SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR , and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, supra.

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, supra; which was ordered to lie on the table.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 964. Mr. PRYOR 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 913. Mr. DORGAN 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. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all United States citizens who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 914. 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.

(a) IN GENERAL.—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''.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 915. 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:

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work not later than 9th or 10th grade.

On page 127, line 6, insert ''by the grade the student is enrolled in,'' after ''subject,''.

On page 127, line 12, insert ''by the grade the student is enrolled in at the time of the examination'' before the semicolon.

SA 916. 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:

Beginning on page 69, strike line 21 and all that follows through line 4 on page 70, and insert the following:

''(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide—

''(A) additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d); and

''(B) experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science in accordance with the activities authorized under subsection (c).''.

On page 70, line 13, inserting after ''grade 12,'' the following: ''and to provide experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science''.

On page 70, line 21, strike ''and'' at the end.

On page 70, between lines 21 and 22, insert the following:

''(ii) assists in providing experimental learning opportunities to advanced middle and secondary school students; and''.

On page 70, line 22, strike ''(ii)'' and insert ''(iii)''.

On page 72, line 2, strike ''and'' at the end.

On page 72, line 4, strike the period and insert ''; and''.

On page 72, between lines 4 and 5, insert the following:

''(9) in the case of a program described in subsection (b)(1)(B), create, under the guidance of experienced teachers, college faculty, and math and science professionals, experimental, hands-on opportunities for advanced middle and secondary school students that supplement coursework available in their school districts, allows them to explore science topics in depth, provides opportunities to work with scientists on current and

future research projects, and expose students to math and science career paths.''.

SA 917. Mr. COBURN 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; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

SA 918. Mr. COBURN 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, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

SA 919. Mr. COBURN 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:

Strike title III.

SA 920. Mr. COBURN 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:

Beginning on page 68, strike line 16 and all that follows through page 74, line 8, and insert the following:

''CHAPTER 4—NUCLEAR SCIENCE

SA 921. Mr. COBURN 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. ___. DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 922. Mr. COBURN 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 title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

SA 923. 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 5, line 19, strike the period at the end and insert the following: '', including representatives of science, technology, and engineering organizations and associations that represent women and underrepresented minorities in science and technology enterprises.''.

On page 5, line 24, strike ''for areas'' and insert '', including recommendations to increase the representation of women and underrepresented minorities in science, engineering, and technology enterprises, for areas''.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

''(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

''(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

''(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

''(C) the rates of—

''(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

''(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

''(D) access to, and availability of, high quality job training programs;

''(12) the projected outcomes of increasing the number of members of underrepresented groups, such as women and underrepresented minorities, in science, technology, engineering, and mathematics fields; and

''(13) the identification of strategies to increase the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.

On page 12, line 20, after ''employees'' insert the following: '', including partnerships with scientific, engineering, and mathematical professional organizations representing women and minorities underrepresented in such areas,''.

On page 17, line 18, strike the period at the end and insert the following: '', including strategies for increasing the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.''.

On page 19, insert between lines 22 and 23, the following:

''(vi) Nongovernmental organizations, such as professional organizations, that represent women and underrepresented minorities in the areas of science, engineering, technology, and mathematics.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) 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 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a local educational agency;

(ii) a for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii), including an entity that is in good standing that has been previously approved by a State educational agency to provide supplemental educational services; or

(iii) a consortium consisting of a local educational agency and 1 or more of the following entities:

(I) Another local educational agency.

(II) A community–based youth development organization with a demonstrated record of effectiveness in helping students learn.

(III) An institution of higher education.

(IV) An educational service agency.

(V) A for-profit educational provider described in clause (ii).

(VI) A nonprofit organization described in clause (ii).

(VII) A summer enrichment camp described in clause (ii)

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2); or

(C)(i) in the case of a summer learning grant program authorized under this section for fiscal year 2008, 2009, or 2010, is eligible to enroll in any of the grades kindergarten through grade 3 for the school year following participation in the program; or

(ii) in the case of a summer learning grant program authorized under this section for fiscal year 2011 or 2012, is eligible to enroll in any of the grades kindergarten through grade 5 for the school year following participation in the program.

(4) 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)).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(8) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements under subsection (d)(4) with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that include 2 or more of the entities described in subclauses (I) through (VII) of such subsection (b)(2)(B)(iii) as partners.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources, such as State or local sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as ''summer scholars''.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity—

(I) in a case where information on the school readiness (based on school records and assessments of student achievement) of the eligible students is available, give priority for the summer learning opportunity to eligible students with low levels of school readiness; or

(II) in a case where such information on school readiness is not available, rely on randomization to assign the eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with the eligible entity offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with the standards and goals of the school year curriculum of the local educational agency serving the summer scholar;

(IV) applies assessments to measure the skills taught in the summer learning opportunity and disaggregates the results of the assessments for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability category, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) USE OF SCHOOL FACILITIES.—State educational agencies are encouraged to require local educational agencies in the State to allow eligible entities, in offering summer learning opportunities, to make use of school facilities in schools served by such local educational agencies at reasonable or no cost.

(6) ACCESS OF RECORDS.—An eligible entity offering a summer learning opportunity under this section is eligible to receive, upon request, the school records and any previous supplemental educational services assessment records of a summer scholar served by such entity.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to Congress on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 925. Mr. KERRY 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:

TITLE —TECHNOLOGY TRANSFER

SEC. —01. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. —02. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. —03. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. —04. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. —05. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $60,000,000 for fiscal year 2008 to carry out this section, such sum to remain available until expended.

SEC. —06. NATIONAL CLIMATE CHANGE VULNERABILITY AND RESILIENCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a National Climate Change Vulnerability and Resilience Program to evaluate and make recommendations about local, regional, and national vulnerability and resilience to impacts relating to longer-term climatic changes and shorter-term climatic variations, including changes and variations resulting from human activities.

(b) CONSULTATION.—In designing the Program, the Administrator of the National Oceanic and Atmospheric Administration shall consult with Federal agencies participating in the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933) and any other appropriate Federal, State, or local agency.

(c) OFFICE OF CLIMATE CHANGE VULNERABILITY AND RESILIENCE RESEARCH.—The Secretary shall establish an Office of Climate Change Vulnerability and Resilience Research within the Department of Commerce, which shall—

(1) be responsible for managing the Program; and

(2) in accordance with the design of the Program, coordinate climatic change and climatic variation vulnerability and resilience research in the United States.

(d) VULNERABILITY ASSESSMENTS.—The Program shall include—

(1) evaluations, based on historical data, current observational data, and, where appropriate, available predictions, of local, State, regional, and national vulnerability to phenomena associated with climatic change and climatic variation, including—

(A) severe weather events, such as severe thunderstorms, tornadoes, and hurricanes;

(B) annual and interannual climate events, such as the El Niño Southern Oscillation and the North Atlantic Oscillation;

(C) changes in sea level and shifts in the hydrological cycle;

(D) natural hazards, including tsunamis, droughts, floods, and wildfires; and

(E) alterations of ecological communities as a result of climatic change and climatic variation; and

(2) the production of a vulnerability scorecard, in cooperation with State and local institutions including university researchers and programs, that assesses the vulnerability and capacity of each State to respond to climatic change and climatic variation hazards.

(e) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Office shall submit to Congress a report that—

(1) includes the vulnerability scorecards produced under subsection (d)(2); and

(2) identifies, and recommends implementation and funding strategies for, short-term and long-term actions that may be taken at the local, State, regional, or national level—

(A) to minimize climatic change and climatic variation threats to human life and property;

(B) to minimize negative economic impacts of climatic change and climatic variation; and

(C) to improve resilience to climatic change and climatic variation hazards.

(f) VULNERABILITY RESEARCH.—In addition to other responsibilities under this section, the Office shall—

(1) apply the results of available vulnerability research to develop and improve criteria that measure resilience to climatic change and climatic variation hazards at the local, State, regional, and national levels;

(2) coordinate the implementation of short-term and long-term research programs based on the recommendations made under subsection (e)(2);

(3) measure progress in increasing the capacity of each State to respond to climatic change and climatic variation hazards, using the vulnerability scorecards produced under subsection (d)(2) as a benchmark; and

(4) not less than annually, review and, if appropriate due to the availability of additional information, update the vulnerability scorecards and the recommendations made under subsection (e)(2).

(g) INFORMATION AND TECHNOLOGY DISSEMINATION.—The Secretary shall—

(1) make widely available appropriate information, technologies, and products to assist local, State, regional, and national efforts to reduce loss of life and property due to climatic change and climatic variation; and

(2) coordinate the dissemination of the information, technologies, and products through all appropriate channels.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

SA 926. Mr. MENENDEZ 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 D, insert the following:

SEC. _____. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.''.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SA 927. Mr. KERRY 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 24, between lines 19 and 20, insert the following:

SEC. 1203. BRINGING UNIVERSITY GENERATED TECHNOLOGICAL INNOVATIONS TO MARKET.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

''(g) GRANTS TO BRING TECHNOLOGICAL INNOVATIONS TO COMMERCIAL MARKETS.—

''(1) IN GENERAL.—The Secretary shall work with technology transfer offices of institutions of higher education to develop a program to identify technological innovations with commercial potential, enhance the commercial viability of those technological innovations, bring them to the attention of potential investors, and bring their technological innovations to market.

''(2) GRANTS.—

''(A) IN GENERAL.—As part of the program developed under paragraph (1), the Secretary shall establish a grant program to underwrite efforts by a higher education institution's technology transfer office—

''(i) to identify technological innovations with significant potential commercial applications;

''(ii) to evaluate steps necessary to modify, enhance, or further develop the technological innovations for commercial applications;

''(iii) to assist in such modification, enhancement, or development; and

''(iv) to bring the technological innovations to the attention of potential investors.

''(B) SUPPORT LEVELS.—The Secretary may make grants under the program of—

''(i) not more than $5,000 for the evaluation of a technological innovation for further development, including market analysis, determining adoption drivers, assessment of risk factors and identification of additional steps required, including the production of preliminary product or prototype specifications, analysis of critical success factors, and prospects for private sector funding; and

''(ii) not more than $50,000 for investment in a working prototype or detailed development plan.

''(3) ADMINISTRATIVE MATTERS.—

''(A) COMPETITIVE AWARDS.—Grants under the program shall be awarded on a competitive basis.

''(B) APPLICATIONS.—An application for a grant under the program shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) RELATED TECHNOLOGICAL INNOVATIONS.—For the purpose of determining the amount of a grant awarded under the program, all related technological innovations intended or designed to function in concert for a product or technology shall be considered a single technological innovation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 through 2013 such sums as may be necessary to carry out this section not to exceed 20 million dollars.''.

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) 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; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

SA 929. Mr. DEMINT 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; as follows:

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 930. Mr. DEMINT 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. ____. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to

a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Mrs. MCCASKILL (for herself and Mr. DEMINT) 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. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

SA 932. Mrs. MCCASKILL (for herself and Mr. DEMINT) 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. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

(c) SUNSET.—Effective on and after the date occurring 5 years after the date of enactment of this Act, the provisions of this Act (including any amendment made by this Act) shall cease to have any force and effect.

SA 933. Mr. DODD 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. ___. NATIONAL INSTITUTE FOR LEARNING SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department of Commerce a pilot program, which shall be known as the ''National Institute for Learning Science and Technology'' (referred to in this section as the ''Institute''), to provide leadership and coordination in developing applications for the research described in subsection (c)(1).

(b) DIRECTOR.—The Institute shall be headed by a Director, who shall be appointed by the Secretary of Commerce.

(c) GRANTS.—

(1) AUTHORIZATION.—The Director shall award grants, on a competitive basis, to entities described in paragraph (2), to support basic and applied research in developing technologies for enhancing education, learning, and workforce training, including—

(A) innovative learning and assessment systems;

(B) advanced technology prototypes for learning;

(C) education and training; and

(D) the tools needed to create the systems and prototypes referred to in subparagraphs (A) and (B).

(2) APPLICATIONS.—An entity with demonstrated scientific research experience in technology, learning, math, or science, which is seeking a grant under this subsection, shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director, in consultation with the Secretary, may reasonably require.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, on an annual basis, a rigorous evaluation of all of the programs and projects carried out with grants awarded under this section.

(2) REPORT.—Not later than April 30 of each year, the Director shall submit a report describing the activities of the Institute during the previous year to—

(A) the Secretary of Commerce; and

(B) the appropriate committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(f) SUNSET DATE.—This section is repealed on September 30, 2012.

SA 934. Mr. COBURN 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:

Strike title III of division A.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) 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. ___. ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTERS.

(a) DEFINITIONS.—In this section:

(1) ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTER; CENTER.—The terms ''Advanced Multidisciplinary Computing Software Center'' and ''Center'' mean a center created by an eligible entity with a grant awarded under subsection (b).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any—

(A) nonprofit organization;

(B) consortium of nonprofit organizations; or

(C) partnership between a for profit and a nonprofit organization.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) is exempt from taxation under section 501(a) of such Code.

(4) SMALL BUSINESS OR MANUFACTURER.—The term ''small business or manufacturer'' has the meaning given the term ''small business concern'' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)), including a small manufacturing concern.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Technology of the Department of Commerce.

(b) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall award grants to eligible entities to establish up to 5 Advanced Multidisciplinary Computing Software Centers throughout the United States.

(2) PURPOSES.—Each Center established with grant funds awarded under paragraph (1) shall—

(A) conduct general outreach to small businesses and manufacturers in all industry sectors within the geographic region assigned to the Center by the Under Secretary; and

(B) conduct technology transfer, development, and utilization programs for businesses throughout the United States in the specific industry sector assigned to the Center by the Under Secretary.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and accompanied by such additional information as the Under Secretary may reasonably require.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 6 months after the date of the enactment of this Act, the Under Secretary shall publish the application requirements referred to in subparagraph (A) in the Federal Register.

(C) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) conform to the requirements prescribed by the Under Secretary under this paragraph; and

(ii) a proposal for the allocation of the legal rights associated with any invention that may result from the activities of the proposed Center.

(D) SELECTION CRITERIA.—In evaluating each application submitted under subparagraph (A) on the basis of merit, the Under Secretary shall consider—

(i) the extent to which the eligible entity—

(I) has a partnership with nonprofit organizations, businesses, software vendors, and academia recognized for relevant expertise in its selected industry sector;

(II) uses State-funded academic supercomputing centers and universities or colleges with expertise in the computational needs of the industry assigned to the eligible entity under paragraph (2)(A);

(III) has a history of working with small businesses and manufacturers;

(IV) has experience providing educational programs aimed at helping organizations adopt the use of high-performance computing and computational science;

(V) has partnerships with education or training organizations that can help educate future workers on the application of computational science to industry needs;

(VI) is accessible to businesses, academia, incubators, or other economic development organizations via high-speed networks; and

(VII) is capable of partnering with small businesses and manufacturers to enhance the ability of such entities to compete in the global marketplace;

(ii) the ability of the eligible entity to enter successfully into collaborative agreements with small businesses and manufacturers to experiment with new high performance computing and computational science technologies; and

(iii) such other factors that the Under Secretary considers relevant.

(4) MAXIMUM AMOUNT.—The Under Secretary may not award a grant under this section in an amount which exceeds $5,000,000 for any year of the grant period.

(5) DURATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), a grant may not be awarded under this subsection for a period exceeding 5 years.

(B) RENEWAL.—The Under Secretary may renew any grant awarded under this subsection.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Under Secretary may not award a grant under this subsection unless the eligible entity receiving such grant agrees to provide not less than 50 percent of the capital and annual operating and maintenance funds required to create and maintain the Center established with such grant funds.

(B) FUNDING FROM OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.—The funds provided by the eligible entity under subparagraph (A) may include amounts received by the eligible entity from the Federal Government (other than the Department of Commerce), a State, or a unit of local government.

(7) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Under Secretary may establish a reasonable limitation on the portion of each grant awarded under this subsection that may be used for administrative expenses or other overhead costs.

(8) FEES AND ALTERNATIVE FUNDING SOURCES AUTHORIZED.—

(A) IN GENERAL.—A Center established with a grant awarded under this Act may, in accordance with regulations established by the Under Secretary—

(i) collect a nominal fee from a small business or manufacturer for a service provided under this section, if such fee is utilized for the budget and operation of the Center; and

(ii) accept financial assistance from the Federal Government (other than the Department of Commerce) for capital costs and operating budget expenses.

(B) CONDITION.—Any Center receiving financial assistance from the Federal Government (other than the Department of Commerce) may be selected, and if selected shall be operated, in accordance with this section.

(c) USE OF FUNDS.—Grant funds received under subsection (b) shall be used for the benefit of businesses in the industry sector designated by the Under Secretary under subsection (b)(2)(A) to—

(1) create a repository of nonclassified, nonproprietary new and existing federally funded software and algorithms;

(2) test and validate software in the repository;

(3) determine when and how the industry sector it serves could benefit from resources in the repository;

(4) work with software vendors to commercialize repository software and algorithms from the repository;

(5) make software available to small businesses and manufacturers where it has not been commercialized by a software vendor;

(6) help software vendors, small businesses, and manufacturers test or utilize the software on high-performance computing systems; and

(7) maintain a research and outreach team that will work with small businesses and manufacturers to aid in the identification of software or computational science techniques which can be used to solve challenging problems, or meet contemporary business needs of such organizations.

(d) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT.—Each eligible entity that receives a grant under subsection (b) shall submit an annual report to the Under Secretary that describes—

(A) the goals of the Center established by the eligible entity; and

(B) the progress made by the eligible entity in achieving the purposes described in subsection (b)(2).

(2) EVALUATION.—The Under Secretary shall establish a peer review committee, composed of representatives from industry and academia, to review the goals and progress made by each Center during the grant period.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Funds appropriated pursuant to paragraph (1) shall remain available until expended.

SA 936. Mr. SANDERS (for himself, Mr. BAUCUS, Mr. LEAHY, and Mrs. LINCOLN) 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; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE OWNERSHIP EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than $763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) UNITED STATES EMPLOYEE OWNERSHIP COMPETITIVENESS FUND.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the ''Fund'') to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

SA 937. Mr. SUNUNU 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 3002 of division C, insert the following:

SEC. 3003. CONSOLIDATION AND ELIMINATION AUTHORITY FOR STEM PROGRAMS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Office of Science and Technology Policy shall be authorized to—

(1) eliminate existing Federal education programs focused on science, technology, engineering, and mathematics; or

(2) consolidate such Federal education programs.

(b) EFFECTIVE DATE OF ELIMINATION OR CONSOLIDATION.—The Director of the Office of Science and Technology Policy's decision to eliminate or consolidate any program under subsection (a) shall become effective 60 days after the Director notifies Congress of such consolidation or elimination.

SA 938. Mr. SUNUNU 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; as follows:

Strike section 4002.

SA 939. Mr. SUNUNU 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. ___. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''taxes during the period beginning November 1, 2003, and ending November 1, 2007:'' and inserting ''taxes:''.

SA 940. Mr. KENNEDY 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 98, lines 14 and 15, strike ''mathematics, science,'' and insert ''mathematics, science, technology,''.

On page 98, between lines 17 and 18, insert the following:

(3) to develop programs for professionals in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

On page 103, lines 19 and 20, strike ''mathematics, science,'' and insert ''mathematics, science, technology, engineering,''.

On page 105, line 18, strike ''mathematics or science'' and insert ''mathematics, science, technology, or engineering''.

On page 105, lines 22 and 23, strike ''mathematics, science'' and insert ''mathematics, science, technology, engineering,''.

On page 106, line 15, strike ''mathematics and science'' and insert ''mathematics, science, and where applicable, technology and engineering''.

On page 106, line 18, strike ''mathematics and science'' and insert ''mathematics, science, and, where available, technology and engineering''.

On page 109, lines 1 and 2, strike ''**MATHEMATICS, SCIENCE,**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY,**''.

On page 109, line 10, strike ''and implement'' and all that follows through line 13, and insert the following:

and implement—

(1) 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in mathematics, science, engineering, or critical foreign language that lead to a 1 year master's degree in teaching that results in teacher certification.

On page 109, line 18, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 109, line 21, insert ''the'' after ''of''.

On page 109, lines 21 through 24, strike ''in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills'' and insert ''authorized under subsection (a)''.

On page 110, line 12, strike ''mathematics and science'' and insert ''mathematics, science, and, where applicable, technology and engineering''.

On page 110, line 19, strike ''teachers'' and insert ''participants''.

On page 110, line 22, strike ''teachers'' and insert ''participants''.

On page 110, line 24, insert ''(or mathematics, science, or critical language professionals)'' after ''teachers''.

Beginning on page 110, line 25 through page 111, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 111, line 12, strike ''teachers participating in the program'' and insert ''the program participants''.

On page 111, insert between lines 12 and 13 the following:

(11) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject.

On page 111, line 19, insert '', or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification'' after ''skills''.

On page 111, lines 20 and 21, strike ''the teachers participating in the program'' and insert ''that program participants''.

On page 112, lines 2 and 3, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 113, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 113, insert between lines 6 and 7 the following:

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and

On page 113, line 14, strike ''increasing''.

On page 113, line 15, strike ''The'' and insert ''Increasing the''.

On page 113, lines 15 and 16, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 114, strike lines 6 and 7 and insert the following:

(2) Bringing professionals in mathematics, science, engineering, or critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

On page 114, line 13, strike ''section'' and insert ''subtitle''.

On page 117, line 21, insert '', or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally recognized educational association'' before the period at the end.

On page 129, between lines 11 and 12, insert the following:

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

SEC. 3131. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN TEACHING MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) COMPOSITION OF NATIONAL PANEL.—

(1) CONSULTATION.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education with demonstrated evidence of increasing student academic achievement.

(2) SELECTION.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science. The National Academy of Sciences shall ensure that the panel includes the following:

(A) A majority representation of teachers and principals directly involved in teaching mathematics, science, technology, or engineering in kindergarten through grade 12.

(B) Representation of teachers and principals from all demographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers from public and private schools.

(3) QUALIFICATIONS OF MEMBERS.—The members of the panel established under paragraph (1) shall be individuals who have substantial knowledge or experience relating to—

(A) mathematics, science, technology, or engineering education programs; or

(B) mathematics, science, technology, or engineering curricula content development.

(d) AUTHORIZED ACTIVITIES OF NATIONAL PANEL.—The panel shall—

(1) identify promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education;

(2) identify techniques proven to help teachers increase their skills and expertise in improving student achievement in mathematics, science, technology, and engineering; and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering.

(e) DISSEMINATION.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish appropriate and relevant information on the promising practices on the website of the Department in an easy to understand format.

(f) MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING ''PROMISING PRACTICES''.—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) reviewed regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) STUDENTS WITH DIVERSE LEARNING NEEDS.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

On page 129, strike line 12 and insert the following:

TITLE II—MATHEMATICS

On page 129, lines 23 and 24, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 133, strike lines 12 through 15 and insert the following:

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

On page 134, lines 9 through 11, strike ''instructional materials and interventions (including intensive and systematic instruction)'' and insert ''programs or comprehensive mathematics initiatives''.

On page 134, lines 16 and 17, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 136, line 24, strike ''materials or''.

On page 137, lines 2 and 3, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 137, line 11, strike ''and''.

On page 137, line 19, strike the period at the end and insert ''; and''.

On page 137, between lines 19 and 20, insert the following:

(E) an assurance that the State will establish a process to safeguard against conflicts of interest, consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this title.

On page 138, line 16, strike ''materials or''.

On page 138, lines 20 and 21, strike ''and materials are based on the best available evidence of effectiveness'' and insert ''are research-based and reflect a demonstrated record of effectiveness''.

On page 139, strike lines 19 and 20 and insert the following:

(g) PROHIBITIONS.—

On page 140, between lines 5 and 6, insert the following:

(2) CONFLICT OF INTEREST.—Any Federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on any of the special allowances or waivers granted under paragraph (2)(B).

On page 140, line 6, strike ''(2)'' and insert ''(3)''.

Beginning on page 156, line 24, strike ''elementary'' and all that follows through ''requirements'' on page 157, line 1, and insert ''State academic content standards''.

On page 157, lines 18 and 19, strike ''prekindergarten'' and insert ''preschool''.

On page 158, between lines 5 and 6, insert the following:

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

On page 158, strike lines 15 through 17 and insert the following:

(viii) not less than 1 early childhood educator in the State;

On page 161, line 7, strike ''prekindergarten'' and insert ''preschool''.

On page 161, line 21, after ''developing'' insert ''or providing guidance to local educational agencies within the State on the adoption of''.

On page 162, lines 20 through 22, strike ''the students are adequately prepared when the students enter secondary school'' and insert ''such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school''.

On page 165, line 3, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 165, line 6, strike ''prekindergarten'' and insert ''preschool''.

On page 166, line 1, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 166, line 3, strike ''prekindergarten'' and insert ''preschool''.

On page 168, lines 1 and 2, strike ''student knowledge and skills'' and insert ''State academic content standards''.

On page 168, line 25, after ''school'' insert ''and preschool''.

On page 169, line 7, strike ''content'' and all that follows through ''students'' on line 11, and insert ''academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State''.

On page 177, strike lines 7 through 15, and insert the following:

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree

programs from sources other than the Federal Government.

On page 181, line 17, after ''science'' insert '', technology,''.

Strike section 4012 and insert the following:

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by striking ''**SCHOLARSHIP**'' and inserting ''**TEACHER**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(or consortia of such institutions)'' and inserting '', consortia of such institutions, or partnerships'';

(ii) by striking ''to provide scholarships, stipends, and programming designed'';

(iii) by inserting ''and to provide scholarships, stipends, or fellowships to individuals participating in the program'' after ''science teachers''; and

(iv) by striking ''Scholarship'' and inserting ''Teacher'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''or consortia'' and inserting ''consortia, or partnerships'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage top college juniors and seniors majoring in'' and inserting ''recruit and prepare undergraduate students to pursue degrees in''; and

(bb) by striking ''to become'' and inserting ''and become qualified as'';

(II) in clause (ii)—

(aa) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and clinical teaching experiences designed to prepare students participating in the program'';

(bb) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(cc) by striking ''licensing; and'' and inserting ''licensing;'';

(III) in clause (iii)—

(aa) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(bb) by striking ''enable the recipients'' and inserting ''enable the students''; and

(cc) by striking ''; or'' and inserting ''; and''; and

(IV) by adding at the end the following:

''(iv) providing summer internships for freshman and sophomore students participating in the program;'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage'' and inserting ''recruit and prepare''; and

(bb) by inserting ''qualified as'' after ''to become'';

(II) by striking clause (ii) and inserting the following:

''(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and''; and

(III) in clause (iii), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

''(i) administering fellowships in accordance with subsection (e);

''(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master's degree in teaching and teacher certification or licensing; and

''(iii) offering programs to participants to assist in the fulfillment of the participants' responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs.''; and

(C) by adding at the end the following:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education, a consortium of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students' field teaching experiences. No institution of higher education, consortium, or partnership shall be eligible for an award unless faculty from the mathematics, science, or engineering department of the institution (or such participating institution) are active participants in the program.

''(5) MATCHING REQUIREMENT.—An institution of higher education, consortium of institutions of higher education, or partnership receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''or consortium'' and inserting ''consortium, or partnership'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) a description of the program that the applicant intends to operate, including—

''(i) the number of scholarships and summer internships or the size and number of stipends or fellowships the applicant intends to award;

''(ii) the type of activities proposed for the recruitment of students to the program; and

''(iii) the selection process that will be used in awarding the scholarships, stipends, or fellowships;'';

(iii) in subparagraph (B)—

(I) by striking ''scholarship or stipend''; and

(II) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;''; and

(iv) by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii), (B)(ii), or (C)(ii) of subsection (a)(3), as applicable, including—

''(i)(I) a description of the undergraduate program under subsection (a)(3)(A)(ii) that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing; or

''(II) a description of the master's degree programs offered under subsection (a)(3)(C)(ii);

''(ii) a description of clinical teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

''(D) a description of the programs required under subparagraph (A)(iii), (B)(iii), or (C)(iii) of subsection (a)(3), as applicable, including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(ii) by inserting after subparagraph (A) the following:

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;''; and

(iii) in subparagraph (D) (as redesignated by clause (i)), by striking ''or stipend'' and inserting '', stipend, or fellowship'';

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''of scholarship support'' and inserting ''of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support''; and

(B) in paragraph (4), by inserting ''with a maximum service requirement of 4 years'' after ''scholarship was received'';

(5) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Stipends under this section shall be available only to—

''(A) teachers enrolled in a master's degree program in science, technology, engineering, or mathematics; and

''(B) mathematics, science, or engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.'';

(B) in paragraph (3), by inserting '', except that if an individual is enrolled in a part-time program, such stipend shall be prorated according to the length of the program'' after ''stipend support''; and

(C) in paragraph (4), by striking ''for each year a stipend was received'';

(6) by redesignating subsections (e) through (h) and subsection (i) as subsections (f) through (i) and subsection (l), respectively;

(7) by inserting after subsection (d) the following:

''(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS.—

''(1) PURPOSE.—The purpose of the fellowships under this subsection is to promote and recognize high-level achievement in advanced mathematics and science teaching.

''(2) PARTNERSHIP REQUIREMENTS.—In order to receive a grant under this section to carry out this subsection, the recipient of such grant shall be a partnership and the only local educational agencies that shall be members of the partnership shall be local educational agencies that agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

''(3) GENERAL CRITERIA.—A partnership receiving a grant to carry out a fellowship program under this subsection shall award such fellowships only to—

''(A) mathematics, science, or engineering professionals who enroll in 1-year master's degree programs in teaching that result in teacher certification or licensing and who shall be referred to as 'NSF Teaching Fellows'; and

''(B) mathematics and science teachers who possess a master's degree in their field and who shall be referred to as 'NSF Master Teaching Fellows'.

''(4) SELECTION.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

''(A) professional achievement;

''(B) academic merit;

''(C) demonstrated advanced content knowledge; and

''(D) in the case of NSF Master Teaching Fellows, demonstrated success in improving student academic achievement in mathematics, science, technology, or engineering.

''(5) USE OF FUNDS.—Each partnership receiving a grant under this section to award fellowships under this subsection shall—

''(A) provide a stipend to each NSF Teaching Fellow for the duration of the Fellow's enrollment in the master's degree program, to be used to offset the cost of tuition, fees, and living expenses; and

''(B) provide salary supplements to each NSF Teaching Fellow and NSF Master Teaching Fellow during the period of the Fellow's service obligation under paragraph (4).

''(6) SERVICE OBLIGATION.—If an individual is awarded a fellowship under this subsection, that individual shall be required to serve in a high-need local educational agency for—

''(A) in the case of a NSF Teaching Fellow, 4 years; and

''(B) in the case of a NSF Master Teaching Fellow, 5 years.

''(7) DUTIES.—A recipient of a fellowship under this section, during the service obligation required under paragraph (6) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the recipient is employed, as defined by the partnership according to the recipient's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.'';

(8) in subsection (f) (as redesignated by paragraph (6))—

(A) by striking paragraph (1) and inserting the following:

''(1) accepting—

''(A) the terms of the scholarship pursuant to subsection (c), the stipend pursuant to subsection (d), or the fellowship pursuant to subsection (e); and

''(B) the terms regarding the failure to complete a service obligation required for the scholarship, stipend, or fellowship pursuant to subsection (h);''; and

(B) in paragraph (3)—

(i) by striking ''scholarship'' and inserting ''scholarship, stipend, or fellowship''; and

(ii) by striking ''subsection (g)'' and inserting ''subsection (h)'';

(9) in subsection (g)(1) (as redesignated by paragraph (6))—

(A) by striking ''(or consortium thereof)'' and inserting '', consortium, or partnership''; and

(B) by striking ''scholarship and stipend'' and inserting ''scholarship, stipend, and fellowship'';

(10) in subsection (h) (as redesignated by paragraph (6))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', stipend, or fellowship'' after ''scholarship''; and

(ii) in subparagraph (C), by striking ''baccalaureate degree''; and

(B) by striking paragraph (2) and inserting the following:

''(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

''(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.'';

(11) in subsection (i) (as redesignated by paragraph (6))—

(A) by striking ''or consortia'' and inserting '', consortia, or partnerships'';

(B) by striking ''scholarship recipients and stipend recipients'' and inserting ''scholarship, stipend, and fellowship recipients''; and

(C) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(12) by inserting after subsection (i) (as redesignated by paragraph (6)) the following:

''(j) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, internships, or fellowships associated with the programs under this section.

''(k) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.'';

(13) in subsection (l) (as redesignated by paragraph (6))—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the term 'advanced content knowledge' means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;'';

(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

''(3) the term 'fellowship' means an award under subsection (e);

''(4) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

''(A)(i) that serves not less than 10,000 children from low-income families;

''(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by inserting ''engineering,'' after ''mathematics, science,'';

(E) by inserting after paragraph (5) (as redesignated by subparagraph (A)) the following:

''(6) the term 'mathematics and science teaching' means mathematics, science, engineering, or technology teaching at the elementary or secondary school level;'';

(F) in paragraph (7) (as redesignated by subparagraph (A)) by inserting ''or had a career'' after ''is working''; and

(G) by inserting after paragraph (7) (as redesignated by subparagraph (A)) the following:

''(8) the term 'partnership' means a partnership that shall include—

''(A) an institution of higher education or a consortium of such institutions;

''(B) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

''(C)(i) a school or department within an institution of higher education participating in the partnership that provides a master teacher's preparation program; or

''(ii) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with an institution of higher education participating in the partnership;

''(D) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

''(E) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;''; and

(14) by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Program under this section—

''(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A), clauses (ii) and (iii) of subsection (a)(3)(B), and clauses (ii) and (iii) of subsection (a)(3)(C);

''(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

''(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

''(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

''(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking ''In this Act:'' and inserting ''Except as otherwise provided, in this Act:''.

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by striking ''SCHOLARSHIP'' and inserting ''TEACHER''; and

(B) by striking ''Scholarship'' and inserting ''Teacher''.

On page 205, line 8, strike ''during the summer''.

SA 941. Ms. SNOWE (for herself and Mr. KOHL) 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 end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

''(3) FINANCIAL SUPPORT.—

''(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

''(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

''(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

''(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.''.

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) 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 34, line 17, strike ''$120,000,000'' and insert ''$122,005,000''.

On page 34, line 20, strike ''$125,000,000'' and insert ''$131,766,000''.

On page 34, line 23, strike ''$130,000,000'' and insert ''$142,300,000''.

SA 943. Mr. INHOFE 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. ___. ENGLISH FOR ALL CHILDREN.

(a) IN GENERAL.—Notwithstanding any other provision of law, Executive Order, administrative rule, or policy:

(1) Any Federal funds provided for the education of English language learners or limited English proficient children shall be used solely for English language immersion programs that are limited to a duration of 1 year.

(2) Any consent decree that requires a State, county, school district, or school to conduct programs of transitional bilingual education or dual language immersion is null and void and shall not be enforced.

(b) REPEAL.—Subsections (b) and (c) of section 3001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801(b) and (c)) are repealed.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) 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 ___—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. _01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. _02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, and $30,000,000 for each of the fiscal years 2009 through 2011.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY) 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.

In division D, insert after section 4014 the following:

SEC. 4015. NANOTECHNOLOGY IN THE SCHOOLS.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this section is to strengthen the capacity of United

States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term ''qualified nanotechnology equipment'' means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

(d) PROGRAM AUTHORIZED.—

(1) PROGRAM AUTHORIZED.—The Director of the National Science Foundation (referred to in this section as the ''Director'') shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(2) ACTIVITIES SUPPORTED.—

(A) IN GENERAL.—An eligible institution shall use a grant awarded under this section—

(i) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(ii) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(iii) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(B) LIMITATION.—

(i) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this section may be used for software, educational services, or teacher education and certification as described in this paragraph.

(ii) PROGRAMS.—In the case of a grant awarded under this section to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(3) APPLICATIONS AND SELECTION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(B) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(C) SELECTION.—In selecting eligible institutions to receive grants under this section, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(i) select eligible entities in geographically diverse locations;

(ii) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(iii) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as ''EPSCoR'').

(4) MATCHING REQUIREMENT AND LIMITATION.—

(A) IN GENERAL.—

(i) REQUIREMENT.—The Director may not award a grant to an eligible institution under this section unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(ii) WAIVER.—The Director shall waive the matching requirement described in clause (i) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(B) LIMITATION.—

(i) BRANCHES.—If a branch described in subsection (c)(1)(C) receives a grant under this section that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(ii) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in clause (i) receives a grant under this section that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(5) ANNUAL REPORT AND EVALUATION.—

(A) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this section shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(B) REVIEW AND EVALUATION.—

(i) REVIEW.—The Director shall annually review the reports submitted under subparagraph (A).

(ii) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this section on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this section and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(C) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subparagraph (B), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this section, as may be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to carry out this section $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) 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. __. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''eligible entity'' means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms ''Phase I'' and ''Phase II'' mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term ''pilot program'' means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term ''SBIR Program'' has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''STEM college student'' means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Public Company Accounting Oversight Board (in this section referred to as the ''PCAOB'') have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, ''We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SA 948. Mr. PRYOR 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 D, add the following:

SEC. 4015. CENTER FOR NANOTECHNOLOGY RESEARCH AND ENGINEERING.

(a) CENTER ESTABLISHED.—The Director of the National Science Foundation shall establish a geographically diverse, interdisciplinary Center for Nanotechnology Research and Engineering (hereafter in this section referred to as the ''Center'') to focus on—

(1) the science and engineering of manufacturing at the nanoscale in multiple dimensions; or

(2) nanotechnology for sustainable energy, water, agriculture, and the environment.

(b) CENTER OR NODE.—The Center may be a Nanoscale Science and Engineering Center or a National Nanotechnology Infrastructure Network Node.

(c) COMPOSITION.—The Center shall consist of a lead academic institution located in an Experimental Program to Stimulate Competitive Research (EPSCoR) State and at least 1 additional academic institution located in a second EPSCoR State.

(d) DUTIES.—The Center shall—

(1) collaborate with other National Science Foundation grantees, and with grantees from other Federal agencies, working on nanomanufacturing;

(2) share resources with the programs of the grantees described in paragraph (1) for the purpose of mutual advantage; and

(3) work toward a nanomanufacturing network that encourages extensive industrial collaboration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN 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 21, after line 2, add the following:

Subtitle E—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. 1651. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. 1652. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 1653. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 1652(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 1654. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year,

approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 1655. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 1654, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 1656. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 950. Mr. BAUCUS 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 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

SA 951. Mr. BAUCUS 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 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

SA 952. Mr. BAUCUS 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, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce $3,000,000 for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

SA 953. Mr. BAUCUS 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:

Beginning on page 85, strike line 18 and all that follows through page 86, line 5, and insert the following:

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) $5,000,000,000 for fiscal year 2008;

''(3) $6,000,000,000 for fiscal year 2009;

''(4) $7,000,000,000 for fiscal year 2010; and

''(5) $8,000,000,000 for fiscal year 2011.''.

SA 954. Mr. BAUCUS 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:

Strike section 2005 and insert the following:

SEC. 2005. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as ''ARPA–E'').

(b) GOALS.—The goals of ARPA–E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA–E shall be headed by a Director (referred to in this section as the ''Director'') appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Director, Advanced Research Projects Administration-Energy.''.

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA–E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA–E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA–E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA–E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA–E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA–E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA–E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA–E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA–E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA–E under this section, including a recommendation on whether ARPA–E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $600,000,000 for fiscal year 2009;

(3) $1,100,000,000 for fiscal year 2010;

(4) $1,500,000,000 for fiscal year 2011; and

(5) $2,000,000,000 for fiscal year 2012.

SA 955. Mr. INHOFE 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. . PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) 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. ___. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled ''Sustaining New York's and the US's Global Financial Services Leadership'', ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the US goes beyond this natural market evolution to more controllable, intrinsic issues of US competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.'';

(3) further, the report referred to in paragraph (2) stated that—

(A) ''The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs – those over $1 billion – US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''; and

(B) ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products.

Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.'';

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

SA 957. Mr. HATCH 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 98, line 14, insert after ''master's degree programs'' the following: '', or full-time online master's degree programs,''.

On page 99, line 5, strike ''critical foreign language'' and insert the following: ''a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,''.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: ''or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences''.

On page 109, line 11, insert after ''grams'' the following: '', or full-time online master's degree programs,''.

On page 109, line 24, insert before the semicolon the following: '', or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills''.

On page 111, line 16, insert after ''program'' the following: '', or a full-time online master's degree program,''.

SA 958. Mr. DORGAN 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. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) 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 A, add the following new title:

TITLE VI—BROADBAND REPORTING REQUIREMENTS

SEC. 1601. BROADBAND REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—

(1) GENERAL REQUIREMENTS.—The Federal Communications Commission shall revise FCC Form 477 reporting requirements within 180 days after the date of enactment of this Act to require broadband service providers to report the following information:

(A) Identification of where the provider provides broadband service to customers, identified by zip code plus 4 digit location (hereinafter referred to as ''service area'').

(B) Percentage of households and businesses in each service area that are offered broadband service by the provider, and the percentage of such households that subscribe to each service plan offered.

(C) The average price per megabyte of download speed and upload speed in each service area.

(D) Identification by service area of the provider's broadband service's—

(i) actual average throughput; and

(ii) contention ratio of the number of users sharing the same line.

(2) EXCEPTION.—The Federal Communications Commission shall exempt a broadband service provider from the requirements in paragraph (1) if the Commission determines that a provider's compliance with the reporting requirements is cost prohibitive, as defined by the Commission.

(b) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—The Federal Communications Commission, using available Census Bureau data, shall provide to Congress, on an annual basis, a report containing the following information for each service area that is not served by any broadband service provider—

(1) population;

(2) population density; and

(3) average per capita income.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) 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 48, line 9, strike ''ocean'' and insert ''ocean, coastal, Great Lakes,''

On page 48, line 22, insert ''Great Lakes,'' after ''coastal,''.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) 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 24, between lines 19 and 20, insert the following:

SEC. 1203. REVOLVING LOAN FUNDS FOR SMALL MANUFACTURERS.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means a Regional Center for the Transfer of Manufacturing Technology described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(2) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership program'' means the program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(3) REVOLVING LOAN FUND.—The term ''revolving loan fund'' means a revolving loan fund described in subsection (d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(5) SMALL MANUFACTURER.—The term ''small manufacturer'' means a manufacturer with less than $50,000,000 in annual sales.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to States to establish revolving loan funds.

(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section in an amount that exceeds $10,000,000.

(3) MULTIPLE GRANT AWARDS.—A State may not receive more than 1 grant under this section in any fiscal year.

(c) CRITERIA FOR THE AWARDING OF GRANTS.—

(1) MATCHING FUNDS.—The Secretary may not make a grant to a State under this section unless the State agrees to provide contributions in an amount equal to not less than 25 percent of the Federal funds provided under the grant.

(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this section may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

(3) PREFERENCE.—In awarding grants each year, the Secretary shall give preference to States that have not previously been awarded a grant under this section.

(4) APPLICATION.—

(A) IN GENERAL.—Each State seeking a grant under this section shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(B) CONTENT.—Each application submitted under subparagraph (A) shall contain the following:

(i) Evidence that the applicant can establish and administer a revolving loan fund.

(ii) The applicant's need for a grant under this section.

(iii) The impact that receipt of a grant under this section would have on the applicant.

(d) REVOLVING LOAN FUNDS.—

(1) IN GENERAL.—A State receiving a grant under this section shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

(2) DEPOSITS.—A revolving loan fund shall consist of the following:

(A) Amounts from grants awarded under this section.

(B) All amounts held or received by the State incident to the provision of loans described in subsection (e), including all collections of principal and interest.

(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (e).

(4) ADMINISTRATION.—A State may enter into an agreement with a Center to administer a revolving loan fund.

(e) LOANS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to make the following loans:

(A) STAGE-1 LOANS.—A stage-1 loan means a loan made to a small manufacturer in an amount not to exceed $50,000, for new product development to conduct the following:

(i) Patent research.

(ii) Market research.

(iii) Technical feasibility testing.

(iv) Competitive analysis.

(B) STAGE-2 LOANS.—A stage-2 loan means a loan made to a small manufacturer in an amount not to exceed $100,000 to develop a prototype of and test a new product.

(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

(A) DURATION.—Except as provided in subparagraph (B), loans shall be for a period not to exceed 10 years.

(B) PREPAYMENT.—A recipient of a loan may prepay such loan at any time without penalty.

(C) INTEREST RATE.—Loans shall bear interest at a rate of 3.5 percent annually.

(D) ACCRUAL OF INTEREST.—Loans shall accrue interest during the entire duration of the loan.

(E) PAYMENT OF INTEREST.—A State may not require a recipient of a loan to make interest payments on such loan during the first 3 years of such loan.

(F) COLLATERAL.—No collateral or personal guaranty shall be required for receipt of a loan.

(G) SECURED INTEREST IN INTELLECTUAL PROPERTY.—Each loan shall be secured by an interest in any intellectual property developed by the recipient of such loan through the use of amounts from such loan.

(H) DEVELOPMENT OF BUSINESS PLANS AND BUDGETS.—Each recipient of a loan shall develop, in cooperation with a Center, a business plan and a budget for the use of loan amounts.

(I) PREFERENCE FOR LOAN APPLICANTS THAT PARTICIPATE IN THE MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—In selecting small manufacturers to receive a loan, a recipient of a grant under this section shall give preference to small manufacturers that are participants in the Manufacturing Extension Partnership program.

(J) LOCATION OF PRODUCT DEVELOPMENT.—Each recipient of a loan shall commit to developing and manufacturing the product for which a loan is sought in the State that provides the loan for the duration of the loan if such product is developed during such duration.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, $52,000,000 for each of the fiscal years 2008 through 2014, of which—

(1) $50,000,000 shall be for providing grants under this section; and

(2) $2,000,000 shall be for the costs of administering grants awarded under this section.

SA 962. Mr. SANDERS 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, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. REQUIREMENTS FOR RECEIPT OF FEDERAL ASSISTANCE BY CERTAIN LARGE BUSINESS ENTITIES.

(a) INFORMATION REQUIRED.—Each Federal department or agency that provides grants, loans, or loan guarantees to certain large business entities after the date of the enactment of this Act shall require that, as a condition of that grant, loan, or loan guarantee, the business entity shall provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee the following information:

(1) The number of individuals employed by the business entity in the United States.

(2) The number of individuals employed by the business entity outside the United States.

(3) A description of the wages and benefits being provided to the employees of the business entity in the United States.

(4) A description of the wages and benefits being provided to the employees of the business entity outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—In addition to the information required under subsection (a), beginning on the date that is 1 year after the date on which a Federal department or agency provides a grant, loan, or loan guarantee to a large business entity, the department or agency shall require the business entity to provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee a written certification that contains the following information:

(1) The percentage of the workforce of the business entity employed in the United States that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the business entity that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON FEDERAL ASSISTANCE TO CERTAIN LARGE BUSINESS ENTITIES THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to a Federal department or agency by a large business entity under subsection (b), the percentage described in paragraph (1) of subsection (b) is greater than the percentage described in paragraph (2) of subsection (b), the business entity shall be ineligible for further assistance from the department or agency. The business entity shall also be ineligible for assistance from any other Federal department or agency, unless and until the business entity provides to the department or agency a written certification that the number of employees of the business entity in the United States is in the same proportion to the number of the employees of the business entity worldwide, as that number was, on the later of—

(1) the date the business entity last made a certification under subsection (b), concerning the same financial assistance, that did not cause the business entity to become ineligible under this subsection for further financial assistance; or

(2) the date on which the business entity received the financial assistance for which this certification is being made.

(d) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY; LARGE BUSINESS ENTITY.—The terms ''business entity'' and ''large business entity'' mean a corporation, partnership, or any other business entity that employs 1,000 or more employees, including the subsidiaries, parent companies, and affiliated businesses of the entity.

(2) UNITED STATES.—The term ''United States'' includes the territories of the United States.

SA 963. Mr. DURBIN (for himself and 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:

On page 3, after line 5, add the following:

Subtitle __—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. ___2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. ___3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section ___2(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. ___4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties

the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. ___5. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section ___4, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. ___6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 964. Mr. PRYOR 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 ont he table; as follows:

On page 36, between lines 14 and 15, insert the following:

(c) DEVELOPMENT OF SCIENCE PARKS.—

(1) FINDING.—Section 2 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended by adding at the end the following:

''(12) It is in the best interests of the Nation to encourage the formation of science parks to promote the clustering of innovation through high technology activities.''.

(2) DEFINITION.—Section 4 of such Act (15 U.S.C. 3703) is amended by adding at the end the following:

''(14) 'Business or industrial park' means a primarily for-profit real estate venture of businesses or industries which do not necessarily reinforce each other through supply chain or technology transfer mechanisms.

''(15) 'Science park'—

''(A) means a group of interrelated companies and institutions, including suppliers, service providers, institutions of higher education, start-up incubators, and trade associations that—

''(i) cooperate and compete with each other;

''(ii) are located in a specific area whose administration promotes real estate development, technology transfer, and partnerships between such companies and institutions; and

''(B) does not mean a business or industrial park.

''(16) 'Science park infrastructure' means facilities that support the daily economic activity of a science park.''.

(3) SCIENCE PARKS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. SCIENCE PARKS.

''(a) DEVELOPMENT OF PLANS FOR CONSTRUCTION OF SCIENCE PARKS.—

''(1) IN GENERAL.—The Secretary shall award grants for the development of feasibility studies and plans for the construction of new or expansion of existing science parks.

''(2) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection may not exceed $750,000.

''(3) AWARD.—

''(A) COMPETITION REQUIRED.—The Secretary shall award any grant under this subsection pursuant to a full and open competition.

''(B) ADVERTISING.—The Secretary shall advertise any competition under this paragraph in the Commerce Business Daily.

''(C) SELECTION CRITERIA.—The Secretary shall publish the criteria to be utilized in any competition under this paragraph for the selection of recipients of grants under this subsection, which shall include requirements relating to—

''(i) the number of jobs to be created at the science park each year during its first 5 years;

''(ii) the funding to be required to construct or expand the science park during its first 5 years;

''(iii) the amount and type of cost matching by the applicant;

''(iv) the types of businesses and research entities expected in the science park and surrounding community;

''(v) letters of intent by businesses and research entities to locate in the science park;

''(vi) the expansion capacity of the science park during a 25-year period;

''(vii) the quality of life at the science park for employees at the science park;

''(viii) the capability to attract a well trained workforce to the science park;

''(ix) the management of the science park;

''(x) expected risks in the construction and operation of the science park;

''(xi) risk mitigation;

''(xii) transportation and logistics;

''(xiii) physical infrastructure, including telecommunications; and

''(xiv) ability to collaborate with other science parks throughout the world.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.

''(b) LOAN GUARANTEES FOR SCIENCE PARK INFRASTRUCTURE.—

''(1) IN GENERAL.—The Secretary may guarantee up to 80 percent of the loan amount for loans exceeding $10,000,000 for projects for the construction of science park infrastructure.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $50,000,000 with respect to any single project; and

''(B) $500,000,000 with respect to all projects.

''(3) SELECTION OF GUARANTEE RECIPIENTS.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and other such criteria as the Secretary shall prescribe. Entities receiving a grant under subsection (a) are not eligible for a loan guarantee during the period of such grant.

''(4) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

''(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

''(i) 30 years and 32 days; or

''(ii) 90 percent of the useful life of any physical asset to be financed by such loan;

''(B) a loan made or guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

''(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States;

''(D) a loan may not be guaranteed under this subsection if—

''(i) the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

''(ii) the guarantee provides significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded;

''(E) any guarantee provided under this subsection shall be conclusive evidence that—

''(i) the guarantee has been properly obtained;

''(ii) the underlying loan qualified for such guarantee; and

''(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

''(F) the Secretary shall prescribe explicit standards for use in periodically assessing the credit risk of new and existing direct loans or guaranteed loans;

''(G) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

''(H) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(5) PAYMENT OF LOSSES.—

''(A) IN GENERAL.—If, as a result of a default by a borrower under a loan guaranteed under this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to such holder the percentage of such loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to

all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

''(B) ENFORCEMENT OF RIGHTS.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

''(C) FORBEARANCE.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined under the Federal Credit Reform Act of 1990) is available.

''(D) MANAGEMENT OF PROPERTY.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by the Secretary pursuant to the provisions of this section.

''(6) REVIEW.—The Comptroller General of the United States shall, not later than 2 years after the date of the enactment of this section—

''(A) conduct a review of the subsidy estimates for the loan guarantees under this subsection; and

''(B) submit to Congress a report on the review conducted under this paragraph.

''(7) TERMINATION.—A loan may not be guaranteed under this subsection after September 30, 2012.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(A) $35,000,000 for the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of guaranteeing $500,000,000 of loans under this subsection; and

''(B) $6,000,000 for administrative expenses for fiscal year 2008, and such sums as necessary for administrative expenses in subsequent years.

''(c) NATIONAL ACADEMY OF SCIENCES EVALUATION.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall evaluate, every 3 years, the activities under this section.

''(2) TRI-ANNUAL REPORT.—Under the agreement entered into under paragraph (1), the Academy shall submit to the Secretary a report on its evaluation of science park development under that paragraph. Each report may include such recommendations as the Academy considers appropriate for additional activities to promote and facilitate the development of science parks in the United States.

''(d) TRI-ANNUAL REPORT.—Not later than March 31 of every third year, the Secretary shall submit to Congress a report on the activities under this section during the preceding 3 years, including any recommendations made by the National Academy of Sciences under subsection (c)(2) during such period. Each report may include such recommendations for legislative or administrative action as the Secretary considers appropriate to further promote and facilitate the development of science parks in the United States.

''(e) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall prescribe regulations to carry out this section in accordance with with Office of Management and Budget Circular A–129, 'Policies for Federal Credit Programs and Non-Tax Receivables'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 24, 2007, at 9:30 a.m. in SD–106. The title of this committee hearing is, ''Challenges and Opportunities Facing American Agriculture Producers Today, Part II.''

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

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 9:30 a.m., in open session to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 24 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the state of U.S. broadband deployment and penetration. In addition, it will provide a forum for considering the state of U.S. telecommunications research and development and the consequences for competitiveness in the global economy.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, 2007 at 9:45 a.m. in Room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Hearing on the Implications of the Supreme Court's Decision Regarding EPA's Authorities with Respect to Greenhouse Gases under the Clean Air Act.

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

COMMITTEE ON HEALTH, EDUCATION, PENSIONS, AND LABOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the No Child Left Behind Reauthorization during the session of the Senate on Tuesday, April 24, 2007 at 10 a.m. in SD–628.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Insurrection Act Rider and State Control of the National Guard'' on Tuesday, April 24, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

The Honorable Michael F. Easley, Governor, State of North Carolina, Raleigh, NC.

Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau, Alexandria, VA.

Major General Timothy Lowenberg, USAF, The Adjutant General, State of Washington, Tacoma, WA.

Sheriff Ted G. Kamatchus, Sheriff, Marshall County Iowa, President, National Sheriffs' Association, Marshalltown, IA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2007 at 2:30 p.m. to hold a closed hearing.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Tuesday, April 24, 2007, at 9:30 a.m. for a hearing titled ''Beyond Trailers, Part I: Creating a More Flexible, Efficient, and Cost Effective Federal Disaster Housing Program.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, April 24, 2007, at 2:30 p.m., for a hearing entitled ''Transit Benefits: How Some Federal Employees Are Taking Uncle Sam for a Ride.''

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Tuesday, April 24, 2007 at 10 a.m. to conduct a hearing on ''A Long Way Gone: Memoirs of a Boy Soldier'' in room 226 of the Dirksen Senate Office Building.

Witness List

Ishmael Beah, author, ''A Long Way Gone: Memoirs of a Boy Soldier,'' New York, NY; Kenneth Roth, executive director, Human Rights Watch, New York, NY; Anwen Hughes, senior counsel, Refugee Protection Program, Human Rights First, New York, NY; Joseph Mettimano, director, Public Policy and Advocacy, World Vision, Washington, DC.