

109TH CONGRESS
2D SESSION

H. R. 6238

To improve the H–1B nonimmigrant program by increasing the exchange of information between the Departments of Labor and Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2006

Mr. FEENEY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the H–1B nonimmigrant program by increasing the exchange of information between the Departments of Labor and Homeland Security.

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—

5 (1) “H1B Strengthening Anti-Fraud Effective-
6 ness Act”; or

7 (2) “H1B SAFE Act”.

1 **SEC. 2. INCREASED DEPARTMENTAL INFORMATION EX-**
2 **CHANGE WITH RESPECT TO H-1B NON-**
3 **IMMIGRANT PROGRAM.**

4 (a) USE OF INFORMATION SUBMITTED TO SEC-
5 RETARY OF HOMELAND SECURITY TO INITIATE COMPLI-
6 ANCE INVESTIGATION.—Section 212(n)(2)(G) of the Im-
7 migration and Nationality Act (8 U.S.C. 1182(n)(2)(G))
8 is amended—

9 (1) by striking clause (v); and

10 (2) by redesignating clauses (vi), (vii), and (viii)
11 as clauses (v), (vi), and (vii), respectively.

12 (b) AUTHORIZING SECRETARY OF HOMELAND SECU-
13 RITY TO REPORT CREDIBLE INFORMATION ABOUT NON-
14 COMPLIANCE.—Section 212(n)(2)(G)(iii) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1182(n)(2)(G)(iii)) is
16 amended by adding at the end the following:

17 “In any case in which Secretary of Homeland Security has
18 specific credible information satisfying the requirements of
19 the first sentence of clause (i), or subparagraph (A), the
20 Secretary of Homeland Security may provide such infor-
21 mation to the Secretary of Labor. Such information may
22 be used, in whole or in part, as the basis for the com-
23 mencement of an investigation under clause (i) or sub-
24 paragraph (A).”.

25 (c) INCLUSION OF DEPARTMENT OF LABOR APPLICA-
26 TION NUMBER ON PETITION OF IMPORTING EM-

1 PLOYER.—Section 214(c)(12) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1184(c)(12)) is amended by adding
3 at the end the following:

4 “(F) For the purpose of preventing and detecting
5 fraud, the Secretary of Homeland Security shall require
6 an employer who has filed with the Secretary of Labor
7 an application under section 212(n)(1), as a prerequisite
8 to filing a petition under paragraph (1), to include the
9 application number received from the Secretary of Labor
10 on such petition.”.

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