

119TH CONGRESS
2^D SESSION

H. R. 8335

To amend the Immigration and Nationality Act to reform the H–1B non-immigrant visa program, with exceptions for certain vital professions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2026

Mr. KENNEDY of Utah introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to reform the H–1B nonimmigrant visa program, with exceptions for certain vital professions, and for other purposes.

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 “Prioritizing Resources
5 and Opportunities for Talent, Employment, Compliance,
6 and Terms Act of 2026” or the “PROTECT Act of
7 2026”.

1 **SEC. 2. PROVISIONS RELATING TO H-1B NONIMMIGRANT**
2 **PETITIONS.**

3 Section 212(n) of the Immigration and Nationality
4 Act (8 U.S.C. 1182(n)) is amended as follows:

5 (1) **WAGE REQUIREMENT.**—In subparagraph
6 (A) of paragraph (1), to read as follows:

7 “(A) The employer has offered, and will
8 continue to offer for the duration of the author-
9 ized period of employment, an annual wage to
10 the H–1B nonimmigrant that is not less than
11 the greatest of the following:

12 “(i) The annual wage paid by the em-
13 ployer to a United States citizen or lawful
14 permanent resident who performed the
15 same or substantially similar duties during
16 the 2-year period immediately preceding
17 the filing of the application.

18 “(ii) \$100,000, as adjusted annually
19 for inflation beginning on the first July 1
20 following the date of enactment of this Act,
21 by increasing such amount by the cumu-
22 lative percentage change in the Consumer
23 Price Index for All Urban Consumers
24 (CPI–U) since the date of enactment.”.

1 (2) THIRD-PARTY WORKSITE LIMITATIONS;
2 COMPENSATION-BASED PRIORITIZATION.—By adding
3 at the end the following:

4 “(6) LIMITATION ON VISA VALIDITY.—An H-
5 1B visa issued pursuant to an application filed
6 under paragraph (1) shall be valid for a period not
7 to exceed 1 year if any portion of the work per-
8 formed by the H-1B nonimmigrant will take place
9 at a third-party worksite.

10 “(7) CONDITIONS FOR THIRD-PARTY PLACE-
11 MENT.—No H-1B visa may be issued, and no H-
12 1B status may be granted, if any portion of the
13 work will be performed at a third-party worksite un-
14 less the work assignment—

15 “(A) is clearly defined and not speculative;

16 and

17 “(B) is expected to continue for the full
18 duration of employment requested in the peti-
19 tion.

20 “(8) PETITION PRIORITIZATION.—In adjudi-
21 cating H-1B petitions during a fiscal year, the Sec-
22 retary shall prioritize approval of petitions offering
23 higher levels of compensation over petitions offering
24 lower levels of compensation, without regard to the
25 order in which such petitions were filed.”.

1 **SEC. 3. HEALTH CARE PERSONNEL EXEMPTION.**

2 Section 286 of the Immigration and Nationality Act
3 (8 U.S.C. 1356) is amended by inserting after subsection
4 (w) the following:

5 “(x) EXEMPTION FOR HEALTH CARE PERSONNEL.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, any fee or surcharge imposed on a
8 petitioner or beneficiary in connection with the filing
9 of a new H–1B visa petition (including any fee or
10 surcharge established by presidential proclamation,
11 regulation, or guidance on or after September 19,
12 2025) shall not apply to a petition filed on behalf of
13 a health care worker described in paragraph (2).

14 “(2) ELIGIBILITY.—To be eligible for an excep-
15 tion under paragraph (1), the petitioner shall sub-
16 mit, in such form and manner as the Secretary of
17 Homeland Security may require, evidence that—

18 “(A) the petitioner has made a good faith
19 effort to recruit and hire a United States cit-
20 izen or lawful permanent resident for the posi-
21 tion for which the H–1B worker is sought; and

22 “(B) the petitioner was unable to fill such
23 position with a qualified United States citizen
24 or lawful permanent resident after such recruit-
25 ment efforts.

1 “(3) STANDARDS AND PROCEDURES FOR SUB-
2 MISSION OF DOCUMENTATION.—The Secretary shall
3 by rule establish standards and procedures for peti-
4 tioners to submit documentation demonstrating com-
5 pliance with the requirements set forth in paragraph
6 (2), including evidence of job postings, outreach to
7 domestic workers, and other recruitment activities as
8 determined appropriate by the Secretary.

9 “(4) DEFINITION.—For purposes of this sec-
10 tion, the term ‘health care worker’ means an indi-
11 vidual who—

12 “(A) is seeking classification as a non-
13 immigrant H–1B worker; and

14 “(B) is being petitioned for employment as
15 a physician, registered nurse, licensed therapist,
16 pharmacist, clinical laboratory professional, ad-
17 vanced practice provider, or other direct patient
18 care professional in a health care facility or sys-
19 tem, as defined under 42 U.S.C. section 300s–
20 3 of the Public Health Service Act.

21 “(5) RULE OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed to limit the au-
23 thority of the Secretary of Homeland Security to es-
24 tablish additional exemptions or to define categories
25 through guidance consistent with this Act.”.

1 **SEC. 4. EFFECTIVE DATE.**

2 This Act shall take effect on the date of enactment
3 and shall apply to any H-1B visa petition filed on or after
4 such date.

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