

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the method for calculating annual H-1B visa limits.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. HATCH

Viz:

1 On page 673, strike lines 1 through 10, and insert
2 the following:

3 “(A) under section 101(a)(15)(H)(i)(b)
4 may not exceed the sum of—

5 “(i) the base allocation calculated
6 under paragraph (9)(A); and

7 “(ii) the allocation adjustment cal-
8 culated under paragraph (9)(B); and”;

9 Beginning on page 673, strike line 17 and all that
10 follows through page 675, line 25, and insert the following:

1 “(9)(A) The base allocation of nonimmigrant visas
2 under section 101(a)(15)(H)(i)(b) for each fiscal year
3 shall be equal to—

4 “(i) the sum of—

5 “(I) the base allocation for the most re-
6 cently completed fiscal year; and

7 “(II) the allocation adjustment for the
8 most recently completed fiscal year;

9 “(ii) if the number calculated under clause (i)
10 is less than 115,000, 115,000; or

11 “(iii) if the number calculated under clause (i)
12 is more than 180,000, 180,000.

13 “(B)(i) If the number of cap-subject nonimmigrant
14 visa petitions accepted for filing under section
15 101(a)(15)(H)(i)(b) during the first 45 days petitions may
16 be filed for a fiscal year is equal to the base allocation
17 for such fiscal year, an additional 20,000 such visas shall
18 be made available beginning on the 46th day on which pe-
19 titions may be filed for such fiscal year.

20 “(ii) If the base allocation of cap-subject non-
21 immigrant visa petitions accepted for filing under section
22 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
23 15-day period ending on the 60th day on which petitions
24 may be filed for such fiscal year, an additional 15,000

1 such visas shall be made available beginning on the 61st
2 day on which petitions may be filed for such fiscal year.

3 “(iii) If the base allocation of cap-subject non-
4 immigrant visa petitions accepted for filing under section
5 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
6 30-day period ending on the 90th day on which petitions
7 may be filed for such fiscal year, an additional 10,000
8 such visas shall be made available beginning on the 91st
9 day on which petitions may be filed for such fiscal year.

10 “(iv) If the base allocation of cap-subject non-
11 immigrant visa petitions accepted for filing under section
12 101(a)(15)(H)(i)(b) for a fiscal year is reached during the
13 185-day period ending on the 275th day on which peti-
14 tions may be filed for such fiscal year, an additional 5,000
15 such visas shall be made available beginning on the date
16 on which such allocation is reached.

17 “(v) If the number of cap-subject nonimmigrant visa
18 petitions accepted for filing under section
19 101(a)(15)(H)(i)(b) for a fiscal year is at least 5,000
20 fewer than the base allocation, but is not more than 9,999
21 fewer than the base allocation, the allocation adjustment
22 for the following fiscal year shall be -5,000.

23 “(vi) If the number of cap-subject nonimmigrant visa
24 petitions accepted for filing under section
25 101(a)(15)(H)(i)(b) for a fiscal year is at least 10,000

1 fewer than the base allocation, but not more than 14,999
2 fewer than the base allocation, the allocation adjustment
3 for the following fiscal year shall be -10,000.

4 “(vii) If the number of cap-subject nonimmigrant visa
5 petitions accepted for filing under section
6 101(a)(15)(H)(i)(b) for a fiscal year is at least 15,000
7 fewer than the base allocation, but not more than 19,999
8 fewer than the base allocation, the allocation adjustment
9 for the following fiscal year shall be -15,000.

10 “(viii) If the number of cap-subject nonimmigrant
11 visa petitions accepted for filing under section
12 101(a)(15)(H)(i)(b) for a fiscal year is at least 20,000
13 fewer than the base allocation, the allocation adjustment
14 for the following fiscal year shall be -20,000.”.