

HR 5413

To amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program.

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Nov 19, 2004

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (Nov 19, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/5413>

Sponsor

Name: Rep. Pascrell, Bill, Jr. [D-NJ-8]

Party: Democratic • **State:** NJ • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Nov 19, 2004

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

Amends the Immigration and Nationality Act to require employers of H-1B (specialty occupations) nonimmigrants to use one of three specified methods (whichever results in the highest wages) to determine wages for purposes of required wage attestations.

Requires such employers who previously employed one or more H-1B nonimmigrants to submit with their labor condition application (LCA) a copy of the W-2 Wage and Tax Statement filed with respect to those nonimmigrants.

Extends from 90 to 180 days the period during which certain employers of H-1B nonimmigrants must show nondisplacement of U.S. workers. Requires such employers to actively engage in recruitment efforts. Prohibits such employers from placing, outsourcing, leasing, or otherwise contracting for the placement of an H-1B nonimmigrant with another employer, regardless of whether the other employer is H-1B dependent.

Requires the Secretary of Labor to be responsible for investigations of wage complaints and allegations of fraud in the filing of LCAs.

Authorizes the Secretary to: (1) conduct surveys of employer compliance with labor condition requirements; and (2) conduct annual compliance audits of employers employing H-1B nonimmigrants. Requires annual compliance audits in cases where H-1B nonimmigrants comprise 15 percent or more of an employer's total number of employees.

Makes permanent the employer fee applicable to H-1B petitions.

Creates a private right of action for persons harmed by an employer's violation of labor condition requirements.

Actions Timeline

- **Nov 19, 2004:** Introduced in House
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