

AMENDMENT TO H.R. 2131

OFFERED BY MR. GOODLATTE OF VIRGINIA

Page 7, line 2, strike “(series 51.16)” and insert “(series 51.38)”.

Page 45, line 12, insert “knowingly” before “be”.

Page 45, line 16, strike “marketer, promoter” and insert “member”.

Page 46, line 3, strike “is authorized, in the Secretary’s unreviewable discretion, to” and insert “may”.

Page 46, lines 9 through 16, strike the language and insert:

1 “(B) the regional center has provided any
2 false attestation or information under para-
3 graph (2), or continues to allow any person who
4 was involved with the regional center as de-
5 scribed in paragraph (1) to continue to be in-
6 volved with the regional center if the regional
7 center knows that the person has provided any
8 false attestation or information under para-
9 graph (2); or

1 “(C) the regional center fails to provide an
2 attestation or information requested by the Sec-
3 retary under paragraph (2), or continues to
4 allow any person who was involved with the re-
5 gional center as described in paragraph (1) to
6 continue to be involved with the regional center
7 if the regional center knows that the person has
8 failed to provide an attestation or information
9 requested by the Secretary under paragraph
10 (2).

Page 50, lines 7 through 8, strike “through 2013 and 440,000 beginning in fiscal year 2014,” and insert “through 2013, 505,000 beginning in fiscal year 2014 through fiscal year 2023, and 440,000 beginning in fiscal year 2024,”.

Page 50, lines 19 through 20, strike “226,000 in fiscal years through 2013 and 186,000 beginning in fiscal year 2014,” and insert “226,000 in fiscal years through 2013, 251,000 beginning in fiscal year 2014 through fiscal year 2023, and 186,000 beginning in fiscal year 2024,”.

Page 50, line 22, inserting “(1)” before “Section”.

Page 50, after line 24, insert the following:

1 (2) Section 204(a)(1)(A)(i) of the Immigration
2 and Nationality Act is amended by striking “(1),
3 (3), or (4)” and inserting “(1) or (3)”.

Page 50, line 26, through page 51, line 2, strike the language and insert: “this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date, except that section (c)(1) is effective on October 1, 2023.”.

Page 68, after line 22, insert a new subsection (b) as follows (and redesignate succeeding subsections accordingly):

4 (b) WAGE LEVEL.—

5 (1) Section 212(n)(1)(A)(i) of the Immigration
6 and Nationality Act is amended by adding “except
7 as provided in clause (ii),” before “is offering”, and
8 by striking “and” at the end and inserting “or”.

9 (2) Section 212(n)(1)(A) of the Immigration
10 and Nationality Act is amended by adding a new
11 clause (ii) as follows:

12 “(ii) if 80 percent or more of the em-
13 ployer’s workers in the same occupational
14 classification as the alien admitted or pro-
15 vided status as an H-1B nonimmigrant
16 and in the same area of employment as the

1 alien admitted or provided status as an H-
2 1B nonimmigrant are United States work-
3 ers (as defined in paragraph (4)), is offer-
4 ing and will offer during the period of au-
5 thorized employment to aliens admitted or
6 provided status as an H-1B nonimmigrant
7 wages that are at least the actual wage
8 level paid by the employer to all other indi-
9 viduals with similar experience and quali-
10 fications for the specific employment in
11 question, and”.

12 (3) Section 212(n)(1)(A)(ii) is redesignated as
13 clause (iii).

Page 71, line 2, strike “a period” and insert “. An employer who has been subject to 2 random investigations may not be subject to another random investigation within 4 years of the second investigation unless the employer was found in the previous investigations or otherwise to have committed a willful failure to meet a condition of paragraph (1)(or has been found under paragraph (5) to have committed willful failure to meet the condition of paragraph (1)(G)(i)(II)) or to have made a willful misrepresentation of material fact in an application.”.

Page 75, line 21, strike “3-year” and insert “2-year”.

Page 75, line 22, insert “except as provided in subclause (II),” before “will offer”.

Page 76, line 10, strike “and” at the end and insert “or”.

Page 76, after line 10, add a new subclause (II) as follows:

1 “(II) if 80 percent or more of the
2 employer’s workers in the same occu-
3 pational classification as the alien and
4 in the same area of employment as
5 the alien are United States workers
6 (as defined in section 212(n)(4)), will
7 offer to the alien during the period of
8 authorized employment wages that are
9 at least the actual wage level paid by
10 the employer to all other individuals
11 with similar experience and qualifica-
12 tions for the specific employment in
13 question, and

Page 76, line 11, redesignate section 214(c)(2)(G)(i)(II) as subclause (III).

Page 76, line 16, insert “keep the alien on their home country payroll and may,” after “may”.

Page 80, line 3, insert “except as provided in clause (ii),” before “will offer”.

Page 80, line 13, strike “and” at the end and insert “or”.

Page 80, after line 13, add a new clause (ii) as follows:

1 “(ii) if 80 percent or more of the em-
2 ployer’s workers in the same occupational
3 classification as the alien and in the same
4 area of employment as the alien are United
5 States workers (as defined in section
6 212(n)(4)), will offer to the alien during
7 the period of authorized employment wages
8 that are at least the actual wage level paid
9 by the employer to all other individuals
10 with similar experience and qualifications
11 for the specific employment in question,
12 and

Page 80, line 14, redesignate section 214(e)(7)(A)(ii) as clause (iii).

Page 80, after line 21 add a new section 205 as follows (and redesignate succeeding sections of title II accordingly):

1 **SEC. 205. H-1B(1) VISAS.**

2 (a) Section 212(t)(1)(A)(i) of the Immigration and
3 Nationality Act is amended by adding “except as provided
4 in clause (ii),” before “is offering”, and by striking “and”
5 at the end and inserting “or”.

6 (b) Section 212(t)(1)(A) of the Immigration and Na-
7 tionality Act is amended by adding a new clause (ii) as
8 follows:

9 “(ii) if 80 percent or more of the em-
10 ployer’s workers in the same occupational
11 classification as the alien admitted or pro-
12 vided status under section
13 1101(a)(15)(H)(i)(b1) of this title or sec-
14 tion 1101(a)(15)(E)(iii) of this title and in
15 the same area of employment as the alien
16 admitted or provided status under section
17 1101(a)(15)(H)(i)(b1) of this title or sec-
18 tion 1101(a)(15)(E)(iii) of this title are
19 United States workers (as defined in sec-
20 tion 212(n)(4)), is offering and will offer
21 during the period of authorized employ-
22 ment to aliens admitted or provided status
23 under section 1101(a)(15)(H)(i)(b1) of
24 this title or section 1101(a)(15)(E)(iii) of
25 this title wages that are at least the actual
26 wage level paid by the employer to all

1 other individuals with similar experience
2 and qualifications for the specific employ-
3 ment in question; and”.

4 (c) Section 212(t)(1)(A)(ii) is redesignated as clause
5 (iii).

Page 84, line 12, insert “except as provided in sub-
paragraph (B),” before “shall offer”.

Page 84, line 22, strike “and” at the end and insert
“or”.

Page 84, after line 22, add a new subparagraph (B)
as follows:

6 “(B) if 80 percent or more of the employ-
7 er’s workers in the same occupational classifica-
8 tion as the alien and in the same area of em-
9 ployment as the alien are United States workers
10 (as defined in section 212(n)(4)), shall offer to
11 the alien during the period of optional practical
12 training wages that are at least the actual wage
13 level paid by the employer to all other individ-
14 uals with similar experience and qualifications
15 for the specific employment in question, and”.

Page 84, line 23, redesignate section 214(s)(1)(B)
as subparagraph (C).

Page 87, line 10, through page 97, line 13, strike the language.

Page 97, line 14, redesignate section 311 as section 301.

Page 98, lines 6 through 12, strike the language and insert “214, the wage level shall”.

Page 98, line 14, through page 99, line 5, strike “or (C) of paragraph (5)” and all that follows through “and level of supervision.” and insert “or (C) of paragraph (5) depending on the experience, education, and level of supervision required for the position.”.

Page 100, after line 4, insert a new paragraph (6):

- 1 “(6) An employer may use an independent au-
- 2 thoritative survey approved by the Secretary of
- 3 Labor for purposes of paragraph (5) provided that—
- 4 “(A) the survey data must have been col-
- 5 lected within 24 months;
- 6 “(B) the survey was published within the
- 7 prior 24 months;
- 8 “(C) the survey reflects the area of in-
- 9 tended employment;
- 10 “(D) the employer’s job description ade-
- 11 quately matches the job description in the sur-
- 12 vey;

1 “(E) the survey is across industries that
2 employ workers in the occupation;

3 “(F) the wage determination is based on
4 the arithmetic mean (weighted average); and

5 “(G) the survey identifies a statistically
6 valid methodology that was used to collect the
7 data.

Page 100, line 20, redesignate section 312 as section
302 (and redesignate provisions accordingly).

