H.R. 23: Mr. BRADY of Pennsylvania, Mr. STRICKLAND, Mr. SMITH of New Jersey, and Ms. MILLENDER-MCDONALD.
H.R. 164: Mr. DOYLE.
H.R. 457: Mr. HILLIARD and Mr. PETRI.
H.R. 754: Mr. TOWNS.
H.R. 986: Mr. WAMP.
H.R. 1050: Mr. STARK.
H.R. 1063: Mr. BONIOR, Mrs. CUBIN, Mr. COOK, and Ms. STABENOW.
H.R. 1126: Mr. BRADY of Texas, Mrs. LINDA SMITH of Washington, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1173: Mr. LEVIN.
H.R. 1283: Mr. ENSIGN.
H.R. 1321: Mr. LUTHER.
H.R. 1382: Mr. MATSUI and Mr. BALDACCI.
H.R. 1401: Mr. SALMON.
H.R. 1525: Mr. ALLEN, Mr. MORAN of Kansas, and Mr. LATHAM.
H.R. 1712: Mr. SUNUNU.
H.R. 1995: Mr. ALLEN, Mr. PORTER, and Mr. LUTHER.
H.R. 2224: Mrs. KELLY.
H.R. 2275: Ms. NORTON and Ms. MILLENDER-MCDONALD.
H.R. 2504: Ms. BROWN of Florida.
H.R. 2701: Mr. KILPATRICK.
H.R. 2723: Mr. FOSSELLA.
H.R. 2733: Ms. BROWN of Florida, Mr. MARKEY, Mr. NUSSLE, Mr. NEAL of Massachusetts, Mr. THORNBERRY, Ms. ESHOO, Mr. KNOLLENBERG, and Mr. MEEHAN.
H.R. 2849: Mrs. MEEK of Florida, Ms. CARSON, Mr. ADAM SMITH of Washington, Mr. YATES, and Mr. UPTON.
H.R. 2921: Mr. EVANS.
H.R. 2955: Mr. JACKSON and Mr. PASTOR.
H.R. 3001: Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. MARTINEZ, Mrs. THURMAN, and Mr. MANTON.
H.R. 3031: Mr. MARKEY, Mr. CUMMINGS, Mr. WAXMAN, Mr. MCNULTY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. FROST, Mr. FORD, Mr. ENGLISH of Pennsylvania, Mr. ACKERMAN, Ms. DANNER, Mr. BERMAN, Mr. TALENT, and Mr. RANGEL.
H.R. 3077: Mr. FROST, Mr. GOODE, Mr. KILDEE, and Mr. RAHALL.
H.R. 3248: Mr. JENKINS.
H.R. 3251: Mr. MALONEY of Connecticut and Mr. LANTOS.
H.R. 3320: Mr. POSHARD.
H.R. 3622: Ms. LEE, Mrs. MALONEY of New York, Ms. KILPATRICK, and Mrs. MINK of Hawaii.
H.R. 3629: Mr. BENTSEN.
H.R. 3632: Mr. FOSSELLA.
H.R. 3684: Mr. LATOURETTE.
H.R. 3688: Mr. SMITH of Texas.
H.R. 3774: Ms. STABENOW and Mr. WATKINS.
H.R. 3790: Mr. BECERRA, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. CLYBURN, Mr. COLLINS, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DEGETTE, Mr. DOOLEY of California, Mr. EDWARDS, Ms. ESHOO, Mr. FAWELL, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GORDON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINOJOSA, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mr. KASICH, Mr. KIND of Wisconsin, Mr. KLECZKA, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LUTHER, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mr. MATSUI, Mr. MENENDEZ, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. NORTHUP, Mr. NORWOOD, Mr. OBEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PETRI, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. REYES, Mr. RODRIGUEZ, Mr. ROEMER, Mr. RUSH, Mr. SAWYER, Mr. SHAW, Mr. SKEEN, Ms. STABENOW, Mr. STUPAK, Mr. SUNUNU, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THOMPSON, Mr. TOWNS, Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. PELOSI, Mr. FARR of California, Mr. LIVINGSTON, Mr. STARK, Mr. SOLOMON, Mr. WHITFIELD, Mr. BILBRAY, Mrs. CHENOWETH, Mrs. ROUKEMA, Mr. TAUZIN, Mr. WATKINS, Mr. GOODLATTE, Mr. WELLER, Mr. GUTKNECHT, Mr. TALENT, Mr. CRAPO, Mr. YOUNG of Alaska, Mr. OXLEY, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. NETHERCUTT, Mr. ARMEY, Mrs. CUBIN, Mr. MILLER of Florida, Mr. METCALF, Mr. ROGAN, Mr. HEFLEY, Mr. GOSS, Mr. MCCRERY, Mr. ROGERS, Mr. BRYANT, Mr. LATHAM, Mr. TIAHRT, Mr. WELDON of Florida, Mr. HASTINGS of Washington, Mr. CAMP, Mr. EHRLICH, Ms. PRYCE of Ohio, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. COX of California, Mr. COOKSEY, Mr. FORBES, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mrs. WILSON, Mr. GEKAS, Mr. BARTON of Texas, Mr. PORTMAN, Mr. BARR of Georgia, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. KNOLLENBERG, Mr. PAXON, Mr. SCARBOROUGH, Mr. BUYER, Mr. HERGER, Mr. HOBSON, Mr. LEACH, Mr. SMITH of Oregon, Mr. BARTLETT of Maryland, Mr. SALMON, Mr. HOEKSTRA, Mr. KOLBE, Mr. KIM, Mr. THUNE, Mr. LUCAS of Oklahoma, Mrs. KELLY, and Mr. POMBO.
H.R. 3792: Mr. COLLINS and Mr. SHIMKUS.
H.R. 3815: Mrs. THURMAN and Mr. HULSHOF.
H.R. 3831: Mr. SHERMAN and Mrs. LOWEY.
H.R. 3879: Mr. Paxon and Mr. THOMPSON.
H.R. 3956: Mr. HOYER and Ms. WOOLSEY.
H.R. 3976: Mr. THORNBERRY.
H.R. 3995: Mr. ENGEL.
H.R. 4031: Mr. COYNE and Ms. KILPATRICK.
H.R. 4037: Mr. PETERSON of Pennsylvania.
H.R. 4053: Mr. COYNE.
H.R. 4121: Mrs. CAPPS, Mr. KIND of Wisconsin, Mrs. KELLY, and Mr. MATSUI.
H.R. 4132: Mr. CAMPBELL.
H.R. 4175: Mr. CUMMINGS, Mr. PAYNE, and Mr. ENGEL.
H.R. 4188: Mr. ENGLISH of Pennsylvania.
H.R. 4196: Mr. WELDON of Florida and Mr. BACHUS.
H.R. 4197: Mrs. LINDA SMITH of Washington and Mr. CALLAHAN.
H.R. 4209: Ms. CARSON.
H.R. 4220: Mr. BISHOP.
H.R. 4224: Mr. STARK.
H.R. 4232: Mr. INGLIS of South Carolina, Mr. HEFLEY, Mr. BARRETT of Nebraska, Mr. GOODLATTE, Mr. ROGAN, and Mr. WELDON of Florida.
H.R. 4235: Mr. HILLIARD, Mr. BOEHLERT, and Mr. ABERCROMBIE.
H.R. 4246: Mr. BLUNT and Mr. EWING.
H.R. 4283: Mr. LAMPSON and Mr. WAXMAN.
H.R. 4298: Mrs. FOWLER.
H.R. 4302: Mr. HILLIARD and Mr. STARK.
H.R. 4308: Mr. MCGOVERN and Mr. MILLER of California.
H.R. 4309: Mr. MCGOVERN and Mr. MILLER of California.
H.R. 4339: Mr. FROST and Mr. MURTHA.
H.R. 4344: Mr. HINOJOSA, Mr. CUMMINGS, Ms. PELOSI, Mr. FRANKS of New Jersey, and Mr. FORBES.
H. Con. Res. 52: Mr. SANDLIN, Mr. BACHUS, and Mr. LAMPSON.
H. Con. Res. 251: Mr. GEJDENSON.
H. Con. Res. 295: Mr. PALLONE, Mr. WEXLER, Mr. BERMAN, Mr. HAMILTON, Mr. FROST, Mr. ENGEL, and Ms. KILPATRICK.
H. Con. Res. 304: Mr. GILMAN.
H. Res. 171: Mr. RANGEL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

(Omitted from the Record of July 29, 1998)

H.R. 1515: Mr. DAVIS of Illinois.
H.R. 2801: Mr. STABENOW.
H.R. 3000: Mr. FORD.
H.R. 3396: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.
H. Res. 375: Mr. FAZIO of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3736

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workforce Improvement and Protection Act of 1998''.

SEC. 2. TEMPORARY INCREASE IN SKILLED FOREIGN WORKERS; TEMPORARY REDUCTION IN H–2B NONIMMIGRANTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) by amending paragraph (1)(A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b), subject to paragraph (5), may not exceed—

''(i) 95,000 in fiscal year 1998;

''(ii) 105,000 in fiscal year 1999;

''(iii) 115,000 in fiscal year 2000; and

''(iv) 65,000 in fiscal year 2001 and any subsequent fiscal year; or'';

(2) by amending paragraph (1)(B) to read as follows:

''(B) under section 101(a)(15)(H)(ii)(b) may not exceed—

''(i) 36,000 in fiscal year 1998;

''(ii) 26,000 in fiscal year 1999;

''(iii) 16,000 in fiscal year 2000; and

''(iv) 66,000 in fiscal year 2001 and any subsequent fiscal year.'';

(3) in paragraph (4), by striking ''years.'' and inserting ''years, except that, with respect to each such nonimmigrant issued a visa or otherwise provided nonimmigrant status in each of fiscal years 1998, 1999, and 2000 in excess of 65,000 (per fiscal year), the period of authorized admission as such a nonimmigrant may not exceed 4 years.''; and

(4) by adding at the end the following:

''(5) The total number of aliens described in section 212(a)(5)(C) who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1999) under section 101(a)(15)(H)(i)(b) may not exceed 5,000.''.

SEC. 3. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS.

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

''(E)(i) Except as provided in clause (iv), the employer has not laid off or otherwise displaced and will not lay off or otherwise displace, within the period beginning 6 months before and ending 90 days following the date of filing of the application or during the 90 days immediately preceding and following the date of filing of any visa petition supported by the application, any United States worker (as defined in paragraph (3)) (including a worker whose services are obtained by contract, employee leasing, temporary help agreement, or other similar means) who has substantially equivalent qualifications and experience in the specialty occupation, and in the area of employment, for which H–1B nonimmigrants are sought or in which they are employed.

''(ii) Except as provided in clause (iii), in the case of an employer that employs an H–1B nonimmigrant, the employer shall not place the nonimmigrant with another employer where—

''(I) the nonimmigrant performs his or her duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

''(II) there are indicia of an employment relationship between the nonimmigrant and such other employer.

''(iii) Clause (ii) shall not apply to an employer's placement of an H–1B nonimmigrant with another employer if the other employer has executed an attestation that it satisfies and will satisfy the conditions described in clause (i) during the period described in such clause.

''(iv) This subparagraph shall not apply to an application filed by an employer that is an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity, if the application relates solely to aliens who—

''(I) the employer seeks to employ—

''(aa) as a researcher on a project for which not less than 50 percent of the funding is provided, for a limited period of time, through a grant or contract with an entity other than the employer; or

''(bb) as a professor or instructor under a contract that expires after a limited period of time; and

''(II) have attained a master's or higher degree (or its equivalent) in a specialty the specific knowledge of which is required for the intended employment.''.

(b) DEFINITIONS.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

''(3) For purposes of this subsection:

''(A) The term 'H–1B nonimmigrant' means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

''(B) The term 'lay off or otherwise displace', with respect to an employee—

''(i) means to cause the employee's loss of employment, other than through a discharge for cause, a voluntary departure, or a voluntary retirement; and

''(ii) does not include any situation in which employment is relocated to a different geographic area and the employee is offered a chance to move to the new location, with wages and benefits that are not less than those at the old location, but elects not to move to the new location.

''(C) The term 'United States worker' means—

''(i) a citizen or national of the United States;

''(ii) an alien lawfully admitted for permanent residence; or

''(iii) an alien authorized to be employed by this Act or by the Attorney General.''.

(2) CONFORMING AMENDMENTS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by striking ''a nonimmigrant described in section 101(a)(15)(H)(i)(b)'' each place such term appears and inserting ''an H–1B nonimmigrant''.

SEC. 4. RECRUITMENT OF UNITED STATES WORKERS PRIOR TO SEEKING NONIMMIGRANT WORKERS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 3, is further amended by inserting after subparagraph (E) the following:

''(F)(i) The employer, prior to filing the application, has taken, in good faith, timely and significant steps to recruit and retain sufficient United States workers in the specialty occupation for which H–1B nonimmigrants are sought. Such steps shall have included recruitment in the United States, using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H–1B nonimmigrants under subparagraph (A), and offering employment to any United States worker who applies and has the same qualifications as, or better qualifications than, any of the H–1B nonimmigrants sought.

''(ii) The conditions described in clause (i) shall not apply to an employer with respect to the employment of an H–1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).''.

SEC. 5. LIMITATION ON AUTHORITY TO INITIATE COMPLAINTS AND CONDUCT INVESTIGATIONS FOR NON-H–1B-DEPENDENT EMPLOYERS.

(a) IN GENERAL.—Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) in the second sentence, by striking the period at the end and inserting the following: '', except that the Secretary may only file such a complaint respecting an H–1B-dependent employer (as defined in paragraph (3)), and only if there appears to be a violation of an attestation or a misrepresentation of a material fact in an application.''; and

(2) by inserting after the second sentence the following: ''Except as provided in subparagraph (F) (relating to spot investigations during probationary period), no investigation or hearing shall be conducted with respect to an employer except in response to a complaint filed under the previous sentence.''.

(b) DEFINITIONS.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), as added by section 3, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (E), respectively;

(2) by inserting after ''purposes of this subsection:'' the following:

''(A) The term 'H–1B-dependent employer' means an employer that—

''(i)(I) has fewer than 21 full-time equivalent employees who are employed in the United States; and

(II) employs 4 or more H–1B nonimmigrants; or

''(ii)(I) has at least 21 but not more than 150 full-time equivalent employees who are employed in the United States; and

(II) employs H–1B nonimmigrants in a number that is equal to at least 20 percent of the number of such full-time equivalent employees; or

''(iii)(I) has at least 151 full-time equivalent employees who are employed in the United States; and

(II) employs H–1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer. Aliens employed under a petition for H–1B nonimmigrants shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b) under this subparagraph.''; and

(3) by inserting after subparagraph (C) (as so redesignated) the following:

''(D) The term 'non-H–1B-dependent employer' means an employer that is not an H–1B-dependent employer.''.

SEC. 6. INCREASED ENFORCEMENT AND PENALTIES.

(a) IN GENERAL.—Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended to read as follows:

''(C)(i) If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B) or (1)(E), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(F), or a misrepresentation of material fact in an application—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

''(ii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

''(iii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer also has failed to meet a condition of paragraph (1)(E)—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

''(iv) It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.''.

(b) PLACEMENT OF H–1B NONIMMIGRANT WITH OTHER EMPLOYER.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

''(E) Under regulations of the Secretary, the previous provisions of this paragraph shall apply to a failure of an other employer to comply with an attestation described in paragraph (1)(E)(iii) in the same manner as they apply to a failure to comply with a condition described in paragraph (1)(E)(i).''.

(c) SPOT INVESTIGATIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C.

1182(n)(2)), as amended by subsection (b), is further amended by adding at the end the following:

''(F) The Secretary may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date that the employer is found by the Secretary to have committed a willful failure to meet a condition of paragraph (1) or to have made a misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether the employer is an H–1B-dependent employer or a non-H–1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).''.

SEC. 7. PROHIBITION ON IMPOSITION BY IMPORTING EMPLOYERS OF EMPLOYMENT CONTRACT PROVISIONS VIOLATING PUBLIC POLICY.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), as amended by section (6), is further amended by adding at the end the following:

''(G) If the Secretary finds, after notice and opportunity for a hearing, that an employer who has submitted an application under paragraph (1) has requested or required an alien admitted or provided status as a nonimmigrant pursuant to the application, as a condition of the employment, to execute a contract containing a provision that would be considered void as against public policy in the State of intended employment—

''(i) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

''(ii) the Attorney General shall not approve petitions filed by the employer under section 214(c) during a period of not more than 10 years for H–1B nonimmigrants to be employed by the employer.''.

SEC. 8. COLLECTION AND USE OF H–1B NONIMMIGRANT FEES FOR STATE STUDENT INCENTIVE GRANT PROGRAMS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1)) as a condition for the approval of a petition filed on or after October 1, 1998, and before October 1, 2002, under paragraph (1) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b). The amount of the fee shall be $500 for each such nonimmigrant.

''(B) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(t).

''(C)(i) An employer may not require an alien who is the subject of the petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

''(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).''.

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

''(t) H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account which shall be known as the 'H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(9).

''(2) USE OF HALF OF FEES BY SECRETARY OF EDUCATION FOR HIGHER EDUCATION GRANTS.—Fifty percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available until expended to the Secretary of Education for additional allotments to States under subpart 4 of chapter 8 of title IV of the Higher Education Act of 1965 but only for the purpose of assisting States in providing grants to eligible students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.

''(3) USE OF HALF OF FEES BY SECRETARY OF LABOR FOR JOB TRAINING.—Fifty percent of amounts deposited into the deposits into such Account shall remain available until expended to the Secretary of Labor for demonstration programs described in section 104(d) of the Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998.''.

(c) CONFORMING MODIFICATION OF APPLICATION REQUIREMENTS FOR STATE STUDENT INCENTIVE GRANT PROGRAM.—Section 415C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11) provides that any portion of the allotment to the State for each fiscal year that derives from funds made available under section 286(t)(2) of the Immigration and Nationality Act shall be expended for grants described in paragraph (2)(A) to students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.''.

(d) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

(1) IN GENERAL.—Subject to paragraph (3), in establishing demonstration programs under section 452(c) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of enactment of this Act, or demonstration programs or projects under a successor Federal law, the Secretary of Labor shall establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(2) GRANTS.—Subject to paragraph (3), the Secretary of Labor shall award grants to carry out the programs and projects described in paragraph (1) to—

(A)(i) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), as in effect on the date of enactment of this Act; or

(ii) local boards that will carry out such programs or projects through one-stop delivery systems established under a successor Federal law; or

(B) regional consortia of councils or local boards described in subparagraph (A).

(3) LIMITATION.—The Secretary of Labor shall establish programs and projects under paragraph (1), including awarding grants to carry out such programs and projects under paragraph (2), only with funds made available under section 286(t)(3) of the Immigration and Nationality Act, and not with funds made available under the Job Training Partnership Act or a successor Federal law.

SEC. 9. IMPROVING COUNT OF H–1B AND H–2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate count of the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act who are issued visas or otherwise provided nonimmigrant status.

(b) REVISION OF PETITION FORMS.—The Attorney General shall take such steps as are necessary to revise the forms used for petitions for visas or nonimmigrant status under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of such Act who are issued visas or otherwise provided nonimmigrant status.

(c) REPORTS.—Beginning with fiscal year 1999, the Attorney General shall provide to the Congress not less than 4 times per year a report on—

(1) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act;

(2) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(ii)(b) of such Act; and

(3) the countries of origin and occupations of, educational levels attained by, and total compensation (including the value of all wages, salary, bonuses, stock, stock options, and any other similar forms of remuneration) paid to, individuals issued visas or provided nonimmigrant status under such sections during such period.

SEC. 10. GAO STUDY AND REPORT ON AGE DISCRIMINATION IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing age discrimination in the information technology field. The study shall consider the following:

(1) The prevalence of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in promotion and advancement; working hours; telecommuting; salary; and stock options, bonuses, or other benefits.

(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

(4) Differences in skill level on the basis of age.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a). The report shall include any recommendations of the Comptroller General concerning age discrimination in the information technology field.

SEC. 11. GAO LABOR MARKET STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a labor market study. The study shall investigate and analyze the following:

(1) The overall shortage of available workers in the high-technology, rapid-growth industries.

(2) The multiplier effect growth of high-technology industry on low-technology employment.

(3) The relative achievement rates of United States and foreign students in secondary school in a variety of subjects, including math, science, computer science, English, and history.

(4) The relative performance, by subject area, of United States and foreign students

in postsecondary and graduate schools as compared to secondary schools.

(5) The labor market need for workers with information technology skills and the extent of the deficit of such workers to fill high-technology jobs during the 10-year period beginning on the date of the enactment of this Act.

(6) Future training and education needs of companies in the high-technology sector.

(7) Future training and education needs of United States students to ensure that their skills at various levels match the needs of the high-technology and information technology sectors.

(8) An analysis of which particular skill sets are in demand.

(9) The needs of the high-technology sector for foreign workers with specific skills.

(10) The potential benefits of postsecondary educational institutions, employers, and the United States economy from the entry of skilled professionals in the fields of engineering and science.

(11) The effect on the high-technology labor market of the downsizing of the defense sector, the increase in productivity in the computer industry, and the deployment of workers dedicated to the Year 2000 Project.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to applications filed with the Secretary of Labor on or after 30 days after the date of the enactment of this Act, except that the amendments made by section 2 shall apply to applications filed with such Secretary before, on, or after the date of the enactment of this Act.

H.R. 4276

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 36: Page 52, line 13, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 52, line 25, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 53, line 1, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 53, line 6, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 37: Page 101, line 21 insert ''(increased by $4,000,000)'' after the dollar amount.

Page 76, line 3 insert ''(decreased by $4,000,000)'' after the dollar amount.