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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To reform the H-1B process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

A BILL

To reform the H-1B process, 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. SHORT TITLE.**

4 This Act may be cited as the “American White-Collar
5 Worker Jobs Act of 2026”.

6 **SEC. 2. REASSERTING CONGRESS’S CONSTITUTIONAL AU-**
7 **THORITY OVER IMMIGRATION.**

8 (a) IN GENERAL.—The power to authorize employ-
9 ment for classes of aliens is reserved to Congress.

1 (b) UNAUTHORIZED ALIEN.—Section 274A(h)(3) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1324a(h)(3)) is amended by inserting “pursuant to stat-
4 ute” after “Attorney General”.

5 (c) APPLICABILITY.—Title II of the Immigration and
6 Nationality Act applies to an alien’s entry and entire stay
7 in the United States.

8 (d) LIMITATION.—Section 214(a)(1) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1184(a)(1)) is amend-
10 ed by inserting “The authority to prescribe regulations
11 under this section is limited to those necessary to set the
12 duration of admission and to insure that at upon failure
13 to maintain the status under which an alien was admitted,
14 or to maintain any status subsequently acquired under
15 section 248, the alien with will leave the country.” after
16 the first sentence.

17 (e) RULES.—Not later than 180 days after the date
18 of enactment of this Act, the Secretary of Homeland Secu-
19 rity shall update rules regarding nonimmigrants to be con-
20 sistent with this Act and the amendments made by this
21 Act.

22 (f) NONIMMIGRANT CLASSIFICATION.—Section 248
23 of the Immigration and Nationality Act (8 U.S.C. 1258)
24 is amended by adding at the end the following:

1 “(c) Any adjustment of status under this section re-
2 quires complying with the admission and ongoing require-
3 ments of the new nonimmigrant status acquired.”.

4 **SEC. 3. H-1B REFORM.**

5 (a) ADJUSTMENT OF STATUS.—

6 (1) NONIMMIGRANT REQUIREMENTS.—Section
7 101(a)(15)(H) of the Immigration and Nationality
8 Act (8 U.S.C. 1101(a)(15)(H)) is amended by in-
9 serting “having a residence in a foreign country
10 which he has no intention of abandoning” before
11 “who is coming” the first place it appears.

12 (2) IMMIGRANT PRESUMPTION.—Section 214(b)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1184(b)) is amended by striking “(other than a non-
15 immigrant described in subparagraph (L) or (V) of
16 section 101(a)(15), and other than a nonimmigrant
17 described in any provision of section
18 101(a)(15)(H)(i) except subclause (b1) of such sec-
19 tion)”.

20 (3) SPECIAL PROVISIONS FOR LENGTHY ADJU-
21 DICATIONS.—Section 106 of American Competitive-
22 ness Act in the Twenty-first Century Act of 2000
23 (Public Law 106–313) is repealed.

1 (4) ADMISSION OF NONIMMIGRANTS.—Section
2 214(h) of the of the Immigration and Nationality
3 Act (8 U.S.C. 1184(h)) is repealed.

4 (b) LABOR CONDITION APPLICATION.—

5 (1) INADMISSIBILITY.—Section 212(n)(1) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1182(n)(1)) is amended to read as follows:

8 “(1)(A) No alien may be admitted or provided
9 status as an H–1B nonimmigrant in an occupational
10 classification unless the employer has filed with the
11 Secretary of Labor, and the Secretary of Labor has
12 approved an application that—

13 “(i) uniquely identifies the potential
14 nonimmigrant to whom the application ap-
15 plies, including a photograph;

16 “(ii) specifies the occupational classi-
17 fication of employment;

18 “(iii) specifies the address where the
19 nonimmigrant will be employed;

20 “(iv) specifies the wage to be paid to
21 the nonimmigrant;

22 “(v) specifies the nationality of the
23 nonimmigrant;

1 “(vi) includes any other information
2 the Secretary of Labor determines is nec-
3 essary; and

4 “(vii) certifies the following:

5 “(I) That the employer will pay
6 the nonimmigrant full-time wages for
7 the entire period of employment that
8 are the higher of—

9 “(aa) the actual wage level
10 paid by the employer to all other
11 individuals with similar experi-
12 ence and qualifications for the
13 specific employment in question;
14 or

15 “(bb) the wage determined
16 by the Secretary of Labor to be
17 at the 75th percentile for workers
18 in the same location and occupa-
19 tion.

20 “(II) There are not sufficient
21 workers who are able, willing, and
22 qualified, and who will be available at
23 the time and place needed, to perform
24 the labor or services involved in the
25 petition.

1 “(III) The employment of the
2 alien in such labor or services will not
3 adversely affect the wages and work-
4 ing conditions of workers in the
5 United States similarly employed.

6 “(IV) There is not a strike or
7 lockout in the course of a labor dis-
8 pute in the occupational classification
9 at the place of employment.

10 “(V) The employer, at the time
11 of filing the application—

12 “(aa) has provided notice of
13 the filing under this paragraph to
14 the bargaining representative (if
15 any) of the employer’s employees
16 in the occupational classification
17 and area for which aliens are
18 sought; or

19 “(bb) if there is no such
20 bargaining representative, has
21 provided notice of filing in the
22 occupational classification
23 through such methods as physical
24 posting in conspicuous locations
25 at the place of employment or

1 electronic notification to employ-
2 ees in the occupational classifica-
3 tion for which an H-1B non-
4 immigrant is sought.

5 “(VI) The H-1B nonimmigrant
6 has not and will not displace any
7 United States workers either directly
8 employed by the employer or indi-
9 rectly by a third-party employer.

10 “(VII) The employer has not and
11 will not lay off any United States
12 workers in the same employment clas-
13 sification within one year of making
14 the application.

15 “(VIII) An employer, prior to fil-
16 ing the application—

17 “(aa) has advertised the job
18 on an Internet website main-
19 tained by the Secretary of Labor
20 for the purpose of such adver-
21 tising;

22 “(bb) has offered the job to
23 any United States worker who
24 applies and is equally or better

1 qualified for the job for which the
2 nonimmigrant is sought; and

3 “(cc) has taken good faith
4 steps to recruit, in the United
5 States using procedures that
6 meet industry-wide standards
7 and offering compensation that is
8 at least as great as that required
9 to be offered to H-1B non-
10 immigrants under subclause
11 (III), United States workers for
12 the job for which the non-
13 immigrant or nonimmigrants is
14 or are sought.

15 “(IX) The employers has not
16 placed any advertisements specifically
17 seeking to hire nonimmigrant either
18 directly or through a third party with-
19 in the past year.

20 “(X) The percentage of the em-
21 ployer’s employees within the United
22 States who are nonimmigrants does
23 not exceed 5 percent.

24 “(XI) The nonimmigrant is fully
25 qualified to perform the occupation of

1 intended employment, including pos-
2 sessing bachelor's degree or higher
3 from a university determined to be
4 equivalent to a degree from a United
5 States university by recognized edu-
6 cational credential evaluation service
7 in a field that is related to the occu-
8 pation and possessing any licenses re-
9 quired for that occupation. The Sec-
10 retary of Labor shall determine which
11 educational credential evaluation serv-
12 ices are recognized.

13 “(XII) The nonimmigrant has
14 not and will not be required to pay
15 any part of the fees or expenses for
16 obtaining the visa.

17 “(XIII) The nonimmigrant has
18 not and will not be required to pay for
19 any services provided by the employer,
20 such as housing.

21 “(XIV) The nonimmigrant has
22 not and will not be charged any fee,
23 bond, damages or similar for ceasing
24 employment with the employer.

1 “(XV) The employer does not re-
2 strict employment opportunities, such
3 as using a preferred vendor list, for
4 either temporary or permanent em-
5 ployment to those supplied by or re-
6 ferred by specific third parties.

7 “(B) The Secretary of Labor shall review the
8 contents of the application before approval. The Sec-
9 retary of Labor shall not approve an application for
10 an occupational classification where the unemploy-
11 ment rate exceeds 2 percent.

12 “(C) The Secretary of Labor shall make avail-
13 able to the public information received in applica-
14 tions, less any personal identifying information.

15 “(D) The Secretary of Labor shall establish
16 and maintain a website for employers to post jobs
17 prior to seeking foreign labor.

18 “(E) The application shall be valid for making
19 a petition for a visa under section
20 101(a)(15)(H)(i)(b) for 90 days after approval.”.

21 (2) PREVAILING WAGE.—Section 212(p) of the
22 Immigration and Nationality Act (8 U.S.C. 1182(p))
23 is amended—

24 (A) by striking paragraphs (1) and (4);
25 and

1 (B) redesignating paragraphs (2) and (3)
2 as paragraphs (1) and (2), respectively.

3 (3) OCCUPATIONAL CLASSIFICATION.—Section
4 212(t)(2)(C) of the Immigration and Nationality Act
5 (8 U.S.C. 1182(t)(2)(C) is amended by striking all
6 that follows after “subsection” and inserting a pe-
7 riod.

8 (c) ENFORCEMENT.—Section 212(n)(2) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1182(n)(2)) is
10 amended to read as follows:

11 “(2)(A) The Secretary of Labor has the power
12 to enforce the provisions of this paragraph, including
13 the power to investigate, review documents sub-
14 mitted as part of the visa process, subpoena, and
15 audit.

16 “(B) The Secretary of Labor shall establish a
17 process for receiving complaints of violations of this
18 paragraph. The Secretary may act on any such com-
19 plaint received within 1 year of the alleged violation.

20 “(C) The Secretary of Labor may charge an
21 employer that violates the terms of this paragraph.
22 An employer charged shall have the right to request
23 a hearing. The Secretary of Labor may sanction an
24 employer up to \$100,000 (inflation adjusted) for
25 each violation of the terms of this paragraph. The

1 Secretary of Labor may also ban an employer from
2 employing H-1B nonimmigrants, both directly and
3 indirectly through a third party, for up to 10 years.
4 A party may appeal such a judgment of the Sec-
5 retary of Labor to the court of appeals having geo-
6 graphic jurisdiction where the violations were found
7 to have occurred.

8 “(D) United States workers have the right not
9 to be displaced by nonimmigrant workers. Any
10 United States worker who is displaced by a non-
11 immigrant shall have a cause of action in tort in the
12 Federal courts against those employers causing the
13 displacement, whether directly or indirectly.”.

14 (d) DEFINITIONS REPEAL.—Paragraph (3) of section
15 212(n) of the Immigration and Nationality Act (8 U.S.C.
16 1182(n)) is repealed.

17 (e) DISPLACEMENT.—Section 212(n)(4)(B) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1182(n)(4)(B)) is amended by striking “, and is located
20 in the same area of employment as the other job”.

21 (f) LAY OFFS.—Section 212(n)(4)(D)(i)(II) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1182(n)(4)(D)(i)(II) is amended by striking “(or, in the
24 case of a placement of a worker with another employer
25 under paragraph (1)(F), with either employer described

1 in such paragraph)” and inserting “in the same area of
2 employment”.

3 (g) MANNER OF ISSUANCE.—Section 214(g) of the
4 Immigration and Nationality Act (8 U.S.C. 1184(g)) is
5 amended—

6 (1) in paragraph (1), by amending subpara-
7 graph (A) to read as follows:

8 “(A) under section 101(a)(15)(H)(i)(b),
9 may not exceed 65,000.”.

10 (2) in paragraph (3), by striking “in the order
11 in which petitions are filed for such visas or status”
12 and inserting “, with priority given to petitions with
13 higher salaries”.

14 (3) in paragraph (4), by striking “6 years.” and
15 inserting “2 calendar years. This duration starts
16 with the date that is the earlier of the date of admis-
17 sion or date of change of status to that of a non-
18 immigrant under section 101(a)(15)(H)(i)(b), or 90
19 days after the visa is issued.”; and

20 (4) by striking paragraphs (5) through (7) and
21 inserting the following:

22 “(5) The number of nonimmigrants admitted
23 under section 101(a)(15)(H)(i)(b) from any one
24 country may not exceed 7 percent of the number al-
25 lotted under paragraph (1)(A).”.

1 (h) NEW EMPLOYMENT REPEAL.—Section 214(n) of
2 the Immigration and Nationality Act (8 U.S.C. 1184(n))
3 is repealed.