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IN THE SENATE OF THE UNITED STATES

JUNE 7, 2007

Received; read twice and referred to the Committee on Foreign Relations

MARCH 4, 2008

Reported by Mr. BIDEN, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

6           (2) According to former President William J.  
7           Clinton, “Today, the defense of United States inter-  
8           ests, the effective management of global issues, and  
9           even an understanding of our Nation’s diversity re-  
10          quire ever-greater contact with, and understanding  
11          of, people and cultures beyond our borders.”.

12          (3) Congress authorized the establishment of  
13          the Commission on the Abraham Lincoln Study  
14          Abroad Fellowship Program pursuant to section 104  
15          of the Miscellaneous Appropriations and Offsets Act,  
16          2004 (division H of Public Law 108–199). Pursuant  
17          to its mandate, the Lincoln Commission has sub-  
18          mitted to Congress and the President a report of its  
19          recommendations for greatly expanding the oppor-  
20          tunity for students at institutions of higher edu-  
21          cation in the United States to study abroad, with  
22          special emphasis on studying in developing nations.

23          (4) According to the Lincoln Commission,  
24          “[s]tudy abroad is one of the major means of pro-  
25          ducing foreign language speakers and enhancing for-

1       eign language learning” and, for that reason, “is  
2       simply essential to the [N]ation’s security”.

3           (5) Studies consistently show that United  
4       States students score below their counterparts in  
5       other advanced countries on indicators of inter-  
6       national knowledge. This lack of global literacy is a  
7       national liability in an age of global trade and busi-  
8       ness, global interdependence, and global terror.

9           (6) Americans believe that it is important for  
10      their children to learn other languages, study  
11      abroad, attend a college where they can interact with  
12      international students, learn about other countries  
13      and cultures, and generally be prepared for the glob-  
14      al age.

15          (7) In today’s world, it is more important than  
16      ever for the United States to be a responsible, con-  
17      structive leader that other countries are willing to  
18      follow. Such leadership cannot be sustained without  
19      an informed citizenry with significant knowledge and  
20      awareness of the world.

21          (8) Study abroad has proven to be a very effec-  
22      tive means of imparting international and foreign-  
23      language competency to students.

1           (9) In any given year, only approximately one  
2 percent of all students enrolled in United States in-  
3 stitutions of higher education study abroad.

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

8           (11) Far more study abroad must take place in  
9 developing countries. Ninety-five percent of the  
10 world's population growth over the next 50 years  
11 will occur outside of Europe. Yet in the academic  
12 year 2004–2005, 60 percent of United States stu-  
13 dents studying abroad studied in Europe, and 45  
14 percent studied in four countries—the United King-  
15 dom, Italy, Spain, and France—according to the In-  
16 stitute of International Education.

17           (12) The Final Report of the National Commis-  
18 sion on Terrorist Attacks Upon the United States  
19 (The 9/11 Commission Report) recommended that  
20 the United States increase support for “scholarship,  
21 exchange, and library programs”. The 9/11 Public  
22 Discourse Project, successor to the 9/11 Commis-  
23 sion, noted in its November 14, 2005, status report  
24 that this recommendation was “unfulfilled,” and  
25 stated that “The U.S. should increase support for

1 scholarship and exchange programs, our most power-  
2 ful tool to shape attitudes over the course of a gen-  
3 eration.”. In its December 5, 2005, Final Report on  
4 the 9/11 Commission Recommendations, the 9/11  
5 Public Discourse Project gave the government a  
6 grade of “D” for its implementation of this rec-  
7 ommendation.

8 (13) Investing in a national study abroad pro-  
9 gram would help turn a grade of “D” into an “A”  
10 by equipping United States students to communicate  
11 United States values and way of life through the  
12 unique dialogue that takes place among citizens  
13 from around the world when individuals study  
14 abroad.

15 (14) An enhanced national study abroad pro-  
16 gram could help further the goals of other United  
17 States Government initiatives to promote edu-  
18 cational, social, and political reform and the status  
19 of women in developing and reforming societies  
20 around the world, such as the Middle East Partner-  
21 ship Initiative.

22 (15) To complement such worthwhile Federal  
23 programs and initiatives as the Benjamin A. Gilman  
24 International Scholarship Program, the National Se-  
25 curity Education Program, and the National Secu-

1        rity Language Initiative, a broad-based under-  
2        graduate study abroad program is needed that will  
3        make many more study abroad opportunities acces-  
4        sible to all undergraduate students, regardless of  
5        their field of study, ethnicity, socio-economic status,  
6        or gender.

7        **SEC. 3. PURPOSES.**

8        The purposes of this Act are—

9                (1) to significantly enhance the global competi-  
10              tiveness and international knowledge base of the  
11              United States by ensuring that more United States  
12              students have the opportunity to acquire foreign lan-  
13              guage skills and international knowledge through  
14              significantly expanded study abroad;

15              (2) to enhance the foreign policy capacity of the  
16              United States by significantly expanding and diversi-  
17              fying the talent pool of individuals with non-tradi-  
18              tional foreign language skills and cultural knowledge  
19              in the United States who are available for recruit-  
20              ment by United States foreign affairs agencies, leg-  
21              islative branch agencies, and nongovernmental orga-  
22              nizations involved in foreign affairs activities;

23              (3) to ensure that an increasing portion of  
24              study abroad by United States students will take  
25              place in nontraditional study abroad destinations

1 such as the People’s Republic of China, countries of  
2 the Middle East region, and developing countries;  
3 and

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

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term “appropriate congressional com-  
13 mittees” means—

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

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

20 (2) BOARD.—The term “Board” means the  
21 Board of Directors of the Foundation established  
22 pursuant to section 5(d).

23 (3) CHIEF EXECUTIVE OFFICER.—The term  
24 “Chief Executive Officer” means the chief executive

1 officer of the Foundation appointed pursuant to sec-  
2 tion 5(c).

3 (4) FOUNDATION.—The term “Foundation”  
4 means the Senator Paul Simon Study Abroad Foun-  
5 dation established by section 5(a).

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

10 (6) NATIONAL OF THE UNITED STATES.—*The*  
11 *term “national of the United States” means a na-*  
12 *tional of the United States or an alien lawfully ad-*  
13 *mitted for permanent residence (as those terms are*  
14 *defined in section 101 of the Immigration and Na-*  
15 *tionality Act (8 U.S.C. 1101)).*

16 ~~(6)~~(7) NONTRADITIONAL STUDY ABROAD DES-  
17 TINATION.—The term “nontraditional study abroad  
18 destination” means a location that is determined by  
19 the Foundation to be a less common destination for  
20 United States students who study abroad.

21 ~~(7)~~(8) STUDY ABROAD.—The term “study  
22 abroad” means an educational program of study,  
23 work, research, internship, or combination thereof  
24 that is conducted outside the United States and that

1 carries academic credit toward fulfilling the partici-  
 2 pating student's degree requirements.

3 ~~(8)~~(9) UNITED STATES.—The term “United  
 4 States” means any of the several States, the District  
 5 of Columbia, Puerto Rico, the Northern Mariana Is-  
 6 lands, the Virgin Islands, Guam, American Samoa,  
 7 and any other territory or possession of the United  
 8 States.

9 ~~(9)~~(10) UNITED STATES STUDENT.—The term  
 10 “United States student” means a national of the  
 11 United States who is enrolled at an institution of  
 12 higher education located within the United States.

13 **SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SEN-**  
 14 **ATOR PAUL SIMON STUDY ABROAD FOUNDA-**  
 15 **TION.**

16 (a) ESTABLISHMENT.—

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

1           (2) BOARD OF DIRECTORS.—The Foundation  
2 shall be governed by a Board of Directors ~~chaired by~~  
3 ~~the Secretary of State (or the Secretary's designee)~~  
4 in accordance with subsection (d).

5           (3) INTENT OF CONGRESS.—It is the intent of  
6 Congress in establishing the structure of the Foun-  
7 dation set forth in this subsection to create an entity  
8 that will administer a study abroad program that—

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

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

14           (b) MANDATE OF FOUNDATION.—In administering  
15 the program referred to in subsection (a)(3), the Founda-  
16 tion shall—

17                   (1) promote the objectives and purposes of this  
18 Act;

19                   (2) through responsive, flexible grant-making,  
20 promote access to study abroad opportunities by  
21 United States students at diverse institutions of  
22 higher education, including two-year institutions, mi-  
23 nority-serving institutions, and institutions that  
24 serve nontraditional students;

1           (3) through creative grant-making, promote ac-  
2           cess to study abroad opportunities by diverse United  
3           States students, including minority students, stu-  
4           dents of limited financial means, and nontraditional  
5           students;

6           (4) ~~raise~~ *solicit* funds from the private sector to  
7           supplement funds made available under this Act;  
8           and

9           (5) be ~~committed to minimizing administrative~~  
10          ~~costs and to maximizing~~ *minimize administrative*  
11          ~~costs and maximize~~ the availability of funds for  
12          grants under this Act.

13          (c) CHIEF EXECUTIVE OFFICER.—

14           (1) IN GENERAL.—There shall be in the Foun-  
15          dation a Chief Executive Officer who shall be re-  
16          sponsible for the management of the Foundation.

17           (2) APPOINTMENT.—The Chief Executive Offi-  
18          cer shall be appointed by the Board and shall be a  
19          recognized leader in higher education, business, or  
20          foreign policy, chosen on the basis of a rigorous  
21          search.

22           (3) RELATIONSHIP TO BOARD.—The Chief Ex-  
23          ecutive Officer shall report to and be under the di-  
24          rect authority of the Board.

25           (4) COMPENSATION AND RANK.—

1 (A) IN GENERAL.—The Chief Executive  
2 Officer shall be compensated at the rate pro-  
3 vided for ~~level III~~ *level IV* of the Executive  
4 Schedule under section 5314 of title 5, United  
5 States Code.

6 (B) AMENDMENT.—Section 5314 of title  
7 5, United States Code, is amended by adding at  
8 the end the following:

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

11 (5) AUTHORITIES AND DUTIES.—The Chief Ex-  
12 ecutive Officer shall be responsible for the manage-  
13 ment of the Foundation and shall exercise the pow-  
14 ers and discharge the duties of the Foundation.

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

19 (d) BOARD OF DIRECTORS.—

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

22 (2) DUTIES.—The Board shall perform the  
23 functions specified to be carried out by the Board in  
24 this Act and may prescribe, amend, and repeal by-  
25 laws, rules, regulations, and procedures governing

1 the manner in which the business of the Foundation  
2 may be conducted and in which the powers granted  
3 to it by law may be exercised.

4 (3) MEMBERSHIP.—The Board shall consist  
5 of—

6 (A) the Secretary of State (or the Sec-  
7 retary’s designee), the Secretary of Education  
8 (or the Secretary’s designee), the Secretary of  
9 Defense (or the Secretary’s designee), and the  
10 Administrator of the United States Agency for  
11 International Development (or the Administra-  
12 tor’s designee); and

13 (B) five other individuals with relevant ex-  
14 perience in matters relating to study abroad  
15 (such as individuals who represent institutions  
16 of higher education, business organizations, for-  
17 eign policy organizations, or other relevant or-  
18 ganizations) who shall be appointed by the  
19 President, by and with the advice and consent  
20 of the Senate, of which—

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

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

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

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

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

14 (5) TERMS.—

15 (A) OFFICERS OF THE FEDERAL GOVERN-  
16 MENT.—Each member of the Board described  
17 in paragraph (3)(A) shall serve for a term that  
18 is concurrent with the term of service of the in-  
19 dividual's position as an officer within the other  
20 Federal department or agency.

21 (B) OTHER MEMBERS.—Each member of  
22 the Board described in paragraph (3)(B) shall  
23 be appointed for a term of 3 years and may be  
24 reappointed for ~~a term of an additional 3 years~~  
25 *one additional 3 year term.*

1 (C) VACANCIES.—A vacancy in the Board  
2 shall be filled in the manner in which the origi-  
3 nal appointment was made.

4 (6) CHAIRPERSON.—There shall be a Chair-  
5 person of the Board. The Secretary of State (or the  
6 Secretary’s designee) shall serve as the Chairperson.

7 (7) QUORUM.—A majority of the members of  
8 the Board described in paragraph (3) shall con-  
9 stitute a quorum, which, except with respect to a  
10 meeting of the Board during the 135-day period be-  
11 ginning on the date of the enactment of this Act,  
12 shall include at least one member of the Board de-  
13 scribed in paragraph (3)(B).

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

16 (9) COMPENSATION.—

17 (A) OFFICERS OF THE FEDERAL GOVERN-  
18 MENT.—

19 (i) IN GENERAL.—A member of the  
20 Board described in paragraph (3)(A) may  
21 not receive additional pay, allowances, or  
22 benefits by reason of the member’s service  
23 on the Board.

24 (ii) TRAVEL EXPENSES.—Each such  
25 member of the Board shall receive travel

1 expenses, including per diem in lieu of sub-  
2 sistence, in accordance with applicable pro-  
3 visions under subchapter I of chapter 57 of  
4 title 5, United States Code.

5 (B) OTHER MEMBERS.—

6 (i) IN GENERAL.—Except as provided  
7 in clause (ii), a member of the Board de-  
8 scribed in paragraph (3)(B) while away  
9 from the member’s home or regular place  
10 of business on necessary travel in the ac-  
11 tual performance of duties as a member of  
12 the Board, shall be paid per diem, travel,  
13 and transportation expenses in the same  
14 manner as is provided under subchapter I  
15 of chapter 57 of title 5, United States  
16 Code.

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

21 **SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.**

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

24 (1) be administered by the Foundation; and

25 (2) award grants to—

1 (A) United States students for study  
2 abroad;

3 (B) nongovernmental institutions that pro-  
4 vide and promote study abroad opportunities  
5 for United States students, in consortium with  
6 institutions described in subparagraph (C); and

7 ~~(e)~~ (C) institutions of higher education, in-  
8 dividually or in consortium,

9 in order to accomplish the objectives set forth in  
10 subsection (b).

11 (b) OBJECTIVES.—The objectives of the program es-  
12 tablished under subsection (a) are that, within 10 years  
13 of the date of the enactment of this Act—

14 (1) not less than one million undergraduate  
15 United States students will study abroad annually  
16 for credit;

17 (2) the demographics of study-abroad partici-  
18 pation will reflect the demographics of the United  
19 States undergraduate population, including students  
20 enrolled in community colleges, minority-serving in-  
21 stitutions, and institutions serving large numbers of  
22 low-income and first-generation students; and

23 (3) an increasing portion of study abroad will  
24 take place in nontraditional study abroad destina-

1 tions, with a substantial portion of such increases  
2 taking place in developing countries.

3 (c) MANDATE OF THE PROGRAM.—In order to ac-  
4 complish the objectives set forth in subsection (b), the  
5 Foundation shall, in administering the program estab-  
6 lished under subsection (a), take fully into account the rec-  
7 ommendations of the Commission on the Abraham Lincoln  
8 Study Abroad Fellowship Program (established pursuant  
9 to section 104 of the Miscellaneous Appropriations and  
10 Offsets Act, 2004 (division H of Public Law 108–199)).

11 (d) STRUCTURE OF GRANTS.—In accordance with  
12 the recommendations of the Commission on the Abraham  
13 Lincoln Study Abroad Fellowship Program, grants award-  
14 ed under the program established under subsection (a)  
15 shall be structured to the maximum extent practicable to  
16 promote appropriate reforms in institutions of higher edu-  
17 cation in order to remove barriers to participation by stu-  
18 dents in study abroad.

19 (d) STRUCTURE OF GRANTS.—

20 (1) PROMOTING REFORM.—In accordance with  
21 the recommendations of the Commission on the Abra-  
22 ham Lincoln Study Abroad Fellowship Program,  
23 grants awarded under the program established under  
24 subsection (a) shall be structured to the maximum ex-  
25 tent practicable to promote appropriate reforms in

1 *institutions of higher education in order to remove*  
2 *barriers to participation by students in study abroad.*

3 (2) *GRANTS TO INDIVIDUALS AND INSTITU-*  
4 *TIONS.—It is the sense of Congress that—*

5 (A) *the Foundation should award not more*  
6 *than 25 percent of the funds awarded as grants*  
7 *to individuals described in subparagraph (A) of*  
8 *subsection (a)(2) and not less than 75 percent of*  
9 *such funds to institutions described in subpara-*  
10 *graphs (B) and (C) of such subsection; and*

11 (B) *the Foundation should ensure that not*  
12 *less than 85 percent of the amount awarded to*  
13 *such institutions is used to award scholarships to*  
14 *students.*

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

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

22 (2) *shorter-term study abroad programs, which*  
23 *maximize the accessibility of study abroad to non-*  
24 *traditional students.*

1 (f) QUALITY AND SAFETY IN STUDY ABROAD.—In  
2 administering the program established under subsection  
3 (a), the Foundation shall require that institutions receiv-  
4 ing grants demonstrate that—

5 (1) the study abroad programs for which stu-  
6 dents receive grant funds are for academic credit;  
7 and

8 (2) the programs have established health and  
9 safety guidelines and procedures.

10 **SEC. 7. ANNUAL REPORT.**

11 (a) REPORT REQUIRED.—Not later than ~~March 31,~~  
12 ~~2008, and each March 31 thereafter~~ *December 15, 2008,*  
13 *and each December 15 thereafter,* the Foundation shall sub-  
14 mit to the appropriate congressional committees a report  
15 on the implementation of this Act during the prior fiscal  
16 year.

17 (b) CONTENTS.—The report required by subsection  
18 (a) shall include—

19 (1) the total financial resources available to the  
20 Foundation during the year, including appropriated  
21 funds, the value and source of any gifts or donations  
22 accepted pursuant to section 8(a)(6), and any other  
23 resources;

24 (2) a description of the Board's policy priorities  
25 for the year and the bases upon which ~~competitive~~

1 grant proposals were solicited and awarded to insti-  
2 tutions of higher education, nongovernmental insti-  
3 tutions, and consortiums pursuant to section  
4 6(a)(2)(B) and 6(a)(2)(C);

5 (3) a list of grants made to institutions of high-  
6 er education, nongovernmental institutions, and con-  
7 sortiums pursuant to section 6(a)(2)(B) and  
8 6(a)(2)(C) that includes the identity of the institu-  
9 tional recipient, the dollar amount; ~~and the~~, *the* es-  
10 timated number of study abroad opportunities pro-  
11 vided to United States students by each grant, *the*  
12 *amount of the grant used by each institution for ad-*  
13 *ministrative expenses, and information on cost-shar-*  
14 *ing by each institution receiving a grant;*

15 (4) a description of the bases upon which the  
16 Foundation made grants directly to United States  
17 students pursuant to section 6(a)(2)(A);

18 (5) the number and total dollar amount of  
19 grants made directly to United States students by  
20 the Foundation pursuant to section 6(a)(2)(A); and

21 (6) the total administrative and operating ex-  
22 penses of the Foundation for the year, as well as  
23 specific information on—

24 (A) the number of Foundation employees

25 and the cost of compensation for Board mem-

1           bers, Foundation employees, and personal serv-  
2           ice contractors;

3                   (B) costs associated with securing the use  
4           of real property for carrying out the functions  
5           of the Foundation;

6                   (C) total travel expenses incurred by Board  
7           members and Foundation employees in connec-  
8           tion with Foundation activities; and

9                   (D) total representational expenses.

10 **SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVI-**  
11 **SIONS.**

12           (a) **POWERS.**—The Foundation—

13                   (1) shall have perpetual succession unless dis-  
14           solved by a law enacted after the date of the enact-  
15           ment of this Act;

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

18                   (3) may make and perform such contracts,  
19           grants, and other agreements with any person or  
20           government however designated and wherever situ-  
21           ated, as may be necessary for carrying out the func-  
22           tions of the Foundation;

23                   (4) may determine and prescribe the manner in  
24           which its obligations shall be incurred and its ex-

1       penses allowed and paid, including expenses for rep-  
2       resentation;

3           (5) may lease, purchase, or otherwise acquire,  
4       improve, and use such real property wherever situ-  
5       ated, as may be necessary for carrying out the func-  
6       tions of the Foundation;

7           (6) may accept cash gifts or donations of serv-  
8       ices or of property (real, personal, or mixed), tan-  
9       gible or intangible, for the purpose of carrying out  
10      the provisions of this Act;

11          (7) may use the United States mails in the  
12      same manner and on the same conditions as the ex-  
13      ecutive departments;

14          (8) may contract with individuals for personal  
15      services, who shall not be considered Federal em-  
16      ployees for any provision of law administered by the  
17      Office of Personnel Management;

18          (9) may hire or obtain passenger motor vehi-  
19      cles; and

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

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

1 (c) APPLICABILITY OF GOVERNMENT CORPORATION  
2 CONTROL ACT.—

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

8 (2) CONFORMING AMENDMENT.—Section  
9 9101(3) of title 31, United States Code, is amended  
10 by adding at the end the following:

11 “(R) the Senator Paul Simon Study  
12 Abroad Foundation.”.

13 (d) INSPECTOR GENERAL.—

14 (1) IN GENERAL.—The Inspector General of  
15 the Department of State shall serve as Inspector  
16 General of the Foundation, and, in acting in such  
17 capacity, may conduct reviews, investigations, and  
18 inspections of all aspects of the operations and ac-  
19 tivities of the Foundation.

20 (2) AUTHORITY OF THE BOARD.—In carrying  
21 out the responsibilities under this subsection, the In-  
22 spector General shall report to and be under the  
23 general supervision of the Board.

24 (3) REIMBURSEMENT AND AUTHORIZATION OF  
25 SERVICES.—

1           (A) REIMBURSEMENT.—The Foundation  
2           shall reimburse the Department of State for all  
3           expenses incurred by the Inspector General in  
4           connection with the Inspector General’s respon-  
5           sibilities under this subsection.

6           (B) AUTHORIZATION FOR SERVICES.—Of  
7           the amount authorized to be appropriated  
8           under section 10(a) for a fiscal year, up to  
9           \$2,000,000 is authorized to be made available  
10          to the Inspector General of the Department of  
11          State to conduct reviews, investigations, and in-  
12          spections of operations and activities of the  
13          Foundation.

14 **SEC. 9. GENERAL PERSONNEL AUTHORITIES.**

15          (a) DETAIL OF PERSONNEL.—Upon request of the  
16          Chief Executive Officer, the head of an agency may detail  
17          any employee of such agency to the Foundation on a reim-  
18          bursable basis. Any employee so detailed remains, for the  
19          purpose of preserving such employee’s allowances, privi-  
20          leges, rights, seniority, and other benefits, an employee of  
21          the agency from which detailed.

22          (b) REEMPLOYMENT RIGHTS.—

23                  (1) IN GENERAL.—An employee of an agency  
24          who is serving under a career or career conditional  
25          appointment (or the equivalent), and who, with the

1 consent of the head of such agency, transfers to the  
2 Foundation, is entitled to be reemployed in such em-  
3 ployee's former position or a position of like senior-  
4 ity, status, and pay in such agency, if such em-  
5 ployee—

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

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

12 (2) SPECIFIC RIGHTS.—An employee who satis-  
13 fies paragraph (1) is entitled to be reemployed (in  
14 accordance with such paragraph) within 30 days  
15 after applying for reemployment and, on reemploy-  
16 ment, is entitled to at least the rate of basic pay to  
17 which such employee would have been entitled had  
18 such employee never transferred.

19 (c) HIRING AUTHORITY.—Of persons employed by  
20 the Foundation, not to exceed ~~30 persons~~ *20 persons* may  
21 be appointed, compensated, or removed without regard to  
22 the civil service laws and regulations.

23 (d) BASIC PAY.—The Chief Executive Officer may fix  
24 the rate of basic pay of employees of the Foundation with-  
25 out regard to the provisions of chapter 51 of title 5,

1 United States Code (relating to the classification of posi-  
2 tions), subchapter III of chapter 53 of such title (relating  
3 to General Schedule pay rates), except that no employee  
4 of the Foundation may receive a rate of basic pay that  
5 exceeds the rate for level IV of the Executive Schedule  
6 under section 5315 of such title.

7 (e) DEFINITIONS.—In this section—

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

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

15 **SEC. 10. GAO REVIEW.**

16 (a) *REVIEW REQUIRED.*—*Not later than two years*  
17 *after the date of the enactment of this Act, the Comptroller*  
18 *General of the United States shall commence a review of*  
19 *the operations of the Foundation.*

20 (b) *CONTENT.*—*In conducting the review required*  
21 *under subsection (a), the Comptroller General shall ana-*  
22 *lyze—*

23 (1) *whether the Foundation is organized and op-*  
24 *erating in a manner that will permit it to fulfill the*  
25 *purposes of this Act, as set forth in section 3;*

1           (2) *the degree to which the Foundation is oper-*  
2           *ating efficiently and in a manner consistent with the*  
3           *requirements of paragraphs (4) and (5) of section*  
4           *5(b);*

5           (3) *whether grantmaking by the Foundation is*  
6           *being undertaken in a manner consistent with sub-*  
7           *sections (d), (e), and (f) of section 6;*

8           (4) *the extent to which the Foundation is using*  
9           *best practices in the implementation of this Act and*  
10          *the administration of the program described in sec-*  
11          *tion 6; and*

12          (5) *other relevant matters, as determined by the*  
13          *Comptroller General, after consultation with the ap-*  
14          *propriate congressional committees.*

15          (c) *REPORT REQUIRED.—The Comptroller General*  
16          *shall submit a report on the results of the review conducted*  
17          *under subsection (a) to the Secretary of State (in the capac-*  
18          *ity of the Secretary as Chairperson of the Board of the*  
19          *Foundation) and to the appropriate congressional commit-*  
20          *tees.*

21          **SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.**

22          (a) **AUTHORIZATION OF APPROPRIATIONS.—**

23                  (1) **IN GENERAL.—**There are authorized to be  
24                  appropriated to carry out this Act \$80,000,000 for  
25                  fiscal year 2008 and each subsequent fiscal year.

1           (2) AMOUNTS IN ADDITION TO OTHER AVAIL-  
2           ABLE AMOUNTS.—Amounts authorized to be appro-  
3           priated by paragraph (1) are in addition to amounts  
4           authorized to be appropriated or otherwise made  
5           available for educational exchange programs, includ-  
6           ing the J. William Fulbright Educational Exchange  
7           Program and the Benjamin A. Gilman International  
8           Scholarship Program, administered by the Bureau of  
9           Educational and Cultural Affairs of the Department  
10          of State.

11          (b) ALLOCATION OF FUNDS.—

12           (1) IN GENERAL.—The Foundation may allo-  
13           cate or transfer to any agency of the United States  
14           Government any of the funds available for carrying  
15           out this Act. Such funds shall be available for obli-  
16           gation and expenditure for the purposes for which  
17           the funds were authorized, in accordance with au-  
18           thority granted in this Act or under authority gov-  
19           erning the activities of the United States Govern-  
20           ment agency to which such funds are allocated or  
21           transferred.

22           (2) NOTIFICATION.—The Foundation shall no-  
23           tify the appropriate congressional committees not  
24           less than 15 days prior to an allocation or transfer  
25           of funds pursuant to paragraph (1).

Amend the title so as to read: “An Act to establish the Senator Paul Simon Study Abroad Foundation.”.



Calendar No. 592

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1469**

[Report No. 110-272]

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**AN ACT**

To establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

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MARCH 4, 2008

Reported with amendments and an amendment to the  
title