

119TH CONGRESS
2D SESSION

S. _____

To require employers seeking a permanent labor certification classification for the hiring of foreign workers to pay a fee of at least \$10,000, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require employers seeking a permanent labor certification classification for the hiring of foreign workers to pay a fee of at least \$10,000, 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 “American Hiring
5 Transparency Act”.

6 **SEC. 2. PERMANENT LABOR CERTIFICATION FEE.**

7 Section 281 of the Immigration and Nationality Act
8 (8 U.S.C. 1351) is amended—

1 (1) by striking the section header and inserting
2 “**VISA FEES**”;

3 (2) by striking “The fees for” and inserting the
4 following:

5 “(a) NONIMMIGRANT VISA FEES.—

6 “(1) IN GENERAL.—The fees for”;

7 (3) by striking the semicolon after “residents”
8 and inserting a period;

9 (4) by striking “*Provided*, That nonresident
10 visas” and inserting the following:

11 “(2) FEE WAIVERS.—Nonresident visas”; and

12 (5) by adding at the end the following:

13 “(b) PERMANENT LABOR CERTIFICATION FEE.—

14 “(1) IN GENERAL.—In addition to any other fee
15 authorized by law, the Secretary of Labor shall re-
16 quire the payment of a fee, in an amount equal to
17 the amount specified paragraphs (2) and (3), from
18 any employer who files an Application for Perma-
19 nent Employment Certification (Form ETA 9089)
20 or any successor form, or any substantially similar
21 application designated by the Secretary that requires
22 recruitment to determine the availability of able,
23 willing, qualified, and available United States work-
24 ers, at the time such application is filed.

1 “(2) INITIAL AMOUNT.—During fiscal year
2 2027, the amount specified in this paragraph shall
3 be the greater of—

4 “(A) \$10,000; or

5 “(B) such amount as the Secretary may
6 establish, by rule.

7 “(3) ANNUAL ADJUSTMENTS FOR INFLATION.—
8 During fiscal year 2028, and during each subse-
9 quent fiscal year, the amount specified in this para-
10 graph shall be equal to the sum of—

11 “(A) the amount of the fee required under
12 this subsection for the most recently concluded
13 fiscal year; and

14 “(B) the product resulting from the mul-
15 tiplication of the amount referred to in sub-
16 paragraph (A) by the percentage (if any) by
17 which the Consumer Price Index for All Urban
18 Consumers for the month of July preceding the
19 date on which such adjustment takes effect ex-
20 ceeds the Consumer Price Index for All Urban
21 Consumers for the same month of the preceding
22 calendar year, rounded to the next lowest mul-
23 tiple of \$10.

24 “(4) PERM FEE ACCOUNT.—

1 “(A) ESTABLISHMENT.—There is estab-
2 lished in the general fund of the Treasury a
3 separate account, which shall be known as the
4 ‘PERM Fee Account’ (referred to in this para-
5 graph as the ‘Account’).

6 “(B) DEPOSITS.—Of the fees received
7 under this subsection in a given fiscal year from
8 employers filing applications for permanent em-
9 ployment certification—

10 “(i) 50 percent shall be deposited into
11 the Account; and

12 “(ii) 50 percent shall be deposited
13 into the general fund of the Treasury.

14 “(C) USE OF ACCOUNT FUNDS.—Of the
15 fees deposited into the Account in a given fiscal
16 year—

17 “(i) 50 percent shall be made avail-
18 able to the Secretary of Labor to expend
19 without further appropriation; and

20 “(ii) 50 percent shall be made avail-
21 able to the Director of the Office of Per-
22 sonnel Management to expend without fur-
23 ther appropriation to upgrade and main-
24 tain the capabilities of the USAJOBS
25 website or any successor platform to host

1 job advertisements and process job applica-
2 tions in order to facilitate labor market
3 testing.

4 “(5) NO FEE WAIVER.—Fees required to be
5 paid under this subsection may not be waived or re-
6 duced.”.