

Calendar No. 592

110TH CONGRESS
2D SESSION

H. R. 1469

[Report No. 110-272]

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]

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 Representatives 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:

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.

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.

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.

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.

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;

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

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.

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.—

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.”.

19 (d) BOARD OF DIRECTORS.—

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

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;

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.

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 participa-
18 tion 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 institutions
2 of higher education, nongovernmental institutions,
3 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 higher
6 education, nongovernmental institutions, and consortiums
7 pursuant to section 6(a)(2)(B) and
8 6(a)(2)(C) that includes the identity of the institutional
9 recipient, the dollar amount, ~~and the~~, *the* estimated number of study abroad opportunities provided to United States students by each grant, *the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant*;

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

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

14 (6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

15 (A) the number of Foundation employees
16 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.—

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.—

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.

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;

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.

11 (b) ALLOCATION OF FUNDS.—

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.”.

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