

118TH CONGRESS
2D SESSION

H. R. 10007

To amend the Immigration and Nationality Act to authorize the admission of nonimmigrant emergency medical technicians and paramedics.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2024

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to authorize the admission of nonimmigrant emergency medical technicians and paramedics.

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 “Paramedic and Emer-
5 gency Medical Technician Relief Act of 2024”.

6 **SEC. 2. ESTABLISHMENT OF H-1D VISAS FOR EMTS AND**
7 **PARAMEDICS.**

8 (a) NONIMMIGRANT CATEGORY.—Section
9 101(a)(15)(H)(i) of the Immigration and Nationality Act
10 (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking “;

1 or” at the end and inserting “, or (d) who is coming tem-
2 porarily to the United States to perform services as an
3 emergency medical technician or paramedic, who meets
4 the qualifications described in section 212(u) , and with
5 respect to whom the Secretary of Labor determines and
6 certifies to the Secretary of Homeland Security that an
7 unexpired attestation is on file and in effect under section
8 212(u)(2) for the employer; or”.

9 (b) REQUIREMENTS.—Section 212 of the Immigra-
10 tion and Nationality Act (8 U.S.C. 1182) is amended by
11 adding at the end the following:

12 “(u) REQUIREMENTS FOR ADMISSION OF NON-
13 IMMIGRANT EMTs AND PARAMEDICS.—

14 “(1) QUALIFICATIONS.—The qualifications re-
15 ferred to in section 101(a)(15)(H)(i)(d), with respect
16 to an alien who is coming to the United States to
17 perform services as an emergency medical technician
18 or paramedic, are that the alien—

19 “(A) has, at a minimum, obtained emer-
20 gency medical technician, paramedic, or equiva-
21 lent pre-hospital care, education or training in
22 a foreign country or in the United States;

23 “(B) not later than 12 weeks before the
24 alien’s intended first date of employment in the
25 United States, has passed an appropriate exam-

1 ination (recognized in regulations promulgated
2 in consultation with the Secretary of Health
3 and Human Services) or has obtained the ap-
4 propriate certificate or license under State law
5 to practice as an emergency medical technician
6 or paramedic in the State of intended employ-
7 ment;

8 “(C) not later than 12 weeks before the
9 alien’s intended first date of employment in the
10 United States, is fully qualified and eligible
11 under the laws (including such temporary or in-
12 terim licensing requirements which authorize
13 the emergency medical technician or paramedic
14 to be employed) governing the place of intended
15 employment to engage in practice as an emer-
16 gency medical technician or a paramedic imme-
17 diately upon admission to the United States;
18 and

19 “(D) not later than 12 weeks before the
20 alien’s intended first date of employment in the
21 United States, has passed appropriate criminal
22 record checks and other background and data-
23 base checks, as determined by the Secretary of
24 Homeland Security in coordination with the At-
25 torney General, including biometric data collec-

1 tion, a review of the applicant’s criminal and
2 immigration records, verification of the appli-
3 cant’s identity and travel history, and an as-
4 sessment of any potential risk the applicant
5 poses to public safety or national security.

6 “(2) ATTESTATION.—

7 “(A) The attestation referred to in section
8 101(a)(15)(H)(i)(d), with respect to an em-
9 ployer for which an alien will perform services,
10 is an attestation as to the following:

11 “(i) The employment of the alien will
12 not adversely affect the wages and working
13 conditions of emergency medical techni-
14 cians or paramedics, as applicable, simi-
15 larly employed.

16 “(ii) The alien employed by the em-
17 ployer will be paid the wage rate for emer-
18 gency medical technicians or paramedics,
19 as applicable, similarly employed by the
20 employer.

21 “(iii) The employer has taken and is
22 taking timely and significant steps de-
23 signed to recruit and retain sufficient
24 emergency medical technicians or para-
25 medics, as applicable, who are United

1 States citizens or immigrants who are au-
2 thorized to perform such services.

3 “(iv) There is not a strike or lockout
4 in the course of a labor dispute, the em-
5 ployer did not lay off and will not lay off
6 an emergency medical technician or a
7 paramedic, as applicable, employed by the
8 employer within the period beginning 90
9 days before and ending 90 days after the
10 date of filing of any visa petition, and the
11 employment of such an alien is not in-
12 tended or designed to influence an election
13 for a bargaining representative for emer-
14 gency medical technicians or paramedics of
15 the employer.

16 “(v) At the time of the filing of the
17 petition for emergency medical technicians
18 or paramedics, as applicable, under section
19 101(a)(15)(H)(i)(d), notice of the filing
20 has been provided by the employer to the
21 bargaining representative of the emergency
22 medical technicians or paramedics em-
23 ployed by the employer or, where there is
24 no such bargaining representative, notice
25 of the filing has been provided to the emer-

1 gency medical technicians or paramedics
2 employed by the employer through posting
3 in conspicuous locations or electronic noti-
4 fication to such employees.

5 “(vi) The employer will not, at any
6 time, employ a number of aliens issued
7 visas or otherwise provided nonimmigrant
8 status under section 1101(a)(15)(H)(i)(d)
9 of this title as emergency medical techni-
10 cians or paramedics that exceeds 15 per-
11 cent of the total number of emergency
12 medical technicians or paramedics, respec-
13 tively, employed by the employer.

14 “(vii) The employer is affiliated with
15 an emergency medical services education
16 program approved by the applicable licens-
17 ing body of the State in which the alien
18 will work.

19 Nothing in clause (iii) shall be construed
20 as requiring an employer to have taken sig-
21 nificant steps described in such clause be-
22 fore the effective date of the Paramedic
23 and Emergency Medical Technician Relief
24 Act of 2023. A copy of the attestation re-
25 ferred to in section 101(1)(15)(H)(i)(d)

1 shall be provided, within 30 days of the
2 date of filing, to emergency medical techni-
3 cians or paramedics, as applicable, em-
4 ployed by the employer on the date of fil-
5 ing.

6 “(B) For purposes of subparagraph
7 (A)(iii), each of the following shall be consid-
8 ered a significant step reasonably designed to
9 recruit and retain emergency medical techni-
10 cians or paramedics:

11 “(i) Operating a training program for
12 emergency medical technicians or para-
13 medics or financing (or providing partici-
14 pation in) a training program for emer-
15 gency medical technicians or paramedics.

16 “(ii) Providing career development
17 programs and other methods of facilitating
18 nationals of the United States to become
19 emergency medical technicians or para-
20 medics.

21 “(iii) Paying emergency medical tech-
22 nicians or paramedics wages at a rate
23 equal to or higher than currently being
24 paid to emergency medical technicians or

1 paramedics similarly employed in the geo-
2 graphic area.

3 “(iv) Providing reasonable opportuni-
4 ties for meaningful salary advancement by
5 emergency medical technicians or para-
6 medics.

7 The steps described in this subparagraph shall
8 not be considered to be an exclusive list of the
9 significant steps that may be taken to meet the
10 conditions of subparagraph (A)(iii). Nothing in
11 this subparagraph shall require an employer to
12 take more than one step if the employer can
13 demonstrate that taking a second step is not
14 reasonable.

15 “(C) Subject to subparagraph (E), an at-
16 testation under subparagraph (A)—

17 “(i) shall expire on the date that is
18 the later of—

19 “(I) the end of the one-year pe-
20 riod beginning on the date of its filing
21 with the Secretary of Labor; or

22 “(II) the end of the period of ad-
23 mission under section
24 101(a)(15)(H)(i)(d) of the last alien
25 with respect to whose admission it

1 was applied (in accordance with clause
2 (ii)); and

3 “(ii) shall apply to petitions filed dur-
4 ing the one-year period beginning on the
5 date of its filing with the Secretary of
6 Labor if the employer states in each such
7 petition that it continues to comply with
8 the conditions in the attestation.

9 “(D) An employer may meet the require-
10 ments under this paragraph with respect to
11 more than one emergency medical technician or
12 paramedic in a single petition.

13 “(E)(i) The Secretary of Labor shall com-
14 pile and make publicly available online a list
15 identifying employers which have filed petitions
16 for nonimmigrants under section
17 101(a)(15)(H)(i)(d) and, for each such em-
18 ployer, a copy of the employer’s attestation
19 under subparagraph (A) (and accompanying
20 documentation) and each such petition filed by
21 the employer.

22 “(ii) The Secretary of Labor shall establish
23 a process, including reasonable time limits, for
24 the receipt, investigation, and disposition of
25 complaints respecting an employer’s failure to

1 meet conditions attested to or an employer's
2 misrepresentation of a material fact in an attes-
3 tation. Complaints may be filed by any ag-
4 grievied person or organization (including bar-
5 gaining representatives, associations deemed ap-
6 propriate by the Secretary, and other aggrieved
7 parties as determined under regulations of the
8 Secretary). The Secretary shall conduct an in-
9 vestigation under this clause if there is reason-
10 able cause to believe that an employer fails to
11 meet conditions attested to. Subject to the time
12 limits established under this clause, this sub-
13 paragraph shall apply regardless of whether an
14 attestation is expired or unexpired at the time
15 a complaint is filed.

16 “(iii) Under such process, the Secretary
17 shall provide, within 180 days after the date
18 such a complaint is filed, for a determination as
19 to whether or not a basis exists to make a find-
20 ing described in clause (iv). If the Secretary de-
21 termines that such a basis exists, the Secretary
22 shall provide for notice of such determination to
23 the interested parties and an opportunity for a
24 hearing on the complaint within 60 days of the
25 date of the determination.

1 “(iv) If the Secretary of Labor finds, after
2 notice and opportunity for a hearing, that an
3 employer (for which an attestation is made) has
4 failed to meet a condition attested to or that
5 there was a misrepresentation of material fact
6 in the attestation, the Secretary of Labor shall
7 notify the Secretary of Homeland Security of
8 such finding and may, in addition, impose such
9 other administrative remedies (including civil
10 monetary penalties in an amount not to exceed
11 \$1,000 per emergency medical technician or
12 paramedic per violation, with the total penalty
13 not to exceed \$10,000 per violation) as the Sec-
14 retary of Labor determines to be appropriate.
15 Upon receipt of such notice, the Secretary of
16 Homeland Security shall not approve petitions
17 filed with respect to an employer during a pe-
18 riod of at least one year for emergency medical
19 technicians or paramedics, as applicable to be
20 employed by the employer.

21 “(v) In addition to the sanctions provided
22 for under clause (iv), if the Secretary of Labor
23 finds, after notice and an opportunity for a
24 hearing, that an employer has violated the con-
25 dition attested to under subparagraph (A)(ii)

1 (relating to payment of emergency medical tech-
2 nicians or paramedics at the prevailing wage
3 rate), the Secretary shall order the employer to
4 provide for payment of such amounts of back
5 pay as may be required to comply with such
6 condition.

7 “(F)(i) The Secretary of Labor shall im-
8 pose on an employer filing an attestation under
9 subparagraph (A) a filing fee, in an amount
10 prescribed by the Secretary based on the costs
11 of carrying out the Secretary’s duties under this
12 subsection, but not exceeding \$250.

13 “(ii) Fees collected under this subpara-
14 graph shall be deposited in a fund established
15 for this purpose in the Treasury of the United
16 States.

17 “(iii) The collected fees in the fund shall
18 be available to the Secretary of Labor, to the
19 extent and in such amounts as may be provided
20 in appropriations Acts, to cover the costs de-
21 scribed in clause (i), in addition to any other
22 funds that are available to the Secretary to
23 cover such costs.

24 “(3) PERIOD OF ADMISSION.—The period of
25 admission of an alien under section

1 101(a)(15)(H)(i)(d) shall be 3 years, and may be ex-
2 tended for an additional 3-year period.

3 “(4) NUMERICAL LIMITATION.—

4 “(A) IN GENERAL.—The total number of
5 aliens who may be issued visas or otherwise
6 provided nonimmigrant status during any fiscal
7 year under section 101(a)(15)(H)(i)(d) may not
8 exceed 2,500. The numerical limitation under
9 this subparagraph shall be allocated for a fiscal
10 year so that the total number of aliens subject
11 to such numerical limit who enter the United
12 States pursuant to a visa or are accorded non-
13 immigrant status under section
14 101(a)(15)(H)(i)(d) during the first 6 months
15 of such fiscal year is not more than 1,250.

16 “(B) ADJUSTMENT BY SECRETARY.—Be-
17 ginning in the fourth fiscal year that begins
18 after the date of enactment of this paragraph,
19 the Secretary of Homeland Security, in con-
20 sultation with the Secretary of Labor and other
21 relevant stakeholders, may adjust the numerical
22 limitation under subparagraph (A), as the Sec-
23 retary finds appropriate. In making such deter-
24 mination, the Secretary shall consider the fol-
25 lowing:

1 “(i) The current and projected de-
2 mand for emergency medical technicians
3 and paramedics in the United States.

4 “(ii) The capacity of United States
5 educational and training institutions to
6 produce emergency medical technicians
7 and paramedics.

8 “(iii) The potential impact of the ad-
9 mission of nonimmigrants under section
10 101(a)(15)(H)(i)(d) on the domestic labor
11 market, including wages, working condi-
12 tions, and employment opportunities for
13 United States workers.

14 “(iv) The need to balance the admis-
15 sion of foreign emergency medical techni-
16 cians and paramedics with the protection
17 of United States workers and the pro-
18 motion of domestic workforce development
19 initiatives.

20 The Secretary of Homeland Security is authorized to
21 grant exemptions from the numerical limitation
22 under this paragraph in cases of extreme hardship,
23 national interest, or other compelling circumstances,
24 as determined on a case-by-case basis.

1 “(5) WAGE RATES; UNIONS.—An employer that
2 has filed a petition under section
3 101(a)(15)(H)(i)(d) to employ a nonimmigrant to
4 perform emergency medical technician or paramedic
5 services for the employer—

6 “(A) shall provide the nonimmigrant a
7 wage rate and working conditions commensu-
8 rate with those of emergency medical techni-
9 cians or paramedics, as applicable, similarly em-
10 ployed by the employer;

11 “(B) shall require the nonimmigrant to
12 work hours commensurate with those of emer-
13 gency medical technicians or paramedics, as ap-
14 plicable, similarly employed by the employer;
15 and

16 “(C) may not engage in any unfair labor
17 practice listed in section 8 of the National
18 Labor Relations Act (29 U.S.C. 158) with re-
19 spect to any such employee, or otherwise inter-
20 fere with the employee’s rights under section 7
21 of such Act (29 U.S.C. 157).

22 “(6) REPORT TO CONGRESS.—The Secretary of
23 Homeland Security and the Secretary of Labor shall
24 submit to Congress an annual report on admission

1 of nonimmigrants under section 101(a)(15)(H)(i)(d),
2 which report shall include the following:

3 “(A) The impact of the admission of such
4 nonimmigrants on the emergency medical tech-
5 nician and paramedic workforce, as well as any
6 instances of fraud, abuse, or non-compliance
7 with the requirements under this subsection.

8 “(B) The number of visas issued under
9 such section and the number of applications re-
10 ceived during the previous fiscal year.

11 “(C) The distribution of such non-
12 immigrants by geographic region, State, and
13 type of employer.

14 “(D) The prevailing wages paid to such
15 nonimmigrants and any wage disparities with
16 similarly employed United States workers.

17 “(E) Any violations of labor conditions or
18 program requirements identified by the Sec-
19 retary of Labor, including any action taken to
20 address such a violation.

21 “(F) Recommendations for improving the
22 admission of such nonimmigrants or addressing
23 any identified barriers to admission.

24 “(7) MONITORING.—The Secretary of Home-
25 land Security and the Secretary of Labor shall de-

1 velop and implement procedures to monitor employer
2 compliance with the requirements under this sub-
3 section, including periodic site visits, audits, and in-
4 vestigations based on complaints or other credible
5 information.

6 “(8) DEFINITION.—For purposes of paragraph
7 (2)(A)(iv), the term ‘lay off’, with respect to a work-
8 er has the meaning given such term in subsection
9 (m).”.

10 **SEC. 3. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This Act and the amendments
12 made by this Act shall take effect 180 days after the date
13 of enactment of this Act.

14 (b) REGULATIONS.—The Secretary of Homeland Se-
15 curity and the Secretary of Labor shall issue regulations
16 and guidance as necessary to implement the amendments
17 made by this Act, including the following:

18 (1) Developing and publishing application forms
19 and instructions for employers and aliens seeking
20 admission under section 101(a)(15)(H)(i)(d) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(a)(15)(H)).

23 (2) Establishing procedures for conducting
24 background checks and security screenings, and en-
25 forcing labor protections.

1 (3) Coordinating with other relevant govern-
2 ment agencies, such as the Federal Bureau of Inves-
3 tigation and State licensing boards, to ensure effec-
4 tive implementation and compliance with the re-
5 quirements under section 212(u) of the Immigration
6 and Nationality Act (8 U.S.C. 1182).

7 (4) Providing training and resources to Depart-
8 ment of Homeland Security and Department of
9 Labor staff responsible for administering the admis-
10 sion of aliens under such section
11 101(a)(15)(H)(i)(d), as well as any other relevant
12 stakeholders.

○