

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To use certain visa employer fees to invest in innovation and education to improve the competitiveness of the United States in the global economy.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.**

**H. R. 3043**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . AMERICAN COMPETITIVENESS SCHOLARSHIP**

3 **PROGRAM.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “American Competitiveness Scholarship Act of 2007”.

6 (b) **ESTABLISHMENT.**—The Director of the National  
7 Science Foundation (referred to in this section as the “Di-  
8 rector”) shall award scholarships to eligible individuals to

1 enable such individuals to pursue associate, under-  
2 graduate, or graduate level degrees in mathematics, engi-  
3 neering, health care, or computer science.

4 (c) ELIGIBILITY.—

5 (1) IN GENERAL.—To be eligible to receive a  
6 scholarship under this section, an individual shall—

7 (A) be a citizen of the United States, a na-  
8 tional of the United States (as defined in sec-  
9 tion 101(a) of the Immigration and Nationality  
10 Act (8 U.S.C. 1101(a))), an alien admitted as  
11 a refugee under section 207 of such Act (8  
12 U.S.C. 1157), or an alien lawfully admitted to  
13 the United States for permanent residence;

14 (B) prepare and submit to the Director an  
15 application at such time, in such manner, and  
16 containing such information as the Director  
17 may require; and

18 (C) certify to the Director that the indi-  
19 vidual intends to use amounts received under  
20 the scholarship to enroll or continue enrollment  
21 at an institution of higher education (as defined  
22 in section 101(a) of the Higher Education Act  
23 of 1965 (20 U.S.C. 1001(a)) in order to pursue  
24 an associate, undergraduate, or graduate level  
25 degree in mathematics, engineering, computer

1 science, nursing, medicine, or other clinical  
2 medical program, or technology, or science pro-  
3 gram designated by the Director.

4 (2) ABILITY.—Awards of scholarships under  
5 this section shall be made by the Director solely on  
6 the basis of the ability of the applicant, except that  
7 in any case in which 2 or more applicants for schol-  
8 arships are deemed by the Director to be possessed  
9 of substantially equal ability, and there are not suffi-  
10 cient scholarships available to grant one to each of  
11 such applicants, the available scholarship or scholar-  
12 ships shall be awarded to the applicants in a manner  
13 that will tend to result in a geographically wide dis-  
14 tribution throughout the United States of recipients'  
15 places of permanent residence.

16 (d) AMOUNT OF SCHOLARSHIP; RENEWAL.—

17 (1) AMOUNT OF SCHOLARSHIP.—The amount  
18 of a scholarship awarded under this section shall be  
19 \$15,000 per year, except that no scholarship shall be  
20 greater than the annual cost of tuition and fees at  
21 the institution of higher education in which the  
22 scholarship recipient is enrolled or will enroll.

23 (2) RENEWAL.—The Director may renew a  
24 scholarship under this section for an eligible indi-  
25 vidual for not more than 4 years.

1 (e) FUNDING.—The Director shall carry out this sec-  
2 tion only with funds made available under section 286(w)  
3 of the Immigration and Nationality Act, as added by sub-  
4 section (g).

5 (f) FEDERAL REGISTER.—Not later than 60 days  
6 after the date of the enactment of this Act, the Director  
7 shall publish in the Federal Register a list of eligible pro-  
8 grams of study for a scholarship under this section.

9 (g) SUPPLEMENTAL H-1B NONIMMIGRANT PETI-  
10 TIONER ACCOUNT; GIFTED AND TALENTED STUDENTS  
11 EDUCATION ACCOUNT.—Section 286 of the Immigration  
12 and Nationality Act (8 U.S.C. 1356) is amended by add-  
13 ing at the end the following:

14 “(w) SUPPLEMENTAL H-1B NONIMMIGRANT PETI-  
15 TIONER ACCOUNT.—

16 “(1) IN GENERAL.—There is established in the  
17 general fund of the Treasury a separate account,  
18 which shall be known as the ‘Supplemental H-1B  
19 Nonimmigrant Petitioner Account’. Notwithstanding  
20 any other section of this Act, there shall be depos-  
21 ited as offsetting receipts into the account 85.75  
22 percent of the fees collected under section  
23 214(c)(15)(B).

24 “(2) USE OF FEES FOR AMERICAN COMPETI-  
25 TIVENESS SCHOLARSHIP PROGRAM.—The amounts

1 deposited into the Supplemental H-1B Non-  
2 immigrant Petitioner Account shall remain available  
3 to the Director of the National Science Foundation  
4 until expended for scholarships described in the  
5 American Competitiveness Scholarship Act of 2007  
6 for students enrolled in a program of study leading  
7 to a degree in mathematics, engineering, health care,  
8 or computer science.

9 “(x) GIFTED AND TALENTED STUDENTS EDUCATION  
10 ACCOUNT.—

11 “(1) IN GENERAL.—There is established in the  
12 general fund of the Treasury a separate account,  
13 which shall be known as the ‘Gifted and Talented  
14 Students Education Account’. There shall be depos-  
15 ited as offsetting receipts into the account 14.25  
16 percent of the fees collected under section  
17 214(c)(15)(B).

18 “(2) USE OF FEES.—Amounts deposited into  
19 the account established under paragraph (1) shall  
20 remain available to the Secretary of Education until  
21 expended for programs and projects authorized  
22 under the Jacob K. Javits Gifted and Talented Stu-  
23 dents Education Act of 2001 (20 U.S.C. 7253 et  
24 seq.).”.

1           (h) SUPPLEMENTAL AND DEFICIT REDUCTION  
2 FEES.—Section 214(c) of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1184(c)) is amended by adding at the  
4 end the following:

5           “(15)(A) Except as provided under subpara-  
6 graph (D), if the Attorney General, the Secretary of  
7 Homeland Security, or the Secretary of State is re-  
8 quired to impose a fee pursuant to paragraph (9) or  
9 (11), the Attorney General, the Secretary of Home-  
10 land Security, or the Secretary of State, as appro-  
11 priate, shall impose a supplemental fee and a deficit  
12 reduction fee on the employer in addition to any  
13 other fee required by such paragraph or any other  
14 provision of law, in the amounts determined under  
15 subparagraph (B).

16           “(B) The amount of the supplemental fee shall  
17 be \$3,500, except that the fee shall be  $\frac{1}{2}$  that  
18 amount for any employer with not more than 25  
19 full-time equivalent employees who are employed in  
20 the United States (determined by including any af-  
21 filiate or subsidiary of such employer).

22           “(C) Of the amounts collected under subpara-  
23 graph (B)—

1                   “(i) 85.75 percent shall be deposited in the  
2           Treasury in accordance with section 286(w);  
3           and

4                   “(ii) 14.25 percent shall be deposited in  
5           the Treasury in accordance with section 286(x).

6                   “(D) Public hospitals, which are owned and op-  
7           erated by a State or a political subdivision of a State  
8           shall not be subject to the supplemental fees im-  
9           posed under this paragraph.”.