

108TH CONGRESS
2D SESSION

H. R. 4041

To waive, in fiscal year 2004, the numerical limitation applicable to a non-immigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, if the employer petitioning on behalf of the non-immigrant employed such a nonimmigrant in fiscal year 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2004

Mr. GOODLATTE (for himself, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. CANNON, and Mrs. JO ANN DAVIS of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To waive, in fiscal year 2004, the numerical limitation applicable to a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, if the employer petitioning on behalf of the non-immigrant employed such a nonimmigrant in fiscal year 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WAIVER OF NUMERICAL LIMITATION FOR CER-**
2 **TAIN H2B NONIMMIGRANTS.**

3 (a) IN GENERAL.—Notwithstanding section
4 214(g)(1)(B) of the Immigration and Nationality Act (8
5 U.S.C. 1184(g)(1)(B)), the numerical limitation contained
6 in such section shall not apply, in fiscal year 2004, to an
7 alien for whom an employer described in subsection (b)
8 files a petition described in section 214(c)(1) of such Act
9 (8 U.S.C. 1184(c)(1)).

10 (b) EMPLOYERS DESCRIBED.—An employer de-
11 scribed in this subsection is an employer who lawfully em-
12 ployed, in fiscal year 2003, a nonimmigrant described in
13 section 101(a)(15)(H)(ii)(b) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

15 (c) LIMITATION.—Subsection (a) shall cease to apply
16 to an alien when the number of petitions under section
17 214(c)(1) of such Act approved in fiscal year 2004 for
18 the employer petitioning for such alien, with respect to the
19 importation of aliens as nonimmigrants under section
20 101(a)(15)(H)(ii)(b) of such Act, exceeds the number of
21 such nonimmigrants lawfully employed by the employer in
22 fiscal year 2003.

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