

NALP Supports Introduction Of Returning Worker Exception Act



Source: www.TurfMagazine.com

The National Association of Landscape Professionals (NALP) is applauding Reps. Cuellar (D-TX), Joyce (R-OH), Keating (D-MA) Pingree (D-ME), Chabot (R-OH), and Harris (R-MD) for introducing the bipartisan Returning Worker Exception Act of 2021. This [legislation](#) would enact H-2B reforms and cap relief through a returning worker exception while also providing integrity measures that protect U.S. workers and foreign seasonal H-2B workers while in the United States.

“We applaud Representative’s Cuellar, Joyce and Keating for their leadership on pushing for much needed permanent H-2B reforms,” stated Britt Wood, CEO [NALP](#). “As the single largest user of the H-2B program the landscape industry has been in a work force crisis for many years and the uncertainty and antiquated 66,000 cap has exacerbated the crisis.

“Now is the time to enact a permanent bipartisan solution that provides certainty for landscape professionals to grow their businesses, support their U.S. workers and service their customers,” he continued.



(Credit: Getty Images/welcomia)

The Returning Worker Exception Act of 2021 makes several permanent changes to the H-2B program. The first is reenacting the returning worker exemption that would exempt returning workers from counting against the 66,000 cap if the H-2B worker is a returning worker in any one of the previous three fiscal years. The returning worker exception was part of the program from 2005 – 2007 and then again in 2017. Additionally, both the Biden and Trump administration made the returning worker exception a prerequisite to accessing the supplemental cap in each of the previous four years.

Other provisions within the legislation propose to improve efficiencies with the application process by requiring a single digital platform while also requiring the Department of Labor (DOL) to maintain a publicly accessible online job registry. The Act would also strengthen program integrity measures and anti-fraud provisions to increase DOL investigations, fines and even permanent disqualification from the H-2B program for willful violations. Lastly, the Act would address misconduct by foreign recruiters and also strengthen workers safety standards for H-2B employees while in the United States.

“Introducing the Returning Worker Exception Act of 2021 is only the first step, now we must mobilize the landscape industry and all the other seasonal businesses that rely on the H-2B program during this difficult work force crisis,” explained Andrew Bray, VP of government relations NALP. “We again thank our champions for introducing the legislation and we look forward to working with both sides of the aisle in the House and the Senate to push this legislation across the finish line and enact permanent H-2B reforms for the landscape industry.”

Other members of the landscaping profession also spoke out in support of the legislation.

“On behalf of the entire Texas green industry, we thank Congressman Cuellar for his leadership in introducing the bipartisan ‘Returning Worker Exception Act of 2021’ and his effort to meet the workforce needs of employers in our state,” said Amy Graham, President & CEO of the Texas Nursery & Landscape Association. “Our seasonal industry in Texas contributes over \$27 billion dollars in economic impact but continues to face severe workforce shortages and is hindered by the antiquated federal labor programs. The ‘H-2B Returning Worker Exception Act’ is the key to helping our Texas green industry businesses grow and invest in the future by addressing the arbitrary caps within the H-2B seasonal visa program while also providing new protections for American workers.”

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