

110TH CONGRESS  
2D SESSION

# H. R. 5726

To amend the Immigration and Nationality Act to require prospective employers of H–1B nonimmigrants to participate in an educational, training, or mentorship program for United States workers.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2008

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

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## A BILL

To amend the Immigration and Nationality Act to require prospective employers of H–1B nonimmigrants to participate in an educational, training, or mentorship program for United States workers.

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. H-1B VISA APPLICATIONS AND CERTIFI-**  
4       **CATIONS.**

5       (a) PROGRAMS TO TRAIN UNITED STATES WORK-  
6       ERS.—Section 212(n)(1) of the Immigration and Nation-  
7       ality Act is amended by inserting after subparagraph (G)  
8       the following:

1           “(H)(i) The employer is directly participating  
2           in, or will be directly participating in, an edu-  
3           cational, training, or mentoring program to train  
4           United States workers in the local community in  
5           science, math, engineering, or technology related to  
6           the position for which an H-1B nonimmigrant is  
7           sought.

8           “(ii) The involvement of the employer in a pro-  
9           gram described in clause (i) shall be commensurate  
10          with the size of the employer and the total number  
11          of H-1B nonimmigrants already employed by the  
12          employer at the time the employment of a new H-  
13          1B nonimmigrant is sought.”.

14          (b) EFFECTIVE DATE.—The amendment made by  
15          subsection (a) shall take effect, and apply to an employer  
16          who is seeking to employ a nonimmigrant described in sec-  
17          tion 101(a)(15)(H)(i)(b) of the Immigration and Nation-  
18          ality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), on and after  
19          the first day of the first fiscal year that begins after the  
20          date on which the numerical limitation in section  
21          214(g)(1)(A) of such Act (8 U.S.C. 1184(g)(1)(A)) for  
22          such fiscal year is increased above 65,000.

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