



Rep. Dwight Kay

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1 AMENDMENT TO HOUSE BILL 4834

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4834 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the H-1B  
5 Visa Fraud and Abuse Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Employer" means an individual, partnership, association,  
8 corporation, business trust, governmental or  
9 quasi-governmental body, or any other person, group of persons,  
10 or entity that employs a person to work, labor, or exercise  
11 skill in connection with the operation of any business,  
12 industry, vocation, or occupation.

13 "H-1B visa" means a non-immigrant visa issued under Section  
14 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8  
15 U.S.C. 1101(a)(15)(H)(i)(b)).

1           Section 10. Purpose. The purpose of this Act is to prevent  
2 fraud and abuse with respect to the use of H-1B visas.

3           Section 15. Prohibited practices.

4           (a) An employer may not place, outsource, lease, or  
5 otherwise contract the services of a holder of an H-1B visa  
6 with another employer unless the employer of the individual  
7 holding the H-1B visa has been granted a waiver by the  
8 Department of Labor.

9           (b) A waiver may be granted in the following circumstances:

10           (1) the employer with whom the individual holding the  
11 H-1B visa would be placed has not displaced, and does not  
12 intend to displace, a United States worker employed by that  
13 employer within the period beginning 180 days before and  
14 ending 180 days after date of placement of the individual  
15 holding the H-1B visa with that employer;

16           (2) the individual holding the H-1B visa will not be  
17 controlled and supervised principally by the employer with  
18 whom that person is placed; and

19           (3) the placement of the individual holding the H-1B  
20 visa is not essentially an arrangement to provide labor for  
21 hire for the employer with whom the individual holding the  
22 H-1B visa will be placed.

23           (c) The Department of Labor shall grant or deny a waiver  
24 under this Section not later than 7 days after the Department

1 receives the application for the waiver."