DOL Releases Regulatory Agenda

October 2026

The Trump administration recently released its 2026 Regulatory Plan and Unified Agenda of Regulatory and Deregulatory Actions (the Agenda), setting out the regulatory priorities and planned activities federal agencies expect to pursue over the coming year.

The U.S. Department of Labor (DOL) is among the agencies with new regulations under development or review. Agencies are not bound by the Agenda's items or deadlines, since priorities and resources can shift. However, the Agenda gives employers a useful list of issues to track in the year ahead.

The DOL's Agenda includes eight new and previously proposed Wage and Hour Division rules.

BRIEF AT A GLANCE	
	Work hours standards for young workers: The DOL is considering issuing a notice of proposed rulemaking (NPRM) to amend permissible work hours for workers aged 14 and 15. **FLSA tip regulations**: The DOL is also considering issuing an NPRM to amend the tip credit provisions under the Fair Labor Standards Act (FLSA), which govern how much of a tipped employee's wages an employer may credit against its minimum wage obligation.

Previously Announced Rules

- Independent contractor status
- Joint employer status
- Rescission of regulations increasing the federal contractor minimum wage
- Rescission of coordinated enforcement regulations
- Application of the FLSA to domestic service
- Statements of general policy or interpretation not directly related to regulations

While the Agenda outlines future regulatory plans, it does not impact employers' current compliance obligations. Until formally changed through rulemaking or other regulatory action, all existing rules and compliance requirements remain in place.

This News Brief document is not intended to be exhaustive, nor should any discussion or opinion be construed as legal advice. Readers should contact legal counsel for appropriate advice. © Zywave, Inc., The Holt Group LLC All rights reserved. All images are from Google Images and Story Blocks. Revised 2026

DHS Proposes Additional H-1B Fee

October 2026

The U.S. Department of Homeland Security (DHS) published a proposed rule in the Federal Register that would establish a $103,265 fee for all H-1B cap-subject petitions, including those eligible for the advanced degree exemption, payable at the time of filing. This fee would be in addition to all other applicable fees or payments.

The proposed fee would be separate from and in addition to the $100,000 entry fee imposed on certain H-1B petitions filed on or after Sept. 21, 2025. A federal District Court vacated the guidance implementing that proclamation payment, which the government appealed. If that ruling is reversed or the proclamation is reinstated or extended, the DHS states in the proposed rule that petitioners subject to both the proclamation payment and the new fee would owe both amounts.

Key Highlights

The proposed rule would establish a **$103,265 fee for every H-1B cap-subject petition**, payable at the time of filing. Cap-exempt petitions (e.g., petitions filed on behalf of workers at institutions of higher education or nonprofit or governmental research organizations) would not be subject to the fee. According to the DHS, the fee would generate dedicated revenue to help cover the federal government's costs of administering the lawful immigration system. These costs include adjudication of immigration benefits, fraud detection and national security vetting, systems modernization, records and fee collection operations, immigration court operations, consular visa processing, labor standards enforcement, and interagency coordination. The DHS estimates the proposed fee would generate approximately $8.8 billion annually, based on a projected annual volume of 85,000 H-1B cap-subject petitions.

WHAT TO KNOW	Employers should monitor updates on the proposed rule, including the publication of a final rule and any related legal challenges. If the final rule takes effect, employers should factor the new fee into their annual budgeting. In addition, employers should continue to track the pending appeal regarding the presidential proclamation payment.

This News Brief document is not intended to be exhaustive, nor should any discussion or opinion be construed as legal advice. Readers should contact legal counsel for appropriate advice. © Zywave, Inc., The Holt Group LLC All rights reserved. All images are from Google Images and Story Blocks. Revised 2026