

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9157

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2026

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

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## 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.

10 (b) UNAUTHORIZED ALIEN.—Section 274A(h)(3) of  
11 the Immigration and Nationality Act (8 U.S.C.

1 1324a(h)(3)) is amended by inserting “pursuant to stat-  
2 ute” after “Attorney General”.

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

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

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

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

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

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

2 (a) ADJUSTMENT OF STATUS.—

3 (1) NONIMMIGRANT REQUIREMENTS.—Section  
4 101(a)(15)(H) of the Immigration and Nationality  
5 Act (8 U.S.C. 1101(a)(15)(H)) is amended by in-  
6 serting “having a residence in a foreign country  
7 which he has no intention of abandoning” before  
8 “who is coming” the first place it appears.

9 (2) IMMIGRANT PRESUMPTION.—Section 214(b)  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1184(b)) is amended by striking “(other than a non-  
12 immigrant described in subparagraph (L) or (V) of  
13 section 101(a)(15), and other than a nonimmigrant  
14 described in any provision of section  
15 101(a)(15)(H)(i) except subclause (b1) of such sec-  
16 tion)”.

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

21 (4) ADMISSION OF NONIMMIGRANTS.—Section  
22 214(h) of the Immigration and Nationality Act (8  
23 U.S.C. 1184(h)) is repealed.

24 (b) LABOR CONDITION APPLICATION.—

1           (1) INADMISSIBILITY.—Section 212(n)(1) of the  
2 Immigration and Nationality Act (8 U.S.C.  
3 1182(n)(1)) is amended to read as follows:

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

9                   “(i) uniquely identifies the potential  
10 nonimmigrant to whom the application ap-  
11 plies, including a photograph;

12                   “(ii) specifies the occupational classi-  
13 fication of employment;

14                   “(iii) specifies the address where the  
15 nonimmigrant will be employed;

16                   “(iv) specifies the wage to be paid to  
17 the nonimmigrant;

18                   “(v) specifies the nationality of the  
19 nonimmigrant;

20                   “(vi) includes any other information  
21 the Secretary of Labor determines is nec-  
22 essary; and

23                   “(vii) certifies the following:

24                           “(I) That the employer will pay  
25 the nonimmigrant full-time wages for

1 the entire period of employment that  
2 are the higher of—

3 “(aa) the actual wage level  
4 paid by the employer to all other  
5 individuals with similar experi-  
6 ence and qualifications for the  
7 specific employment in question;  
8 or

9 “(bb) the wage determined  
10 by the Secretary of Labor to be  
11 at the 75th percentile for workers  
12 in the same location and occupa-  
13 tion.

14 “(II) There are not sufficient  
15 workers who are able, willing, and  
16 qualified, and who will be available at  
17 the time and place needed, to perform  
18 the labor or services involved in the  
19 petition.

20 “(III) The employment of the  
21 alien in such labor or services will not  
22 adversely affect the wages and work-  
23 ing conditions of workers in the  
24 United States similarly employed.

1           “(IV) There is not a strike or  
2           lockout in the course of a labor dis-  
3           pute in the occupational classification  
4           at the place of employment.

5           “(V) The employer, at the time  
6           of filing the application—

7                   “(aa) has provided notice of  
8                   the filing under this paragraph to  
9                   the bargaining representative (if  
10                  any) of the employer’s employees  
11                  in the occupational classification  
12                  and area for which aliens are  
13                  sought; or

14                   “(bb) if there is no such  
15                   bargaining representative, has  
16                   provided notice of filing in the  
17                   occupational classification  
18                   through such methods as physical  
19                   posting in conspicuous locations  
20                   at the place of employment or  
21                   electronic notification to employ-  
22                   ees in the occupational classifica-  
23                   tion for which an H-1B non-  
24                   immigrant is sought.

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

6           “(VII) The employer has not and  
7           will not lay off any United States  
8           workers in the same employment clas-  
9           sification within one year of making  
10          the application.

11          “(VIII) An employer, prior to fil-  
12          ing the application—

13                 “(aa) has advertised the job  
14                 on an internet website main-  
15                 tained by the Secretary of Labor  
16                 for the purpose of such adver-  
17                 tising;

18                 “(bb) has offered the job to  
19                 any United States worker who  
20                 applies and is equally or better  
21                 qualified for the job for which the  
22                 nonimmigrant is sought; and

23                 “(cc) has taken good faith  
24                 steps to recruit, in the United  
25                 States using procedures that

1 meet industry-wide standards  
2 and offering compensation that is  
3 at least as great as that required  
4 to be offered to H-1B non-  
5 immigrants under subclause  
6 (III), United States workers for  
7 the job for which the non-  
8 immigrant or nonimmigrants is  
9 or are sought.

10 “(IX) The employer has not  
11 placed any advertisements specifically  
12 seeking to hire nonimmigrants either  
13 directly or through a third party with-  
14 in the past year.

15 “(X) The percentage of the em-  
16 ployer’s employees within the United  
17 States who are nonimmigrants does  
18 not exceed 5 percent.

19 “(XI) The nonimmigrant is fully  
20 qualified to perform the occupation of  
21 intended employment, including pos-  
22 sessed a bachelor’s degree or higher  
23 from a university determined to be  
24 equivalent to a degree from a United  
25 States university by recognized edu-

1           cational credential evaluation service  
2           in a field that is related to the occu-  
3           pation and possessing any licenses re-  
4           quired for that occupation. The Sec-  
5           retary of Labor shall determine which  
6           educational credential evaluation serv-  
7           ices are recognized.

8           “(XII) The nonimmigrant has  
9           not and will not be required to pay  
10          any part of the fees or expenses for  
11          obtaining the visa.

12          “(XIII) The nonimmigrant has  
13          not and will not be required to pay for  
14          any services provided by the employer,  
15          such as housing.

16          “(XIV) The nonimmigrant has  
17          not and will not be charged any fee,  
18          bond, damages or similar for ceasing  
19          employment with the employer.

20          “(XV) The employer does not re-  
21          strict employment opportunities, such  
22          as using a preferred vendor list, for  
23          either temporary or permanent em-  
24          ployment to those supplied by or re-  
25          ferred by specific third parties.

1           “(B) The Secretary of Labor shall review the  
2 contents of the application before approval. The Sec-  
3 retary of Labor shall not approve an application for  
4 an occupational classification where the unemploy-  
5 ment rate exceeds 2 percent.

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

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

12           “(E) The application shall be valid for making  
13 a petition for a visa under section  
14 101(a)(15)(H)(i)(b) for 90 days after approval.”.

15           (2) PREVAILING WAGE.—Section 212(p) of the  
16 Immigration and Nationality Act (8 U.S.C. 1182(p))  
17 is amended—

18                   (A) by striking paragraphs (1) and (4);

19                   and

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

22           (3) OCCUPATIONAL CLASSIFICATION.—Section  
23 212(t)(2)(C) of the Immigration and Nationality Act  
24 (8 U.S.C. 1182(t)(2)(C)) is amended by striking all

1 that follows after “subsection” and inserting a pe-  
2 riod.

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

6 “(2)(A) The Secretary of Labor has the power  
7 to enforce the provisions of this paragraph, including  
8 the power to investigate, review documents sub-  
9 mitted as part of the visa process, subpoena, and  
10 audit.

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

15 “(C) The Secretary of Labor may charge an  
16 employer that violates the terms of this paragraph.  
17 An employer charged shall have the right to request  
18 a hearing. The Secretary of Labor may sanction an  
19 employer up to \$100,000 (inflation adjusted) for  
20 each violation of the terms of this paragraph. The  
21 Secretary of Labor may also ban an employer from  
22 employing H-1B nonimmigrants, both directly and  
23 indirectly through a third party, for up to 10 years.  
24 A party may appeal such a judgment of the Sec-  
25 retary of Labor to the court of appeals having geo-

1 graphic jurisdiction where the violations were found  
2 to have occurred.

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

9 (d) DEFINITIONS REPEAL.—Paragraph (3) of section  
10 212(n) of the Immigration and Nationality Act (8 U.S.C.  
11 1182(n)) is repealed.

12 (e) DISPLACEMENT.—Section 212(n)(4)(B) of the  
13 Immigration and Nationality Act (8 U.S.C.  
14 1182(n)(4)(B)) is amended by striking “, and is located  
15 in the same area of employment as the other job”.

16 (f) LAY OFFS.—Section 212(n)(4)(D)(i)(II) of the  
17 Immigration and Nationality Act (8 U.S.C.  
18 1182(n)(4)(D)(i)(II)) is amended by striking “(or, in the  
19 case of a placement of a worker with another employer  
20 under paragraph (1)(F), with either employer described  
21 in such paragraph)” and inserting “in the same area of  
22 employment”.

23 (g) MANNER OF ISSUANCE.—Section 214(g) of the  
24 Immigration and Nationality Act (8 U.S.C. 1184(g)) is  
25 amended—

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

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

5           (2) in paragraph (3), by striking “in the order  
6 in which petitions are filed for such visas or status”  
7 and inserting “, with priority given to petitions with  
8 higher salaries”;

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

15           (4) by striking paragraphs (5) through (7) and  
16 inserting the following:

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

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

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