

Union Calendar No. 352

106TH CONGRESS
2^D SESSION

H. R. 4402

[Report No. 106-642]

To amend the American Competitiveness and Workforce Improvement Act of 1998 to improve the use of amounts deposited into the H-1B Non-immigrant Petitioner Account for demonstration programs and projects to provide technical skills training for occupations for which there is a high demand for skilled workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2000

Mr. GOODLING introduced the following bill; which was referred to the Committee on Education and the Workforce

MAY 25, 2000

Additional sponsors: Mr. McKEON, Mr. BOEHNER, Mr. FLETCHER, Mr. ISAKSON, Mr. BALLENGER, Mr. GREENWOOD, Mr. NORWOOD, and Mr. SMITH of Texas

MAY 25, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 10, 2000]

A BILL

To amend the American Competitiveness and Workforce Improvement Act of 1998 to improve the use of amounts deposited into the H-1B Nonimmigrant Petitioner Ac-

count for demonstration programs and projects to provide technical skills training for occupations for which there is a high demand for skilled workers, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Training and Education*
 5 *for American Workers Act of 2000”.*

6 **SEC. 2. USE OF H-1B NONIMMIGRANT PETITIONER FEES.**

7 *Section 414(c) of the American Competitiveness and*
 8 *Workforce Improvement Act of 1998 (29 U.S.C. 2916 note)*
 9 *is amended to read as follows:*

10 “(c) *DEMONSTRATION PROGRAMS AND PROJECTS TO*
 11 *PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS;*
 12 *LOAN FORGIVENESS FOR MATHEMATICS, SCIENCE, AND*
 13 *READING TEACHERS.—*

14 “(1) *TECHNICAL SKILLS TRAINING FOR WORK-*
 15 *ERS.—*

16 “(A) *IN GENERAL.—The Secretary of Labor*
 17 *shall use 75 percent of the funds made available*
 18 *under section 286(s)(2) of the Immigration and*
 19 *Nationality Act (8 U.S.C. 1356(s)(2)) to estab-*
 20 *lish demonstration programs or projects to pro-*
 21 *vide technical skills training for employed and*
 22 *unemployed workers for any skill shortage re-*

lated to a specialty occupation (as defined in section 214(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(i)(1))).

“(B) GRANTS.—The Secretary of Labor shall award grants to carry out programs or projects described in subparagraph (A) to—

“(i) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

“(ii) regional consortia of local boards described in clause (i); or

“(iii) in conjunction with, and with the active participation of, local boards described in clause (i), consortia (which may be local, regional, or multistate consortia)—

“(I) a majority of whose members are a business or represent a business; and

“(II) whose membership may include representatives of State and local governments, community-based organizations (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), educational institu-

1 *tions, and labor organizations (for a*
2 *local area, as defined in such section*
3 *101, in which employees are rep-*
4 *resented by labor organizations), nomi-*
5 *nated by local labor federations, or (for*
6 *a local area, as so defined, in which no*
7 *employees are represented by such or-*
8 *ganizations), other representatives of*
9 *employees.*

10 “(C) *PRIORITY PROJECTS.—In awarding*
11 *grants under subparagraph (B), the Secretary of*
12 *Labor shall give priority to programs or projects*
13 *that train employed and unemployed workers in*
14 *skills that are in shortage in the high technology,*
15 *information technology, and biotechnology fields,*
16 *including software and communications services,*
17 *telecommunications, systems installation and in-*
18 *tegration, computers and communications hard-*
19 *ware, health care technology, biotechnology, and*
20 *biomedical research, manufacturing, and innova-*
21 *tion services.*

22 “(D) *GRANT APPLICATION REQUIRE-*
23 *MENTS.—An application for a grant under this*
24 *paragraph shall include—*

1 “(i) *specific goals for each program or*
2 *project for which funds are sought, includ-*
3 *ing targets for measurable increases in skill*
4 *gains for those individuals being trained*
5 *under the program or project; and*

6 “(ii) *an agreement that the program or*
7 *project shall be subject to evaluations by the*
8 *Secretary of Labor to measure its effective-*
9 *ness.*

10 “(E) *MATCHING FUNDS.—Each grantee re-*
11 *ceiving funds under this paragraph shall dem-*
12 *onstrate the manner by which the grantee will*
13 *provide matching resources (in the form of cash,*
14 *in-kind contributions, or both) equal to at least*
15 *25 percent of the total grant amount awarded.*

16 “(F) *TARGET POPULATION.—Each grantee*
17 *receiving funds under this paragraph shall make*
18 *efforts actively to recruit and train individuals*
19 *who traditionally are underrepresented in infor-*
20 *mation technology occupations, such as minori-*
21 *ties, women, low-wage workers, workers residing*
22 *in empowerment zones and enterprise commu-*
23 *nities (as defined in section 1393(b) of the Inter-*
24 *nal Revenue Code of 1986), and individuals with*
25 *a disability.*

1 “(2) *LOAN FORGIVENESS FOR MATHEMATICS,*
2 *SCIENCE, AND READING TEACHERS.*—

3 “(A) *IN GENERAL.*—*Notwithstanding any*
4 *other provision of law, the Secretary of Labor*
5 *shall transfer to the Secretary of Education 25*
6 *percent of the funds made available to the Sec-*
7 *retary of Labor under section 286(s)(2) of the*
8 *Immigration and Nationality Act (8 U.S.C.*
9 *1356(s)(2)).*

10 “(B) *USE OF FUNDS.*—*The Secretary of*
11 *Education shall use funds made available under*
12 *subparagraph (A) to carry out section 3 of the*
13 *Training and Education for American Workers*
14 *Act of 2000.”.*

15 **SEC. 3. LOAN FORGIVENESS PROGRAM FOR MATHEMATICS,**
16 **SCIENCE, AND READING TEACHERS.**

17 (a) *PROGRAM.*—

18 (1) *IN GENERAL.*—*The Secretary of Education*
19 *(in this section referred to as the “Secretary”) shall*
20 *carry out a program of assuming the obligation to*
21 *repay, pursuant to subsection (c), a loan made, in-*
22 *sured, or guaranteed under part B of title IV of the*
23 *Higher Education Act of 1965 or part D of such title*
24 *(excluding loans made under sections 428B and 428C*
25 *of such Act or comparable loans made under part D*

of such title) for any new borrower after October 1, 1998, who—

(A) has been employed, for 3 consecutive complete school years, as—

(i) a full-time teacher of mathematics, science, or a related field; or

(ii) a full-time teacher responsible for providing reading instruction in any of grades kindergarten through 3d grade;

(B) satisfies the requirements of subsection (d); and

(C) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

1 (3) *REGULATIONS.*—*The Secretary is authorized*
 2 *to prescribe such regulations as may be necessary to*
 3 *carry out the provisions of this section.*

4 (b) *LOAN REPAYMENT.*—

5 (1) *ELIGIBLE AMOUNT.*—*The amount the Sec-*
 6 *retary may repay on behalf of any individual under*
 7 *this section shall not exceed—*

8 (A) *the sum of the principal amounts out-*
 9 *standing (not to exceed \$3,000) of the individ-*
 10 *ual's qualifying loans at the end of 3 consecutive*
 11 *complete school years of service described in sub-*
 12 *section (a)(1)(A);*

13 (B) *an additional portion of such sum (not*
 14 *to exceed \$1,000) at the end of each of the next*
 15 *2 consecutive complete school years of such serv-*
 16 *ice; and*

17 (C) *a total of not more than \$5,000.*

18 (2) *CONSTRUCTION.*—*Nothing in this section*
 19 *shall be construed to authorize the refunding of any*
 20 *repayment of a loan made under part B or D of title*
 21 *IV of the Higher Education Act of 1965.*

22 (3) *INTEREST.*—*If a portion of a loan is repaid*
 23 *by the Secretary under this section for any year, the*
 24 *proportionate amount of interest on such loan which*
 25 *accrues for such year shall be repaid by the Secretary.*

1 (c) *REPAYMENT TO ELIGIBLE LENDERS.*—*The Sec-*
 2 *retary shall pay to each eligible lender or holder for each*
 3 *fiscal year an amount equal to the aggregate amount of*
 4 *loans which are subject to repayment pursuant to this sec-*
 5 *tion for such year.*

6 (d) *APPLICATION FOR REPAYMENT.*—

7 (1) *IN GENERAL.*—*Each eligible individual de-*
 8 *siring loan repayment under this section shall submit*
 9 *a complete and accurate application to the Secretary*
 10 *at such time, in such manner, and containing such*
 11 *information as the Secretary may require.*

12 (2) *CONDITIONS.*—

13 (A) *YEARS OF SERVICE.*—*An eligible indi-*
 14 *vidual may apply for loan repayment under this*
 15 *section after completing the required number of*
 16 *years of qualifying employment.*

17 (B) *FULLY QUALIFIED TEACHERS IN PUB-*
 18 *LIC ELEMENTARY OR SECONDARY SCHOOLS.*—*An*
 19 *application for loan repayment under this sec-*
 20 *tion shall include such information as is nec-*
 21 *essary to demonstrate that the applicant—*

22 (i) *if teaching in a public elementary,*
 23 *middle, or secondary school (other than as*
 24 *a teacher in a public charter school), has*
 25 *obtained State certification as a teacher*

1 *(including certification obtained through al-*
2 *ternative routes to certification) or passed*
3 *the State teacher licensing exam and holds*
4 *a license to teach in such State; and*

5 *(ii) if teaching in—*

6 *(I) a public elementary school,*
7 *holds a bachelor's degree and dem-*
8 *onstrates knowledge and teaching skills*
9 *in reading, writing, mathematics,*
10 *science, and other areas of the elemen-*
11 *tary school curriculum; or*

12 *(II) a public middle or secondary*
13 *school, holds a bachelor's degree and*
14 *demonstrates a high level of com-*
15 *petency in all subject areas in which he*
16 *or she teaches through—*

17 *(aa) a high level of perform-*
18 *ance on a rigorous State or local*
19 *academic subject areas test; or*

20 *(bb) completion of an aca-*
21 *demic major in each of the subject*
22 *areas in which he or she provides*
23 *instruction.*

24 *(C) TEACHERS IN NONPROFIT PRIVATE ELE-*
25 *MENTARY OR SECONDARY SCHOOLS OR CHARTER*

1 *SCHOOLS.—In the case of an applicant who is*
 2 *teaching in a nonprofit private elementary or*
 3 *secondary school, or in a charter school, an ap-*
 4 *plication for loan repayment under this section*
 5 *shall include such information as is necessary to*
 6 *demonstrate that the applicant has knowledge*
 7 *and teaching skills in reading, writing, and*
 8 *mathematics, as certified by the chief adminis-*
 9 *trative officer of the school.*

10 *(e) TREATMENT OF CONSOLIDATION LOANS.—A loan*
 11 *amount for a consolidation loan made under section 428C*
 12 *of the Higher Education Act of 1965, or a Federal Direct*
 13 *Consolidation Loan made under part D of title IV of such*
 14 *Act, may be a qualified loan amount for the purpose of this*
 15 *section only to the extent that such loan amount was used*
 16 *by a borrower who otherwise meets the requirements of this*
 17 *section to repay—*

18 *(1) a loan made under section 428 or 428H of*
 19 *such Act; or*

20 *(2) a Federal Direct Stafford Loan, or a Federal*
 21 *Direct Unsubsidized Stafford Loan, made under part*
 22 *D of title IV of such Act.*

23 *(f) FUNDS FOR PROGRAM.—The Secretary shall carry*
 24 *out this section with funds made available under section*

1 414(c)(2) of the American Competitiveness and Workforce
2 Improvement Act of 1998 (29 U.S.C. 2916 note).

3 **SEC. 4. EFFECTIVE DATE.**

4 *This Act, and the amendments made by this Act, shall*
5 *take effect on October 1, 2000.*

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