

H-2B Relief Signed into Law



AmericanHort^[1] has reported that President Obama signed into law an omnibus spending bill for fiscal year 2016 that includes important H-2B relief. The bill does the following:

- Exempts H-2B returning workers from the 66,000 annual cap;
- Addresses H-2B wages and allow the use of private wage surveys, which were not allowed under the 2015 final H-2B wage rule;
- Clearly defines seasonal as ten months, as opposed to the nine months in the new interim final H-2B comprehensive rule;
- Prevents DOL from implementing the provisions of the interim final rule (IFR) related to corresponding employment and the ¾ guarantee; and
- Prevents DOL from implementing the new and burdensome DOL enforcement scheme in the IFR related to audit and the Certifying Officer (CO) assisted recruitment; and
- Allows for the staggered crossing of seafood H-2B workers.

These provisions will expire on September 30, 2016, but AmericanHort will continue to fight in Washington for long-term relief. We will also closely monitor the implementation of the new law and advise you about how the Departments of Labor and Homeland Security plan to implement the bill.