

113TH CONGRESS
1ST SESSION

H. R. 2765

To amend the Immigration and Nationality Act to promote the economic survival of seasonal small businesses by ensuring that the wages paid to H–2B nonimmigrants are fair and reasonable.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2013

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

A BILL

To amend the Immigration and Nationality Act to promote the economic survival of seasonal small businesses by ensuring that the wages paid to H–2B nonimmigrants are fair and reasonable.

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. SHORT TITLE.**

4 This Act may be cited as the “Save Our Seasons Act
5 of 2013”.

1 **SEC. 2. H-2B WAGES.**

2 Section 214(g)(9) of the Immigration and Nationality
3 Act (8 U.S.C. 1184(g)(9)) is amended by adding at the
4 end the following:

5 “(D) WAGES.—

6 “(i) IN GENERAL.—The wages paid to
7 nonimmigrants under section
8 101(a)(15)(H)(ii)(b) employed by an em-
9 ployer shall be the greater of—

10 “(I) the actual wage level paid by
11 the employer to other employees with
12 similar experience and qualifications
13 for such position; or

14 “(II) the prevailing wage level for
15 the occupational classification of the
16 position in the geographic area of the
17 employment, based on the best infor-
18 mation available as of the time of fil-
19 ing the application.

20 “(ii) BEST INFORMATION AVAIL-
21 ABLE.—The term ‘best information avail-
22 able’, with respect to determining the pre-
23 vailing wage for a position, means—

24 “(I) a controlling collective bar-
25 gaining agreement or Federal contract
26 wage, if applicable;

1 “(II) the wage level commensu-
2 rate with the experience, training, and
3 supervision required for the job based
4 on Bureau of Labor Statistics data; or
5 “(III) if the data referred to in
6 paragraph (2) is not available or the
7 best information available, a legiti-
8 mate, recent private survey of the
9 wages paid for such positions in the
10 metropolitan statistical area.”.

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