

119TH CONGRESS
1ST SESSION

S. _____

To discontinue certain exceptions from H–1B nonimmigrant visa numerical
limitation.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To discontinue certain exceptions from H–1B nonimmigrant
visa numerical limitation.

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 “Visa Cap Enforcement
5 Act”.

6 **SEC. 2. TERMINATION OF CERTAIN EXCEPTIONS FROM H-**
7 **1B NONIMMIGRANT VISA NUMERICAL LIMITA-**
8 **TION.**

9 (a) **THREE-YEAR PERIOD.**—Section 214(g)(4) of the
10 Immigration and Nationality Act (8 U.S.C. 1184(g)(4))

1 is amended by adding at the end the following: “An alien
2 who has been counted against the numerical limitation
3 under paragraph (1)(A) shall be recounted against such
4 numerical limitation during the fiscal year in which such
5 alien surpasses 3 years in the nonimmigrant status de-
6 scribed in section 101(a)(15)(H)(i)(b).”.

7 (b) EMPLOYMENT BY COLLEGES AND RESEARCH IN-
8 STITUTIONS.—Section 214(g) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1184(g)) is amended by striking
10 paragraph (5).

11 (c) CHANGE OF STATUS TO H-1B NON-
12 IMMIGRANT.—Section 214(l)(2)(A) of the Immigration
13 and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended
14 by striking the second sentence.

15 (d) CHANGE OF EMPLOYER.—Section 214(n)(1) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1184(n)(1)) is amended by inserting “If the new position
18 is approved, such position shall be counted against the nu-
19 merical limitation under subsection (g)(1)(A).” after “the
20 new petition is adjudicated.”.