

112TH CONGRESS
1ST SESSION

H. R. 3162

To prohibit the Secretary of Labor from implementing certain rules relating to employment of aliens described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. ALEXANDER (for himself, Mr. WITTMAN, Mr. HARRIS, and Mr. BOUSTANY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the Secretary of Labor from implementing certain rules relating to employment of aliens described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON IMPLEMENTING CERTAIN**
4 **RULE.**

5 (a) FINAL RULE.—The Secretary of Labor shall not
6 implement, amend, or enforce the rule entitled “Wage
7 Methodology for the Temporary Non-agricultural Employ-
8 ment H–2B Program” (Regulatory Identification Number

1 1205–AB61), published on January 19, 2011 (76 Fed.
2 Reg. 3452), initially scheduled to go into effect January
3 1, 2012, amended to go into effect on September 30,
4 2011, and amended to go into effect November 30, 2011,
5 or any substantially similar rule.

6 (b) PROPOSED RULE.—The Secretary of Labor shall
7 not finalize, implement, amend, or enforce the proposed
8 rule entitled “Temporary Non-agricultural Employment of
9 H–2B Aliens in the United States” (Regulatory Identifica-
10 tion Number 1205–AB58), published on March 18, 2011
11 (76 Fed. Reg. 15130), or any substantially similar rule.

12 (c) DETERMINATION OF PREVAILING WAGE.—In de-
13 termining the prevailing wage level under section 212(p)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1182(p)), the Secretary of Labor shall use data from the
16 Occupational Employment Statistics program of the Bu-
17 reau of Labor Statistics and shall comply with paragraph
18 (4) of such section with respect to the number of wage
19 levels required of a governmental survey used to make
20 such computation.

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