

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**36**

**OFFERED BY MR. KHANNA OF CALIFORNIA**

At the end of title XVII, insert the following new subtitle:

1                   **Subtitle D—EAGLE Act**

2   **SEC. 17\_\_\_ . SHORT TITLE.**

3           This subtitle may be cited as the “Equal Access to  
4 Green cards for Legal Employment Act of 2024” or the  
5 “EAGLE Act of 2024”.

6   **SEC. 17\_\_\_ . NUMERICAL LIMITATION TO ANY SINGLE FOR-**  
7                   **EIGN STATE.**

8           (a) IN GENERAL.—Section 202(a)(2) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1152(a)(2)) is  
10 amended to read as follows:

11                   “(2) PER COUNTRY LEVELS FOR FAMILY-SPON-  
12           SORED IMMIGRANTS.—Subject to paragraphs (3)  
13           and (4), the total number of immigrant visas made  
14           available to natives of any single foreign state or de-  
15           pendent area under section 203(a) in any fiscal year  
16           may not exceed 15 percent (in the case of a single  
17           foreign state) or 2 percent (in the case of a depend-

1 ent area) of the total number of such visas made  
2 available under such section in that fiscal year.”.

3 (b) CONFORMING AMENDMENTS.—Section 202 of  
4 such Act (8 U.S.C. 1152) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3), by striking “both  
7 subsections (a) and (b) of section 203” and in-  
8 serting “section 203(a)”; and

9 (B) by striking paragraph (5); and

10 (2) by amending subsection (e) to read as fol-  
11 lows:

12 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

13 If the total number of immigrant visas made available  
14 under section 203(a) to natives of any single foreign state  
15 or dependent area will exceed the numerical limitation  
16 specified in subsection (a)(2) in any fiscal year, immigrant  
17 visas shall be allotted to such natives under section 203(a)  
18 (to the extent practicable and otherwise consistent with  
19 this section and section 203) in a manner so that, except  
20 as provided in subsection (a)(4), the proportion of the  
21 visas made available under each of paragraphs (1) through  
22 (4) of section 203(a) is equal to the ratio of the total visas  
23 made available under the respective paragraph to the total  
24 visas made available under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the  
2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255  
3 note) is amended—

4 (1) in subsection (a), by striking “(as defined  
5 in subsection (e))”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-  
8 section (d).

9 (d) APPLICATION.—The amendments made by this  
10 section shall apply beginning on the date that is the first  
11 day of the second fiscal year beginning after the date of  
12 the enactment of this subtitle.

13 (e) TRANSITION RULES FOR EMPLOYMENT-BASED  
14 IMMIGRANTS.—Notwithstanding title II of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1151 et seq.), the fol-  
16 lowing transition rules shall apply to employment-based  
17 immigrants, beginning on the date referred to in sub-  
18 section (d):

19 (1) RESERVED VISAS FOR LOWER ADMISSION  
20 STATES.—

21 (A) IN GENERAL.—For the first nine fiscal  
22 years after the date referred to in subsection  
23 (d), immigrant visas under each of paragraphs  
24 (2) and (3) of section 203(b) of the Immigra-  
25 tion and Nationality Act (8 U.S.C. 1153(b))

1 shall be reserved and allocated to immigrants  
2 who are natives of a foreign state or dependent  
3 area that is not one of the two foreign states  
4 or dependent areas with the highest demand for  
5 immigrant visas as follows:

6 (i) For the first fiscal year after such  
7 date, 30 percent of such visas.

8 (ii) For the second fiscal year after  
9 such date, 25 percent of such visas.

10 (iii) For the third fiscal year after  
11 such date, 20 percent of such visas.

12 (iv) For the fourth fiscal year after  
13 such date, 15 percent of such visas.

14 (v) For the fifth and sixth fiscal years  
15 after such date, 10 percent of such visas.

16 (vi) For the seventh, eighth, and  
17 ninth fiscal years after such date, 5 per-  
18 cent of such visas.

19 (B) ADDITIONAL RESERVED VISAS FOR  
20 NEW ARRIVALS.—For each of the first nine fis-  
21 cal years after the date referred to in subsection  
22 (d), an additional 5.75 percent of the immi-  
23 grant visas made available under each of para-  
24 graphs (2) and (3) of section 203(b) of the Im-  
25 migration and Nationality Act (8 U.S.C.

1           1153(b)) shall be allocated to immigrants who  
2           are natives of a foreign state or dependent area  
3           that is not one of the two foreign states or de-  
4           pendent areas with the highest demand for im-  
5           migrant visas. Such additional visas shall be al-  
6           located in the following order of priority:

7                   (i) FAMILY MEMBERS ACCOMPANYING  
8                   OR FOLLOWING TO JOIN.—Visas reserved  
9                   under this subparagraph shall be allocated  
10                  to family members described in section  
11                  203(d) of the Immigration and Nationality  
12                  Act (8 U.S.C. 1153(d)) who are accom-  
13                  panying or following to join a principal  
14                  beneficiary who is in the United States and  
15                  has been granted an immigrant visa or ad-  
16                  justment of status to lawful permanent  
17                  residence under paragraph (2) or (3) of  
18                  section 203(b) of the Immigration and Na-  
19                  tionality Act (8 U.S.C. 1153(b)).

20                  (ii) NEW PRINCIPAL ARRIVALS.—If at  
21                  the end of the second quarter of any fiscal  
22                  year, the total number of visas reserved  
23                  under this subparagraph exceeds the num-  
24                  ber of qualified immigrants described in  
25                  clause (i), such visas may also be allocated,

1 for the remainder of the fiscal year, to in-  
2 dividuals (and their family members de-  
3 scribed in section 203(d) of the Immigra-  
4 tion and Nationality Act (8 U.S.C.  
5 1153(d))) who are seeking an immigrant  
6 visa under paragraph (2) or (3) of section  
7 203(b) of the Immigration and Nationality  
8 Act (8 U.S.C. 1153(b)) to enter the United  
9 States as new immigrants, and who have  
10 not resided or worked in the United States  
11 at any point in the four-year period imme-  
12 diately preceding the filing of the immi-  
13 grant visa petition.

14 (iii) OTHER NEW ARRIVALS.—If at  
15 the end of the third quarter of any fiscal  
16 year, the total number of visas reserved  
17 under this subparagraph exceeds the num-  
18 ber of qualified immigrants described in  
19 clauses (i) and (ii), such visas may be also  
20 be allocated, for the remainder of the fiscal  
21 year, to other individuals (and their family  
22 members described in section 203(d) of the  
23 Immigration and Nationality Act (8 U.S.C.  
24 1153(d))) who are seeking an immigrant  
25 visa under paragraph (2) or (3) of section

1                   203(b) of the Immigration and Nationality  
2                   Act (8 U.S.C. 1153(b)).

3                   (2) RESERVED VISAS FOR SHORTAGE OCCUPA-  
4                   TIONS.—

5                   (A) IN GENERAL.—For each of the first  
6                   seven fiscal years after the date referred to in  
7                   subsection (d), not fewer than 4,400 of the im-  
8                   migrant visas made available under section  
9                   203(b)(3) of the Immigration and Nationality  
10                  Act (8 U.S.C. 1153(b)(3)), and not reserved  
11                  under paragraph (1), shall be allocated to immi-  
12                  grants who are seeking admission to the United  
13                  States to work in an occupation described in  
14                  section 656.5(a) of title 20, Code of Federal  
15                  Regulations (or any successor regulation).

16                  (B) FAMILY MEMBERS.—Family members  
17                  who are accompanying or following to join a  
18                  principal beneficiary described in subparagraph  
19                  (A) shall be entitled to a visa in the same sta-  
20                  tus and in the same order of consideration as  
21                  such principal beneficiary, but such visa shall  
22                  not be counted against the 4,400 immigrant  
23                  visas reserved under such subparagraph.

1           (3) PER-COUNTRY LEVELS.—For each of the  
2 first nine fiscal years after the date referred to in  
3 subsection (d)—

4           (A) not more than 25 percent (in the case  
5 of a single foreign state) or 2 percent (in the  
6 case of a dependent area) of the total number  
7 of visas reserved under paragraph (1) shall be  
8 allocated to immigrants who are natives of any  
9 single foreign state or dependent area; and

10           (B) not more than 85 percent of the immi-  
11 grant visas made available under each of para-  
12 graphs (2) and (3) of section 203(b) of the Im-  
13 migration and Nationality Act (8 U.S.C.  
14 1153(b)) and not reserved under paragraph (1),  
15 may be allocated to immigrants who are native  
16 to any single foreign state or dependent area.

17           (4) SPECIAL RULE TO PREVENT UNUSED  
18 VISAS.—If, at the end of the third quarter of any  
19 fiscal year, the Secretary of State determines that  
20 the application of paragraphs (1) through (3) would  
21 result in visas made available under paragraph (2)  
22 or (3) of section 203(b) of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1153(b)) going unused in  
24 that fiscal year, such visas may be allocated during



1 the remainder of such fiscal year without regard to  
2 paragraphs (1) through (3).

3 (5) RULES FOR CHARGEABILITY AND DEPEND-  
4 ENTS.—Section 202(b) of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1152(b)) shall apply in deter-  
6 mining the foreign state to which an alien is charge-  
7 able, and section 203(d) of such Act (8 U.S.C.  
8 1153(d)) shall apply in allocating immigrant visas to  
9 family members, for purposes of this subsection.

10 (6) DETERMINATION OF TWO FOREIGN STATES  
11 OR DEPENDENT AREAS WITH HIGHEST DEMAND.—  
12 The two foreign states or dependent areas with the  
13 highest demand for immigrant visas, as referred to  
14 in this subsection, are the two foreign states or de-  
15 pendent areas with the largest aggregate number  
16 beneficiaries of petitions for an immigrant visa  
17 under section 203(b) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1153(b)) that have been ap-  
19 proved, but where an immigrant visa is not yet avail-  
20 able, as determined by the Secretary of State, in  
21 consultation with the Secretary of Homeland Secu-  
22 rity.

1 **SEC. 17\_\_\_ . POSTING AVAILABLE POSITIONS THROUGH**  
2 **THE DEPARTMENT OF LABOR.**

3 (a) DEPARTMENT OF LABOR WEBSITE.—Section  
4 212(n) of the Immigration and Nationality Act (8 U.S.C.  
5 1182(n)) is amended by adding at the end the following:

6 “(6) For purposes of complying with paragraph  
7 (1)(C):

8 “(A) Not later than 180 days after the date of  
9 the enactment of the Equal Access to Green cards  
10 for Legal Employment Act of 2022, the Secretary of  
11 Labor shall establish a searchable internet website  
12 for posting positions in accordance with paragraph  
13 (1)(C) that is available to the public without charge,  
14 except that the Secretary may delay the launch of  
15 such website for a single period identified by the  
16 Secretary by notice in the Federal Register that  
17 shall not exceed 30 days.

18 “(B) The Secretary may work with private com-  
19 panies or nonprofit organizations to develop and op-  
20 erate the internet website described in subparagraph  
21 (A).

22 “(C) The Secretary shall promulgate rules,  
23 after notice and a period for comment, to carry out  
24 this paragraph.”.

25 (b) PUBLICATION REQUIREMENT.—The Secretary of  
26 Labor shall submit to Congress, and publish in the Fed-

1 eral Register and in other appropriate media, a notice of  
2 the date on which the internet website required under sec-  
3 tion 212(n)(6) of the Immigration and Nationality Act,  
4 as established by subsection (a), will be operational.

5 (c) APPLICATION.—The amendment made by sub-  
6 section (a) shall apply beginning on the date that is 90  
7 days after the date described in subsection (b).

8 (d) INTERNET POSTING REQUIREMENT.—Section  
9 212(n)(1)(C) of the Immigration and Nationality Act (8  
10 U.S.C. 1182(n)(1)(C)) is amended—

11 (1) by redesignating clause (ii) as subclause  
12 (II);

13 (2) by striking “(i) has provided” and inserting  
14 the following:

15 “(ii)(I) has provided”; and

16 (3) by inserting before clause (ii), as redesign-  
17 ated by paragraph (2), the following:

18 “(i) except in the case of an employer  
19 filing a petition on behalf of an H–1B non-  
20 immigrant who has already been counted  
21 against the numerical limitations and is  
22 not eligible for a full 6-year period, as de-  
23 scribed in section 214(g)(7), or on behalf  
24 of an H–1B nonimmigrant authorized to  
25 accept employment under section 214(n),

1 has posted on the internet website de-  
2 scribed in paragraph (6), for at least 30  
3 calendar days, a description of each posi-  
4 tion for which a nonimmigrant is sought,  
5 that includes—

6 “(I) the occupational classifica-  
7 tion, and if different the employer’s  
8 job title for the position, in which  
9 each nonimmigrant will be employed;

10 “(II) the education, training, or  
11 experience qualifications for the posi-  
12 tion;

13 “(III) the salary or wage range  
14 and employee benefits offered;

15 “(IV) each location at which a  
16 nonimmigrant will be employed; and

17 “(V) the process for applying for  
18 a position; and”.

19 **SEC. 17\_\_\_\_. H-1B EMPLOYER PETITION REQUIREMENTS.**

20 (a) **WAGE DETERMINATION INFORMATION.**—Section  
21 212(n)(1)(D) of the Immigration and Nationality Act (8  
22 U.S.C. 1182(n)(1)(D)) is amended by inserting “the pre-  
23 vailing wage determination methodology used under sub-  
24 paragraph (A)(i)(II),” after “shall contain”.

1 (b) NEW APPLICATION REQUIREMENTS.—Section  
2 212(n)(1) of the Immigration and Nationality Act (8  
3 U.S.C. 1182(n)(1)) is amended by inserting after subpara-  
4 graph (G) the following new subparagraph:

5 “(H)(i) The employer, or a person or entity act-  
6 ing on the employer’s behalf, has not advertised any  
7 available position specified in the application in an  
8 advertisement that states or indicates that—

9 “(I) such position is only available to an  
10 individual who is or will be an H–1B non-  
11 immigrant; or

12 “(II) an individual who is or will be an H–  
13 1B nonimmigrant shall receive priority or a  
14 preference in the hiring process for such posi-  
15 tion.

16 “(ii) The employer has not primarily recruited  
17 individuals who are or who will be H–1B non-  
18 immigrants to fill such position.

19 “(I) If the employer, in a previous period speci-  
20 fied by the Secretary, employed one or more H–1B  
21 nonimmigrants, the employer shall submit to the  
22 Secretary the Internal Revenue Service Form W–2  
23 Wage and Tax Statements filed by the employer  
24 with respect to the H–1B nonimmigrants for such  
25 period.”.

1 (c) ADDITIONAL REQUIREMENT FOR NEW H-1B PE-  
2 TITIONS.—

3 (1) IN GENERAL.—Section 212(n)(1) of the Im-  
4 migration and Nationality Act (8 U.S.C.  
5 1182(n)(1)), as amended by subsection (b), is fur-  
6 ther amended by inserting after subparagraph (I),  
7 the following:

8 “(J)(i) If the employer employs 50 or more em-  
9 ployees in the United States, the sum of the number  
10 of such employees who are H-1B nonimmigrants  
11 plus the number of such employees who are non-  
12 immigrants described in section 101(a)(15)(L) does  
13 not exceed 50 percent of the total number of em-  
14 ployees.

15 “(ii) Any group treated as a single employer  
16 under subsection (b), (c), (m), or (o) of section 414  
17 of the Internal Revenue Code of 1986 shall be treat-  
18 ed as a single employer for purposes of clause (i).”.

19 (2) RULE OF CONSTRUCTION.—Nothing in sub-  
20 paragraph (J) of section 212(n)(1) of the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1182(n)(1)), as  
22 added by paragraph (1), may be construed to pro-  
23 hibit renewal applications or change of employer ap-  
24 plications for H-1B nonimmigrants employed by an

1 employer on the date of the enactment of this sub-  
2 title.

3 (3) APPLICATION.—The amendment made by  
4 this subsection shall apply with respect to an em-  
5 ployer commencing on the date that is 180 days  
6 after the date of the enactment of this subtitle.

7 (d) LABOR CONDITION APPLICATION FEE.—Section  
8 212(n) of the Immigration and Nationality Act (8 U.S.C.  
9 1182(n)), as amended by section 3(a), is further amended  
10 by adding at the end the following:

11 “(7)(A) The Secretary of Labor shall promulgate a  
12 regulation that requires applicants under this subsection  
13 to pay an administrative fee to cover the average paper-  
14 work processing costs and other administrative costs.

15 “(B)(i) Fees collected under this paragraph shall be  
16 deposited as offsetting receipts within the general fund of  
17 the Treasury in a separate account, which shall be known  
18 as the ‘H–1B Administration, Oversight, Investigation,  
19 and Enforcement Account’ and shall remain available  
20 until expended.

21 “(ii) The Secretary of the Treasury shall refund  
22 amounts in such account to the Secretary of Labor for  
23 salaries and related expenses associated with the adminis-  
24 tration, oversight, investigation, and enforcement of the  
25 H–1B nonimmigrant visa program.”.

1 (e) ELIMINATION OF B-1 IN LIEU OF H-1.—Section  
2 214(g) of the Immigration and Nationality Act (8 U.S.C.  
3 1184(g)) is amended by adding at the end the following:

4 “(12)(A) Unless otherwise authorized by law, an alien  
5 normally classifiable under section 101(a)(15)(H)(i) who  
6 seeks admission to the United States to provide services  
7 in a specialty occupation described in paragraph (1) or  
8 (3) of subsection (i) may not be issued a visa or admitted  
9 under section 101(a)(15)(B) for such purpose.

10 “(B) Nothing in this paragraph may be construed to  
11 authorize the admission of an alien under section  
12 101(a)(15)(B) who is coming to the United States for the  
13 purpose of performing skilled or unskilled labor if such  
14 admission is not otherwise authorized by law.”.

15 (f) ENDING MEDIA ABUSE OF H-1B.—Section  
16 214(g) of the Immigration and Nationality Act (8 U.S.C.  
17 1184(g)), as amended by subsection (e), is further amend-  
18 ed by adding at the end the following:

19 “(13) An alien normally classifiable under sec-  
20 tion 101(a)(15)(I) who seeks admission to the  
21 United States solely as a representative of the for-  
22 eign press, radio, film, or other foreign information  
23 media, may not be issued a visa or admitted under  
24 section 101(a)(15)(H)(i) to engage in such voca-  
25 tion.”.



1 **SEC. 17\_\_\_\_. INVESTIGATION AND DISPOSITION OF COM-**  
2 **PLAINTS AGAINST H-1B EMPLOYERS.**

3 (a) INVESTIGATION, WORKING CONDITIONS, AND  
4 PENALTIES.—Section 212(n)(2)(C) of the Immigration  
5 and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended  
6 by striking clause (iv) and inserting the following:

7 “(iv)(I) An employer that has filed an application  
8 under this subsection violates this clause by taking, failing  
9 to take, or threatening to take or fail to take a personnel  
10 action, or intimidating, threatening, restraining, coercing,  
11 blacklisting, discharging, or discriminating in any other  
12 manner against an employee because the employee—

13 “(aa) disclosed information that the employee reason-  
14 ably believes evidences a violation of this subsection or any  
15 rule or regulation pertaining to this subsection; or

16 “(bb) cooperated or sought to cooperate with the re-  
17 quirements under this subsection or any rule or regulation  
18 pertaining to this subsection.

19 “(II) An employer that violates this clause shall be  
20 liable to the employee harmed by such violation for lost  
21 wages and benefits.

22 “(III) In this clause, the term ‘employee’ includes—

23 “(aa) a current employee;

24 “(bb) a former employee;

25 and

1                                   “(cc) an applicant for em-  
2                                   ployment.”.

3           (b) INFORMATION SHARING.—Section 212(n)(2)(H)  
4 of the Immigration and Nationality Act (8 U.S.C.  
5 1182(n)(2)(H)) is amended to read as follows:

6           “(H)(i) The Director of U.S. Citizenship and Immi-  
7 gration Services shall provide the Secretary of Labor with  
8 any information contained in the materials submitted by  
9 employers of H–1B nonimmigrants as part of the petition  
10 adjudication process that indicates that the employer is  
11 not complying with visa program requirements for H–1B  
12 nonimmigrants.

13           “(ii) The Secretary may initiate and conduct an in-  
14 vestigation and hearing under this paragraph after receiv-  
15 ing information of noncompliance under this subpara-  
16 graph.”.

17 **SEC. 17\_\_\_\_. LABOR CONDITION APPLICATIONS.**

18           (a) APPLICATION REVIEW REQUIREMENTS.—Section  
19 212(n)(1) of the Immigration and Nationality Act (8  
20 U.S.C. 1182(n)(1)) is amended, in the undesignated mat-  
21 ter following subparagraph (I), as added by section 4(b)—

22                   (1) in the fourth sentence, by inserting “, and  
23                   through the internet website of the Department of  
24                   Labor, without charge.” after “Washington, D.C.”;

1           (2) in the fifth sentence, by striking “only for  
2           completeness” and inserting “for completeness, clear  
3           indicators of fraud or misrepresentation of material  
4           fact,”;

5           (3) in the sixth sentence, by striking “or obvi-  
6           ously inaccurate” and inserting “, presents clear in-  
7           dicators of fraud or misrepresentation of material  
8           fact, or is obviously inaccurate”; and

9           (4) by adding at the end the following: “If the  
10          Secretary’s review of an application identifies clear  
11          indicators of fraud or misrepresentation of material  
12          fact, the Secretary may conduct an investigation and  
13          hearing in accordance with paragraph (2).”.

14          (b) ENSURING PREVAILING WAGES ARE FOR AREA  
15          OF EMPLOYMENT AND ACTUAL WAGES ARE FOR SIMI-  
16          LARLY EMPLOYED.—Section 212(n)(1)(A) of the Immi-  
17          gration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is  
18          amended—

19                 (1) in clause (i), in the undesignated matter fol-  
20                 lowing subclause (II), by striking “and” at the end;

21                 (2) in clause (ii), by striking the period at the  
22                 end and inserting “, and”; and

23                 (3) by adding at the end the following:

24                         “(iii) will ensure that—

1                   “(I) the actual wages or range identi-  
2                   fied in clause (i) relate solely to employees  
3                   having substantially the same duties and  
4                   responsibilities as the H–1B nonimmigrant  
5                   in the geographical area of intended em-  
6                   ployment, considering experience, qualifica-  
7                   tions, education, job responsibility and  
8                   function, specialized knowledge, and other  
9                   legitimate business factors, except in a  
10                  geographical area there are no such em-  
11                  ployees, and

12                   “(II) the prevailing wages identified in  
13                  clause (ii) reflect the best available infor-  
14                  mation for the geographical area within  
15                  normal commuting distance of the actual  
16                  address of employment at which the H–1B  
17                  nonimmigrant is or will be employed.”.

18                  (c) PROCEDURES FOR INVESTIGATION AND DISPOSI-  
19                  TION.—Section 212(n)(2)(A) of the Immigration and Na-  
20                  tionality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

- 21                   (1) by striking “(2)(A) Subject” and inserting  
22                   “(2)(A)(i) Subject”;
- 23                   (2) by striking the fourth sentence; and
- 24                   (3) by adding at the end the following:

1       “(ii)(I) Upon receipt of a complaint under clause (i),  
2 the Secretary may initiate an investigation to determine  
3 whether such a failure or misrepresentation has occurred.

4       “(II) The Secretary may conduct—

5                       “(aa) surveys of the degree  
6 to which employers comply with  
7 the requirements under this sub-  
8 section; and

9                       “(bb) subject to subclause  
10 (IV), annual compliance audits of  
11 any employer that employs H-1B  
12 nonimmigrants during the appli-  
13 cable calendar year.

14       “(III) Subject to subclause (IV), the Secretary  
15 shall—

16                       “(aa) conduct annual com-  
17 pliance audits of each employer  
18 that employs more than 100 full-  
19 time equivalent employees who  
20 are employed in the United  
21 States if more than 15 percent of  
22 such full-time employees are H-  
23 1B nonimmigrants; and

24                       “(bb) make available to the  
25 public an executive summary or

1 report describing the general  
2 findings of the audits conducted  
3 under this subclause.

4 “(IV) In the case of an employer subject to an annual  
5 compliance audit in which there was no finding of a willful  
6 failure to meet a condition under subparagraph (C)(ii), no  
7 further annual compliance audit shall be conducted with  
8 respect to such employer for a period of not less than 4  
9 years, absent evidence of misrepresentation or fraud.”

10 (d) PENALTIES FOR VIOLATIONS.—Section  
11 212(n)(2)(C) of the Immigration and Nationality Act (8  
12 U.S.C. 1182(n)(2)(C)) is amended—

13 (1) in clause (i)—

14 (A) in the matter preceding subclause (I),  
15 by striking “a condition of paragraph (1)(B),  
16 (1)(E), or (1)(F)” and inserting “a condition of  
17 paragraph (1)(B), (1)(E), (1)(F), (1)(H), or  
18 (1)(I)”; and

19 (B) in subclause (I), by striking “\$1,000”  
20 and inserting “\$3,000”;

21 (2) in clause (ii)(I), by striking “\$5,000” and  
22 inserting “\$15,000”;

23 (3) in clause (iii)(I), by striking “\$35,000” and  
24 inserting “\$100,000”; and

1 (4) in clause (vi)(III), by striking “\$1,000” and  
2 inserting “\$3,000”.

3 (e) INITIATION OF INVESTIGATIONS.—Section  
4 212(n)(2)(G) of the Immigration and Nationality Act (8  
5 U.S.C. 1182(n)(2)(G)) is amended—

6 (1) in clause (i), by striking “In the case of an  
7 investigation” in the second sentence and all that  
8 follows through the period at the end of the clause;

9 (2) in clause (ii), in the first sentence, by strik-  
10 ing “and whose identity” and all that follows  
11 through “failure or failures.” and inserting “the  
12 Secretary of Labor may conduct an investigation  
13 into the employer’s compliance with the require-  
14 ments under this subsection.”;

15 (3) in clause (iii), by striking the second sen-  
16 tence;

17 (4) by striking clauses (iv) and (v);

18 (5) by redesignating clauses (vi), (vii), and (viii)  
19 as clauses (iv), (v), and (vi), respectively;

20 (6) in clause (iv), as so redesignated—

21 (A) by striking “clause (viii)” and insert-  
22 ing “clause (vi)”;

23 (B) by striking “meet a condition de-  
24 scribed in clause (ii)” and inserting “comply  
25 with the requirements under this subsection”;

1           (7) by amending clause (v), as so redesignated,  
2           to read as follows:

3           “(v)(I) The Secretary of Labor shall provide notice  
4           to an employer of the intent to conduct an investigation  
5           under clause (i) or (ii).

6           “(II) The notice shall be provided in such a manner,  
7           and shall contain sufficient detail, to permit the employer  
8           to respond to the allegations before an investigation is  
9           commenced.

10          “(III) The Secretary is not required to comply with  
11          this clause if the Secretary determines that such compli-  
12          ance would interfere with an effort by the Secretary to  
13          investigate or secure compliance by the employer with the  
14          requirements of this subsection.

15          “(IV) A determination by the Secretary under this  
16          clause shall not be subject to judicial review.”;

17                 (8) in clause (vi), as so redesignated, by strik-  
18                 ing “An investigation” in the first sentence and all  
19                 that follows through “the determination.” in the sec-  
20                 ond sentence and inserting “If the Secretary of  
21                 Labor, after an investigation under clause (i) or (ii),  
22                 determines that a reasonable basis exists to make a  
23                 finding that the employer has failed to comply with  
24                 the requirements under this subsection, the Sec-  
25                 retary shall provide interested parties with notice of



1 such determination and an opportunity for a hearing  
2 in accordance with section 556 of title 5, United  
3 States Code, not later than 60 days after the date  
4 of such determination.”; and

5 (9) by adding at the end the following:

6 “(vii) If the Secretary of Labor, after a hearing, finds  
7 that the employer has violated a requirement under this  
8 subsection, the Secretary may impose a penalty pursuant  
9 to subparagraph (C).”.

10 **SEC. 17\_\_\_\_. ADJUSTMENT OF STATUS FOR EMPLOYMENT-**  
11 **BASED IMMIGRANTS.**

12 (a) ADJUSTMENT OF STATUS FOR EMPLOYMENT-  
13 BASED IMMIGRANTS.—Section 245 of the Immigration  
14 and Nationality Act (8 U.S.C. 1255) is amended by add-  
15 ing at the end the following:

16 “(o) ADJUSTMENT OF STATUS FOR EMPLOYMENT-  
17 BASED IMMIGRANTS.—

18 “(1) IN GENERAL.—Notwithstanding subsection  
19 (a)(3), an alien (including the alien’s spouse or  
20 child, if eligible to receive a visa under section  
21 203(d)), may file an application for adjustment of  
22 status if—

23 “(A) the alien—

24 “(i) is present in the United States  
25 pursuant to a lawful admission as a non-

1 immigrant, other than a nonimmigrant de-  
2 scribed in subparagraph (B), (C), (D), or  
3 (S) of section 101(a)(15), section 212(l),  
4 or section 217; and

5 “(ii) subject to subsection (k), is not  
6 ineligible for adjustment of status under  
7 subsection (c); and

8 “(B) not less than 2 years have elapsed  
9 since the immigrant visa petition filed by or on  
10 behalf of the alien under subparagraph (E) or  
11 (F) of section 204(a)(1) was approved.

12 “(2) PROTECTION FOR CHILDREN.—The child  
13 of a principal alien who files an application for ad-  
14 justment of status under this subsection shall con-  
15 tinue to qualify as a child for purposes of the appli-  
16 cation, regardless of the child’s age or whether the  
17 principal alien is deceased at the time an immigrant  
18 visa becomes available.

19 “(3) TRAVEL AND EMPLOYMENT AUTHORIZA-  
20 TION.—

21 “(A) ADVANCE PAROLE.—Applicants for  
22 adjustment of status under this subsection shall  
23 be eligible for advance parole under the same  
24 terms and conditions as applicants for adjust-  
25 ment of status under subsection (a).

1 “(B) EMPLOYMENT AUTHORIZATION.—

2 “(i) PRINCIPAL ALIEN.—Subject to  
3 paragraph (4), a principal applicant for  
4 adjustment of status under this subsection  
5 shall be eligible for work authorization  
6 under the same terms and conditions as  
7 applicants for adjustment of status under  
8 subsection (a).

9 “(ii) LIMITATIONS ON EMPLOYMENT  
10 AUTHORIZATION FOR DEPENDENTS.—A  
11 dependent alien who was neither author-  
12 ized to work nor eligible to request work  
13 authorization at the time an application for  
14 adjustment of status is filed under this  
15 subsection shall not be eligible to receive  
16 work authorization due to the filing of  
17 such application.

18 “(4) CONDITIONS ON ADJUSTMENT OF STATUS  
19 AND EMPLOYMENT AUTHORIZATION FOR PRINCIPAL  
20 ALIENS.—

21 “(A) IN GENERAL.—During the time an  
22 application for adjustment of status under this  
23 subsection is pending and until such time an  
24 immigrant visa becomes available—

1           “(i) the terms and conditions of the  
2           alien’s employment, including duties,  
3           hours, and compensation, must be com-  
4           mensurate with the terms and conditions  
5           applicable to the employer’s similarly situ-  
6           ated United States workers in the area of  
7           employment, or if the employer does not  
8           employ and has not recently employed  
9           more than two such workers, the terms  
10          and conditions of such employment must  
11          be commensurate with the terms and con-  
12          ditions applicable to other similarly situ-  
13          ated United States workers in the area of  
14          employment; and

15           “(ii) consistent with section 204(j), if  
16          the alien changes positions or employers,  
17          the new position is in the same or a similar  
18          occupational classification as the job for  
19          which the petition was filed.

20           “(B) SPECIAL FILING PROCEDURES.—An  
21          application for adjustment of status filed by a  
22          principal alien under this subsection shall be ac-  
23          companied by—

24           “(i) a signed letter from the principal  
25          alien’s current or prospective employer at-

1 testing that the terms and conditions of  
2 the alien's employment are commensurate  
3 with the terms and conditions of employ-  
4 ment for similarly situated United States  
5 workers in the area of employment; and

6 “(ii) other information deemed nec-  
7 essary by the Secretary of Homeland Secu-  
8 rity to verify compliance with subpara-  
9 graph (A).

10 “(C) APPLICATION FOR EMPLOYMENT AU-  
11 THORIZATION.—

12 “(i) IN GENERAL.—An application for  
13 employment authorization filed by a prin-  
14 cipal applicant for adjustment of status  
15 under this subsection shall be accompanied  
16 by a Confirmation of Bona Fide Job Offer  
17 or Portability (or any form associated with  
18 section 204(j)) attesting that—

19 “(I) the job offered in the immi-  
20 grant visa petition remains a bona  
21 fide job offer that the alien intends to  
22 accept upon approval of the adjust-  
23 ment of status application; or

24 “(II) the alien has accepted a  
25 new full-time job in the same or a

1 similar occupational classification as  
2 the job described in the approved im-  
3 migrant visa petition.

4 “(ii) VALIDITY.—An employment au-  
5 thorization document issued to a principal  
6 alien who has filed an application for ad-  
7 justment of status under this subsection  
8 shall be valid for three years.

9 “(iii) RENEWAL.—Any request by a  
10 principal alien to renew an employment au-  
11 thorization document associated with such  
12 alien’s application for adjustment of status  
13 filed under this subsection shall be accom-  
14 panied by the evidence described in sub-  
15 paragraphs (B) and (C)(i).

16 “(5) DECISION.—

17 “(A) IN GENERAL.—An adjustment of sta-  
18 tus application filed under paragraph (1) may  
19 not be approved—

20 “(i) until the date on which an immi-  
21 grant visa becomes available; and

22 “(ii) if the principal alien has not,  
23 within the preceding 12 months, filed a  
24 Confirmation of Bona Fide Job Offer or

1           Portability (or any form associated with  
2           section 204(j)).

3           “(B) REQUEST FOR EVIDENCE.—If at the  
4           time an immigrant visa becomes available, a  
5           Confirmation of Bona Fide Job Offer or Port-  
6           ability (or any form associated with section  
7           204(j)) has not been filed by the principal alien  
8           within the preceding 12 months, the Secretary  
9           of Homeland Security shall notify the alien and  
10          provide instructions for submitting such form.

11          “(C) NOTICE OF INTENT TO DENY.—If the  
12          most recent Confirmation of Bona Fide Job  
13          Offer or Portability (or any form associated  
14          with section 204(j)) or any prior form indicates  
15          a lack of compliance with paragraph (4)(A), the  
16          Secretary of Homeland Security shall issue a  
17          notice of intent to deny the application for ad-  
18          justment of status and provide the alien the op-  
19          portunity to submit evidence of compliance.

20          “(D) DENIAL.—An application for adjust-  
21          ment of status under this subsection may be de-  
22          nied if the alien fails to—

23                  “(i) timely file a Confirmation of  
24                  Bona Fide Job Offer or Portability (or any  
25                  form associated with section 204(j)) in re-

1                   sponse to a request for evidence issued  
2                   under subparagraph (B); or

3                   “(ii) establish, by a preponderance of  
4                   the evidence, compliance with paragraph  
5                   (4)(A).

6                   “(6) FEES.—

7                   “(A) IN GENERAL.—Notwithstanding any  
8                   other provision of law, the Secretary of Home-  
9                   land Security shall charge and collect a fee in  
10                  the amount of \$2,000 to process each Con-  
11                  firmation of Bona Fide Job Offer or Portability  
12                  (or any form associated with section 204(j))  
13                  filed under this subsection.

14                  “(B) DEPOSIT AND USE OF FEES.—Fees  
15                  collected under subparagraph (A) shall be de-  
16                  posited and used as follows:

17                  “(i) Fifty percent of such fees shall be  
18                  deposited in the Immigration Examinations  
19                  Fee Account established under section  
20                  286(m).

21                  “(ii) Fifty percent of such fees shall  
22                  be deposited in the Treasury of the United  
23                  States as miscellaneous receipts.

24                  “(7) APPLICATION.—

25                  “(A) The provisions of this subsection—



1           “(i) shall apply beginning on the date  
2           that is one year after the date of the en-  
3           actment of the Equal Access to Green  
4           cards for Legal Employment Act of 2022;  
5           and

6           “(ii) except as provided in subpara-  
7           graph (B), shall cease to apply as of the  
8           date that is nine years after the date of the  
9           enactment of such Act.

10          “(B) This subsection shall continue to  
11          apply with respect to any alien who has filed an  
12          application for adjustment of status under this  
13          subsection any time prior to the date on which  
14          this subsection otherwise ceases to apply.

15          “(8) CLARIFICATIONS.—For purposes of this  
16          subsection:

17                 “(A) The term ‘similarly situated United  
18                 States workers’ includes United States workers  
19                 performing similar duties, subject to similar su-  
20                 pervision, and with similar educational back-  
21                 grounds, industry expertise, employment experi-  
22                 ence, levels of responsibility, and skill sets as  
23                 the alien in the same geographic area of em-  
24                 ployment as the alien.

1           “(B) The duties, hours, and compensation  
2           of the alien are ‘commensurate’ with those of-  
3           fered to United States workers in the same area  
4           of employment if the employer can demonstrate  
5           that the duties, hours, and compensation are  
6           consistent with the range of such terms and  
7           conditions the employer has offered or would  
8           offer to similarly situated United States em-  
9           ployees.”.

10       (b) CONFORMING AMENDMENT.—Section 245(k) of  
11 the Immigration and Nationality Act (8 U.S.C. 1255(k))  
12 is amended by adding “or (n)” after “pursuant to sub-  
13 section (a)”.

