

## **The H-1B and L-1 Visa Reform Act of 2020**

The **H-1B and L-1 Visa Reform Act of 2020** would close loopholes in the H-1B and L visa programs, reduce fraud and abuse, provide protections for American workers and visa holders, and require more transparency in the recruitment of foreign workers. This bipartisan legislation would overhaul the H-1B and L-1 visa programs to protect workers and crack down on foreign outsourcing companies which deprive qualified Americans of high-skill jobs.

Outsourcing companies are the top users of the H-1B and L-1 visa programs. These companies exploit the H-1B and L-1 visas to displace qualified American workers and facilitate the eventual offshoring of American jobs. They import large numbers of H-1B and L-1 workers for short training periods and then send these workers back to their home country to do the work of Americans.

The bill would restore Congress's original intent for the H-1B and L-1 visa programs. The bill requires employers to make a good faith effort to recruit and hire American workers before bringing in foreign workers and prohibits employers from replacing American workers with H-1B and L-1 workers or giving preference to H-1B visa holders when they are filling open positions. It modifies existing H-1B wage requirements, and for the first time establishes wage requirements for L-1 workers. This will prevent employers from using the H-1B and L-1 programs as sources of cheap labor and encourage the hiring of qualified American workers. The bill prohibits employers from outsourcing H-1B and L-1 visa holders to other sites unless the employer obtains a waiver which is available only in limited circumstances when the rights of American workers are protected.

The bill gives more authority to the Departments of Homeland Security and Labor to investigate fraud and abuse in the H-1B and L-1 programs. It requires the two departments to audit employers and share information so that visa petitions are more effectively scrutinized.

The bill would crack down on outsourcing companies by prohibiting companies from hiring H-1B employees if they employ more than 50 people and more than 50 percent of their employees are H-1B and L-1 visa holders. The bill creates a new H-1B visa allocation system that gives top priority to workers who have earned advanced science, technology, engineering or mathematics (STEM) degrees from U.S. institutions.

The bill increases penalties on those who violate the law, and provides visa holders with a list of rights before they enter the U.S. so that they are better protected against mistreatment or underpayment of wages.