

Calendar No. 490

106TH CONGRESS
2D SESSION

S. 2045

[Report No. 106-260]

A BILL

To amend the Immigration and Nationality Act
with respect to H-1B nonimmigrant aliens.

APRIL 11, 2000

Reported with an amendment and an amendment to the
title

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To amend the Immigration and Nationality Act with respect to H-1B
nonimmigrant aliens.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2000

Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. ASHCROFT, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 11, 2000

Reported by Mr. HATCH, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Immigration and Nationality Act with respect
to H-1B nonimmigrant aliens.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Competitive-
3 ness in the Twenty-first Century Act of 2000”.

4 **SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

5 In addition to the number of aliens who may be
6 issued visas or otherwise provided nonimmigrant status
7 under section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101
8 (a)(15)(H)(i)(b)), the following number of aliens may be
9 issued such visas or otherwise provided such status for
10 each of the following fiscal years:

- 11 (1) 80,000 for fiscal year 2000;
12 (2) 87,500 for fiscal year 2001; and
13 (3) 130,000 for fiscal year 2002.

14 **SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FA-
15 CILITIES, AND GRADUATE DEGREE RECIPI-
16 ENTS.**

17 Section 214(g) of the Immigration and Nationality
18 Act (8 U.S.C. 1184(g)) is amended by adding at the end
19 the following new paragraphs:

20 “(5) The numerical limitations contained in para-
21 graph (1)(A)(iii) shall not apply to any nonimmigrant
22 alien issued a visa or otherwise provided status under sec-
23 tion 101(a)(15)(H)(i)(b)—

24 “(A) who is employed (or has received an offer
25 of employment) at—

1 “(i) an institution of higher education (as
2 defined in section 101(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1001(a)); or a
4 related or affiliated nonprofit entity; or

5 “(ii) a nonprofit research organization or a
6 governmental research organization; or

7 “(B) for whom a petition is filed not more than
8 90 days before or not more than 180 days after the
9 nonimmigrant has attained a master’s degree or
10 higher degree from an institution of higher edu-
11 cation (as defined in section 101(a) of the Higher
12 Education Act of 1965 (20 U.S.C. 1001(a)).”.

13 “(6) Any alien who ceases to be employed by an em-
14 ployer described in paragraph (5)(A) shall, if employed as
15 a nonimmigrant alien described in section
16 101(a)(15)(H)(i)(b), be counted toward the numerical lim-
17 itations contained in paragraph (1)(A)(iii) the first time
18 the alien is employed by an employer other than one de-
19 scribed in paragraph (5)(A).”.

20 **SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RE-**
21 **SPECT TO EMPLOYMENT-BASED IMMI-**
22 **GRANTS.**

23 (a) SPECIAL RULES.—Section 202(a) (8 U.S.C.
24 1152(a)) is amended by adding at the end the following
25 new paragraph:

1 ~~“(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—~~
2 ~~GRANTS.—~~

3 ~~“(A) EMPLOYMENT-BASED IMMIGRANTS~~
4 ~~NOT SUBJECT TO PER COUNTRY LIMITATION IF~~
5 ~~ADDITIONAL VISAS AVAILABLE.—If the total~~
6 ~~number of visas available under paragraph (1),~~
7 ~~(2), (3), (4), or (5) of section 203(b) for a cal-~~
8 ~~endar quarter exceeds the number of qualified~~
9 ~~immigrants who may otherwise be issued such~~
10 ~~visas, the visas made available under that para-~~
11 ~~graph shall be issued without regard to the nu-~~
12 ~~merical limitation under paragraph (2) of this~~
13 ~~subsection during the remainder of the calendar~~
14 ~~quarter.~~

15 ~~“(B) LIMITING FALL ACROSS FOR CERTAIN~~
16 ~~COUNTRIES SUBJECT TO SUBSECTION (c).—In~~
17 ~~the case of a foreign state or dependent area to~~
18 ~~which subsection (c) applies, if the total number~~
19 ~~of visas issued under section 203(b) exceeds the~~
20 ~~maximum number of visas that may be made~~
21 ~~available to immigrants of the state or area~~
22 ~~under section 203(b) consistent with subsection~~
23 ~~(c) (determined without regard to this para-~~
24 ~~graph), in applying subsection (c) all visas shall~~

1 be deemed to have been required for the classes
2 of aliens specified in section 203(b).”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is
5 amended by striking “paragraphs (3) and (4)” and
6 inserting “paragraphs (3), (4), and (5)”.

7 (2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is
8 amended by striking “the proportion of the visa
9 numbers” and inserting “except as provided in sub-
10 section (a)(5), the proportion of the visa numbers”.

11 (c) ONE-TIME PROTECTION UNDER PER COUNTRY
12 CEILING.—Notwithstanding section 214(g)(4) of the Im-
13 migration and Nationality Act, any alien who—

14 (1) is the beneficiary of a petition filed under
15 section 204(a) for a preference status under para-
16 graph (1), (2), or (3) of section 203(b); and

17 (2) would be subject to the per country limita-
18 tions applicable to immigrants under those para-
19 graphs but for this subsection,

20 may apply for, and the Attorney General may grant, an
21 extension of such nonimmigrant status until the alien’s
22 application for adjustment of status has been processed
23 and a decision made thereon.

1 **SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.**

2 (a) IN GENERAL.—Section 214 of the Immigration
3 and Nationality Act (8 U.S.C. 1184) is amended by add-
4 ing at the end the following new subsection:

5 “(m)(1) A nonimmigrant alien described in para-
6 graph (2) who was previously issued a visa or otherwise
7 provided nonimmigrant status under section
8 101(a)(15)(H)(i)(b) is authorized to accept new employ-
9 ment upon the filing by the prospective employer of a new
10 petition on behalf of such nonimmigrant as provided under
11 subsection (a). Employment authorization shall continue
12 for such alien until the new petition is adjudicated. If the
13 new petition is denied, employment authorization shall
14 cease.

15 “(2) A nonimmigrant alien described in this para-
16 graph is a nonimmigrant alien—

17 “(A) who has been lawfully admitted into the
18 United States;

19 “(B) on whose behalf an employer has filed a
20 nonfrivolous application for new employment or ex-
21 tension of status before the date of expiration of the
22 period of stay authorized by the Attorney General;
23 and

24 “(C) who has not been employed without au-
25 thorization in the United States before or during the
26 pendency of such petition for new employment.”.

1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) shall apply to petitions filed before, on, or
3 after the date of enactment of this Act.

4 **SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF**
5 **LENGTHY ADJUDICATIONS.**

6 (a) **EXEMPTION FROM LIMITATION.**—The limitation
7 contained in section 214(g)(4) of the Immigration and Na-
8 tionality Act with respect to the duration of authorized
9 stay shall not apply to any nonimmigrant alien previously
10 issued a visa or otherwise provided nonimmigrant status
11 under section 101(a)(15)(H)(i)(b) of the Immigration and
12 Nationality Act on whose behalf a petition under section
13 204(b) to accord the alien immigrant status under section
14 203(b), or an application for adjustment of status under
15 section 245 to accord the alien status under section
16 203(b), has been filed, if 365 days or more have elapsed
17 since the filing of a labor certification application on the
18 alien's behalf, if required for the alien to obtain status
19 under section 203(b), or the filing of the petition under
20 section 204(b).

21 (b) **EXTENSION OF H1-B WORKER STATUS.**—The
22 Attorney General shall extend the stay of an alien who
23 qualifies for an exemption under subsection (a) in one-year
24 increments until such time as a final decision is made on
25 the alien's lawful permanent residence.

1 **SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AU-**
 2 **THORITIES THROUGH FISCAL YEAR 2002.**

3 (a) **ATTESTATION REQUIREMENTS.**—Section
 4 212(n)(1)(E)(ii) of the Immigration and Nationality Act
 5 (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “Oc-
 6 tober 1, 2001” and inserting “October 1, 2002”.

7 (b) **FEE REQUIREMENTS.**—Section 212(e)(9)(A) of
 8 the Immigration and Nationality Act (8 U.S.C.
 9 1182(e)(9)(A)) is amended in the text above clause (i) by
 10 striking “October 1, 2001” and inserting “October 1,
 11 2002”.

12 (c) **DEPARTMENT OF LABOR INVESTIGATIVE AU-**
 13 **THORITIES.**—Section 413(e)(2) of the American Competi-
 14 tiveness and Workforce Improvement Act of 1998 (as con-
 15 tained in title IV of division C of Public Law 105–277)
 16 is amended by striking “September 30, 2001” and insert-
 17 ing “September 30, 2002”.

18 **SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

19 Section 214(g)(3) of the Immigration and Nationality
 20 Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

21 “(3) Aliens who are subject to the numerical limita-
 22 tions of paragraph (1) shall be issued visas (or otherwise
 23 provided nonimmigrant status) in the order in which peti-
 24 tions are filed for such visas or status. If an alien who
 25 was issued a visa or otherwise provided nonimmigrant sta-
 26 tus and counted against the numerical limitations of para-

1 graph (1) is found to have been issued such visa or other-
 2 wise provided such status by fraud or willfully misrepre-
 3 senting a material fact and such visa or nonimmigrant sta-
 4 tus is revoked, then one number shall be restored to the
 5 total number of aliens who may be issued visas or other-
 6 wise provided such status under the numerical limitations
 7 of paragraph (1) in the fiscal year in which the petition
 8 is revoked, regardless of the fiscal year in which the peti-
 9 tion was approved.”.

10 **SEC. 9. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.**

11 (a) **STUDY.**—The National Science Foundation shall
 12 conduct a study of the divergence in access to high tech-
 13 nology (commonly referred to as the “digital divide”) in
 14 the United States.

15 (b) **REPORT.**—Not later than 18 months after the
 16 date of enactment of this Act, the Director of the National
 17 Science Foundation shall submit a report to Congress set-
 18 ting forth the findings of the study conducted under sub-
 19 section (a).

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “American Competitive-*
 22 *ness in the Twenty-first Century Act of 2000”.*

23 **SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

24 *In addition to the number of aliens who may be issued*
 25 *visas or otherwise provided nonimmigrant status under sec-*

1 *tion 101(a)(15)(H)(i)(b) of the Immigration and Nation-*
 2 *ality Act (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following*
 3 *number of aliens may be issued such visas or otherwise pro-*
 4 *vided such status for each of the following fiscal years:*

5 (1) 80,000 for fiscal year 2000;

6 (2) 87,500 for fiscal year 2001; and

7 (3) 130,000 for fiscal year 2002.

8 **SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FA-**
 9 **CILITIES, AND GRADUATE DEGREE RECIPI-**
 10 **ENTS.**

11 *Section 214(g) of the Immigration and Nationality*
 12 *Act (8 U.S.C. 1184(g)) is amended by adding at the end*
 13 *the following new paragraphs:*

14 “(5) *The numerical limitations contained in para-*
 15 *graph (1)(A) shall not apply to any nonimmigrant alien*
 16 *issued a visa or otherwise provided status under section*
 17 *101(a)(15)(H)(i)(b)—*

18 “(A) *who is employed (or has received an offer*
 19 *of employment) at—*

20 “(i) *an institution of higher education (as*
 21 *defined in section 101(a) of the Higher Edu-*
 22 *cation Act of 1965 (20 U.S.C. 1001(a)), or a re-*
 23 *lated or affiliated nonprofit entity; or*

24 “(ii) *a nonprofit research organization or a*
 25 *governmental research organization; or*

1 “(B) for whom a petition is filed not more than
 2 90 days before or not more than 180 days after the
 3 nonimmigrant has attained a master’s degree or high-
 4 er degree from an institution of higher education (as
 5 defined in section 101(a) of the Higher Education Act
 6 of 1965 (20 U.S.C. 1001(a))).

7 “(6) Any alien who ceases to be employed by an em-
 8 ployer described in paragraph (5)(A) shall, if employed as
 9 a nonimmigrant alien described in section
 10 101(a)(15)(H)(i)(b), be counted toward the numerical limi-
 11 tations contained in paragraph (1)(A) the first time the
 12 alien is employed by an employer other than one described
 13 in paragraph (5)(A).”.

14 **SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RE-**
 15 **SPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

16 (a) *SPECIAL RULES.*—Section 202(a) of the Immigra-
 17 tion and Nationality Act (8 U.S.C. 1152(a)) is amended
 18 by adding at the end the following new paragraph:

19 “(5) *RULES FOR EMPLOYMENT-BASED IMMI-*
 20 *GRANTS.*—

21 “(A) *EMPLOYMENT-BASED IMMIGRANTS NOT*
 22 *SUBJECT TO PER COUNTRY LIMITATION IF ADDI-*
 23 *TIONAL VISAS AVAILABLE.*—If the total number
 24 of visas available under paragraph (1), (2), (3),
 25 (4), or (5) of section 203(b) for a calendar quar-

1 *ter exceeds the number of qualified immigrants*
2 *who may otherwise be issued such visas, the visas*
3 *made available under that paragraph shall be*
4 *issued without regard to the numerical limita-*
5 *tion under paragraph (2) of this subsection dur-*
6 *ing the remainder of the calendar quarter.*

7 *“(B) LIMITING FALL ACROSS FOR CERTAIN*
8 *COUNTRIES SUBJECT TO SUBSECTION (e).—In*
9 *the case of a foreign state or dependent area to*
10 *which subsection (e) applies, if the total number*
11 *of visas issued under section 203(b) exceeds the*
12 *maximum number of visas that may be made*
13 *available to immigrants of the state or area*
14 *under section 203(b) consistent with subsection*
15 *(e) (determined without regard to this para-*
16 *graph), in applying subsection (e) all visas shall*
17 *be deemed to have been required for the classes*
18 *of aliens specified in section 203(b).”.*

19 *(b) CONFORMING AMENDMENTS.—*

20 *(1) Section 202(a)(2) of the Immigration and*
21 *Nationality Act (8 U.S.C. 1152(a)(2)) is amended by*
22 *striking “paragraphs (3) and (4)” and inserting*
23 *“paragraphs (3), (4), and (5)”.*

24 *(2) Section 202(e)(3) of the Immigration and*
25 *Nationality Act (8 U.S.C. 1152(e)(3)) is amended by*

1 *striking “the proportion of the visa numbers” and in-*
 2 *serting “except as provided in subsection (a)(5), the*
 3 *proportion of the visa numbers”.*

4 *(c) ONE-TIME PROTECTION UNDER PER COUNTRY*
 5 *CEILING.—Notwithstanding section 214(g)(4) of the Immi-*
 6 *gration and Nationality Act, any alien who—*

7 *(1) is the beneficiary of a petition filed under*
 8 *section 204(a) for a preference status under para-*
 9 *graph (1), (2), or (3) of section 203(b); and*

10 *(2) would be subject to the per country limita-*
 11 *tions applicable to immigrants under those para-*
 12 *graphs but for this subsection,*

13 *may apply for, and the Attorney General may grant, an*
 14 *extension of such nonimmigrant status until the alien’s ap-*
 15 *plication for adjustment of status has been processed and*
 16 *a decision made thereon.*

17 **SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.**

18 *(a) IN GENERAL.—Section 214 of the Immigration*
 19 *and Nationality Act (8 U.S.C. 1184) is amended by adding*
 20 *at the end the following new subsection:*

21 *“(m)(1) A nonimmigrant alien described in paragraph*
 22 *(2) who was previously issued a visa or otherwise provided*
 23 *nonimmigrant status under section 101(a)(15)(H)(i)(b) is*
 24 *authorized to accept new employment upon the filing by*
 25 *the prospective employer of a new petition on behalf of such*

1 *nonimmigrant as provided under subsection (a). Employ-*
 2 *ment authorization shall continue for such alien until the*
 3 *new petition is adjudicated. If the new petition is denied,*
 4 *employment authorization shall cease.*

5 “(2) *A nonimmigrant alien described in this para-*
 6 *graph is a nonimmigrant alien—*

7 “(A) *who has been lawfully admitted into the*
 8 *United States;*

9 “(B) *on whose behalf an employer has filed a*
 10 *nonfrivolous application for new employment or ex-*
 11 *tension of status before the date of expiration of the*
 12 *period of stay authorized by the Attorney General;*
 13 *and*

14 “(C) *who has not been employed without author-*
 15 *ization in the United States before or during the*
 16 *pendency of such petition for new employment.”.*

17 (b) *EFFECTIVE DATE.—The amendment made by sub-*
 18 *section (a) shall apply to petitions filed before, on, or after*
 19 *the date of enactment of this Act.*

20 **SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF**
 21 **LENGTHY ADJUDICATIONS.**

22 (a) *EXEMPTION FROM LIMITATION.—The limitation*
 23 *contained in section 214(g)(4) of the Immigration and Na-*
 24 *tionality Act with respect to the duration of authorized stay*
 25 *shall not apply to any nonimmigrant alien previously*

1 *issued a visa or otherwise provided nonimmigrant status*
 2 *under section 101(a)(15)(H)(i)(b) of the Immigration and*
 3 *Nationality Act on whose behalf a petition under section*
 4 *204(b) to accord the alien immigrant status under section*
 5 *203(b), or an application for adjustment of status under*
 6 *section 245 to accord the alien status under section 203(b),*
 7 *has been filed, if 365 days or more have elapsed since the*
 8 *filing of a labor certification application on the alien's be-*
 9 *half, if such certification is required for the alien to obtain*
 10 *status under section 203(b), or if 365 days or more have*
 11 *elapsed since the filing of the petition under section 204(b).*

12 *(b) EXTENSION OF H1-B WORKER STATUS.—The At-*
 13 *torney General shall extend the stay of an alien who quali-*
 14 *fies for an exemption under subsection (a) in one-year in-*
 15 *crements until such time as a final decision is made on*
 16 *the alien's lawful permanent residence.*

17 **SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AU-**
 18 **THORITIES THROUGH FISCAL YEAR 2002.**

19 *(a) ATTESTATION REQUIREMENTS.—Section*
 20 *212(n)(1)(E)(ii) of the Immigration and Nationality Act*
 21 *(8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “Octo-*
 22 *ber 1, 2001” and inserting “October 1, 2002”.*

23 *(b) FEE REQUIREMENTS.—Section 214(c)(9)(A) of the*
 24 *Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A))*

1 *is amended in the text above clause (i) by striking “October*
2 *1, 2001” and inserting “October 1, 2002”.*

3 *(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORI-*
4 *TIES.—Section 413(e)(2) of the American Competitiveness*
5 *and Workforce Improvement Act of 1998 (as contained in*
6 *title IV of division C of Public Law 105–277) is amended*
7 *by striking “September 30, 2001” and inserting “September*
8 *30, 2002”.*

9 **SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

10 *Section 214(g)(3) of the Immigration and Nationality*
11 *Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:*

12 *“(3) Aliens who are subject to the numerical limita-*
13 *tions of paragraph (1) shall be issued visas (or otherwise*
14 *provided nonimmigrant status) in the order in which peti-*
15 *tions are filed for such visas or status. If an alien who was*
16 *issued a visa or otherwise provided nonimmigrant status*
17 *and counted against the numerical limitations of para-*
18 *graph (1) is found to have been issued such visa or otherwise*
19 *provided such status by fraud or willfully misrepresenting*
20 *a material fact and such visa or nonimmigrant status is*
21 *revoked, then one number shall be restored to the total num-*
22 *ber of aliens who may be issued visas or otherwise provided*
23 *such status under the numerical limitations of paragraph*
24 *(1) in the fiscal year in which the petition is revoked, re-*

1 *ardless of the fiscal year in which the petition was ap-*
 2 *proved.”.*

3 **SEC. 9. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.**

4 (a) *STUDY.*—*The National Science Foundation shall*
 5 *conduct a study of the divergence in access to high tech-*
 6 *nology (commonly referred to as the “digital divide”) in*
 7 *the United States.*

8 (b) *REPORT.*—*Not later than 18 months after the date*
 9 *of enactment of this Act, the Director of the National*
 10 *Science Foundation shall submit a report to Congress set-*
 11 *ting forth the findings of the study conducted under sub-*
 12 *section (a).*

13 **SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER**

14 **ACCOUNT PROVISIONS.**

15 (a) *ALLOCATION OF FUNDS.*—*Section 286(s) of the Im-*
 16 *migration and Nationality Act (8 U.S.C. 1356(s)) is*
 17 *amended—*

18 (1) *in paragraph (2), by striking “56.3 percent”*
 19 *and inserting “36.2 percent”;*

20 (2) *in paragraph (3), by striking “28.2 percent”*
 21 *and inserting “30.7 percent”; and*

22 (3) *in paragraph (4)(A), by striking “4 percent”*
 23 *and inserting “2.5 percent”.*

24 (b) *LOW-INCOME SCHOLARSHIP PROGRAM.*—*Section*
 25 *414(d)(3) of the American Competitiveness and Workforce*

1 *Improvement Act of 1998 (as contained in title IV of divi-*
 2 *sion C of Public Law 105–277) is amended by striking*
 3 *“2,500 per year.” and inserting “3,125 per year. The Direc-*
 4 *tor may renew scholarships for up to 4 years.”.*

5 *(c) NATIONAL SCIENCE FOUNDATION GRANT PRO-*
 6 *GRAM.—Section 286(s)(4)(B) of the Immigration and Na-*
 7 *tionality Act (8 U.S.C. 1356(s)) is amended to read as fol-*
 8 *lows:*

9 *“(B) NATIONAL SCIENCE FOUNDATION COM-*
 10 *PETITIVE GRANT PROGRAM FOR K–12 MATH,*
 11 *SCIENCE AND TECHNOLOGY EDUCATION.—(i)*
 12 *25.8 percent of the amounts deposited into the*
 13 *H–1B Nonimmigrant Petitioner Account shall*
 14 *remain available to the Director of the National*
 15 *Science Foundation until expended to carry out*
 16 *a direct and/or matching grant program to sup-*
 17 *port private-public partnerships in K–12 edu-*
 18 *cation.*

19 *“(ii) TYPES OF PROGRAMS COVERED.—The*
 20 *Director shall award grants to such programs,*
 21 *including, those which support the development*
 22 *and implementation of standards-based instruc-*
 23 *tional materials models and related student as-*
 24 *sessments that enable K–12 students to acquire*
 25 *an understanding of science, mathematics, and*

1 *technology, as well as to develop critical thinking*
2 *skills; provide systemic improvement in training*
3 *K–12 teachers and education for students in*
4 *science, mathematics, and technology; stimulate*
5 *system-wide K–12 reform of science, mathe-*
6 *matics, and technology in rural, economically*
7 *disadvantaged regions of the United States; pro-*
8 *vide externships and other opportunities for stu-*
9 *dents to increase their appreciation and under-*
10 *standing of science, mathematics, engineering,*
11 *and technology; involve partnerships of industry,*
12 *educational institutions, and community organi-*
13 *zations to address the educational needs of dis-*
14 *advantaged communities; and college pre-*
15 *paratory support to expose and prepare students*
16 *for careers in science, mathematics, engineering,*
17 *and technology.”.*

18 *(d) REPORTING REQUIREMENTS.—Section 414 of the*
19 *American Competitiveness and Workforce Improvement Act*
20 *of 1998 (as contained in title IV of division C of Public*
21 *Law 105–277) is amended by adding at the end the fol-*
22 *lowing new subsection:*

23 *“(e) The Secretary of the Department of Labor and*
24 *the Director of the National Science Foundation shall—*

1 “(1) track and monitor the performance of pro-
2 grams receiving H-1B Nonimmigrant Fee grant
3 money; and

4 “(2) not later than one year after the date of en-
5 actment of this subsection, submit a report to the
6 Committees on the Judiciary of the House of Rep-
7 resentatives and the Senate—

8 “(A) the tracking system to monitor the per-
9 formance of programs receiving H-1B grant
10 funding; and

11 “(B) the number of individuals who have
12 completed training and have entered the high-
13 skill workforce through these programs.”.

14 **SEC. 11. KIDS 2000 CRIME PREVENTION AND COMPUTER**
15 **EDUCATION INITIATIVE.**

16 (a) *SHORT TITLE.*—This section may be cited as the
17 “Kids 2000 Act”.

18 (b) *FINDINGS.*—Congress makes the following findings:

19 (1) *There is an increasing epidemic of juvenile*
20 *crime throughout the United States.*

21 (2) *It is well documented that the majority of ju-*
22 *venile crimes take place during after-school hours.*

23 (3) *Knowledge of technology is becoming increas-*
24 *ingly necessary for children in school and out of*
25 *school.*

1 (4) *The Boys and Girls Clubs of America have*
2 *2,700 clubs throughout all 50 States, serving over*
3 *3,000,000 boys and girls primarily from at-risk com-*
4 *munities.*

5 (5) *The Boys and Girls Clubs of America have*
6 *the physical structures in place for immediate imple-*
7 *mentation of an after-school technology program.*

8 (6) *Building technology centers and providing*
9 *integrated content and full-time staffing at those cen-*
10 *ters in the Boys and Girls Clubs of America nation-*
11 *wide will help foster education, job training, and an*
12 *alternative to crime for at-risk youth.*

13 (7) *Partnerships between the public sector and*
14 *the private sector are an effective way of providing*
15 *after-school technology programs in the Boys and*
16 *Girls Clubs of America.*

17 (8) *PowerUp: Bridging the Digital Divide is an*
18 *entity comprised of more than a dozen nonprofit or-*
19 *ganizations, major corporations, and Federal agencies*
20 *that have joined together to launch a major new ini-*
21 *tiative to help ensure that America's underserved*
22 *young people acquire the skills, experiences, and re-*
23 *sources they need to succeed in the digital age.*

24 (9) *Bringing PowerUp into the Boys and Girls*
25 *Clubs of America will be an effective way to ensure*

1 *that our youth have a safe, crime-free environment in*
 2 *which to learn the technological skills they need to*
 3 *close the divide between young people who have access*
 4 *to computer-based information and technology-related*
 5 *skills and those who do not.*

6 *(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE*
 7 *BOYS AND GIRLS CLUBS OF AMERICA.—*

8 *(1) PURPOSES.—The Attorney General shall*
 9 *make grants to the Boys and Girls Clubs of America*
 10 *for the purpose of funding effective after-school tech-*
 11 *nology programs, such as PowerUp, in order to*
 12 *provide—*

13 *(A) constructive technology-focused activi-*
 14 *ties that are part of a comprehensive program to*
 15 *provide access to technology and technology*
 16 *training to youth during after-school hours,*
 17 *weekends, and school vacations;*

18 *(B) supervised activities in safe environ-*
 19 *ments for youth; and*

20 *(C) full-time staffing with teachers, tutors,*
 21 *and other qualified personnel.*

22 *(2) SUBAWARDS.—The Boys and Girls Clubs of*
 23 *America shall make subawards to local boys and girls*
 24 *clubs authorizing expenditures associated with pro-*
 25 *viding technology programs such as PowerUp, includ-*

1 *ing the hiring of teachers and other personnel, pro-*
2 *curement of goods and services, including computer*
3 *equipment, or such other purposes as are approved by*
4 *the Attorney General.*

5 *(d) APPLICATIONS.—*

6 *(1) ELIGIBILITY.—In order to be eligible to re-*
7 *ceive a grant under this section, an applicant for a*
8 *subaward (specified in subsection (c)(2)) shall submit*
9 *an application to the Boys and Girls Clubs of Amer-*
10 *ica, in such form and containing such information as*
11 *the Attorney General may reasonably require.*

12 *(2) APPLICATION REQUIREMENTS.—Each appli-*
13 *cation submitted in accordance with paragraph (1)*
14 *shall include—*

15 *(A) a request for a subgrant to be used for*
16 *the purposes of this section;*

17 *(B) a description of the communities to be*
18 *served by the grant, including the nature of juve-*
19 *nilite crime, violence, and drug use in the commu-*
20 *nities;*

21 *(C) written assurances that Federal funds*
22 *received under this section will be used to supple-*
23 *ment and not supplant, non-Federal funds that*
24 *would otherwise be available for activities funded*
25 *under this section;*

1 (D) *written assurances that all activities*
2 *funded under this section will be supervised by*
3 *qualified adults;*

4 (E) *a plan for assuring that program ac-*
5 *tivities will take place in a secure environment*
6 *that is free of crime and drugs;*

7 (F) *a plan outlining the utilization of con-*
8 *tent-based programs such as PowerUp, and the*
9 *provision of trained adult personnel to supervise*
10 *the after-school technology training; and*

11 (G) *any additional statistical or financial*
12 *information that the Boys and Girls Clubs of*
13 *America may reasonably require.*

14 (e) *GRANT AWARDS.—In awarding subgrants under*
15 *this section, the Boys and Girls Clubs of America shall*
16 *consider—*

17 (1) *the ability of the applicant to provide the in-*
18 *tended services;*

19 (2) *the history and establishment of the appli-*
20 *cant in providing youth activities; and*

21 (3) *the extent to which services will be provided*
22 *in crime-prone areas and technologically underserved*
23 *populations, and efforts to achieve an equitable geo-*
24 *graphic distribution of the grant awards.*

25 (f) *AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated \$20,000,000 for each of the fiscal years*
3 *2001 through 2006 to carry out this section.*

4 (2) *SOURCE OF FUNDS.*—*Funds to carry out this*
5 *section may be derived from the Violent Crime Reduc-*
6 *tion Trust Fund.*

7 (3) *CONTINUED AVAILABILITY.*—*Amounts made*
8 *available under this subsection shall remain available*
9 *until expended.*

Amend the title to read as follows: “A bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, and to establish a crime prevention and computer education initiative.”.