

HR 1469 IH

110th CONGRESS
1st Session
H. R. 1469

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

IN THE HOUSE OF REPRESENTATIVES

March 12, 2007

Mr. LANTOS (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) According to President George W. Bush, 'America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.'
- (2) According to former President William J. Clinton, 'Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.'
- (3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding

the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, '[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning' and, for that reason, 'is simply essential to the [N]ation's security'.

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

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

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

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

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

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

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

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

(13) Investing in a national study abroad program would help turn a grade of 'D' into an 'A' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and

political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

SEC. 3. PURPOSES.

The purposes of this Act are--

- (1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;
- (2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;
- (3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and
- (4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

- (1) APPROPRIATE CONGRESSIONAL COMMITTEES- The term 'appropriate congressional committees' means--
 - (A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and
 - (B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
- (2) BOARD- The term 'Board' means the Board of Directors of the Foundation established pursuant to section 5(d).
- (3) CHIEF EXECUTIVE OFFICER- The term 'Chief Executive Officer' means the chief executive officer of the Foundation appointed pursuant to section 5(c).
- (4) FOUNDATION- The term 'Foundation' means the Senator Paul Simon Study Abroad Foundation established by section 5(a).
- (5) INSTITUTION OF HIGHER EDUCATION- The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).
- (6) NONTRADITIONAL STUDY ABROAD DESTINATION- The term 'nontraditional study abroad destination' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

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

(8) UNITED STATES- The term `United States' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(9) UNITED STATES STUDENT- The term `United States student' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) Establishment-

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

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

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

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

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

(b) Mandate of Foundation- In administering the program referred to in subsection (a)(3), the Foundation shall--

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

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

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

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

(c) Chief Executive Officer-

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

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

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

(4) COMPENSATION AND RANK-

(A) IN GENERAL- The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

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

'Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.'

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

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

(d) Board of Directors-

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

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

(3) MEMBERSHIP- The Board shall consist of--

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

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

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

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

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

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

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

(5) TERMS-

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

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

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

(6) CHAIRPERSON- There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

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

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

(9) COMPENSATION-

(A) OFFICERS OF THE FEDERAL GOVERNMENT-

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

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

(B) OTHER MEMBERS-

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

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

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

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

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

- (a) Establishment of the Program- There is hereby established a program, which shall--
- (1) be administered by the Foundation; and
 - (2) award grants to--
 - (A) United States students for study abroad;
 - (B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and
 - (C) institutions of higher education, individually or in consortium,in order to accomplish the objectives set forth in subsection (b).
- (b) Objectives- The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act--
- (1) not less than one million undergraduate United States students will study abroad annually for credit;
 - (2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and
 - (3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.
- (c) Mandate of the Program- In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199)).
- (d) Structure of Grants- In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.
- (e) Balance of Long-Term and Short-Term Study Abroad Programs- In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between--
- (1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and
 - (2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

SEC. 7. ANNUAL REPORT.

(a) Report Required- Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) Contents- The report required by subsection (a) shall include--

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

(2) a description of the Board's policy priorities for the year and the bases upon which competitive grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, and the estimated number of study abroad opportunities provided to United States students by each grant;

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

(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

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

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

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

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) Powers- The Foundation--

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

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

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

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

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

- (6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;
- (7) may use the United States mails in the same manner and on the same conditions as the executive departments;
- (8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;
- (9) may hire or obtain passenger motor vehicles; and
- (10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) Principal Office- The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) Applicability of Government Corporation Control Act-

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

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

(R) the Senator Paul Simon Study Abroad Foundation.'

(d) Inspector General-

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

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

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES-

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

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

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

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

(b) Reemployment Rights-

(1) IN GENERAL- An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee--

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

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

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

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

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

(e) Definitions- In this section--

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

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations- There are authorized to be appropriated to carry out this Act \$80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) Allocation of Funds-

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

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

END