

HR 5657

H-1B and L-1 Visa Reform Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Jul 7, 2016

Current Status: Referred to the Subcommittee on Immigration and Border Security.

Latest Action: Referred to the Subcommittee on Immigration and Border Security. (Aug 11, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5657>

Sponsor

Name: Rep. Pascrell, Bill, Jr. [D-NJ-9]

Party: Democratic • State: NJ • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Rohrabacher, Dana [R-CA-48]	R · CA		Jul 7, 2016

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Jul 7, 2016
Judiciary Committee	House	Referred to	Aug 11, 2016

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
114 S 2266	Related bill	Nov 10, 2015: Read twice and referred to the Committee on the Judiciary.

H-1B and L-1 Visa Reform Act of 2016

This bill amends the the Immigration and Nationality Act to revise employer and government requirements regarding visas for nonimmigrant aliens rated H-1B (specialty occupation) and L-1 (intracompany transfer to the United States from abroad).

H-1B employer application requirements are revised.

The bill establishes an H-1B visa allocation system, with first priority reserved for aliens who have earned an advanced degree in a field of science, technology, engineering, or mathematics (STEM) from a U.S. institution of higher education.

The bill requires completion of a U.S. degree (or an equivalent foreign degree) as a qualification for "specialty occupation" eligibility, eliminating experience in a specialty as an equivalent to the completion of such a degree.

The bill prescribes an H-1B labor condition application fee.

The Department of Labor may issue subpoenas and seek appropriate injunctive relief and specific performance of contractual obligations to ensure H-1B employer compliance.

The period of authorized admission for an H-1B nonimmigrant is reduced from six to three years, with a three-year extension available for aliens with extraordinary ability or with advanced degrees, or professors.

The bill denies an H-1B visa to any alien normally classifiable as an H-1 nonimmigrant who seeks U.S. admission to provide services in a specialty occupation.

Labor may investigate applications for fraud and conduct H-1B compliance audits.

Labor shall conduct annual audits of companies with more than 100 employees who work in the United States if more than 15% of those employees are H-1B nonimmigrants.

The bill increases certain employer penalties, including the penalty for displacing a U.S. worker.

An employer that violates any H-1B requirement shall be liable to the harmed employee for lost wages and benefits.

The U.S. Citizenship and Immigration Services shall give Labor any information in materials submitted by H-1B employers as part of the petition adjudication process that indicates employer noncompliance with H-1B visa program requirements.

Labor may hire 200 additional employees to administer H-1B programs.

The bill prohibits an employer, unless it receives a waiver from Labor, from hiring an L-1 nonimmigrant for more than one year who will: (1) serve in a capacity involving specialized knowledge, and (2) be stationed primarily at the worksite of an employer other than the petitioning employer.

No employer may replace a U.S. worker with an L-1 worker.

The bill prescribes L-1 requirements regarding: (1) employer petitions for employment at a new office, (2) wage rates and working conditions, and (3) employer penalties.

Labor may initiate an L-1 employer investigation.

Authority to administer L-1 visa blanket petitions is transferred from the Department of Justice to the Department of Homeland Security.

Actions Timeline

- **Aug 11, 2016:** Referred to the Subcommittee on Immigration and Border Security.
- **Jul 7, 2016:** Introduced in House
- **Jul 7, 2016:** Referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.