

SA 904. Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, *supra*.

SA 905. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 906. Mr. INOUE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, *supra*.

SA 907. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 908. Mr. BINGAMAN proposed an amendment to the bill S. 761, *supra*.

SA 909. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 910. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 911. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 912. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 903.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **SEC. \_\_\_\_ . H-1B VISA EMPLOYER FEE.**

Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking “\$1,500” and inserting “\$2,000”.

**SA 904.** Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of United States in the global economy; as follows:

On page 44, beginning with line 16 strike through line 2 on page 45.

On page 45, line 3, strike “(d)” and insert “(c)”.

On page 47, line 8, strike “(e)” and insert “(d)”.

On page 47, line 21, strike “(f)” and insert “(e)”.

**SA 905.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 78, strike line 21 and insert the following:

“(D) \$27,500,000 for fiscal year 2011.

#### **“CHAPTER 6—ADMINISTRATION**

##### **“SEC. 3195. MENTORING PROGRAM.**

“(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engi-

neering by pairing those women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

“(b) PROGRAM EVALUATION.—The Secretary shall annually—

“(1) use metrics to evaluate the success of the programs established under subsection (a); and

“(2) submit to Congress a report that describes the results of each evaluation.”.

**SA 906.** Mr. INOUE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 5, beginning on line 13, strike “science and technology” and insert “science, technology, engineering, and mathematics”.

On page 25, line 5, strike “education” and insert “education, consistent with the agency mission, including authorized activities”.

Strike from line 16 on page 44 through line 2 on page 45.

On page 45, line 3, strike “(d)” and insert “(c)”.

On page 47, line 8, strike “through the end of line 20.

On page 47, line 21, strike “(f)” and insert “(d)”.

On page 49, between lines 17 and 18, insert the following:

##### **SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.**

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

On page 170, strike lines 20 through 23 and insert the following:

- (1) \$6,729,000,000 for fiscal year 2008;
- (2) \$7,738,000,000 for fiscal year 2009;
- (3) \$8,899,000,000 for fiscal year 2010; and
- (4) \$10,234,000,000 for fiscal year 2011.

On page 172, line 19, strike “Foundation, for each of the fiscal years 2008” and insert the following: “Foundation, for fiscal year 2008, \$1,050,000,000, and, for each of the fiscal years 2009”.

On page 172, line 25, strike “2007” and insert “2008”.

On page 173, line 5, strike “5-year” and insert “4-year”.

On page 173, line 21, strike “an additional 250” and insert “additional”.

On page 174, line 5, strike “5-year” and insert “4-year”.

On page 174, line 17, strike “an additional 250” and insert “additional”.

On page 183, line 4, strike “restrict or bias” and insert “inhibit”.

On page 183, line 5, strike “against” and insert “for”.

On page 184, beginning on line 2, strike “1862g), for each of fiscal years 2008” and insert the following: “1862g), for fiscal year 2008, \$125,000,000, and, for each of fiscal years 2009”.

On page 184, line 8, strike “2007” and insert “2008”.

**SA 907.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 4005, insert the following:

##### **SEC. 4005A. CLIMATE CHANGE EDUCATION PROGRAM.**

(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish a Climate Change Education Program to—

(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

(2) apply the latest scientific and technological discoveries to provide formal and informal learning opportunities to people of all ages, including those of diverse cultural and linguistic backgrounds; and

(3) emphasize actionable information to help people understand and to promote implementation of new technologies, programs, and incentives related to energy conservation, renewable energy, and greenhouse gas reduction.

(b) PROGRAM ELEMENTS.—The Climate Change Education Program shall include—

(1) a national information campaign to disseminate information on and promote implementation of the new technologies, programs, and incentives described in subsection (a)(3); and

(2) a competitive grant program to provide grants to States, local municipalities, educational institutions, and other organizations to—

(A) create informal education materials, exhibits, and multimedia presentations relevant to climate change and climate science;

(B) develop climate science kindergarten through grade 12 curriculum and supplementary educational materials; or

(C) publish climate change and climate science information in print, electronic, and audio-visual forms.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Science Foundation shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

**SA 908.** Mr. BINGAMAN proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 55, lines 21 and 22, strike “engineering”) and insert “engineering and technology”.

On page 56, line 8, after “engineering” insert “and technology”.

On page 56, line 24, strike “mathematics and science” and insert “mathematics, science, engineering, and technology”.

On page 59, line 6, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 59, line 15, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 60, line 6, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 60, line 10, before “that” insert “in mathematics, science, and to the extent applicable, technology and engineering”.

On page 61, lines 8 and 9, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 62, line 14, strike “mathematics or science” and insert “mathematics, science, technology, or engineering”.

On page 65, lines 16 and 17, strike “**MATHEMATICS AND SCIENCE**” and insert “**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**”.

On page 65, line 19, strike “**MATHEMATICS AND SCIENCE**” and insert “**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**”.

On page 66, lines 8 and 9, strike “Mathematics and Science” and insert “Mathematics, Science, Technology, and Engineering”.

On page 67, line 9, strike “Mathematics and Science” and insert “Mathematics, Science, Technology, and Engineering”.

On page 67, lines 16 and 17, strike “math and science” and insert “mathematics, science, and technology”.

On page 68, lines 21 and 22, strike “mathematics or science (including engineering)” and insert “mathematics, science, or engineering”.

On page 69, lines 4 and 5, strike “mathematics or science” and insert “mathematics, science, or technology”.

Beginning on page 69, line 25 through page 70, line 1, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 70, lines 10 and 11, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 7, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 10, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 18, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 72, line 23, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 73, lines 18 and 19, strike “mathematics and science” and insert “mathematics, science, and to the extent applicable, technology and engineering”.

On page 73, lines 23 and 24, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

**SA 909.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ IMMIGRANT VISA REFORM.

(a) **WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.**—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting “and immigrants with advanced degrees” after “diversity immigrants”; and

(2) by amending subsection (e) to read as follows:

“(e) **WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.**—

“(1) **DIVERSITY IMMIGRANTS.**—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

“(2) **IMMIGRANTS WITH ADVANCED DEGREES.**—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.”

(b) **IMMIGRANTS WITH ADVANCED DEGREES.**—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “paragraph (2), aliens subject to the worldwide level specified in section 201(e)” and inserting “paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)”; and

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

“(2) **ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.**—

“(A) **IN GENERAL.**—Qualified immigrants who hold a master’s or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

“(B) **ECONOMIC CONSIDERATIONS.**—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.”;

(D) in paragraph (3), as redesignated, by striking “this subsection” each place it appears and inserting “paragraph (1)”; and

(E) by amending paragraph (4), as redesignated, to read as follows:

“(4) **MAINTENANCE OF INFORMATION.**—

“(A) **DIVERSITY IMMIGRANTS.**—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

“(B) **IMMIGRANTS WITH ADVANCED DEGREES.**—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).”; and

(2) in subsection (e)—

(A) in paragraph (2), by striking “(c)” and inserting “(c)(1)”; and

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

“(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

“(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant

visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

“(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

“(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

“(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.”

(c) **ADVANCED DEGREE AND DIVERSITY VISA CARRYOVER.**—Section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

“(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.”

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

**SA 910.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ MARKET-BASED VISA LIMITS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking “and”; and

(ii) in clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, 2006, and 2007”; and

(iii) by adding after clause (vii) the following:

“(viii) 150,000 for fiscal year 2008; and

“(ix) the number calculated under paragraph (9) for each fiscal year after fiscal year 2008; or”;

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following:

“(9) If the numerical limitation in paragraph (1)(A)—

“(A) is reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the previous fiscal year; or

“(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.”

**SA 911.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TRADE COMPLAINT AND LITIGATION ACCOUNTABILITY IMPROVEMENT.**

(a) **SHORT TITLE.**—This section may be cited as the “Trade Complaint and Litigation Accountability Improvement Measures Act” or the “Trade CLAIM Act”.

(b) **REVIEW OF DETERMINATIONS OF THE UNITED STATES TRADE REPRESENTATIVE BY THE COURT OF INTERNATIONAL TRADE.**—Section 1581 of title 28, United States Code, is amended—

(1) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking “subsections (a)–(h) of this section” and inserting “subsections (a) through (h) and subsection (k).”; and

(B) in paragraph (4), by striking “subsections (a)–(h) of this section” and inserting “subsections (a) through (h) and subsection (k).”; and

(2) by adding at the end the following:

“(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced by a petitioner requesting that the United States Trade Representative take action under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) to review de novo any determination, finding, or action of the United States Trade Representative under section 301(a), 302(a)(2), 304(a)(1), 305(a)(2)(A)(ii), 306(b), or 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a), 2412(a)(2), 2414(a)(1), 2415(a)(2)(A)(ii), 2416(b), and 2417(a)(1)).”.

(c) **CONSIDERATION BY THE UNITED STATES TRADE REPRESENTATIVE OF PETITIONS TO ENFORCE UNITED STATES TRADE RIGHTS.**—

(1) **ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.**—Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the flush text at the end of paragraph (1), by striking “of this section, subject to the specific direction, if any, of the President regarding any such action.”; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “in any case in which” and inserting “if”;

(II) in subparagraph (A)(ii)(II), by striking “or” at the end; and

(III) by striking subparagraph (B) and inserting the following:

“(B) the foreign country has—

“(i) agreed to imminently eliminate the act, policy, or practice; or

“(ii) agreed to a solution to imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice;

“(C) the Trade Representative determines that it is impossible for the foreign country to achieve the results described in subparagraph (B), and the foreign country agrees to provide to the United States compensatory trade benefits that are equivalent in value to the burden or restriction on United States commerce resulting from the acts, policy, or practice;

“(D) in extraordinary cases, the Trade Representative determines that taking action under this subsection would have an adverse impact on the United States economy that is substantially out of proportion to the benefits of such action, taking into account the impact of not taking such action on the credibility of the provisions of this chapter; or

“(E) the Trade Representative determines that taking action under this subsection would cause serious harm to the national security of the United States.”; and

(B) in subsection (c)(1)(D)—

(i) by striking clauses (i) and (ii) and inserting the following:

“(i) imminently eliminate the act, policy, or practice that is the subject of the action to be taken under subsection (a) or (b);

“(ii) imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice; or”; and

(ii) in clause (iii), by amending subclause (I) to read as follows:

“(I) are equivalent in value to the burden or restriction on United States commerce resulting from the act, policy, or practice; and”.

(2) **INITIATION OF INVESTIGATIONS.**—Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(A) in subsection (a)(2), by inserting “based on whether the petitioner has alleged facts that, if assumed to be true, would meet the criteria described in section 301(a)(1)” before the period at the end; and

(B) in subsection (c), by striking “(a) or”.

(3) **CONSULTATIONS.**—Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(A) in subsection (a)(2), by striking “mutually acceptable resolution” and inserting “resolution acceptable to the Trade Representative, the foreign country, and the petitioner (if any).”; and

(B) in subsection (b)(1)(A), by striking “after consulting with” and inserting “with the consent of”.

(4) **IMPLEMENTATION OF ACTIONS.**—Section 305(a)(1) of the Trade Act of 1974 (19 U.S.C. 2415(a)(1)) is amended by striking “, subject to the specific direction, if any, of the President regarding any such action, by no” and inserting “by not”.

(5) **MONITORING OF FOREIGN COMPLIANCE.**—Section 306(b) of the Trade Act of 1974 (19 U.S.C. 2416(b)) is amended—

(A) in paragraph (1), by striking “the Trade Representative considers” and inserting “the Trade Representative or the petitioner (if any) considers”; and

(B) in paragraph (2)(A), by striking “the Trade Representative considers” and inserting “the Trade Representative or the petitioner (if any) considers”.

(6) **MODIFICATION AND TERMINATION OF ACTION.**—Section 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2417(a)(1)) is amended by striking “, subject to the specific direction, if any, of the President with respect to such action.”.

**SA 912.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division C, insert the following:

**TITLE V—STUDY ABROAD**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Senator Paul Simon Study Abroad Foundation Act of 2007”.

**SEC. 3502. FINDINGS.**

Congress makes the following findings:

(1) According to President George W. Bush, “America’s leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.”.

(2) According to former President William J. Clinton, “Today, the defense of United

States interests, the effective management of global issues, and even an understanding of our Nation’s diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.”.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(5) By numbers ranging from 77 to more than 90 percent, Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age, according to a December 2005 national survey commissioned by NAFSA: Association of International Educators.

(6) In today’s world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with much more knowledge and awareness of the world than most Americans currently possess.

(7) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(8) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(9) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(10) Far more study abroad must take place in the developing countries. Ninety-five percent of the world’s population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(11) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for “scholarship, exchange, and library programs”. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.”. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of “D” for its implementation of this recommendation.

(12) Investing in a national study abroad program would help turn a grade of “D” into an “A” by equipping United States students to communicate United States values and way of life through the unique dialogue that

takes place among citizens from around the world when individuals study abroad.

#### SEC. 3503. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more students in United States institutions of higher education have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and non-governmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to American students in countries that have not traditionally hosted large numbers of American students.

#### SEC. 3504. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **BOARD.**—The term “Board” means the Board of Directors of the Foundation established pursuant to section 3505(d).

(3) **CHIEF EXECUTIVE OFFICER.**—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 3505(c).

(4) **FOUNDATION.**—The term “Foundation” means the Senator Paul Simon Study Abroad Foundation established by section 3505(a).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) **NONTRADITIONAL STUDY ABROAD DESTINATION.**—The term “nontraditional study abroad destination” means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) **STUDY ABROAD.**—The term “study abroad” means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

#### SEC. 3505. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the executive branch a corporation to be known as the “Senator Paul Simon Study Abroad Foundation” that shall be responsible for carrying out this title under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) **BOARD OF DIRECTORS.**—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State in accordance with subsection (d).

(3) **INTENT OF CONGRESS.**—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) **MANDATE OF FOUNDATION.**—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access by students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve non-traditional students;

(3) through creative grant-making, promote access by diverse students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this title; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this title.

(c) **CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) **APPOINTMENT.**—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) **RELATIONSHIP TO BOARD.**—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) **COMPENSATION AND RANK.**—

(A) **IN GENERAL.**—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(B) **AMENDMENT.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”

(5) **AUTHORITIES AND DUTIES.**—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) **AUTHORITY TO APPOINT OFFICERS.**—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) **BOARD OF DIRECTORS.**—

(1) **ESTABLISHMENT.**—There shall be in the Foundation a Board of Directors.

(2) **DUTIES.**—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) **MEMBERSHIP.**—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United

States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) **CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) **TERMS.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) **OTHER MEMBERS.**—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) **VACANCIES.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) **CHAIRPERSON.**—There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

(7) **QUORUM.**—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) **MEETINGS.**—The Board shall meet at the call of the Chairperson.

(9) **COMPENSATION.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—

(i) **IN GENERAL.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) **TRAVEL EXPENSES.**—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) **OTHER MEMBERS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the

same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) **LIMITATION.**—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

**SEC. 3506. ESTABLISHMENT AND OPERATION OF PROGRAM.**

(a) **ESTABLISHMENT OF THE PROGRAM.**—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) individuals for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) **OBJECTIVES.**—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate students in United States institutions of higher education will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) **MANDATE OF THE PROGRAM.**—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199)).

(d) **STRUCTURE OF GRANTS.**—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) **BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.**—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

**SEC. 3507. ANNUAL REPORT.**

Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to Congress a report on the implementation of this Act during the prior fiscal year.

**SEC. 3508. POWERS OF THE FOUNDATION; RELATED PROVISIONS.**

(a) **POWERS.**—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any per-

son or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **PRINCIPAL OFFICE.**—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) **APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.**—

(1) **IN GENERAL.**—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) **CONFORMING AMENDMENT.**—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following: “(R) the Senator Paul Simon Study Abroad Foundation.”

(d) **INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) **AUTHORITY OF THE BOARD.**—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) **REIMBURSEMENT AND AUTHORIZATION OF SERVICES.**—

(A) **REIMBURSEMENT.**—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) **AUTHORIZATION FOR SERVICES.**—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

**SEC. 3509. GENERAL PERSONNEL AUTHORITIES.**

(a) **DETAIL OF PERSONNEL.**—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) **REEMPLOYMENT RIGHTS.**—

(1) **IN GENERAL.**—An employee of an agency who is serving under a career or career con-

ditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) **SPECIFIC RIGHTS.**—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) **HIRING AUTHORITY.**—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) **BASIC PAY.**—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) **DEFINITIONS.**—In this section—

(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

**SEC. 3510. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) **ALLOCATION OF FUNDS.**—

(1) **IN GENERAL.**—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this title or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) **NOTIFICATION.**—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

**NOTICES OF HEARINGS/MEETINGS**

**SUBCOMMITTEE ON ENERGY**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources. The hearing will be held on May 1, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 129, a bill to study and promote the use of energy-