

will evaluate whether the methodology is sound because scientific studies are indicating our current methodology does not accurately gauge whether or not our children are safe.

Second, that the appropriate levels of what is safe be established. There is also independent scientific evidence, as confirmed by European allies, that current levels may allow a level of noise pollution that does have detrimental health impacts. We would like the EPA's judgment on what the appropriate levels might be. They will not make a decision. They will offer their advice.

Mr. President, it is modest in its intent. It recognizes that noise is a real part of their lives for 40 million Americans every day of this expansion of our air networks. I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I am very appreciative of and I believe sympathetic to the concerns of the Senator from New Jersey, Senator TORRICELLI. There are very large noise issues in his State and in States surrounding his. I just think it is important for us to recognize that noise levels have decreased by some 80 percent around America. We are moving to Stage 3 aircraft. We do not need to reestablish another bureaucracy. I am confident in the FAA in that the provisions of the 1990 act, which Senator FORD was responsible for, are being carried out in an accelerated fashion. I pledge to the Senator from New Jersey that if there is not continued progress, I would be more than happy to revisit this issue with him.

Mr. President, I yield the remainder of my time. I move to table the Torricelli amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table the amendment, No. 3627, offered by the Senator from New Jersey. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent. I also announce that the Senator from Minnesota (Mr. WELLSTONE) is attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "no."

The result was announced—yeas 69, nays 27, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—69

Abraham	Dorgan	Landrieu
Akaka	Enzi	Lott
Allard	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Ford	McCain
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Graham	Nickles
Breaux	Gramm	Roberts
Brownback	Grams	Rockefeller
Bryan	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Harkin	Shelby
Cleland	Hatch	Smith (NH)
Coats	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Inhofe	Stevens
Conrad	Inouye	Thomas
Coverdell	Kempthorne	Thompson
Craig	Kerrey	Thurmond
Daschle	Kohl	Warner
DeWine	Kyl	Wyden

NAYS—27

Biden	Hutchison	Mikulski
Boxer	Jeffords	Moynihan
Bumpers	Johnson	Murray
Byrd	Kennedy	Reed
D'Amato	Kerry	Reid
Dodd	Lautenberg	Robb
Domenici	Leahy	Sarbanes
Durbin	Levin	Specter
Feinstein	Lieberman	Torricelli

NOT VOTING—4

Glenn	Moseley-Braun
Hollings	Wellstone

The motion to lay on the table the amendment (No. 3627) was agreed to.

Mr. McCAIN. Mr. President, I see Senator ABRAHAM on the floor. Before I yield, I want to say that I believe we are very close. We have about two or three amendments left, on which I believe we will be able to set times for debate, and we will have votes on those amendments before 6 o'clock this evening, when the Senate will recess for the evening.

I thank all of my colleagues for their assistance in narrowing down what looks like about 30 or 40 amendments to 2 or 3. There are a couple of recalcitrant, obstinate Members who will shortly show up on the floor, but the rest we thank very much.

Mr. FORD. Mr. President, if the Senator will yield, as we go through these amendments that we have worked out, with the Senator's agreement, as amendments on my side come, I will offer those and get them done so we can move on when we come to 6 o'clock tonight and try to get a final vote on this piece of legislation so that we will not be kept here after 6 o'clock.

Mr. McCAIN. Mr. President, I made a comment in jest, and I want to make sure the Record is clear that it was in jest. The Senator from North Dakota, as well as the Senator from Rhode Island, who are waiting to address these very serious issues. I have discussed, on several occasions, the situation that existed in North Dakota. When there was a Northwest Airlines strike, his State was, for all intents and purposes, shut down. The Senator from North Dakota has been an important member of our committee and a serious student and expert on these aviation issues. I certainly was not in any way making light of his involvement or that of the

Senator from Rhode Island in these aviation issues.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, do we have Senators who want to offer amendments?

Mr. McCAIN. I ask the Senator from Kentucky if we can let him speak for 10 minutes.

Mr. FORD. That will be fine, since we don't have a Senator on the floor wanting to offer an amendment right now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized for 10 minutes.

AMERICAN COMPETITIVENESS

Mr. ABRAHAM. Mr. President, I rise to announce an agreement between the White House and supporters of the American Competitiveness Act which I hope and expect will insure passage and implementation of legislation to safeguard the competitive edge of American business.

Mr. President, the American Competitiveness Act was designed to address a growing shortage of skilled workers for certain high technology positions important to American business.

This shortage threatens all sectors of our economy. Economist Larry Kudlow reports that high technology companies account for about one third of real economic growth. Overall, electronic commerce is expected to grow to \$80 billion by the year 2000.

But high technology firms are running into serious worker shortages.

A study conducted by Virginia Tech estimates that right now we have more than 340,000 unfilled positions for highly skilled information technology workers.

And, while Department of Labor figures project our economy will produce more than 1.3 million information technology jobs over the next 10 years, our universities will not produce the graduates needed to fill those positions.

In fact, it is estimated that the shortfall will be very, very substantial. If they are to keep their major operations in America, firms must find workers with the skills needed to fill important positions in their companies. This requires that we do more as a nation to encourage our young people to choose high-technology fields for study and for their careers. In the long term this is the only way we can stay competitive and protect American jobs.

As I said, the shortfalls clearly demonstrate the need for us to grow more talent here at home. In fact, you need

only look at the high-tech companies that are feeling this shortage. When I visit manufacturing companies in my State, they indicate that they are having increasing trouble finding sufficient information technology workers to meet their needs. This is because so many of our industries are now, in one form or another, dependent on technology jobs. For the long term, the solution clearly must rest here at home, with American workers being trained to fill these jobs, with college students being given incentives to study in the areas where the next century's job creation will take place.

However, over the short term, until we are producing more qualified high technology graduates we must do more to fill the gap between high technology needs and high technology skills.

This has required that we allow companies to hire a limited number of highly skilled workers from overseas to fill essential roles. To do this they must go through a fairly onerous process to get one of the 65,000 "H-1B" temporary worker visas allotted by the INS.

Mr. President, in the history of this program, that 65,000 limit was never breached until last year when we hit the 65,000 annual limit at the end of August. The limit was hit this year in May. It is projected that if we do not change the limit, it will be hit next year as early as February. What that means, in short, as so many of my colleagues know, is that since May of this year not one American company, regardless of the emergency circumstances and the needs, has been able to bring in a highly skilled foreign worker to fill a job slot. As a consequence of that, we have lost opportunities and economic growth is paying a price.

This is dangerous for our economy. And that is why my American Competitiveness Act, in addition to providing significant incentives for Americans to enter the high technology sector, will add a limited number of additional H-1B visas so companies can find the workers they need to keep facilities and jobs in the United States, and keep our high-tech industry competitive in the global marketplace.

Let me be specific, Mr. President. In the absence of an increase in these numbers, if we can't find the people to fill the jobs here in this country, what is going to happen is American companies are going to shift operations overseas, and that means not only the loss of the particular job which an H-1B worker might fill, but it means the loss of other jobs in the division of the company where the H-1B position is vacant.

Let me just quickly outline the compromise agreement reached by the White House with our office.

First, the bill provides increased access to skilled personnel for American companies and universities. It will do this by increasing the number of H-1B temporary worker visas from 65,000

now to 115,000 in fiscal year 1999, 115,000 in fiscal year 2000, and 107,500 in fiscal year 2001. The visa limit will then return to 65,000 in the year 2002.

In addition, Mr. President, the bill provides new funding for college scholarships and job training for American workers.

10,000 scholarships per year will be provided to low income students in math, engineering and computer science through the National Science Foundation, with training provided through the Jobs Partnership Act.

This program will be funded by a \$500 fee per visa petition and a \$500 fee for visa renewals, which combined will raise an estimated \$75 million each year.

Further, Mr. President, this legislation provides three types of layoff protection for American workers.

Let me add that throughout the process of working on this legislation, we have been very mindful of the concerns people have that somehow these H-1B temporary workers might end up filling a position where an American worker could have filled the slot. Our goal is to make sure that does not happen, and we have built protections into this agreement which we and the administration feel will accomplish that objective.

First, any company with 15% or more of its workforce in the United States on H-1B visas must attest that it will not lay off an American employee in the same job 90 days or less before or after the filing of a petition for an H-1B professional.

Second, an H-1B dependent company acting as a contractor must attest that it also will not place an H-1B professional in another company to fill the same job held by a laid off American 90 days before or after the date of placement.

Third, any employer, whether H-1B dependent or not, will face severe penalties for committing a willful violation of H-1B rules, underpaying an individual on an H-1B visa and replacing an American worker. That company will be debarred for 3 years from all employment immigration programs and fined \$35,000 for each violation. Penalties for other violations also will be substantially increased.

In addition, Mr. President, H-1B dependent companies must attest that they recruit according to industry-wide standards and that the H-1B-holding individual was as, or more, qualified than any American job applicant. An American not hired can file a complaint with an arbitration panel, which can fine employers violating this provision.

Penalties and enforcement will be increased from those under current law.

The Department of Labor will be given authority to investigate suspected willful and serious violations of H-1B visas if it receives specific and credible evidence of such violations and receives the personal sign-off of the Secretary of Labor.

The purpose of this authority is to respond to situations of potentially egregious wrongdoing where a complaint had not been filed. This new authority sunsets with the increase in the visas, which will give Congress the opportunity for close scrutiny of whether or not DOL acts responsibly.

Finally, Mr. President, this legislation eliminates any financial incentive for companies to hire under-compensated foreign temporary workers by permanently reforming the prevailing wage attestation that is required prior to the hiring of anyone under the H-1B program.

Under this legislation, employers must offer benefits and the opportunity to earn bonuses to H-1B employees if those benefits and bonuses are available to that company's similarly-employed American workers.

In short, it will not be possible to bring in a foreign worker under the H-1B program to fill a job where that person is not being paid the prevailing wage inclusive of potential benefits and other forms of compensation.

In addition, this legislation provides sanctions for violations of new whistleblower protections and contains provisions against unconscionable contracts and against so-called benching.

I am convinced, Mr. President, that this legislation is crucial to maintaining American economic competitiveness and to protect American jobs.

It will increase the skills and employability of American workers while making certain that no qualified American worker is replaced by any immigrant worker.

It gives our high technology companies the tools they need to compete in world markets without sacrificing in any way the economic opportunities and well-being of American workers. Indeed, by keeping America competitive it will increase economic growth and the ability of all Americans to achieve and maintain economic security and prosperity. And as we move this bill through the final process—first, of course, in the House and then hopefully here soon—I will be urging my colleagues to support the legislation.

In closing, Mr. President, let me just summarize as follows: We have a serious crisis confronting our high-tech industries. We need to have more skilled workers on a longer-term basis. We need the scholarship and job training programs contained in this legislation to achieve the technology worker goals that we have set, but until those programs are adequate to meet the demand, we need to fill the gaps that exist today.

This legislation will increase on a temporary basis the number of temporary workers who can come to this country which will help us meet that challenge. In short, it will allow us to keep the economy going and at the same time prepare us for the future. Most importantly, it will protect American workers so that this program

cannot be exploited in any fashion that would cause somebody to lose a job or lose the chance to be hired for a job because a foreign worker was being selected for that assignment.

So there are safeguards for workers. There are the long-range education and job training components and there is the temporary increase in the number of workers who can come into this country to meet the immediate crisis. It is a balanced approach. It is one that, I think, deserves our support.

In closing, let me say thanks to those in the administration with whom we have been working. But also I would like to thank a number of our colleagues who have worked with me throughout this process, including Senator HATCH, chairman of the Judiciary Committee; Senator GORTON, who has had a special interest in this for a variety of reasons relating to his interest in high-tech companies; the majority leader, who has been very supportive; Senator PHIL GRAMM, who worked with me on a number of the negotiations; Senator LIEBERMAN, who played a very active role throughout the process, both here in the Senate and in the recent deliberations; Senator BOB GRAHAM, who was an early and active supporter of this effort; and especially to the chairman of the Commerce Committee who worked with me as we moved this legislation forward, both here in the Senate and in the intervening timeframes. Senator MCCAIN, whose commitment to this type of an approach of making sure on a variety of fronts that America is ready to enter the digital age and the digital economy, has given the kind of leadership I think we all admire. I thank him especially for his efforts.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, let me say that what the Senator from Michigan, Senator ABRAHAM, has described today is a signal event. I recently visited Silicon Valley, which politicians seem to be doing more and more of nowadays. I was told that there were two major priorities that they felt were critical to the future of their industry. One was this, what we know now as the H-1B visa bill, and the other is the Internet tax freedom bill.

Senator ABRAHAM took an issue, which very few believed we could, and turned it into reality. He worked with both sides of the aisle, with the White House, and with the Silicon Valley folks, as well as labor. I believe that he has come up with a remarkable package, a remarkable product, which will allow us to maintain the incredible high-tech lead we have in the world. Without the ability to have trained, qualified and educated people in this industry, obviously we cannot have as predictable a future as we would like.

A part of this bill, Mr. President, will be the National Science Foundation Scholarship Program for Science and

Math. At the appropriate time, I will offer language to name these scholarships the "Spencer Abraham Scholarship Program."

Again, I congratulate Senator ABRAHAM, because what he has achieved in this time of labeling the Congress as a "do-nothing Congress," very frankly, is the best example of working on both sides of the aisle and with the administration for the good of the Nation. I hope that many of the rest of us, including this Senator, will follow his example.

I also hope we will be able to take up the Internet Tax Freedom Act so that we can also get that legislation passed before we leave.

I note the presence of Senator DORGAN on the floor. I thank him for his patience. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

WENDELL H. FORD NATIONAL AIR
TRANSPORTATION SYSTEM IM-
PROVEMENT ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3628

(Purpose: To amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3628.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DORGAN. I have indicated that I will offer two amendments to this piece of legislation. This would be the first. I intend, however, not to seek a vote on this amendment. I intend to ask unanimous consent that it be withdrawn. I am offering it for this reason. This legislation provides tax credits under certain circumstances. I recognize that it would cause a blue slip on this bill because this tax legislation must originate in the House of Representatives. I do not intend or want to cause that kind of problem for this bill, but I believe very strongly that this amendment is part of the solution to a very large problem we have, and I introduce it today for the purpose of describing to my colleagues an approach that I would intend to offer to some future tax legislation that will be considered by the Senate and the House.

Mr. President, the chairman of the subcommittee—excuse me, chairman of the full committee—I have demoted him—the chairman of the full committee, Senator MCCAIN, and the ranking member, Senator FORD, have brought a bill to the floor of the Senate that is very important.

Mr. FORD. Mr. President, will the Senator yield for just one moment.

Mr. DORGAN. I will be happy to yield.

Mr. FORD. We have worked out Senator REED's amendment. I know the Senator does not want to lose his train of thought here, but Senator REED has an important engagement, and I know Senator DORGAN does, too. This one will take about 2 minutes.

I ask unanimous consent that this amendment be set aside and that we recognize Senator REED, and that at the end of Senator REED's amendment we return, then, to Senator DORGAN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Rhode Island is recognized.

AMENDMENT NO. 3629

(Purpose: To provide for the expenditure of certain unobligated funds for noise abatement discretionary grants)

Mr. REED. I thank the Chair.

First, let me thank Senator DORGAN for his graciousness in allowing me to present my amendment and also thank Senator MCCAIN and Senator FORD for their understanding and cooperation.

I have an amendment at the desk which I call up now.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3629.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. 2 . DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

Mr. REED. I thank the Chair.

Mr. President, my amendment is a very straightforward attempt to find additional resources to help neighborhoods that surround airports and are confronting the problem of airport noise. My State of Rhode Island is home to one of the fastest growing airports in the country, T.F. Green Airport. Indeed, over the past two years,