

109TH CONGRESS
1ST SESSION

H. R. 3381

To amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2005

Ms. DELAURO (for herself, Mr. MCGOVERN, Mr. LANTOS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DEFazio, Mr. ROHRABACHER, Mr. PASTOR, Mr. SANDERS, Mr. LARSON of Connecticut, and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants.

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 “L-1 Nonimmigrant
5 Reform Act”.

6 **SEC. 2. REVISION OF L-1 NONIMMIGRANT PROGRAM.**

7 (a) IN GENERAL.—Section 214 of the Immigration
8 and Nationality Act (8 U.S.C. 1184) is amended—

1 (1) by redesignating the second subsection (p)
2 as subsection (s); and

3 (2) by adding at the end the following new sub-
4 section:

5 “(t)(1) No alien may be admitted or provided status
6 as an L-1 nonimmigrant in an occupational classification
7 unless the employer has filed with the Secretary of Labor
8 an application stating the following:

9 “(A) The employer—

10 “(i) is offering and will offer during the
11 period of authorized employment to aliens ad-
12 mitted or provided status as an L-1 non-
13 immigrant wages that are at least—

14 “(I) the locally determined prevailing
15 wage level for the occupational classifica-
16 tion in the area of employment,

17 “(II) the median average wage for all
18 workers in the occupational classification
19 in the area of employment, or

20 “(III) the median wage for skill level
21 two in the occupational classification found
22 in the most recent Occupation Employ-
23 ment Statistics survey,

1 whichever is greatest, based on the best infor-
2 mation available as of the time of filing the ap-
3 plication, and

4 “(ii) will provide working conditions for
5 such a nonimmigrant that will not adversely af-
6 fect the working conditions of workers similarly
7 employed.

8 The wage determination methodology used under
9 clause (i) shall be submitted with the application.

10 “(B) There is not a strike or lockout in the
11 course of a labor dispute in the occupational classi-
12 fication at the place of employment.

13 “(C) The employer, at the time of filing the ap-
14 plication—

15 “(i) has provided notice of the filing under
16 this paragraph to the bargaining representative
17 (if any) of the employer’s employees in the oc-
18 cupational classification and area for which
19 aliens are sought, or

20 “(ii) if there is no such bargaining rep-
21 resentative, has provided notice of filing in the
22 occupational classification through such meth-
23 ods as physical posting in conspicuous locations
24 at the place of employment or electronic notifi-
25 cation to employees in the occupational classi-

1 fication for which L-1 nonimmigrants are
2 sought.

3 “(D) The application shall contain a specifica-
4 tion of the occupational classification in which the
5 worker will be employed and wage rate and condi-
6 tions under which the worker will be employed.

7 “(E) The employer did not displace and will not
8 displace a United States worker (as defined in para-
9 graph (4)) employed by the employer within the pe-
10 riod beginning 180 days before and ending 180 days
11 after the date of filing of any visa petition supported
12 by the application.

13 The employer shall make available for public examination,
14 within one working day after the date on which an applica-
15 tion under this paragraph is filed, at the employer’s prin-
16 cipal place of business or worksite, a copy of each such
17 application (and such accompanying documents as are
18 necessary). The Secretary shall compile, on a current
19 basis, a list (by employer and by occupational classifica-
20 tion) of the applications filed under this subsection. Such
21 list shall include the wage rate, number of aliens sought,
22 their country of origin, period of intended employment,
23 and date of need. The Secretary shall make such list avail-
24 able for public examination in Washington, D.C.

1 “(2)(A) Subject to paragraph (5)(A), the Secretary
2 shall establish a process for the receipt, investigation, and
3 disposition of complaints respecting a petitioner’s failure
4 to meet a condition specified in an application submitted
5 under paragraph (1) or a petitioner’s misrepresentation
6 of material facts in such an application. Complaints may
7 be filed by any aggrieved person or organization (including
8 bargaining representatives). No investigation or hearing
9 shall be conducted on a complaint concerning such a fail-
10 ure or misrepresentation unless the complaint was filed
11 not later than 12 months after the date of the failure or
12 misrepresentation, respectively. The Secretary shall con-
13 duct an investigation under this paragraph if there is rea-
14 sonable cause to believe that such a failure or misrepresen-
15 tation has occurred. In addition, the Secretary may con-
16 duct surveys of the level of compliance by employers with
17 the provisions and requirements of this subsection and
18 may conduct annual compliance audits in the case of em-
19 ployers that employ L-1 nonimmigrants.

20 “(B) Under such process, the Secretary shall provide,
21 within 30 days after the date such a complaint is filed,
22 for a determination as to whether or not a reasonable
23 basis exists to make a finding described in subparagraph
24 (C). If the Secretary determines that such a reasonable
25 basis exists, the Secretary shall provide for notice of such

1 determination to the interested parties and an opportunity
2 for a hearing on the complaint, in accordance with section
3 556 of title 5, United States Code, within 60 days after
4 the date of the determination. If such a hearing is re-
5 quested, the Secretary shall make a finding concerning the
6 matter by not later than 60 days after the date of the
7 hearing. In the case of similar complaints respecting the
8 same applicant, the Secretary may consolidate the hear-
9 ings under this subparagraph on such complaints.

10 “(C)(i) If the Secretary finds, after notice and oppor-
11 tunity for a hearing, a failure to meet a condition of para-
12 graph (1)(B), (1)(E), or (1)(F), a substantial failure to
13 meet a condition of paragraph (1)(C), (1)(D), or
14 (1)(G)(i)(I), or a misrepresentation of material fact in an
15 application—

16 “(I) the Secretary shall notify the Secretary of
17 Homeland Security of such finding and may, in ad-
18 dition, impose such other administrative remedies
19 (including civil monetary penalties in an amount not
20 to exceed \$1,000 per violation) as the Secretary de-
21 termines to be appropriate; and

22 “(II) the Secretary of Homeland Security shall
23 not approve petitions filed with respect to that em-
24 ployer under section 204 or 214(c) during a period

1 of at least 1 year for aliens to be employed by the
2 employer.

3 “(ii) If the Secretary finds, after notice and oppor-
4 tunity for a hearing, a willful failure to meet a condition
5 of paragraph (1), a willful misrepresentation of material
6 fact in an application, or a violation of clause (iv)—

7 “(I) the Secretary shall notify the Secretary of
8 Homeland Security of such finding and may, in ad-
9 dition, impose such other administrative remedies
10 (including civil monetary penalties in an amount not
11 to exceed \$5,000 per violation) as the Secretary de-
12 termines to be appropriate; and

13 “(II) the Secretary of Homeland Security shall
14 not approve petitions filed with respect to that em-
15 ployer under section 204 or 214(c) during a period
16 of at least 2 years for aliens to be employed by the
17 employer.

18 “(iii) If the Secretary finds, after notice and oppor-
19 tunity for a hearing, a willful failure to meet a condition
20 of paragraph (1) or a willful misrepresentation of material
21 fact in an application, in the course of which failure or
22 misrepresentation the employer displaced a United States
23 worker employed by the employer within the period begin-
24 ning 180 days before and ending 180 days after the date

1 of filing of any visa petition supported by the applica-
2 tion—

3 “(I) the Secretary shall notify the Secretary of
4 Homeland Security of such finding and may, in ad-
5 dition, impose such other administrative remedies
6 (including civil monetary penalties in an amount not
7 to exceed \$35,000 per violation) as the Secretary de-
8 termines to be appropriate; and

9 “(II) the Secretary of Homeland Security shall
10 not approve petitions filed with respect to that em-
11 ployer under section 204 or 214(c) during a period
12 of at least 3 years for aliens to be employed by the
13 employer.

14 “(iv) It is a violation of this clause for an employer
15 who has filed an application under this subsection to in-
16 timidate, threaten, restrain, coerce, blacklist, discharge, or
17 in any other manner discriminate against an employee
18 (which term, for purposes of this clause, includes a former
19 employee and an applicant for employment) because the
20 employee has disclosed information to the employer, or to
21 any other person, that the employee reasonably believes
22 evidences a violation of this subsection, or any rule or reg-
23 ulation pertaining to this subsection, or because the em-
24 ployee cooperates or seeks to cooperate in an investigation
25 or other proceeding concerning the employer’s compliance

1 with the requirements of this subsection or any rule or
2 regulation pertaining to this subsection.

3 “(v) The Secretary of Labor and the Secretary of
4 Homeland Security shall devise a process under which an
5 L-1 nonimmigrant who files a complaint regarding a vio-
6 lation of clause (iv) and is otherwise eligible to remain and
7 work in the United States may be allowed to seek other
8 appropriate employment in the United States for a period
9 not to exceed the maximum period of stay authorized for
10 such nonimmigrant classification.

11 “(vi)(I) It is a violation of this clause for an employer
12 who has filed an application under this subsection to re-
13 quire an L-1 nonimmigrant to pay a penalty for ceasing
14 employment with the employer prior to a date agreed to
15 by the nonimmigrant and the employer. The Secretary
16 shall determine whether a required payment is a penalty
17 (and not liquidated damages) pursuant to relevant State
18 law.

19 “(II) It is a violation of this clause for an employer
20 who has filed an application under this subsection to re-
21 quire an alien who is the subject of a petition filed under
22 section 214(c)(1), for which a fee is imposed under section
23 214(c)(9), to reimburse, or otherwise compensate, the em-
24 ployer for part or all of the cost of such fee. It is a viola-
25 tion of this clause for such an employer otherwise to ac-

1 cept such reimbursement or compensation from such an
2 alien.

3 “(III) If the Secretary finds, after notice and oppor-
4 tunity for a hearing, that an employer has committed a
5 violation of this clause, the Secretary may impose a civil
6 monetary penalty of \$1,000 for each such violation (or
7 \$5,000 in the case of a second such violation by an em-
8 ployer or \$10,000 for any subsequent such violation by
9 the employer) and issue an administrative order requiring
10 the return to the nonimmigrant of any amount paid in
11 violation of this clause, or, if the nonimmigrant cannot be
12 located, requiring payment of any such amount to the gen-
13 eral fund of the Treasury.

14 “(vii)(I) It is a failure to meet a condition of para-
15 graph (1)(A) for an employer, who has filed an application
16 under this subsection and who places an L-1 non-
17 immigrant designated as a full-time employee on the peti-
18 tion filed under section 214(c)(1) by the employer with
19 respect to the nonimmigrant, after the nonimmigrant has
20 entered into employment with the employer, in nonproduc-
21 tive or part-time status due to a decision by the employer
22 (based on factors such as lack of work), or due to the
23 nonimmigrant’s lack of a permit or license, to fail to pay
24 the nonimmigrant full-time wages in accordance with
25 paragraph (1)(A) for all such nonproductive time.

1 “(II) In the case of an L–1 nonimmigrant who has
2 not yet entered into employment with an employer who
3 has had approved an application under this subsection,
4 and a petition under section 214(c)(1), with respect to the
5 nonimmigrant, the provisions of subclauses (I) and (II)
6 shall apply to the employer beginning 30 days after the
7 date the nonimmigrant first is admitted into the United
8 States pursuant to the petition, or 60 days after the date
9 the nonimmigrant becomes eligible to work for the em-
10 ployer (in the case of a nonimmigrant who is present in
11 the United States on the date of the approval of the peti-
12 tion).

13 “(III) This clause does not apply to a failure to pay
14 wages to an L–1 nonimmigrant for nonproductive time
15 due to non-work-related factors, such as the voluntary re-
16 quest of the nonimmigrant for an absence or cir-
17 cumstances rendering the nonimmigrant unable to work.

18 “(IV) This clause shall not be construed as prohib-
19 iting an employer that is a school or other educational in-
20 stitution from applying to an L–1 nonimmigrant an estab-
21 lished salary practice of the employer, under which the em-
22 ployer pays to L–1 nonimmigrants and United States
23 workers in the same occupational classification an annual
24 salary in disbursements over fewer than 12 months, if—

1 “(aa) the nonimmigrant agrees to the com-
2 pressed annual salary payments prior to the com-
3 mencement of the employment; and

4 “(bb) the application of the salary practice to
5 the nonimmigrant does not otherwise cause the non-
6 immigrant to violate any condition of the non-
7 immigrant’s authorization under this Act to remain
8 in the United States.

9 “(V) This clause shall not be construed as super-
10 seding clause (viii).

11 “(viii) It is a failure to meet a condition of paragraph
12 (1)(A) for an employer who has filed an application under
13 this subsection to fail to offer to an L-1 nonimmigrant,
14 during the nonimmigrant’s period of authorized employ-
15 ment, benefits and eligibility for benefits (including the op-
16 portunity to participate in health, life, disability, and other
17 insurance plans; the opportunity to participate in retire-
18 ment and savings plans; and cash bonuses and noncash
19 compensation, such as stock options (whether or not based
20 on performance)) on the same basis, and in accordance
21 with the same criteria, as the employer offers to United
22 States workers.

23 “(D)(i) If the Secretary finds, after notice and oppor-
24 tunity for a hearing, that an employer has willfully not
25 paid wages at the wage level specified under the applica-

1 tion and required under paragraph (1), the Secretary shall
2 order the employer to provide for payment of such
3 amounts of double back pay as may be required to comply
4 with the requirements of paragraph (1), whether or not
5 a penalty under subparagraph (C) has been imposed.

6 “(ii) If the Secretary finds, after notice and oppor-
7 tunity for a hearing, that an employer willfully lays off
8 a worker in violation of the terms of the application and
9 this section, the Secretary shall order the employer to pro-
10 vide for payment of such amounts of double back pay for
11 the workers so laid off.

12 “(E) The Secretary may, on a case-by-case basis,
13 subject an employer to random investigations for a period
14 of up to 5 years, beginning on the date (on or after the
15 date of the enactment of the L-1 Nonimmigrant Reform
16 Act) when the employer is found by the Secretary to have
17 committed a willful failure to meet a condition of para-
18 graph (1) (or has been found under paragraph (5) to have
19 committed a willful failure to meet the condition of para-
20 graph (1)(F)(i)(II)) or to have made a willful misrepresen-
21 tation of material fact in an application. The authority
22 of the Secretary under this subparagraph shall not be con-
23 strued to be subject to, or limited by, the requirements
24 of subparagraph (A).

1 “(F)(i) If the Secretary receives specific credible in-
2 formation from a source, who is likely to have knowledge
3 of an employer’s practices or employment conditions, or
4 an employer’s compliance with the employer’s labor condi-
5 tion application under paragraph (1), and whose identity
6 is known to the Secretary, and such information provides
7 reasonable cause to believe that the employer has com-
8 mitted a willful failure to meet a condition of paragraph
9 (1)(A), (1)(B), (1)(E), or (1)(F)(i)(I), has engaged in a
10 pattern or practice of failures to meet such a condition,
11 or has committed a substantial failure to meet such a con-
12 dition that affects multiple employees, the Secretary may
13 conduct a 30-day investigation into the alleged failure or
14 failures. The Secretary (or the Acting Secretary in the
15 case of the Secretary’s absence or disability) shall person-
16 ally certify that the requirements for conducting such an
17 investigation have been met and shall approve commence-
18 ment of the investigation. The Secretary may withhold the
19 identity of the source from the employer, and the source’s
20 identity shall not be subject to disclosure under section
21 552 of title 5, United States Code.

22 “(ii) The Secretary shall establish a procedure for
23 any person, desiring to provide to the Secretary informa-
24 tion described in clause (i) that may be used, in whole
25 or in part, as the basis for commencement of an investiga-

1 tion described in such clause, to provide the information
2 in writing on a form developed and provided by the Sec-
3 retary and completed by or on behalf of the person.

4 “(iii) Any investigation initiated or approved by the
5 Secretary under clause (i) shall be based on information
6 that satisfies the requirements of such clause.

7 “(iv) No investigation described in clause (i) (or hear-
8 ing described in clause (vi)) may be conducted with respect
9 to information about a failure to meet a condition de-
10 scribed in clause (i), unless the Secretary receives the in-
11 formation not later than 12 months after the date of the
12 alleged failure.

13 “(v) The Secretary shall provide notice to an em-
14 ployer with respect to whom the Secretary has received
15 information described in clause (i), prior to the commence-
16 ment of an investigation under such clause, of the receipt
17 of the information and of the potential for an investiga-
18 tion.

19 “(vi) If the Secretary determines under this subpara-
20 graph that a reasonable basis exists to make a finding that
21 a failure described in clause (i) has occurred, the Secretary
22 shall provide for notice of such determination to the inter-
23 ested parties and an opportunity for a hearing, in accord-
24 ance with section 556 of title 5, United States Code, with-
25 in 60 days after the date of the determination. If such

1 a hearing is requested, the Secretary shall make a finding
2 concerning the matter by not later than 60 days after the
3 date of the hearing.

4 “(G) The Secretary of Homeland Security and the
5 Secretary of Labor shall jointly submit to Congress an an-
6 nual report on the use of L-1 workers. Such report shall
7 include the following:

8 “(i) Information on violations of conditions of
9 entry of such workers by their employers, including
10 information on complaints of such violations and
11 their disposition, the imposition of civil penalties and
12 disbarments, back pay awards, and other remedies
13 obtained.

14 “(ii) Information on the list compiled under
15 paragraph (1) on applications under this subsection.

16 “(H) Nothing in this subsection shall be construed
17 as superseding or preempting any other enforcement-re-
18 lated authority under this Act (such as the authorities
19 under section 274B), or any other Act.

20 “(3) For purposes of this subsection:

21 “(A) The term ‘area of employment’ means the
22 area within normal commuting distance of the work-
23 site or physical location where the work of the L-
24 1 nonimmigrant is or will be performed. If such
25 worksite or location is within a Metropolitan Statis-

1 tical Area, any place within such area is deemed to
2 be within the area of employment.

3 “(B) In the case of an application with respect
4 to one or more L-1 nonimmigrants by an employer,
5 the employer is considered to ‘displace’ a United
6 States worker from a job if the employer lays off the
7 worker from a job that is essentially the equivalent
8 of the job for which the nonimmigrant or non-
9 immigrants is or are sought. A job shall not be con-
10 sidered to be essentially equivalent of another job
11 unless it involves essentially the same responsibil-
12 ities, was held by a United States worker with sub-
13 stantially equivalent qualifications and experience,
14 and is located in the same area of employment as
15 the other job.

16 “(C) The term ‘L-1 nonimmigrant’ means an
17 alien admitted or provided status as a principal non-
18 immigrant described in section 101(a)(15)(L)(i).

19 “(D)(i) The term ‘lays off’, with respect to a
20 worker—

21 “(I) means to cause the worker’s loss of
22 employment, other than through a discharge for
23 inadequate performance, violation of workplace
24 rules, cause, voluntary departure, voluntary re-
25 tirement, or the expiration of a grant or con-

1 tract (other than a temporary employment con-
2 tract entered into in order to evade a condition
3 described in subparagraph (E) of paragraph
4 (1));

5 “ (II) includes a significant change or dimi-
6 nution of duties of employment; but

7 “ (III) does not include any situation in
8 which the worker is offered, as an alternative to
9 such loss of employment, a similar employment
10 opportunity with no significant change or dimi-
11 nution of duties with the same employer at
12 equivalent or higher compensation and benefits
13 than the position from which the employee was
14 discharged, regardless of whether or not the
15 employee accepts the offer.

16 “ (ii) Nothing in this subparagraph is intended
17 to limit an employee’s rights under a collective bar-
18 gaining agreement or other employment contract.

19 “ (E) The term ‘United States worker’ means
20 an employee who—

21 “ (i) is a citizen or national of the United
22 States; or

23 “ (ii) is an alien who is lawfully admitted
24 for permanent residence, is admitted as a ref-
25 ugee under section 207, is granted asylum

1 under section 208, or is an immigrant otherwise
2 authorized, by this Act or by the Secretary of
3 Homeland Security, to be employed.

4 “(4)(A) This paragraph shall apply instead of sub-
5 paragraphs (A) through (E) of paragraph (2) in the case
6 of a violation described in subparagraph (B), but shall not
7 be construed to limit or affect the authority of the Sec-
8 retary or the Secretary of Homeland Security with respect
9 to any other violation.

10 “(B) The Secretary of Homeland Security shall es-
11 tablish a process for the receipt, initial review, and disposi-
12 tion in accordance with this paragraph of complaints re-
13 specting an employer’s failure to meet the condition of
14 paragraph (1)(F)(i)(II) or a petitioner’s misrepresentation
15 of material facts with respect to such condition. Com-
16 plaints may be filed by an aggrieved individual who has
17 submitted a résumé or otherwise applied in a reasonable
18 manner for the job that is the subject of the condition.
19 No proceeding shall be conducted under this paragraph
20 on a complaint concerning such a failure or misrepresenta-
21 tion unless the Secretary of Homeland Security deter-
22 mines that the complaint was filed not later than 12
23 months after the date of the failure or misrepresentation,
24 respectively.”.

1 (b) LIABILITY FOR COSTS OF RETURN.—Section
2 214(c)(5)(A) of such Act (8 U.S.C. 1184(c)(5)(A)) is
3 amended by inserting “or 101(a)(15)(L)” after
4 “101(a)(15)(H)(ii)(b)”.

5 (c) APPLICATION OF FEE.—

6 (1) IMPOSITION OF FEE.—Section 214(c)(9) of
7 such Act (8 U.S.C. 1184(c)(9)) is amended by add-
8 ing at the end the following new subparagraph:

9 “(D) The previous provisions of this paragraph shall
10 apply to a nonimmigrant status described in section
11 101(a)(15)(L) in the same manner as it applies to a
12 nonimmigrant status described in section 101(a)(15)(H)(i),
13 except that fees so collected shall be deposited in the
14 Treasury in accordance with section 286(v).”.

15 (2) DEPOSIT AND USE OF FEES.—Section 286
16 of such Act (8 U.S.C. 1356) is amended—

17 (A) in subsection (s)(1), by inserting
18 “(other than under subparagraph (D) thereof)”
19 after “214(c)(9)”; and

20 (B) by adding at the end the following new
21 subsection:

22 “(v) L-1B Nonimmigrant Petitioner Account.—

23 “(1) IN GENERAL.—There is established in the
24 general fund of the Treasury a separate account,
25 which shall be known as the ‘L-1 Nonimmigrant Pe-

1 petitioner Account'. Notwithstanding any other section
2 of this title, there shall be deposited as offsetting re-
3 ceipts into the account all fees collected under sec-
4 tion 214(c)(9)(D).

5 “(2) USE OF FEES FOR DATA PROCESSING.—30
6 percent of amounts deposited into the L-1 Non-
7 immigrant Petitioner Account shall remain available
8 to the Bureau of Citizenship and Immigration Serv-
9 ices in the Department of Homeland Security for
10 processing and data collection.

11 “(3) USE OF FEES FOR LABOR ENFORCE-
12 MENT.—40 percent of amounts deposited into the
13 L-1 Nonimmigrant Petitioner Account shall remain
14 available to the Secretary of Labor for enforcement
15 activities.

16 “(4) USE OF FEES FOR TRAINING AND EDU-
17 CATION OF UNITED STATES WORKERS.—30 percent
18 of amounts deposited into the L-1 Nonimmigrant
19 Petitioner Account shall remain available to the Sec-
20 retary of Labor for training and education of United
21 States workers.”.

22 (d) APPLICATION OF ANNUAL CAP.—Section 214 of
23 such Act (8 U.S.C. 1184) is amended by adding at the
24 end the following new subsection:

1 “(q)(1) The total number of aliens who may be issued
2 visas or otherwise provided nonimmigrant status during
3 any fiscal year (beginning with fiscal year 2004) under
4 section 101(a)(15)(L), may not exceed 35,000.

5 “(2) The numerical limitations of paragraph (1) shall
6 only apply to principal aliens and not to the spouses or
7 children of such aliens.

8 “(3) In the case of a nonimmigrant described in sec-
9 tion 101(a)(15)(H)(i)(b), the period of authorized admis-
10 sion as such a nonimmigrant may not exceed 3 years.

11 “(4) The numerical limitations contained in para-
12 graph (1)(A) shall not apply to any nonimmigrant alien
13 issued a visa or otherwise provided status under section
14 101(a)(15)(L) who is employed (or has received an offer
15 of employment) at—

16 “(A) an institution of higher education (as de-
17 fined in section 101(a) of the Higher Education Act
18 of 1965 (20 U.S.C. 1001(a))), or a related or affili-
19 ated nonprofit entity; or

20 “(B) a nonprofit research organization or a
21 governmental research organization.”.

22 (e) CORPORATE RESTRUCTURING.—Section
23 214(c)(10) of such Act (8 U.S.C. 1184(c)(10)) is amended
24 by inserting “or L-1 petition” after “H-1B petition”.

1 (f) STRIKING OUT BLANKET VISAS.—Section
2 214(c)(2) of such Act (8 U.S.C. 1184(c)(2)) is amended
3 by amending subparagraph (A) to read as follows:

4 “(2)(A) The Secretary of Homeland Security shall
5 not permit the use of blanket petitions to import aliens
6 as nonimmigrants under section 101(a)(15)(L).”.

7 (g) QUALIFICATIONS.—Section 214(c)(2)(B) of such
8 Act (8 U.S.C. 1184(c)(2)(B)) is amended by striking the
9 period at the end and inserting the following: “and has
10 attained a bachelor’s or higher degree in the area of spe-
11 cial knowledge. For purposes of this subparagraph, the
12 term ‘bachelor’s degree (or higher degree)’ includes a for-
13 eign degree that is a recognized foreign equivalent of a
14 bachelor’s degree (or higher degree). In the case of an
15 alien obtaining a foreign degree, any determination with
16 respect to the equivalence of that degree to a degree ob-
17 tained in the United States shall be made by the Secretary
18 of State. In carrying out the preceding sentence, the Sec-
19 retary of State shall verify the authenticity of any foreign
20 educational credential proffered by an alien.”.

21 (h) PRIOR EMPLOYMENT REQUIREMENT.—Section
22 101(a)(15)(L) of such Act (8 U.S.C. 1101(a)(15)(L)) is
23 amended—

24 (1) by striking “within 3 years” and inserting
25 “during 2 of the past 3 years”; and

1 (2) by striking “has been employed continu-
2 ously for one year by a firm or corporation” and in-
3 serting “has been employed continuously on a full-
4 time basis for 2 years by the firm or corporation”.

5 (i) EFFECTIVE DATE.—Except as otherwise pro-
6 vided, the amendments made by this section shall apply
7 to applications for nonimmigrant status filed on or after
8 the first day of the first fiscal year beginning after the
9 date of the enactment of this Act.

○