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2 ] TITLE N—VISA REFORM [

3 SEC. ~~10~~ 1. SHORT TITLE.

4 This title may be cited as the “L–1 Visa and H–1B Visa Reform Act”.

5 Subtitle A—L–1 Visa Reform

6 SEC. ~~10~~ 11. SHORT TITLE.

7 This subtitle may be cited as the “L–1 Visa (Intracompany Transferee) Reform Act of  
8 2004”.

9 SEC. ~~11~~ 12. NONIMMIGRANT L–1 VISA CATEGORY.

10 (a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C.  
11 1184(c)(2)) is amended by adding at the end the following:

12 “(F) An alien who will serve in a capacity involving specialized knowledge with  
13 respect to an employer for purposes of section 101(a)(15)(L) and will be stationed  
14 primarily at the worksite of an employer other than the petitioning employer or its  
15 affiliate, subsidiary, or parent shall not be eligible for classification under section  
16 101(a)(15)(L) if—

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

19 “(ii) the placement of the alien at the worksite of the unaffiliated employer is  
20 essentially an arrangement to provide labor for hire for the unaffiliated employer,  
21 rather than a placement in connection with the provision of a product or service for  
22 which specialized knowledge specific to the petitioning employer is necessary.”.

23 (b) APPLICABILITY.—The amendment made by subsection (a) shall apply to petitions  
24 filed on or after the effective date of this subtitle, whether for initial, extended, or  
25 amended classification.

26 SEC. ~~12~~ 13. REQUIREMENT FOR PRIOR  
27 CONTINUOUS EMPLOYMENT FOR CERTAIN  
28 INTRACOMPANY TRANSFEREES.

29 (a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8  
30 U.S.C. 1184(c)(2)(A)) is amended by striking the last sentence (relating to reduction of  
31 the 1-year period of continuous employment abroad to 6 months).

32 (b) APPLICABILITY.—The amendment made by subsection (a) shall apply only to  
33 petitions for initial classification filed on or after the effective date of this subtitle.

34 SEC. ~~13~~ 14. MAINTENANCE OF STATISTICS BY THE  
35 DEPARTMENT OF HOMELAND SECURITY.

1 (a) IN GENERAL.—The Department of Homeland Security shall maintain statistics  
2 regarding petitions filed, approved, extended, and amended with respect to  
3 nonimmigrants described in section 101(a)(15)(L) of the Immigration and Nationality Act  
4 (8 U.S.C. 1101(a)(15)(L)), including the number of such nonimmigrants who are  
5 classified on the basis of specialized knowledge and the number of nonimmigrants who  
6 are classified on the basis of specialized knowledge in order to work primarily at offsite  
7 locations.

8 (b) APPLICABILITY.—Subsection (a) shall apply to petitions filed on or after the  
9 effective date of this subtitle.

10 SEC. 15. INSPECTOR GENERAL REPORT ON L  
11 VISA PROGRAM.

12 Not later than 6 months after the date of enactment of this Act, the Inspector General  
13 of the Department of Homeland Security shall, consistent with the authority granted the  
14 Department under section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236),  
15 examine and report to the Committees on the Judiciary of the House of Representatives  
16 and the Senate on the vulnerabilities and potential abuses in the visa program carried out  
17 under section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) with  
18 respect to nonimmigrants described in section 101(a)(15)(L) of such Act (8 U.S.C.  
19 1101(a)(15)(L)).

20 SEC. 16. ESTABLISHMENT OF TASK FORCE.

21 (a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act  
22 there shall be established an L Visa Interagency Task Force that consists of  
23 representatives from the Department of Homeland Security, the Department of Justice,  
24 and the Department of State. The Secretaries of each Department and each relevant  
25 bureau of the Department of Homeland Security shall appoint designees to the L Visa  
26 Interagency Task Force. The L Visa Interagency Task Force shall consult with other  
27 agencies deemed appropriate.

28 (b) REPORT.—Not later than 6 months after the submission of the report by the  
29 Inspector General of the Department of Homeland Security in accordance with section  
30 the L Visa Interagency Task Force shall report to the Committees on the Judiciary of the  
31 House of Representatives and the Senate on the efforts to implement the  
32 recommendations set forth by the Inspector General's report. The L Visa Interagency  
33 Task Force shall note specific areas of agreement and disagreement, and make  
34 recommendations to Congress on the findings of the Task Force, including any  
35 suggestions for legislation. The Task Force shall also review other additional issues as  
36 may be raised by the Inspector General's report or by the Task Force's own deliberation  
37 regarding the policies and purposes of the visa program relative to national goals and  
38 transnational commerce.

39 SEC. 17. EFFECTIVE DATE.

40 This subtitle and the amendments made by this subtitle shall take effect 180 days after  
41 the date of enactment of this Act.

1 Subtitle B—H-1B Visa Reform

2 SEC. 21. SHORT TITLE.

3 This subtitle may be cited as the “H-1B Visa Reform Act of 2004”.

4 SEC. 22. TEMPORARY WORKER PROVISIONS.

5 (a) ATTESTATION REQUIREMENTS FOR H-1B WORKERS.—Section 212(n)(1)(E)(ii) of  
6 the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking  
7 “October 1, 2003,”.

8 (b) H-1B EMPLOYER PETITIONS.—Section 214(c)(9) of the Immigration and  
9 Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

10 (1) in subparagraph (A), by striking “October 1, 2003”;

11 (2) in subparagraph (B), by striking “\$1,000” and inserting “\$1,500”; and

12 (3) in subparagraph (B), by inserting before the period “except that the fee shall  
13 be half the amount for each such petition by any employer with not more than 25  
14 full-time equivalent employees who are employed in the United States (determined  
15 by including any affiliate or subsidiary of such employer)”.

16 SEC. 23. H-1B PREVAILING WAGE LEVEL.

17 Section 212(p) of the Immigration and Nationality Act (8 U.S.C. 1182(p)) is amended  
18 by adding at the end the following:

19 “(3) The prevailing wage required to be paid pursuant to subsections (a)(5)(A),  
20 (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) shall be 100 percent of the wage determined pursuant  
21 to those sections.

22 “(4) Where the Secretary of Labor uses, or makes available to employers, a  
23 governmental survey to determine the prevailing wage, such survey shall provide at least  
24 4 levels of wages commensurate with experience, education, and the level of supervision.  
25 Where an existing government survey has only 2 levels, 2 intermediate levels may be  
26 created by dividing by 3, the difference between the 2 levels offered, adding the quotient  
27 thus obtained to the first level and subtracting that quotient from the second level.”.

28 SEC. 24. DEPARTMENT OF LABOR  
29 INVESTIGATIVE AUTHORITIES.

30 (a) SECRETARY OF LABOR INVESTIGATIVE AUTHORITY.—

31 (1) IN GENERAL.—Section 212(n)(2) of the Immigration and Nationality Act (8  
32 U.S.C. 1182(n)(2)) is amended by inserting after subparagraph (F) the following:

33 “(G)(i) The Secretary of Labor may initiate an investigation of any employer that  
34 employs nonimmigrants described in section 101(a)(15)(H)(i)(b) if the Secretary of Labor  
35 has reasonable cause to believe that the employer is not in compliance with this  
36 subsection. In the case of an investigation under this clause, the Secretary of Labor (or  
37 the acting Secretary in the case of the absence or disability of the Secretary of Labor)

1 shall personally certify that reasonable cause exists and shall approve commencement of  
2 the investigation. The investigation may be initiated for reasons other than completeness  
3 and obvious inaccuracies by the employer in complying with this subsection .

4 “(ii) If the Secretary of Labor receives specific credible information from a source who  
5 is likely to have knowledge of an employer’s practices or employment conditions, or an  
6 employer’s compliance with the employer’s labor condition application under paragraph  
7 (1), and whose identity is known to the Secretary of Labor, and such information  
8 provides reasonable cause to believe that the employer has committed a willful failure to  
9 meet a condition of paragraph (1)(A), (1)(B), (1)(C), (1)(E), (1)(F), or (1)(G)(i)(I), has  
10 engaged in a pattern or practice of failures to meet such a condition, or has committed a  
11 substantial failure to meet such a condition that affects multiple employees, the Secretary  
12 of Labor may conduct an investigation into the alleged failure or failures. The Secretary  
13 of Labor may withhold the identity of the source from the employer, and the source’s  
14 identity shall not be subject to disclosure under section 552 of title 5, United states Code.

15 “(iii) The Secretary of Labor shall establish a procedure for any person desiring to  
16 provide to the Secretary of Labor information described in clause (ii) that may be used, in  
17 whole or in part, as the basis for the commencement of an investigation described in such  
18 clause, to provide the information in writing on a form developed and provided by the  
19 Secretary of Labor and completed by or on behalf of the person. The person may not be  
20 an officer or employee of the Department of Labor, unless the information satisfies the  
21 requirement of clause (iv)(II) (although an officer or employee of the Department of  
22 Labor may complete the form on behalf of the person).

23 “(iv) Any investigation initiated or approved by the Secretary of Labor under clause  
24 (ii) shall be based on information that satisfies the requirements of such clause and that—

25 “(I) originates from a source other than an officer or employee of the Department  
26 of Labor; or

27 “(II) was lawfully obtained by the Secretary of Labor in the course of lawfully  
28 conducting another Department of Labor investigation under this Act of any other  
29 Act.

30 “(v) The receipt by the Secretary of Labor of information submitted by an employer to  
31 the Attorney General or the Secretary of Labor for purposes of securing the employment  
32 of a nonimmigrant described in section 101(a)(15)(H)(i)(b) shall not be considered a  
33 receipt of information for purposes of clause (ii).

34 “(vi) No investigation described in clause (ii) (or hearing described in clause (viii)  
35 based on such investigation) may be conducted with respect to information about a  
36 failure to meet a condition described in clause (ii), unless the Secretary of Labor receives  
37 the information not later than 12 months after the date of the alleged failure.

38 “(vii) The Secretary of Labor shall provide notice to an employer with respect to whom  
39 there is reasonable cause to initiate an investigation described in clauses (i) or (ii), prior  
40 to the commencement of an investigation under such clauses, of the intent to conduct an  
41 investigation. The notice shall be provided in such a manner, and shall contain sufficient  
42 detail, to permit the employer to respond to the allegations before an investigation is  
43 commenced. The Secretary of Labor is not required to comply with this clause if the

1 Secretary of Labor determines that to do so would interfere with an effort by the  
2 Secretary of Labor to secure compliance by the employer with the requirements of this  
3 subsection. There shall be no judicial review of a determination by the Secretary of Labor  
4 under this clause.

5 “(viii) An investigation under clauses (i) or (ii) may be conducted for a period of up to  
6 60 days. If the Secretary of Labor determines after such an investigation that a reasonable  
7 basis exists to make a finding that the employer has committed a willful failure to meet a  
8 condition of paragraph (1)(A), (1)(B), (1)(C), (1)(E), (1)(F), or (1)(G)(i)(I), has engaged  
9 in a pattern or practice of failures to meet such a condition, or has committed a  
10 substantial failure to meet such a condition that affects multiple employees, the Secretary  
11 of Labor shall provide for notice of such determination to the interested parties and an  
12 opportunity for a hearing in accordance with section 556 of title 5, United States Code,  
13 within 120 days after the date of the determination. If such a hearing is requested, the  
14 Secretary of Labor shall make a finding concerning the matter by not later than 120 days  
15 after the date of the hearing.”

16 (2) RETROACTIVE.—The amendment made by paragraph (1) shall take effect as if  
17 enacted on October 1, 2003.

18 (b) GOOD FAITH COMPLIANCE OR CONFORMITY.—Section 212(n)(2) of the Immigration  
19 and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

20 (1) by redesignating subparagraph (H) as subparagraph (I); and

21 (2) by inserting after subparagraph (G), as added by subsection (a)(1), the  
22 following:

23 “(H)(i) Except as provided in clauses (ii) and (iii), a person or entity is considered to  
24 have complied with the requirements of this subsection, notwithstanding a technical or  
25 procedural failure to meet such requirements, if there was a good faith attempt to comply  
26 with the requirements.

27 “(ii) Clause (i) shall not apply if—

28 “(I) the Department of Labor (or another enforcement agency) has explained to  
29 the person or entity the basis for the failure;

30 “(II) the person or entity has been provided a period of not less than 10 business  
31 days (beginning after the date of the explanation) within which to correct the failure;  
32 and

33 “(III) the person or entity has not corrected the failure voluntarily within such  
34 period.

35 “(iii) A person or entity that, in the course of an investigation, is found to have  
36 violated the prevailing wage requirements set forth in paragraph (1)(A), shall not be  
37 assessed fines or other penalties for such violation if the person or entity can  
38 establish that the manner in which the prevailing wage was calculated was consistent  
39 with recognized industry standards and practices.

40 “(iv) Clauses (i) and (iii) shall not apply to a person or entity that has engaged in  
41 or is engaging in a pattern or practice of willful violations this subsection.”

1 (c) SECRETARY OF LABOR REPORT.—Not later than January 31 of each year, the  
2 Secretary of Labor shall report to the Committees on the Judiciary of the Senate and the  
3 House of Representatives on the investigations undertaken based on—

4 (1) the authorities described in clauses (i) and (ii) of section 212(n)(2)(G) of the  
5 Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)(i) and (ii)); and

6 (2) the expenditures by the Secretary of Labor described in section 286(v)(2)(D)  
7 of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(D)).

8 **SEC. 25. EXEMPTION OF CERTAIN ALIENS FROM**  
9 **NUMERICAL LIMITATIONS ON H-1B**  
10 **NONIMMIGRANTS.**

11 (a) IN GENERAL.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C.  
12 1184(g)(5)) is amended—

13 (1) in the matter preceding subparagraph (A), by striking “is employed (or has  
14 received an offer of employment) at”;

15 (2) in subparagraph (A)—

16 (A) by inserting “is employed (or has received an offer of employment) at”  
17 before “an institution”; and

18 (B) by striking “or” at the end;

19 (3) in subparagraph (B)—

20 (A) by inserting “is employed (or has received an offer of employment) at”  
21 before “a nonprofit”; and

22 (B) by striking the period and inserting “; or”; and

23 (4) by adding at the end the following:

24 “(C) has earned a master’s or higher degree from a United States institution of  
25 higher education (as defined in section 101(a) of the Higher Education Act of 1965  
26 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such  
27 numerical limitation during such year exceeds 20,000.”.

28 (b) STATISTICS.—Beginning on the date of enactment of this Act, the Secretary of  
29 Homeland Security shall maintain statistical information on the country of origin and  
30 occupation of, educational level maintained by, and compensation paid to, each alien wh  
31 is issued a visa or otherwise provided nonimmigrant status and is exempt under section  
32 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) for each fiscal  
33 year. The statistical information shall be included in the annual report to Congress unde  
34 section 416(c) of the American Competitiveness and Workforce Improvement Act of  
35 1998 (Public Law 105–277; 112 Stat. 2681–655).

36 **SEC. 26. FRAUD PREVENTION AND DETECTION**  
37 **FEE.**

1 (a) Imposition of Fee.—Section 214(c) of the Immigration and Nationality Act (8  
2 U.S.C. 1184(c)) is amended by adding at the end the following:

3 “(12)(A) In addition to any other fees authorized by law, the Secretary of Homeland  
4 Security shall impose a fraud prevention and detection fee on an employer filing a  
5 petition under paragraph (1)—

6 “(i) initially to grant an alien nonimmigrant status described in subparagraph  
7 (H)(i)(b) or (L) of section 101(a)(15); or

8 “(ii) to obtain authorization for an alien having such status to change employers.

9 “(B) In addition to any other fees authorized by law, the Secretary of State shall  
10 impose a fraud prevention and detection fee on an alien filing an application abroad for a  
11 visa authorizing admission to the United States as a nonimmigrant described in section  
12 101(a)(15)(L), if the alien is covered under a blanket petition described in paragraph  
13 (2)(A).

14 “(C) The amount of the fee imposed under subparagraph (A) or (B) shall be \$500.

15 “(D) The fee imposed under subparagraph (A) or (B) shall only apply to principal  
16 aliens and not to the spouses or children who are accompanying or following to join such  
17 principal aliens.

18 “(E) Fees collected under this paragraph shall be deposited in the Treasury in  
19 accordance with section 286(v).”.

20 (b) Establishment of Account; Use of Fees.—Section 286 of the Immigration and  
21 Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

22 “(v) H–1B and L Fraud Prevention and Detection Account.—

23 “(1) In general.—There is established in the general fund of the Treasury a  
24 separate account, which shall be known as the ‘H–1B and L Fraud Prevention and  
25 Detection Account’. Notwithstanding any other provision of law, there shall be  
26 deposited as offsetting receipts into the account all fees collected under section  
27 214(c)(12).

28 “(2) Use of fees to combat fraud.—

29 “(A) Secretary of state.—One-third of the amounts deposited into the H–1B  
30 and L Fraud Prevention and Detection Account shall remain available to the  
31 Secretary of State until expended for programs and activities at United States  
32 embassies and consulates abroad—

33 “(i) to increase the number diplomatic security personnel assigned  
34 exclusively to the function of preventing and detecting fraud by applicants  
35 for visas described in subparagraph (H)(i) or (L) of section 101(a)(15);

36 “(ii) otherwise to prevent and detect such fraud pursuant to the terms of  
37 a memorandum of understanding or other cooperative agreement between  
38 the Secretary of State and the Secretary of Homeland Security; and

39 “(iii) upon request by the Secretary of Homeland Security, to assist such  
40 Secretary in carrying out the fraud prevention and detection programs and

1 activities described in subparagraph (B).

2 “(B) Secretary of homeland security.—One-third of the amounts deposited  
3 into the H–1B and L Fraud Prevention and Detection Account shall remain  
4 available to the Secretary of Homeland Security until expended for programs  
5 and activities to prevent and detect fraud with respect to petitions under  
6 paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status  
7 described in subparagraph (H)(i) or (L) of section 101(a)(15).

8 “(C) Secretary of labor.—One-third of the amounts deposited into the H–1B  
9 and L Fraud Prevention and Detection Account shall remain available to the  
10 Secretary of Labor until expended for enforcement programs and activities  
11 described in section 212(n).

12 “(D) Consultation.—The Secretary of State, the Secretary of Homeland  
13 Security, and the Secretary of Labor shall consult one another with respect to  
14 the use of the funds in the H–1B and L Fraud Prevention and Detection  
15 Account.”.

16 (c) Effective Date.—The amendments made by this section shall take effect on the date  
17 of enactment of this Act, and the fees imposed under such amendments shall apply to  
18 petitions under section 214(c) of the Immigration and Nationality Act, and applications  
19 for nonimmigrant visas under section 222 of such Act, filed on or after the date that is 90  
20 days after the date of the enactment of this Act.

## 21 SEC. 27. CHANGE OF FEE FORMULA.

22 Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is  
23 amended—

24 (1) in paragraph (2), by striking “55 percent” and inserting “50 percent”;

25 (2) in paragraph (3), by striking “22 percent” and inserting “30 percent”;

26 (3) in paragraph (4)(A), by striking “15 percent” and inserting “10 percent”;

27 (4) in paragraph (5)—

28 (A) by striking “4 percent” and inserting “5 percent”; and

29 (B) by striking “Attorney General” each place that term appears and  
30 inserting “Secretary of Homeland Security”; and

31 (5) in paragraph (6), by striking “Beginning with fiscal year 2000,” and all that  
32 follows through “within a 7-day period.” and inserting “Beginning with fiscal year  
33 2000, 5 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner  
34 Account shall remain available to the Secretary of Labor until expended for  
35 decreasing the processing time for applications under section 212(n)(1).”.

## 36 SEC. 28. GRANTS FOR JOB TRAINING FOR 37 EMPLOYMENT IN HIGH GROWTH INDUSTRIES.

38 Section 414(c) of the American Competitiveness and Workforce Improvement Act of

1 1998 (112 Stat. 2681–653) is amended to read as follows:

2 “(c) JOB TRAINING GRANTS.—

3 “(1) IN GENERAL.—The Secretary of Labor shall use funds available under section  
4 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to award  
5 grants to eligible entities to provide job training and related activities for workers to  
6 assist them in obtaining or upgrading employment in industries and economic  
7 sectors identified pursuant to paragraph (4) that are projected to experience  
8 significant growth and ensure that job training and related activities funded by such  
9 grants are coordinated with the public workforce investment system.

10 “(2) USE OF FUNDS.—

11 “(A) TRAINING PROVIDED.—Funds under this subsection may be used to  
12 provide job training services and related activities that are designed to assist  
13 workers (including unemployed and employed workers) in gaining the skills  
14 and competencies needed to obtain or upgrade career ladder employment  
15 positions in the industries and economic sectors identified pursuant to  
16 paragraph (4).

17 “(B) ENHANCED TRAINING PROGRAMS AND INFORMATION.—In order to  
18 facilitate the provision of job training services described in subparagraph (A),  
19 funds under this subsection may be used to assist in the development and  
20 implementation of model activities such as developing appropriate curricula to  
21 build core competencies and train workers, identifying and disseminating  
22 career and skill information, and increasing the integration of community and  
23 technical college activities with activities of businesses and the public  
24 workforce investment system to meet the training needs for the industries and  
25 economic sectors identified pursuant to paragraph (4).

26 “(3) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to  
27 partnerships of private and public sector entities, which may include—

28 “(A) businesses or business-related nonprofit organizations, such as trade  
29 associations;

30 “(B) education and training providers, including community colleges and  
31 other community-based organizations; and

32 “(C) entities involved in administering the workforce investment system  
33 established under title I of the Workforce Investment Act of 1998, and  
34 economic development agencies.

35 “(4) HIGH GROWTH INDUSTRIES AND ECONOMIC SECTORS.—For purposes of this  
36 subsection, the Secretary of Labor, in consultation with State workforce investment  
37 boards, shall identify industries and economic sectors that are projected to  
38 experience significant growth, taking into account appropriate factors, such as the  
39 industries and sectors that—

40 “(A) are projected to add substantial numbers of new jobs to the economy;

41 “(B) are being transformed by technology and innovation requiring new skill

- 1 sets for workers;
- 2 “(C) are new and emerging businesses that are projected to grow; or
- 3 “(D) have a significant impact on the economy overall or on the growth of
- 4 other industries and economic sectors.
- 5 “(5) EQUITABLE DISTRIBUTION.—In awarding grants under this subsection, the
- 6 Secretary of Labor shall ensure an equitable distribution of such grants across
- 7 geographically diverse areas.
- 8 “(6) LEVERAGING OF RESOURCES AND AUTHORITY TO REQUIRE MATCH.—
- 9 “(A) LEVERAGING OF RESOURCES.—In awarding grants under this subsection,
- 10 the Secretary of Labor shall take into account, in addition to other factors the
- 11 Secretary determines are appropriate—
- 12 “(i) the extent to which resources other than the funds provided under
- 13 this subsection will be made available by the eligible entities applying for
- 14 grants to support the activities carried out under this subsection; and
- 15 “(ii) the ability of such entities to continue to carry out and expand such
- 16 activities after the expiration of the grants.
- 17 “(B) AUTHORITY TO REQUIRE MATCH.—The Secretary of Labor may require
- 18 the provision of specified levels of a matching share of cash or noncash
- 19 resources from resources other than the funds provided under this subsection
- 20 for projects funded under this subsection.
- 21 “(7) PERFORMANCE ACCOUNTABILITY.—The Secretary of Labor shall require
- 22 grantees to report on the employment outcomes obtained by workers receiving
- 23 training under this subsection using indicators of performance that are consistent
- 24 with other indicators used for employment and training programs administered by
- 25 the Secretary, such as entry into employment, retention in employment, and
- 26 increases in earnings. The Secretary of Labor may also require grantees to
- 27 participate in evaluations of projects carried out under this subsection.”.

28 **SEC. 29. NATIONAL SCIENCE FOUNDATION**

29 **LOW-INCOME SCHOLARSHIP PROGRAM.**

- 30 (a) EXPANSION OF ELIGIBILITY.—Section 414(d)(2)(A)(iii) of the American
- 31 Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C.
- 32 1869c(d)(2)(A)(iii)) is amended by striking “or computer science.” and inserting
- 33 “computer science, or other technology and science programs designated by the
- 34 Director.”.
- 35 (b) INCREASE IN AWARD AMOUNT.—Section 414(d)(3) of the American
- 36 Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)(3)) is
- 37 amended by striking “\$3,125 per year” and inserting “\$10,000 per year”.
- 38 (c) FUNDS.—Section 414(d)(4) of the American Competitiveness and Workforce
- 39 Improvement Act of 1998 (42 U.S.C. 1869c(d)(4)) is amended by adding at the end the
- 40 following: “The Director may use no more than 50 percent of such funds for

1 undergraduate programs for curriculum development, professional and workforce  
2 development, and to advance technological education. Funds for these other programs  
3 may be used for purposes other than scholarships.”.

4 (d) PUBLICATION OF ELIGIBLE PROGRAMS.—Section 414(d) of the American  
5 Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c(d)) is  
6 amended by adding at the end the following:

7 “(5) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of  
8 the L-1 Visa and H-1B Visa Reform Act, the Director shall publish in the Federal  
9 Register a list of eligible programs of study.”.

10 SEC. ~~29~~<sup>30</sup>. EFFECTIVE DATES.

11 (a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the  
12 amendments made by this subtitle shall take effect 90 days after the date of enactment of  
13 this Act.

14 (b) EXCEPTIONS.—The amendments made by sections \_\_22(b), \_\_26(a), and \_\_27 shall  
15 take effect upon the date of enactment of this Act.  
16