

H. Res. 533: Mr. BROWN of Ohio and Mr. ENGLISH of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1991: Ms. DUNN of Washington.
H.R. 4236: Ms. DUNN of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

[Omitted from the Record of September 22, 1998]

76. The SPEAKER presented a petition of Bobby E. Yates, of Brownsville, TX, relative to a report to Congress on the Falsification of official public records in the Police Department and other public offices of this city, in attempts to cover-up crimes in city offices, and, in attempts to stifle my just complaints; to the Committee on the Judiciary.

[Submitted September 23, 1998]

77. The SPEAKER presented a petition of The Legislature of Rockland County, relative to Resolution No. 215 of 1998 petitioning Congress to support the Credit Union Membership Act to clarify the position of credit unions and to protect their ability to serve American Working men and women; to the Committee on Banking and Financial Services.

AMENDMENTS

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

H.R. 2621

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 1: In section 102(b)(7), add the following at the end:

(C) To ensure that any entity that receives benefits under any trade agreement entered into under this title adopts and adheres to the following principles in all domestic and foreign operations:

(i) Provide a safe and healthy workplace.
(ii) Ensure fair employment, including the prohibition on the use of child and forced labor, the prohibition on discrimination based upon race, gender, national origin, or religious beliefs, the respect for freedom of association and the right to organize and bargain collectively, and the payment of a living wage to all workers.

(iii) Uphold responsible environmental protection and environmental practices.

(iv) Promote good business practices, including prohibiting illicit payments and ensuring fair competition.

(v) Maintain, through leadership at all levels, a corporate culture that respects free expression consistent with legitimate business concerns, does not condone political coercion in the workplace, encourages good corporate citizenship and makes a positive contribution to the communities in which the entity operates, and promotes ethical conduct that is recognized, valued, and exemplified by all employees.

(vi) Require, under terms of contract, partners, suppliers, and subcontractors of the entity to adopt and adhere to the principles described in clause (v).

(vii) Implement and monitor compliance with the principles described in clauses (i) through (vi) through a program that is de-

signed to prevent and detect conduct that is not in compliance with such principles by any employee of the entity, or any employee of the partner, supplier, or subcontractor of the entity, and that includes—

(I) standards for ethical conduct of such employees which refer to the principles;

(II) procedures for assignment of appropriately qualified personnel at the management level to monitor and enforce compliance with the principles;

(III) procedures for reporting violations of the principles by such employees;

(IV) procedures for selecting qualified individuals who are not employees to monitor compliance with the principles, and for auditing the effectiveness of such compliance monitoring;

(V) procedures for disciplinary action in response to violations of the principles;

(VI) procedures designed to ensure that, in cases in which a violation of the principles has been detected, reasonable steps are taken to correct the violation and prevent similar violations from occurring;

(VII) procedures for providing educational and employment-related counseling to any child employee in violation of the principles; and

(VIII) communication of all standards and procedures with respect to the principles to every employee, by requiring the employee to participate in a training program, or by disseminating information in writing that explains the standards and procedures.

H.R. 3736

OFFERED BY: MR. SMITH OF TEXAS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the “Temporary Access to Skilled Workers and H-1B Non-immigrant Program Improvement Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents, amendments to Immigration and Nationality Act.

TITLE I—PROVISIONS RELATING TO H-1B NONIMMIGRANTS

Sec. 101. Temporary increase in access to temporary skilled personnel under H-1B program.

Sec. 102. Protection against displacement of United States workers in case of H-1B dependent employers.

Sec. 103. Changes in enforcement and penalties.

Sec. 104. Collection and use of H-1B non-immigrant fees for scholarships for low-income math, engineering, and computer science students and job training of United States workers.

Sec. 105. Computation of prevailing wage level.

Sec. 106. Improving count of H-1B and H-2B nonimmigrants.

Sec. 107. Report on older workers in the information technology field.

Sec. 108. Report on high technology labor market needs, reports on economic impact of increase in H-1B nonimmigrants.

TITLE II—SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

Sec. 201. Special immigrant status for certain NATO civilian employees.

TITLE III—MISCELLANEOUS PROVISION

Sec. 301. Academic honoraria.

(c) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifi-

cally provided in this Act, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

TITLE I—PROVISIONS RELATING TO H-1B NONIMMIGRANTS

SEC. 101. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H-1B PROGRAM.

(a) TEMPORARY INCREASE IN SKILLED NON-IMMIGRANT WORKERS.—Paragraph (1)(A) of section 214(g) (8 U.S.C. 1184(g)) is amended to read as follows:

“(A) under section 101(a)(15)(H)(i)(b), may not exceed—

“(i) 65,000 in each fiscal year before fiscal year 1999;

“(ii) 115,000 in fiscal year 1999;

“(iii) 115,000 in fiscal year 2000;

“(iv) 107,500 in fiscal year 2001; and

“(v) 65,000 in each succeeding fiscal year; or”.

(b) EFFECTIVE DATES.—The amendment made by subsection (a) applies beginning with fiscal year 1998.

SEC. 102. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H-1B-DEPENDENT EMPLOYEES

(a) PROTECTION AGAINST LAYOFF AND REQUIREMENT FOR PRIOR RECRUITMENT OF UNITED STATES WORKERS.—

(1) ADDITIONAL STATEMENTS ON APPLICATION.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

“(E)(i) In the case of an application described in clause (ii), the employer did not displace and will not displace a United States worker (as defined in paragraph (4)) employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application.

“(ii) An application described in this clause is an application filed on or after the date final regulations are first promulgated to carry out this subparagraph, and before October 1, 2001, by an H-1B-dependent employer (as defined in paragraph (3)) or by an employer that has been found under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation on or after the date of the enactment of this subparagraph. An application is not described in this clause of the only H-1B non-immigrants sought in the application are exempt H-1B nonimmigrants.

“(F) In the case of an application described in subparagraph (E)(ii), the employer will not place the nonimmigrant with another employer (regardless of whether or not such other employer is an H-1B-dependent employer) where—

“(i) the nonimmigrant performs 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;

unless the employer has inquired of the other employer as to whether, and has no knowledge that, within the period beginning 90 days before and ending 90 days after the date of the placement of the nonimmigrant with the other employer, the other employer has displaced or intends to displace a United States worker employed by the other employer.

“(G)(i) In the case of an application described in subparagraph (E)(ii), subject to clause (ii), the employer, prior to filing the application—