WH Suggested changes

[DISCUSSION DRAFT]

105TH CONGRESS
1ST SESSION

H. CON. RES. ___

IN THE HOUSE OF REPRESENTATIVES

M. ______ submitted the following concurrent resolution; which was referred to the Committee on ______________

CONCURRENT RESOLUTION

To correct technical errors in the enrollment of the bill H.R. 3736.

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3736) to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1(a), strike "'Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998'." and insert

"'American Competitiveness and Workforce Improvement Act of 1998'.".

(2) In section 101(b), strike "1998." and insert "1999.".

(3) In section 212(n)(1)(E)(ii) of the Immigration and Nationality Act, as added by section 102(a) of the bill—

(A) strike "found" and insert "found, on or after the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998,"; and

(B) strike "on or after the date of the enactment of this subparagraph." and insert "during the 5-year period preceding the filing of the application.".

(4) In section 212(n)(3)(C)(i) of the Immigration and Nationality Act, as added by section 102(b) of the bill—

(A) in subclause (I), strike "Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998;" and insert "American Competitiveness and Workforce Improvement Act of 1998;"; and

(B) in subclause (II), strike "Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998” and insert “American Competitiveness and Workforce Improvement Act of 1998”.

(5) In section 212(n)(3)(D) of the Immigration and Nationality Act, as added by section 102(b) of the bill—

(A) strike “‘(D)” and insert “‘(D)(i)”;

(B) in the matter following “worker.—”—

(i) strike “‘(i)” and insert “‘(I)”; and

(ii) strike “‘(ii)” and insert “‘(II)”; and

(C) add at the end the following:

“(ii) Nothing in this subparagraph is intended to limit an employee's rights under a collective bargaining agreement or other employment.

(6) Strike subsection (d) of section 102, and redesignate subsections (e) and (f) of such section as subsections (d) and (e), respectively.

(7) In section 212(n)(2)(C)(v) of the Immigration and Nationality Act, as added by section 103(a) of the bill, strike “(not to exceed the duration of the alien's authorized admission as such a nonimmigrant).” and insert “not to exceed the maxi-

mum period of stay authorized for such nonimmigrant classification.".

(8) Strike section 212(n)(2)(C)(vi) of the Immigration and Nationality Act (including the quotation marks and period following the period at the end of the section), as added by section 103(a) of the bill, and insert the following:

"(vi)(I) It is a violation of this clause for an employer who has filed an application under this subsection to require an H–1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer. The Secretary shall determine whether a required payment is a penalty (and not liquidated damages) pursuant to relevant State law.

"(II) It is a violation of this clause for an employer who has filed an application under this subsection to require an alien who is the subject of a petition filed under section 214(c)(1), for which a fee is imposed under section 214(c)(9), to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee. It is a violation of this clause for such an employer otherwise to accept such reimbursement or compensation from such an alien.

"(III) If the Secretary finds, after notice and opportunity for a hearing, that an employer has committed a violation of this clause, the Secretary may impose a civil monetary penalty of $1,000 for each such violation and issue an administrative order requiring the return to the nonimmigrant of any amount paid in violation of this clause, or, if the nonimmigrant cannot be located, requiring payment of any such amount to the general fund of the Treasury.

"(vii)(I) It is a failure to meet a condition of paragraph (1)(A) for an employer, who has filed an application under this subsection and who places an H–1B nonimmigrant designated as a full-time employee on the petition filed under section 214(c)(1) by the employer with respect to the nonimmigrant, after the nonimmigrant has entered into employment with the employer, in nonproductive status due to a decision by the employer (based on factors such as lack of work), or due to the nonimmigrant's lack of a permit or license, to fail to pay the nonimmigrant full-time wages in accordance with paragraph (1)(A) for all such nonproductive time.

"(II) It is a failure to meet a condition of paragraph (1)(A) for an employer, who has filed an application under this subsection and who places an H–1B nonimmigrant designated as a part-time employee on the petition filed under section 214(c)(1) by the employer with respect to the nonimmigrant, after the nonimmigrant has entered into employment with the employer, in nonproductive status under circumstances described in subclause (I), to fail to pay such a nonimmigrant for such hours as are designed on such petition consistent with the rate of pay identified on such petition.

"(III) In the case of an H–1B nonimmigrant who has not yet entered into employment with an employer who has had approved an application under this subsection, and a petition under section 214(c)(1), with respect to the nonimmigrant, the provisions of subclauses (I) and (II) shall apply to the employer beginning 30 days after the date the nonimmigrant first is admitted into the United States pursuant to the application and petition, or 60 days after the date the nonimmigrant becomes eligible to work for the employer (in the case of a nonimmigrant who is present in the United States on the date of the approval of the petition).

"(IV) This clause does not apply to a failure to pay wages to an H–1B nonimmigrant for nonproductive time due to non-work-related factors, such as the voluntary request of the nonimmigrant for an absence or circumstances rendering the nonimmigrant unable to work.

"(V) This clause shall not be construed as prohibiting an employer that is a school or other educational institution from applying to an H–1B nonimmigrant an established salary practice of the employer, under which the employer pays to H1–B nonimmigrants and United States workers in the same occupational classification an annual salary in disbursements over fewer than 12 months, if—

"(aa) the nonimmigrant agrees to the compressed annual salary payments prior to the commencement of the employment; and

"(bb) the application of the salary practice to the nonimmigrant does not otherwise cause the nonimmigrant to violate any condition of the nonimmigrant's authorization under this Act to remain in the United States.

"(VI) This clause shall not be construed as superseding clause (viii).

"(viii) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an application under this subsection to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; and cash bonuses and noncash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers to United States workers.".

(9) In section 212(n)(5)(A) of the Immigration and Nationality Act, as added by section 103(b) of the bill, strike "(B)." and insert "(B), but shall not be construed to limit or affect the authority of the Secretary or the Attorney General with respect to any other violation.".

(10) In section 212(n)(2)(F) of the Immigration and Nationality Act, as added by section 103(d) of the bill, strike "date that" and insert "date (on or after the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998) on which".

(11) In section 212(n)(2)(G)(i) of the Immigration and Nationality Act, as added by section 103(e)(1) of the bill, strike "At the request of the source, the Secretary" and insert "The Secretary".

(12) Strike section 212(n)(2)(G)(iv) of the Immigration and Nationality Act (including the quotation marks and period following the period at the end of the section), as added by section 103(e)(1) of the bill, and insert the following:

"(vii) If the Secretary determines under this subparagraph that a reasonable basis exists to make a finding that a failure described in clause (i) has occurred, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 60 days after the date of the hearing.".

(13) After clause (ii) of section 212(n)(2)(G) of the Immigration and Nationality Act, as added by section 103(e)(1) of the bill, insert the following (and redesignate clause (iii) of such section 212(n)(2)(G) as clause (vi)):

"(iii) Nothing in the subparagraph may be construed as authorizing the Secretary to initiate, or approve the initiation of, an investigation described in clause (i) based upon information provided by an employee or official of the Department of Labor, except in a case where the information described in such clause is obtained by the employee or official in the course of lawfully conducting another Department of Labor investigation under this Act or any other Act.

"(iv) The receipt by the Secretary of information submitted by an employer to the Attorney General or the Secretary for purposes of securing the employment of an H-1B nonimmigrant shall not be considered a receipt of information for purposes of clause (i).

"(v) No investigation described in clause (i) (or hearing described in clause (vii)) may be conducted with respect to information about a failure to meet a condition described in clause (i), unless the Secretary receives the information not later than 12 months after the date of the alleged failure.

(14) In section 212(n)(2)(G)(vi) of the Immigration and Nationality Act, as added by section 103(e)(1) of the bill and redesignated by paragraph (13) of this resolution, strike "requirements of this subsection." and insert "requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.".

(15) Amend section 104(a) to read as follows:

(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)) filing (on or after

October 1, 1998, and before October 1, 2001) a petition under paragraph (1)—

"(i) initially to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b);

"(ii) to extend for the first time the stay of an alien having such status; or

"(iii) to obtain authorization for an alien having such status to change employment and change employers.

"(B) The amount of the fee shall be $500 for each such nonimmigrant.

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).".

(16) In section 286(s) of the Immigration and Nationality Act, as added by section 104(b) of the bill—

(A) in paragraph (2)—

(i) strike "63" and insert "[To be supplied]"; and

(ii) strike "Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998." and insert "American Competitiveness and Workforce Improvement Act of 1998.";

(B) in paragraph (3)—

(i) strike "32" and insert "[To be supplied]"; and

(ii) strike "Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998" and insert "American Competitiveness and Workforce Improvement Act of 1998";

(C) in paragraph (4)—

(i) strike "2.5" each place such term appears and insert "3.5";

(ii) after "for any fiscal year" insert "(beginning with fiscal year 2000)"; and

(iii) strike "for carrying out section 212(n)(2)" and insert "for decreasing the processing time for applications under section 212(n)(1)"; and

(D) insert after paragraph (3) the following (and redesignate paragraph (4) as paragraph (5)):

"(4) ADDITIONAL NSF USES.—

"(A) MATHEMATICS, ENGINEERING, AND SCIENCE ACHIEVEMENT PROGRAM.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out the Mathematics, Engineering, and Science Achievement Program under the Informed Science Program administered by the National Science Foundation pursuant to the [National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.)]. [TB please review]

"(B) SYSTEMATIC REFORM ACTIVITIES.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out systematic reform activities administered by the National Science Foundation pursuant to the [National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.)]. [TB please review]

(17) In section 104(c)—

(A) in paragraph (1)—

(i) strike "Subject to paragraph (3), in" and insert "In"; and

(ii) after "Labor shall" insert "use funds available under section 286(s)(2) to";

(B) in paragraph (2), strike "Subject to paragraph (3), the" and insert "The"; and

(C) strike paragraph (3).

(18) In section 104(d)(2)(A)—

[(A) in clause (i)—

(i) strike "citizen or" and insert "citizen of the United States, a"; and

(ii) insert "(as defined in section 101(a) of the Immigration and Nationality Act)," before "or an alien";] and

(B) in clause (iii), strike "1201(a)" and insert "101(a)".

(19) In section 212(p)(1)(A) of the Immigration and Nationality Act, as added by section 105(a) of the bill, strike "1201(a)" and insert "101(a)".

(20) Amend section 106(c) to read as follows:

(c) PROVISION OF INFORMATION.—

(1) QUARTERLY NOTIFICATION.—Beginning not later than 60 days after the first day of fiscal year 1999, the Attorney General shall notify, on a quarterly basis, the Committees on the Judiciary of the United States House of Representatives and the Senate of the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigra-

tion and Nationality Act during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with fiscal year 2000, the Attorney General shall submit on annual basis, to the Committees on the Judiciary of the United States House of Representatives and the Senate, information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act during the previous fiscal year. With respect to the first submission under this paragraph, the information shall relate solely to aliens provided nonimmigrant status after the date that is 60 days after the date on which final regulation are issued to carry out subsections (a), (b), and (c) of section 102.

(3) SPECIFICATION OF NUMBER OF PETITIONS FILED BY CERTAIN EMPLOYERS.—Each notification under paragraph (1), and each submission under paragraph (2), shall include the number of aliens who were issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in section

212(p)(1) of the Immigration and Nationality Act (as added by section 105 of this Act).

(21) In section 107, strike "Secretary of Commerce" each place such term appears and insert "Director of the National Science Foundation".

(22) In section 101(a)(27)(L)(iii) of the Immigration and Nationality Act, as added by section 201(a)(3) of the bill, strike "Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998.'." and insert "American Competitiveness and Workforce Improvement Act of 1998.'.".

Spencer Abraham
Chairman, Immigration Subcommittee
Senate Judiciary Committee
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Facsimile Cover Sheet

TO: Peter Jacoby

FAX NUMBER: 456-6468

PHONE NUMBER: 456-6493

FROM: Lee

SUBJECT: enforcement language

TOTAL NUMBER OF PAGES SENT (including cover sheet): 7

Abraham proposed enforcement language
Peter

If you do not receive all pages, please call: 224-6098

COMMENTS: ~~[illegible]~~ Revised cuts at what I sent ~~[illegible]~~ you yesterday, + where it would fit in executing the other changes the concurrent resolution makes. The problem you were pointing out is actually pretty easy to solve, by just not using "originate" w/respect to things DoD obtains in ~~[illegible]~~ another investigation.

~~[illegible]~~

[Instead of the current clause (iii), insert the following:]

"Any investigation initiated by the Secretary under clause (i) must be based on information that satisfies that clause and that (I) originated from a source other than a Department of Labor officer or employee, or (II) that the Department of Labor lawfully obtained in the course of lawfully conducting another investigation."

"For purposes of this clause, in order for information to "originate" from a source, the source must provide the information

> (I) to a Department of Labor officer, or employee, charged with enforcing compliance with the conditions listed in section 212(n)(1); and
>
> (II) at the initiative of the source (rather than at the initiative of the Department of Labor officer or employee)."

is an 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).".

(e) ADDITIONAL INVESTIGATIVE AUTHORITY.—

(1) IN GENERAL.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (d), is further amended by adding at the end the following:

"(G)(i) If the Secretary receives specific credible in- [illegible] or employee of DOL formation from a source, who is likely to have knowledge of an employer's practices or employment conditions, or an employer's compliance with the employer's labor condition application under paragraph (1), and whose identity is known to the Secretary, and such information provides reasonable cause to believe that the employer has committed a willful failure to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)(G)(i)(I), has engaged in a pattern or practice of failures to meet such a condition, or has committed a substantial failure to meet such a condition that affects multiple employees, the Secretary may conduct a 30-day investigation into the alleged failure or failures. The Secretary (or the Acting Secretary in the case of the Secretary's absence or disability) shall personally certify that the requirements for conducting such an investigation have been met and shall approve

The Secretary

commencement of the investigation. ~~At the request of the source, the Secretary~~ may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

"(ii) The Secretary shall establish a procedure under which any person who desires to provide to the Secretary information described in clause (i) that may be used, in whole or in part, as the basis for commencement of an investigation described in the clause is required to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person. {See attachment} "(iii) Nothing in the subparagraph may be construed as authorizing the Secretary to initiate, or approve the initiation of, an investigation described in clause (i) based upon information provided by an employee or official of the Department of Labor, except in a case where the information described in such clause is obtained by the employee or official in the course of lawfully conducting another Department of Labor investigation under this Act or any other Act.

"(iv) The receipt by the Secretary of information submitted by an employer to the Attorney General or the Secretary for purposes of securing the employment of an H–1B nonimmigrant shall not be considered a receipt of information for purposes of clause (i).

"(v) No investigation described in clause (i) (or hearing described in clause (vii)) may be conducted with respect to information about a failure to meet a condition described in clause (i), unless the Secretary receives the information not later than 12 months after the date of the alleged failure.

{return to (v.) on p. 24}

“(vi) The Secretary shall provide notice to an employer with respect to whom the Secretary has received information described in clause (i), prior to the commencement of an investigation under such clause, of the receipt of the information and of the potential for an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to secure compliance by the employer with the ~~requirements of this sub-section.~~ requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.".

(viii) If the Secretary determines under this subparagraph that a reasonable basis exists to make a finding that a failure described in clause (i) has occurred, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 60 days after the date of the hearing.".

~~"(iv) Nothing in this subparagraph shall be construed as authorizing the Secretary to initiate, or approve the initiation of, an investigation under clause (i) without the receipt, from a person or persons who are not employed by the Department of Labor, of information described in such clause that provides the reasonable cause described in such clause. The receipt by the Secretary of information submitted by an employer to the Attorney General or the Secretary for purposes of securing the employment of an H-1B nonimmigrant shall not be considered a receipt of information for purposes of this subparagraph.".~~

(2) SUNSET.—The amendment made by paragraph (1) shall cease to be effective on September 30, 2001.

SEC. 104. COLLECTION AND USE OF H-1B NONIMMIGRANT FEES FOR SCHOLARSHIPS FOR LOW-INCOME MATH, ENGINEERING, AND COMPUTER SCIENCE STUDENTS AND JOB TRAINING OF UNITED STATES WORKERS.

1

a described in subpara-

AMENDMENT NO. ____ Calendar No. ____

Purpose: To provide for demonstration programs to provide technical skills training for workers, including incumbent workers.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1723

To amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

Referred to the Committee on ______________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ABRAHAM

Viz:

At the appropriate place, insert the following:

SEC. ___. JOB TRAINING DEMONSTRATION PROGRAMS.

(a) IN GENERAL.—Subject to subsection (c), 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 a successor Federal law, the Secretary of Labor shall establish demonstration programs to provide technical skills training for workers, including incumbent workers.

(b) GRANTS.—Subject to subsection (c), the Secretary of Labor shall award grants to carry out the programs to—

(1) 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 successor entities established under a successor Federal law; or

(2) regional consortia of councils or entities described in paragraph (1).

(c) LIMITATION.—The Secretary of Labor shall establish programs under subsection (a), including awarding grants to carry out such programs under subsection (b), only with funds made available to carry out such programs under subsection (a) and not with funds made available under the Job Training Partnership Act or a successor Federal law.

II

105TH CONGRESS
2D SESSION

S. 2021

To provide for regional skills training alliances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1998

Mr. SARBANES (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

---

A BILL

To provide for regional skills training alliances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Skills Partnership Act of 1998".

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of Commerce.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation and coordination with the Secretary of Labor, shall provide grants to eligible entities described in subsection (b) to assist such entities to aid workers in improving job skills necessary for employment in specific industries.

(b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not fewer than 10 businesses (or nonprofit organizations that represent businesses) in a common industry; and

(B) may consist of representatives from 1 or more of the following:

(i) Labor organizations.

(ii) State and local government.

(iii) Education organizations.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives comprising the consortium shall be representatives described in paragraph (1)(A).

(3) ADDITIONAL REQUIREMENT.—To the maximum extent practicable, each of the businesses, organizations, and governments whose representatives form an eligible entity under paragraph (1) shall be located in the same geographic region of the United States.

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. APPLICATION.

(a) CERTAIN STATES WITH MULTIPLE CONSORTIA.—In a State in which 2 or more eligible entities seek grants under section 101 for a fiscal year, as determined by the Governor of the State, the Governor may solicit proposals from the entities concerning the activities to be carried out under the grants. If the Governor solicits such proposals, based on the proposals received, the Governor shall submit an application on behalf of 1 or more of the entities to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The provisions of this title relating to eligible entities shall apply to each of the entities for which the Governor applies.

(b) OTHER STATES.—In a State in which only 1 eligible entity seeks a grant under section 101 for a fiscal year, as determined by the Governor of the State, or in which the Governor does not solicit proposals as described in subsection (a), the Secretary may not provide a grant under section 101 to the eligible entity unless such entity submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 103. USE OF AMOUNTS.

(a) IN GENERAL.—The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to aid workers in improving job skills (which may include skills related to computer technology, computer-based manufacturing technology, telecommunications, and other information technologies) necessary for employment by businesses in the industry with respect to which such entity was established.

(b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for the industry;

(B) development of a sequence of skill standards that are correlated with advanced industry practices;

(C) development of curriculum and training methods;

(D) purchase or receipt of donations of training equipment;

(E) identification of training providers;

(F) development of apprenticeship programs;

(G) development of training programs for dislocated workers;

(H) development of the membership of the entity;

(I) provision of training programs for workers; and

(J) development of training plans for businesses.

(2) ADDITIONAL REQUIREMENT.—In carrying out the program described in subsection (a), the eli-

gible entity shall provide for development and tracking of performance outcome measures for the program and the training providers involved in the program.

(c) ADMINISTRATIVE COSTS.—The eligible entity may use not more than 10 percent of the amount of a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 104. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees that—

(1) it will make available non-Federal contributions toward the costs of carrying out activities under section 103 in an amount that is not less than $2 for each $1 of Federal funds provided under a grant under section 101; and

(2) of such non-Federal contributions, not less than $1 of each such $2 shall be from businesses with representatives serving on the eligible entity.

SEC. 105. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the funds made available to carry out this title to pay for Federal administrative costs associated with making grants under this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1999, 2000, and 2001.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation with the Secretary of Labor, shall provide grants to States to enable the States to assist businesses, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

The Secretary may not provide a grant under section 201 to a State unless such State submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 201 to a State unless such State agrees that it will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under a grant under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $5,000,000 for fiscal year 1999.

○

(S)

Senator Joseph I. Lieberman
May 18, 1998

Mr. President, I want to again compliment my colleague Senator Abraham for sponsoring S. 1723, the American Competitiveness Bill, which I joined as a cosponsor because I believe we need to address the issue of worker shortages in our high-tech industries. S. 1723 provides a short-term solution for the worker shortage by raising the cap for H1-B visas, thereby keeping the jobs here in the United States instead of forcing U.S. companies to move the jobs overseas. It also provides for the longer term solution of educating and training our workforce so that American workers can fill the jobs generated by this very fast growing segment of our economy.

One provision in S. 1723, as adopted in the Manager's Amendment, specifically allows for demonstration programs to provide technical skills training for workers, including incumbent workers, by consortia of private industry councils. As the lead sponsor of this provision in the Manager's Amendment I want in these remarks to particularly address the intent and meaning of the provision.

These demonstration projects include two elements that I believe are essential to help us prepare our workforce with the skills they need for today's fast-paced economy and help update our training programs for the needs of the 21st Century. These are, first, including incumbent workers in training programs and, second, stimulating collaboration between companies to train a pool of skilled workers.

Employees now need to update their skills continually to remain competitive. The reality is that we have a global economy and there is, more and more, a global workforce. If companies cannot find skilled workers in the United States, they will find them in another country. Realistically, we must include workers who have jobs now in training programs to upgrade and update their skills so they can qualify for the changing needs of industry, instead of waiting until they lose their job or become dislocated workers from a declining industry.

The demonstration projects described in the Manager's Amendment to S.1723 would allow the Secretary of Labor to award grants to consortia, made up of a number of companies in the same region, educational institutions, labor organizations, state and local governments, and private industry councils established under section 102 of the Job Training Partnership Act, or successor entities. These consortia would develop training programs for technical skills needed by a number of companies in that region. Only with industry leading the skills training can we be sure that workers are being trained for jobs that actually exist. That is why the provision in this bill as amended by the Manager's Amendment creates an industry-driven training program.

Why does this new provision indicate the federal government needs to be involved? Because industry does not normally cooperate in training workers. Small companies, and 90% of firms in the United States are small businesses, don't have the resources to invest in lengthy training. Larger companies used to provide training programs, but in the high-tech field, workers move quickly from one job to another chasing higher salaries. Many companies are reticent to invest in long-term training for employees that may quickly move on. Cooperation within an industry provides a solution to this problem. This program is intended to specifically allow participation by small and medium-sized companies. The new provision in the Manager's Amendment to S.1723 would enable this approach.

The government's role under this new provision would be to provide the catalyst to bring the companies together to cooperate on training. The federal funds that would be available under this new provision should be matched by funds from the consortium. The Secretary of Labor would have the discretion to undertake this implementation approach. Of course, available federal funds are meant only to start the process -- federal funding would end over time after which the consortia would continue the cooperative training programs alone.

In the last few years, a small number of regional and industry-based training alliances in the United States have emerged, usually in partnership with state and local governments and technical colleges, that exemplify the type of program on which this provision in the Manager's Amendment is modeled. In Rhode Island, with help from the state's Human Resource Investment Council, plastics firms developed a skills alliance. The Wisconsin Regional Training Partnership, metal-working firms in conjunction with the AFL-CIO, set up a teaching factory to train workers. Without some kind of support, such as created by the new provision in this bill, to create alliances, small- and medium-sized firms just don't have the time or resources to collaborate on training. In fact, almost all the existing regional skills alliances report that they would not have been able to get off the ground without an independent, staff entity to operate the alliance. Widespread and timely deployment of these kinds of partnerships is simply not likely to happen without the incentives established by a federal initiative, which would be created by this provision. This provision can help create successful models and templates that others can replicate across the nation.

I am very appreciate that Senator Abraham has included the technical skills training provision in the manager's amendment to S.1723.

From the office of

SENATOR

PAUL SARBANES

Maryland

Contacts: Jesse Jacobs, Kara Peterman
(202) 224-4524

For Immediate Release
May 5, 1998

SARBANES, LIEBERMAN PROMOTE SKILLS TRAINING IN HI-TECH FIELDS

LEGISLATION SEEKS TO ADDRESS GROWING SHORTAGE OF WORKERS

Seeking to address a growing shortage of workers requiring hi-technology skills, United States Senators Paul S. Sarbanes (D-MD) and Joe Lieberman (D-CT) have introduced legislation which would establish initiatives and partnerships to provide the skills that the high technology industry and workers require to remain competitive in the global marketplace.

The "Technology Skills Partnership Act of 1998," would establish regional working groups across the country in which industry, public agencies, schools and labor unions can pool their resources and expertise to train workers to have the skills that industry requires to remain competitive.

The legislation would authorize a $50 million annual grants program, to be overseen by the Department of Commerce's National Institute of Standards and Technology, and provide up to a $1 million federal match, for every dollar invested by state and local governments and the private sector for these regional working groups.

"A growing number of industries throughout the country are reporting serious difficulties in hiring workers with the appropriate computer and information technology skills," said Senator Paul Sarbanes (D-MD). "If we are unable to adequately train our workforce with the information technology and computer skills it needs, the want-ads will go on wanting."

"This bill has the bold but achievable goal of trying to change the institutional mindset of U.S. companies in this country in favor of collaborating on trained skilled workers for their industry," added Senator Joe Lieberman (D-CT). "The government's role in this bill would be to provide the catalyst to bring the companies together to cooperate on training."

The legislation will help develop targeted regional consortia, led by industry representatives from at least 10 businesses, and will include state and local officials, educational leaders, regional chapters of trade associations and union officials. These consortia will assess where and what gaps exist within the high technology marketplace and provide the skills that both industry and workers require to remain competitive and get ahead.

-MORE-

"In the State of Maryland alone, the growing worker shortage and its potential economic impact on the State is evident," Sarbanes noted.

-- According to the American Electronics Association, there are more than 88,000 jobs in high-technology in the State of Maryland with a payroll of over $4.4 billion. Yet the High Technology Council of Maryland estimates a lack of 10-12,000 skilled workers for Montgomery County's high technology industries alone.

-- In Prince George's County there has been significant gains made in the hi-tech industry with the county now claiming more than 150 hi-tech firms, anchored by major federal research agencies.

-- On Maryland's Eastern Shore, a Salisbury Daily Times editorial on January 9, 1998 noted that, "Now is the time for area educational facilities to prepare students for high-tech jobs that will be offered at the new Wallops Island spaceport."

-- A February 22, 1998 story in the Baltimore Sun headlined, "Technology Skills Sought," noted the efforts of various companies throughout the State of Maryland in luring employees to their hi-tech firms because of a shortage of employees in their fields.

-- According to a recent survey by Maryland's Department of Business and Economic Development, 80% of firms that hire manufacturing or skilled trades workers reported either some or a great deal of difficulty in finding qualified workers.

-- In that same survey, 38% of the survey respondents reported that a lack of skilled workers has negatively impacted their firm's ability to do business in Maryland.

"This legislation will help to address both these problems and add to our State's business potential," Sarbanes concluded.

Sarbanes will also discuss his new initiative at the "Montgomery County Town Forum on Developing a Competitive Information Technology Work Force," being held on MONDAY, MAY 11. The forum, the first in a series of regional forums across the country sponsored by the U.S. Department of Commerce, will bring together representatives of business, academia, federal, state and local governments, and labor organizations to discuss innovative ways to provide the country's workforce with the information technology skills necessary for success in the 21st century economy. The forum will be held in the MAIN AUDITORIUM at the UNIVERSITY OF MARYLAND'S SHADY GROVE CAMPUS IN ROCKVILLE, MARYLAND beginning at 10:00 a.m.

Also participating in the morning plenary will be Commerce Secretary William M. Daley; Congresswoman Connie Morella (MD-8); and Montgomery County Executive Doug Duncan. For more information on the Montgomery County Town Forum, please contact the Montgomery County Workforce Development Corporation at (301) 738-0015.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

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Senate

SARBANES STATEMENT ON THE INTRODUCTION OF "THE TECHNOLOGY SKILLS PARTNERSHIP ACT OF 1998"

Mr. SARBANES. Mr. President, today, joined with Senator Lieberman, I am introducing legislation to provide our nation's workforce with the information technology and computer skills it needs to meet the emerging and rapidly changing requirements in our various technology sectors. I am delighted to have my distinguished colleague from Connecticut--whose efforts on behalf of the high technology sector and its workforce have been second to none--join as an original co-sponsor of the Technology Skills Partnership Act of 1998. The purpose of the Technology Skills Partnership Act is to establish regional initiatives to provide the skills that industry and workers require to remain competitive in the global, high technology marketplace.

The United States is currently the world's science and technology leader. Technical innovation, which according to a 1995 report by the President's Council of Economic Advisors has been responsible for more than half of America's productivity growth over the past fifty years, has positioned us at the forefront of the global economy. In my view, we could not have achieved this status without the most skilled, innovative, and competitive workforce in the world. The high tech global economy is evolving at such a rapid pace however, that if we fail to keep our workforce honed and highly skilled -- whether in advanced computer programming or computer based manufacturing technology --we risk losing this edge.

A growing number of industries throughout the country are reporting serious difficulties in hiring workers with appropriate computer and information technology skills. Recent reports have estimated up to 190,000 unfilled information technology jobs in the United States due to a shortage of qualified workers. Many businesses point to the lack of skilled workers as a primary reason for their limited competitiveness and growth.

In my own State of Maryland, the high technology sector currently faces an estimated lack of 10-12,000 workers with appropriate technology skills. A recent Maryland Department of Business and Economic Development survey indicates that 80% of firms which hire manufacturing or skilled trades workers, reported significant difficulty in finding applicants with the required skills for technology intensive jobs. The same survey indicates that more than two thirds of businesses hiring computer technicians, engineers, analysts, or other technical or laboratory personnel experienced difficulty finding qualified workers. It also mentions that fifty-five percent of firms that hire college-level scientist or technical program graduates reported the same difficulty and that 62% of these firms reported that their need for hiring these types of graduates is expected to increase over the next five years.

Without the appropriate skills for the new economy, hundreds of thousands of American workers face stagnation in their jobs or worse. While well intentioned, most existing training programs are not structured in a way which addresses this problem from the perspective of industry and directly prepares our workers for these types of positions. To help meet the demand in this regard, a unique approach which is flexible enough to address the fluctuations and transitions of our high technology economy is required. In order to train and educate new entrants to the workforce, workers dislocated by economic change, and workers already in the workplace facing increased demands for higher levels of technology related skills, we must establish an industry driven framework which recognizes and addresses this need on a continuum. Without such a framework, this country and its workers stand to lose significant ground in the global economy.

While some post-secondary training institutions have reached out to industry and become more customer-focused, more still must identify ways to respond directly to the changing skills and needs of employers. Many community colleges, and even four-year colleges and universities, lack the resources to purchase up-to-date equipment on which to train workers in relevant knowledge and skills. In addition, while some colleges and universities have been able to establish partnerships with some larger firms that have human resource departments, building partnerships and a two-way dialogue with small and medium-sized firms has proven more difficult.

Relevant, focused and systematic training and upgrading of infotech skills is essential to linking and transitioning our supply of skilled American workers to the powerful and emerging demand of today's high tech economy. Without direct participation by industry, however, and an understanding of regional dynamics which help us identify specific solutions to address specific industry and regional needs, a significant portion of the U.S. workforce will be left behind.

Mr. President, having the appropriate information technology skills is becoming more and more important in all sectors of our economy, not only in high and biotech industries and the manufacturing sector, but also in the so-called low-tech industries. More than half of the new jobs created between 1984 and 2005 require or will require some education beyond high school. The percentage of workers who use computers at work has risen from 25% to 46% between 1984 and 1993. Moreover, firms today are not only using more technology, but are also reorganizing production processes in new ways, such as cellular production, use of teams, and other high performance structures and methods requiring higher levels and new kinds of skills.

According to the American Society for Training and Development, company spending on training has not kept up with today's evolving needs. In 1995, American businesses spent $55 billion a year upgrading the skills of their employees, 20 percent more than a dozen years ago. However, the number of employees has increased by 24 percent, meaning that private-sector spending hasn't kept pace. In order to bridge this gap, we need to pool our resources and coordinate our perspectives on this matter.

Most firms, but particularly small and medium-sized enterprises, have limited capacity to engage in significant and sustained workforce development efforts. Managers and owners of most firms are simply too busy running their business to develop training systems, especially for new or dislocated workers. Firms also often lack information on what kind of training their firms need and where to get it. As a result, most firms forego training initiatives and instead try to hire workers away from other companies in related fields.

Moreover, because workers are so transient, individual employers are reluctant to bear the burden of training employees, be they new or incumbent workers, simply due to the likelihood is that the employee will leave and go to work for a competitor. In light of this possibility, many firms simply cannot envision an adequate return on the investment for paying to train their employees. This, coupled with an increasingly competitive global marketplace, is one reason why many larger companies that once supported in-house training programs have since eliminated these efforts.

The legislation I am introducing would establish regional working groups across the country in which employers, public agencies, schools, and labor unions can pool resources and expertise to train workers for emerging job opportunities and jobs threatened by economic and technological transition. It will help develop targeted consortia of industry, workers and training entities across the country to assess where and what gaps in this regard exist and provide the skills that industry and workers require to remain competitive and get ahead.

Specifically, it would authorize a grants program--to be overseen by the Department of Commerce's National Institute of Standards and Technology--and provide up to a $1 million federal match, for every dollar invested by state and local governments and the private sector for these working groups. The Department would budget $50 million annually for this purpose and funds would be allocated through a competitive grants process, with each consortia of firms as applicants.

Through a sector based approach, this legislation would direct meaningful participation in building an alliance by ensuring that each consists of at least 10 firms. These alliances would allow for participation from state and local officials, educational leaders, regional chapters of trade associations and union officials. However, each would be predominantly made up of industry, and as I have mentioned, would be industry driven. Indeed, if we are going to address the skills crisis in this country, industry must have a leadership role in establishing the means by which we continue to build and upgrade the skills of workers in technology related fields.

Smaller scale versions of the types of skills alliances which my legislation proposes to develop have already shown promise. In Wisconsin, metal-working firms got together with the AFL-CIO in a publicly sponsored effort that used an abandoned mill building as a teaching facility, teaching workers essential skills on state-of-the-art manufacturing equipment. Rhode Island helped develop a skills alliance among plastics firms, who then worked with a local community college to create a polymer training laboratory linked to an apprenticeship program that guarantees jobs for graduates. In Washington, DC telecommunications firms donated computers, and helped to set up a program to train public high school students to be computer network administrators and are now hiring graduates of the program at an entry-level salary of $25,000-30,000.

Each of these initiatives is an investment in our workforce for the 21st Century. If we are to truly transition the U.S. worker to a technology based economy, we must ensure that these best practice examples become standard practice. I urge my colleagues to join me in ensuring the swift enactment of this legislation.

II

105TH CONGRESS
2D SESSION

S. 2021

To provide for regional skills training alliances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1998

Mr. SARBANES (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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A BILL

To provide for regional skills training alliances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Skills Partnership Act of 1998".

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of Commerce.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation and coordination with the Secretary of Labor, shall provide grants to eligible entities described in subsection (b) to assist such entities to aid workers in improving job skills necessary for employment in specific industries.

(b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not fewer than 10 businesses (or nonprofit organizations that represent businesses) in a common industry; and

(B) may consist of representatives from 1 or more of the following:

(i) Labor organizations.

(ii) State and local government.

(iii) Education organizations.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives comprising the consortium shall be representatives described in paragraph (1)(A).

(3) ADDITIONAL REQUIREMENT.—To the maximum extent practicable, each of the businesses, organizations, and governments whose representatives form an eligible entity under paragraph (1) shall be located in the same geographic region of the United States.

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. APPLICATION.

(a) CERTAIN STATES WITH MULTIPLE CONSORTIA.—In a State in which 2 or more eligible entities seek grants under section 101 for a fiscal year, as determined by the Governor of the State, the Governor may solicit proposals from the entities concerning the activities to be carried out under the grants. If the Governor solicits such proposals, based on the proposals received, the Governor shall submit an application on behalf of 1 or more of the entities to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The provisions of this title relating to eligible entities shall apply to each of the entities for which the Governor applies.

(b) OTHER STATES.—In a State in which only 1 eligible entity seeks a grant under section 101 for a fiscal year, as determined by the Governor of the State, or in which the Governor does not solicit proposals as described in subsection (a), the Secretary may not provide a grant under section 101 to the eligible entity unless such entity submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 103. USE OF AMOUNTS.

(a) IN GENERAL.—The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to aid workers in improving job skills (which may include skills related to computer technology, computer-based manufacturing technology, telecommunications, and other information technologies) necessary for employment by businesses in the industry with respect to which such entity was established.

(b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for the industry;

(B) development of a sequence of skill standards that are correlated with advanced industry practices;

(C) development of curriculum and training methods;

(D) purchase or receipt of donations of training equipment;

(E) identification of training providers;

(F) development of apprenticeship programs;

(G) development of training programs for dislocated workers;

(H) development of the membership of the entity;

(I) provision of training programs for workers; and

(J) development of training plans for businesses.

(2) ADDITIONAL REQUIREMENT.—In carrying out the program described in subsection (a), the eli-

gible entity shall provide for development and tracking of performance outcome measures for the program and the training providers involved in the program.

(c) ADMINISTRATIVE COSTS.—The eligible entity may use not more than 10 percent of the amount of a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 104. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees that—

(1) it will make available non-Federal contributions toward the costs of carrying out activities under section 103 in an amount that is not less than $2 for each $1 of Federal funds provided under a grant under section 101; and

(2) of such non-Federal contributions, not less than $1 of each such $2 shall be from businesses with representatives serving on the eligible entity.

SEC. 105. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the funds made available to carry out this title to pay for Federal administrative costs associated with making grants under this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1999, 2000, and 2001.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation with the Secretary of Labor, shall provide grants to States to enable the States to assist businesses, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

The Secretary may not provide a grant under section 201 to a State unless such State submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 201 to a State unless such State agrees that it will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under a grant under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $5,000,000 for fiscal year 1999.

○

H1B — Training

Lieberman / Sarbanes (S. 2021)

$50 million for 3 yrs.
Commerce Dpt. (Manufacturing EP)
2-1 match.
Emp ⊕ one of 3
Theoretical focus: tending toward incumbent worker.
MEP hasn't touched training, but successful on other tasks.

S. 1723

negotiated w/ Kennedy & Abraham

Came up w/ one page amendment (adopted by Senate)
JTPA (Secy of Labor)
Demonstration programs (including incumbent workers)
Makes grants to PICS. (will be WHIPS)
utilizing regional consortia

Real $ (through fee); incumbent workers ⊕
network that Commerce has built w/ small
manufacturers.

House bill
Lofgren & Pease were prepared to offer training amend.
(¢$ for JTPA w/out RSA) ⊕ 60% Meuse
(40%)
Didn't b/c of committee
Hyde agreed to work w/ Lofgren to help her (Lofgren)
on the floor.

2:30pm tmrrw

Bubish

* Problems of companies are bundled (upgrade techniques and approaches) + need for <u>training of workers</u>.

Labor w/out network to mid size/small companies

MEP has evolved toward group services (all good)

How do we create <u>something</u> that incorporates Commerce/MEP

DeWine's worry is: any $ not going to the Gov.s

Wellstone's staff was helpful in convincing DeWine's ~~[illegible]~~ DeWayne that RSA is not a new program.

3 problems w/ S.1723 amendment

(1) Grants to PICs or Regional consortia of PICs: <u>Not broad enough</u>. (see our lang.)

all OK

(2) Explicit inclusion of Commerce MEP

(3) <u>Keep match</u>

Lieberman wants

[Discussion Draft]
Amendment to H.R. 3736
Offered by Ms. Lofgren

On page 11, insert :

SEC. 7 IMPOSITION AND USE OF FEE.

Section 212(n) of the Immigration and Nationality Act is amended by adding at the end the following paragraph: "(3) The Secretary of Labor shall impose a fee on each employer filing an application for certification of a nonimmigrant temporary worker described in section 101(a)(15)(i)(B). The fee shall equal $250 for each position for which an application is filed. The Secretary of Labor shall deposit all fees collected under the preceding sentence in a fund established for this purpose in the Treasury of the United States. Of the amounts deposited, 40 percent shall be available until expended to the Secretary of Labor for the purposes of providing training and related activities to assist in preparing workers for employment in industries with skill needs under part D of Title IV of the Job Training Partnership Act (29 U.S.C. 1501 et. seq.) and 60 percent shall be available until expended to carry out the Mathematics, Engineering and Science Achievement Program under the Informal Science Program administered by the National Science Foundation (42 U.S.C. 1861 et. seq.)."

Theresa Land

5/27/98

Not currently scheduled for the House floor

Peter: Thinks a leadership deal
- suspension
- manager's amendment (to include training)

Educ/Labor has indicated that they won't ask for sequential jurisdiction.
They have seen Zoe's language.

Lofgren/Pease is the only amendment in play right now in the House.
$250 fee. MESA (60%); JTPA (40%)

Abraham → now includes any new $ for JTPA + $50 million authorized for scholarships.

Should we be reaching out to industry(?)

Do they have the votes to strip reforms on the floor.
Would hold the Dems. (except for some Silicon Valley).

24-7 in committee to defeat removal of reforms

EK — good chance of passage(?)
w/ progressive Dems. + anti-imm Reps.
BC – sounds like a winnable vote.

Strategy for those opposed to reforms would be to water them down, not strike them.

PJ - now would be the time to do the deal. But hasn't seen incentive on their part to deal.

Kennedy no lay-off language

38 votes for Kennedy no-lay off language

PJ - continue to talk to maj/min. Leadership (?)
→ get Gephardt
convene a process on Dem. side on Zoe's training amendment.
+ relevant committee

to go on suspension calendar need 2/3 vote

Go to Hyde & Lamar
get them to work Reps.

On floor, week after next.

End game (?)

Leadership (?) Armey - ok
unsure about the rest

Let's not engage IT now.
Work w/ Rep. leadership