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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to modify the definition
of “exempt H–1B nonimmigrant”.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Immigration and Nationality Act to modify
the definition of “exempt H–1B nonimmigrant”.

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 “Protect and Grow
5 American Jobs Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The H–1B visa program allows businesses
9 temporarily to hire highly skilled foreign workers

1 with specialized knowledge, where a qualified worker
2 in the United States cannot be found.

3 (2) In 1990, the Congress created the H-1B
4 visa program to help ensure that access to qualified
5 highly skilled professionals was not an obstacle to
6 economic growth and job creation in the United
7 States.

8 (3) The H-1B visa program was never intended
9 to be used as a catalyst for laying off workers in the
10 United States and replacing them with H-1B work-
11 ers.

12 (4) The unintended consequences of the H-1B
13 visa program enabled a small number of companies
14 to hire large numbers of H-1B workers relative to
15 their United States worker populations.

16 (5) In 1998, Congress passed new enforcement
17 provisions to the H-1B program in order to prevent
18 companies from displacing United States workers
19 with lower-cost foreign professionals.

20 (6) The 1998 revisions defined a new class of
21 H-1B dependent employers and established addi-
22 tional conditions on their business and hiring prac-
23 tices unless they paid sufficiently high wages.

24 (7) The 1998 revisions, however, did not index
25 wage requirements to keep pace with wage growth,

1 and, as a result, the strength of provisions designed
2 to protect workers and employers committed to hir-
3 ing United States workers was reduced significantly.

4 **SEC. 3. PURPOSE.**

5 The purpose of this Act is to close a loophole in the
6 H-1B visa program by requiring H-1B dependent em-
7 ployers once again to pay sufficiently high wages to ensure
8 the protection of the workforce in the United States and
9 to remove other impediments to proper H-1B visa en-
10 forcement.

11 **SEC. 4. EXEMPT H-1B NONIMMIGRANT DEFINED.**

12 Section 212(n)(3)(B) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1182(n)(3)(B)) is amended—

14 (1) by striking clause (i) and inserting the fol-
15 lowing:

16 “(i) the term ‘exempt H-1B nonimmigrant’
17 means an H-1B nonimmigrant who receives wages
18 (including cash bonuses) at an annual rate equal to
19 at least the greater of \$100,000 or the applicable
20 adjusted amount under clause (iii);”;

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) the amount described in clause

25 (i) (as of the last increase to such amount)

1 shall be increased, effective for the third
2 fiscal year that begins after the date of the
3 enactment of this clause and for every
4 third fiscal year thereafter, by the percent-
5 age (if any) by which the Consumer Price
6 Index for the month of June preceding the
7 date on which such increase takes effect
8 exceeds the Consumer Price Index for the
9 same month of the third preceding cal-
10 endar year.”.