Workforce  
46 Innovation and Opportunity Act should recognize that modern workforce development  
47 strategies must recognize the importance of lifelong learning and support opportunities  
48 for workers to reskill and upskill throughout their career, including through programs  
49 offered by their current employer or as part of effective reentry employment training  
50 programs; and

51  
52 **NOW, THEREFORE, BE IT FURTHER RESOLVED,** that a reauthorized Workforce  
53 Innovation and Opportunity Act should support opportunities for states to coordinate and  
54 collaborate with higher education on workforce development, as well as promote  
55 coordination and alignment between related federal programs such as the Perkins  
56 Career and Technical Education Act; and

57  
58 **NOW, THEREFORE, BE IT FURTHER RESOLVED,** that a reauthorized Workforce  
59 Innovation and Opportunity Act should enhance the connection between and

60 effectiveness of education and workforce longitudinal data systems, especially through  
61 the increased use of enhanced wage records; and

62

63 **BE IT FINALLY RESOLVED**, that NCSL shall send a copy of this resolution to  
64 Members of Congress, including the Chairs, Ranking Members, and members of the  
65 Senate Health, Education, Labor, and Pensions Committee and the House Committee  
66 on Education and the Workforce.

1 **COMMITTEE: LAW AND PUBLIC SAFETY, LABOR AND ECONOMIC**  
2 **DEVELOPMENT**

3 **POLICY: IMPROVING H-2A VISA POLICY TO END**  
4 **AGRICULTURAL LABOR SHORTAGES**

5 **TYPE: RESOLUTION** (sponsored by Minnesota Rep. Hansen  
6 and Iowa Sen. Sweeney on behalf of the NCSL Task  
7 Force on Agriculture)

8 **WHEREAS**, U.S. agricultural industries are currently experiencing labor shortages and  
9 the U.S. agricultural workforce is experiencing a reduction in available labor; and  
10

11 **WHEREAS**, the H-2A visa is a temporary work visa for foreign agricultural laborers and  
12 does not provide a path to U.S. citizenship; and  
13

14 **WHEREAS**, H-2A visa holders are foreign agricultural laborers that can help temporarily  
15 fill labor gaps in the agricultural industry; and  
16

17 **WHEREAS**, the pandemic highlighted the need for a diverse and robust workforce able  
18 to withstand shocks and unforeseen circumstances, particularly in essential industries  
19 experiencing labor shortages such as agriculture; and  
20

21 **WHEREAS**, agricultural employers turn to employing H-2A visa holders when they can  
22 demonstrate during the application process that there are no domestic laborers  
23 available to fill needed positions;

24 **WHEREAS**, H-2A visa holders are valuable employees in the domestic and global  
25 agricultural communities who desire and deserve opportunities, protections,  
26 employment certainty and dignity; and  
27

28 **WHEREAS**, agricultural employers and employees endure a costly and complex  
29 employer-sponsored application process, fulfill burdensome reporting requirements and

30 comply with federally mandated wage requirements for both H-2A visa holders and  
31 domestic laborers, as well as fulfill transportation, meal and housing requirements; and

32  
33 **WHEREAS**, the H-2A visa program is the largest U.S. temporary work visa program,  
34 despite the associated costs, and the number of applications by U.S. agricultural  
35 employers to hire H-2A visa holders has been increasing dramatically over the past  
36 decade, underscoring the severity of the current agricultural labor shortage; and

37  
38 **WHEREAS**, current H-2A visa program rules prohibit the employment of H-2A visa  
39 holders in any agricultural position that is not classified as temporary or seasonal in  
40 nature, which disqualifies H-2A laborers from filling most positions in dairy, livestock,  
41 forestry and other year-round agricultural industries; and

42  
43 **WHEREAS**, current H-2A visa program rules prohibit the employment of H-2A visa  
44 holders for longer than one year, forcing employers to find replacement workers often  
45 which is costly and burdensome for agricultural employers and employees; and

46  
47 **WHEREAS**, H-2A visa holders are prohibited from extending their visa for more than  
48 three years and H-2A visa holders must wait outside of the U.S. for a period of no less  
49 than three months before they can reapply for a H-2A visa; and

50  
51 **WHEREAS**, the H-2A visa program has been shown to create captive employment  
52 dynamic, undercut wages, and working conditions, and drive down labor standards;

53  
54 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
55 urges Congress to extend H-2A visa holders' eligible length of employment by a single  
56 agricultural employer to 12 months and further urges Congress to allow for an extension  
57 of up to 12 months past the original term length when a verification of employment is  
58 provided by the employer to decrease the burden on agricultural employers and H-2A  
59 visa holders; and

60 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
61 urges Congress and the Administration to expand the eligibility of H-2A visa labor to all  
62 agricultural industries, including dairy, livestock, forestry and other year-round  
63 agricultural industries; and

64  
65 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislature urges  
66 applicable federal agencies collaborate to streamline and modernize the H-2A visa  
67 application and reapplication process and requirements, to allow greater flexibility,  
68 increase efficiency and to reduce the financial and resource burdens on H-2A  
69 employers and employees; and

70  
71 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
72 urges Congress to reform the H2A agricultural visa program to promote employer  
73 accountability, high labor standards, fair wages, safe working conditions, and ensure  
74 rights and protections for U.S. and immigrant agricultural workers alike; and

75  
76 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
77 urges the U.S. Department of Labor, the U.S. State Department, the U.S. Department of  
78 Homeland Security, the U.S. Department of Agriculture and other applicable agencies to  
79 consult with the National Conference of State Legislators on any proposed changes to  
80 the H-2A visa application or program; and

81  
82 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
83 urges Congress and the Administration to expand the eligibility of temporary H-2A visa  
84 labor to temporarily fulfill year-round and non-seasonal agricultural positions, including  
85 production, preparation, processing or manufacturing of agricultural commodities, in all  
86 agriculture industries during the requested length of employment within the valid work  
87 period of the H-2A visa.

1 **COMMITTEE: LAW AND PUBLIC SAFETY, LABOR AND ECONOMIC**  
2 **DEVELOPMENT**

3 **POLICY: INCREASING VISA CAPS AND LEGAL IMMIGRATION**  
4 **TO END LABOR SHORTAGE**

5 **TYPE: RESOLUTION** (renewal from Law and Public Safety  
6 Committee)

7 **WHEREAS**, the U.S. is experiencing a tight labor market and increased cultural and  
8 ethnic diversity is a recognized benefit to our society; and

9

10 **WHEREAS**, the pandemic highlighted the need for a diverse and robust workforce able  
11 to withstand shocks and unforeseen circumstances, particularly in industries such as  
12 healthcare, manufacturing, agriculture, education, and trade industries; and

13

14 **WHEREAS**, immigrants tend to be of optimal working age and eager to find  
15 employment; and

16

17 **WHEREAS**, employment-based visa holders are non-citizen workers that complement  
18 U.S. workers and help to fill labor gaps in critical industries; and

19

20 **WHEREAS**, employment-based visa holders benefit the country not only with their  
21 gainful employment but also by contributing to the tax base, as they pay federal, state,  
22 Social Security, and Medicare taxes proportional to their wages; and

23

24 **WHEREAS**, employer control of these visa programs can constrain workers' rights and  
25 may result in abuse and exploitation; and

26

27 **WHEREAS**, employment visa programs across industries have been shown to create

28 captive employment dynamics, undercut wages and working conditions, and drive down  
29 labor standards; and

30

31 **WHEREAS**, according to the United States Department of State, permanent  
32 employment-based immigration is statutorily limited to 140,000 principals and  
33 dependents annually, number of H-2B visas statutorily limited to 66,000, and the  
34 number of H-1B visas limited to 65,000 with an additional 20,000 visas available for  
35 those with a master’s degree or doctorate.

36

37 **WHEREAS**, these visa caps are often met within the first few months of each year; and

38

39 **WHEREAS**, many visa recipients must reapply yearly and these applications can be  
40 lengthy and burdensome; and

41

42 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
43 urges Congress to significantly increase the statutory visa caps and simplify the  
44 application and reapplication processes to allow employment-based visa recipients to  
45 easily maintain their visa status; and

46

47 **LET IT BE FURTHER RESOLVED**, that NCSL shall call for reforms to work visa  
48 programs to promote employer accountability, high labor standards, fair wages, safe  
49 working conditions, and ensure rights and protections for U.S. and immigrant workers  
50 alike; and

51

52 **LET IT BE FURTHER RESOLVED**, the National Conference of State  
53 Legislatures urges Congress and the Administration to create legal pathways to  
54 immigration and streamline the process for immigration into our country in order to  
55 fortify the labor market and achieve economic prosperity.