

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. CHAMBLISS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees.

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 Visa
5 (Intracompany Transferee) Reform Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) A key purpose of the visa issued to non-
9 immigrants described in section 101(a)(15)(L) of
10 the Immigration and Nationality Act (commonly
11 known as the “L-1 visa”) is to provide multi-

1 national companies with a means to transfer into the
2 United States, foreign workers whose presence is
3 necessary because of the specialized knowledge those
4 workers have gained with respect to the products,
5 processes, or procedures of their employer.

6 (2) The L-1 visa plays an important role in the
7 economy of the United States by bringing the most
8 talented and essential persons to work on United
9 States projects and keeping United States busi-
10 nesses competitive throughout the world.

11 (3) The L-1 visa facilitates foreign investment
12 in the United States to build factories and open of-
13 fices, to employ United States workers at those fa-
14 cilities, and to contribute tax revenue to State budg-
15 ets.

16 (4) The L-1 visa brings persons essential to
17 product research and development to the United
18 States which permits operations to remain in this
19 country rather than moving offshore.

20 (5) Due to the very nature of the L-1 visa as
21 Congress intended it and as properly used, employ-
22 ees in this classification do not displace United
23 States workers, and they should not be regarded as
24 new hires since they, instead, are transferees within
25 a company.

1 (6) In certain circumstances, however, misuse
2 of the L-1 visa has resulted in the displacement of
3 United States workers.

4 (7) Misuse of the L-1 visa classification has in-
5 volved only certain employees who were admitted on
6 the basis of specialized knowledge and were working
7 offsite, not those working at the site of the peti-
8 tioning employer or its affiliate, subsidiary, or par-
9 ent.

10 (8) Misuse has occurred when the foreign work-
11 er has been principally controlled and supervised by
12 an unaffiliated company.

13 (9) Misuse has occurred where the placement of
14 the L-1 employee is part of an arrangement to sim-
15 ply provide labor in a context that does not require
16 specialized knowledge particular to the petitioning
17 employer.

18 **SEC. 3. NONIMMIGRANT L-1 VISA CATEGORY.**

19 (a) IN GENERAL.—Section 214(c)(2) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1184(c)(2)) is amend-
21 ed by adding at the end the following:

22 “(F) An alien who will serve in a capacity involving
23 specialized knowledge with respect to an employer for pur-
24 poses of section 101(a)(15)(L) and will be stationed pri-
25 marily at the worksite of an employer other than the peti-

1 tioning employer or its affiliate, subsidiary, or parent shall
2 not be eligible for classification under section
3 101(a)(15)(L) if—

4 “(i) the alien will be controlled and supervised
5 principally by such unaffiliated employer; or

6 “(ii) the placement of the alien at the worksite
7 of the unaffiliated employer is part of an arrange-
8 ment merely to provide labor for the unaffiliated em-
9 ployer rather than in connection with the provision
10 of a product or service for which specialized knowl-
11 edge specific to the petitioning employer is nec-
12 essary.”.

13 (b) **APPLICABILITY.**—The amendment made by sub-
14 section (a) shall apply to petitions filed on or after the
15 effective date of this Act, whether for initial, extended, or
16 amended classification.

17 **SEC. 4. REQUIREMENT FOR PRIOR CONTINUOUS EMPLOY-**
18 **MENT FOR CERTAIN INTRACOMPANY TRANS-**
19 **FEREES.**

20 (a) **IN GENERAL.**—Section 214(c)(2)(A) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is
22 amended by striking the last sentence (relating to reduc-
23 tion of the 1-year period of continuous employment abroad
24 to 6 months).

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply only to petitions for initial classi-
3 fication filed on or after the effective date of this Act.

4 **SEC. 5. MAINTENANCE OF STATISTICS BY THE DEPART-**
5 **MENT OF HOMELAND SECURITY.**

6 (a) IN GENERAL.—The Department of Homeland Se-
7 curity shall maintain statistics regarding petitions filed,
8 approved, extended, and amended with respect to non-
9 immigrants described in section 101(a)(15)(L) of the Im-
10 migration and Nationality Act (8 U.S.C. 1101(a)(15)(L)),
11 including the number of such nonimmigrants who are clas-
12 sified on the basis of specialized knowledge and the num-
13 ber of nonimmigrants who are classified on the basis of
14 specialized knowledge in order to work primarily at offsite
15 locations.

16 (b) APPLICABILITY.—Subsection (a) shall apply to
17 petitions filed on or after the effective date of this Act.

18 **SEC. 6. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act shall
20 take effect 180 days after the date of enactment of this
21 Act.