

workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

“(bb) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(II) Nothing in this clause is intended to limit an employee’s rights under a collective bargaining agreement or other employment contract.

“(iii) The term ‘United States worker’ means an employee who—

“(I) is a citizen or national of the United States; or

“(II) is an alien who is lawfully admitted for permanent residence or is an immigrant otherwise authorized by this Act or by the Secretary of Homeland Security to be employed.”.

(h) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”.

SEC. 303. TEMPORARY NONIMMIGRANT WORKERS.

(a) **H-1B DEPENDENT EMPLOYERS.**—

(1) **IN GENERAL.**—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)(ii), by striking “an H-1B-dependent employer (as defined in paragraph (3))” and inserting “an employer that employs H-1B nonimmigrants”; and

(ii) in subparagraph (F), by striking “(regardless of whether or not such other employer is an H-1B-dependent employer)”; and

(B) in paragraph (2)—

(i) in subparagraph (E), by striking “If an H-1B-dependent employer” and inserting “If an employer that employs H-1B nonimmigrants”; and

(ii) in subparagraph (F), by striking “The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer.”.

(2) **CONFORMING DEFINITION AMENDMENT.**—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) **DISPLACEMENT OF WORKERS.**—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (1)(F), by striking “90 days” each place that term appears and inserting “180 days”; and

(2) in paragraph (2)(C)(iii), by striking “90 days” each place that term appears and inserting “180 days”.

(c) **ENFORCEMENT ACTION.**—Section 212(n)(2) of the Immigration and Nationality Act (8

U.S.C. 1182(n)(2)) is amended by adding at the end the following:

“(I) The Secretary of Labor may initiate an investigation of any employer that hires nonimmigrants described in section 101(a)(15)(H)(i)(b) if the Secretary of Labor has reasonable cause to believe that the employer is not in compliance with this subsection. The investigation may be initiated not solely for completeness and obvious inaccuracies by the employer in complying with this subsection.”.

(d) **ADMINISTRATIVE FEE.**—Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking “before October 1, 2003”.

SEC. 304. COMPTROLLER GENERAL INVESTIGATION.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall undertake an investigation to determine—

(1) how the amendments made by this Act are being implemented;

(2) the impact that the amendments made by this Act have had on employers and workers in the United States; and

(3) whether additional changes to existing law are necessary—

(A) to prevent American workers from being displaced by nonimmigrants described in subparagraphs (L) and (H)(i)(b) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); or

(B) to meet the legitimate needs of United States employers.