

110TH CONGRESS
1ST SESSION

S. 991

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

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. OBAMA, Mr. KERRY, Mr. ROBERTS, Mr. MENENDEZ, Mr. COCHRAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. SMITH, Mr. STEVENS, Mr. AKAKA, Mr. CHAMBLISS, Ms. STABENOW, Ms. SNOWE, Ms. CANTWELL, Mr. BAUCUS, Mr. WARNER, Mr. PRYOR, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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 Commission has submitted to
18 Congress and the President a report of its rec-
19 ommendations for greatly expanding the opportunity
20 for students at institutions of higher education in
21 the United States to study abroad, with special em-
22 phasis on studying in developing nations.

23 (4) Studies consistently show that United
24 States students score below their counterparts in
25 other advanced countries on indicators of inter-

1 national knowledge. This lack of global literacy is a
2 national liability in an age of global trade and busi-
3 ness, global interdependence, and global terror.

4 (5) By numbers ranging from 77 to more than
5 90 percent, Americans believe that it is important
6 for their children to learn other languages, study
7 abroad, attend a college where they can interact with
8 international students, learn about other countries
9 and cultures, and generally be prepared for the glob-
10 al age, according to a December 2005 national sur-
11 vey commissioned by NAFSA: Association of Inter-
12 national Educators.

13 (6) In today's world, it is more important than
14 ever for the United States to be a responsible, con-
15 structive leader that other countries are willing to
16 follow. Such leadership cannot be sustained without
17 an informed citizenry with much more knowledge
18 and awareness of the world than most Americans
19 currently possess.

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

23 (8) In any given year, only approximately one
24 percent of all students enrolled in United States in-
25 stitutions of higher education study abroad.

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

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

14 (11) The Final Report of the National Commis-
15 sion on Terrorist Attacks Upon the United States
16 (The 9/11 Commission Report) recommended that
17 the United States increase support for “scholarship,
18 exchange, and library programs”. The 9/11 Public
19 Discourse Project, successor to the 9/11 Commis-
20 sion, noted in its November 14, 2005, status report
21 that this recommendation was “unfulfilled,” and
22 stated that “The U.S. should increase support for
23 scholarship and exchange programs, our most power-
24 ful tool to shape attitudes over the course of a gen-
25 eration.”. In its December 5, 2005, Final Report on

1 the 9/11 Commission Recommendations, the 9/11
2 Public Discourse Project gave the government a
3 grade of “D” for its implementation of this rec-
4 ommendation.

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

12 **SEC. 3. PURPOSES.**

13 The purposes of this Act are—

14 (1) to significantly enhance the global competi-
15 tiveness and international knowledge base of the
16 United States by ensuring that more students in
17 United States institutions of higher education have
18 the opportunity to acquire foreign language skills
19 and international knowledge through significantly
20 expanded study abroad;

21 (2) to enhance the foreign policy capacity of the
22 United States by significantly expanding and diversi-
23 fying the talent pool of individuals with non-tradi-
24 tional foreign language skills and cultural knowledge
25 in the United States who are available for recruit-

1 ment by United States foreign affairs agencies, leg-
2 islative branch agencies, and nongovernmental orga-
3 nizations involved in foreign affairs activities;

4 (3) to ensure that an increasing portion of
5 study abroad by United States students will take
6 place in nontraditional study abroad destinations
7 such as the People’s Republic of China, countries of
8 the Middle East region, and developing countries;
9 and

10 (4) to create greater cultural understanding of
11 the United States by exposing foreign students and
12 their families to American students in countries that
13 have not traditionally hosted large numbers of
14 American students.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Foreign Affairs and
21 the Committee on Appropriations of the House
22 of Representatives; and

23 (B) the Committee on Foreign Relations
24 and the Committee on Appropriations of the
25 Senate.

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

4 (3) CHIEF EXECUTIVE OFFICER.—The term
5 “Chief Executive Officer” means the chief executive
6 officer of the Foundation appointed pursuant to sec-
7 tion 5(c).

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

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

15 (6) NONTRADITIONAL STUDY ABROAD DESTINA-
16 TION.—The term “nontraditional study abroad des-
17 tination” means a location that is determined by the
18 Foundation to be a less common destination for
19 United States students who study abroad.

20 (7) STUDY ABROAD.—The term “study abroad”
21 means an educational program of study, work, re-
22 search, internship, or combination thereof that is
23 conducted outside the United States and that carries
24 academic credit toward fulfilling the participating
25 student’s degree requirements.

1 **SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SEN-**
2 **ATOR PAUL SIMON STUDY ABROAD FOUNDA-**
3 **TION.**

4 (a) ESTABLISHMENT.—

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

14 (2) BOARD OF DIRECTORS.—The Foundation
15 shall be governed by a Board of Directors chaired by
16 the Secretary of State in accordance with subsection
17 (d).

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

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

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

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

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

6 (2) through responsive, flexible grant-making,
 7 promote access by students at diverse institutions of
 8 higher education, including two-year institutions, mi-
 9 nority-serving institutions, and institutions that
 10 serve nontraditional students;

11 (3) through creative grant-making, promote ac-
 12 cess by diverse students, including minority stu-
 13 dents, students of limited financial means, and non-
 14 traditional students;

15 (4) raise funds from the private sector to sup-
 16 plement funds made available under this Act; and

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

20 (c) CHIEF EXECUTIVE OFFICER.—

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

24 (2) APPOINTMENT.—The Chief Executive Offi-
 25 cer shall be appointed by the Board and shall be a

1 recognized leader in higher education, business, or
2 foreign policy, chosen on the basis of a rigorous
3 search.

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

7 (4) COMPENSATION AND RANK.—

8 (A) IN GENERAL.—The Chief Executive
9 Officer shall be compensated at the rate pro-
10 vided for level III of the Executive Schedule
11 under section 5314 of title 5, United States
12 Code, and shall have the equivalent rank of
13 Deputy Secretary.

14 (B) AMENDMENT.—Section 5314 of title
15 5, United States Code, is amended by adding at
16 the end the following:

17 “Chief Executive Officer, Senator Paul Simon
18 Study Abroad Foundation.”.

19 (5) AUTHORITIES AND DUTIES.—The Chief Ex-
20 ecutive Officer shall be responsible for the manage-
21 ment of the Foundation and shall exercise the pow-
22 ers and discharge the duties of the Foundation.

23 (6) AUTHORITY TO APPOINT OFFICERS.—In
24 consultation and with approval of the Board, the

1 Chief Executive Officer shall appoint all officers of
2 the Foundation.

3 (d) BOARD OF DIRECTORS.—

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

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

13 (3) MEMBERSHIP.—The Board shall consist
14 of—

15 (A) the Secretary of State (or the Sec-
16 retary's designee), the Secretary of Education
17 (or the Secretary's designee), the Secretary of
18 Defense (or the Secretary's designee), and the
19 Administrator of the United States Agency for
20 International Development (or the Administra-
21 tor's designee); and

22 (B) five other individuals with relevant ex-
23 perience in matters relating to study abroad
24 (such as individuals who represent institutions
25 of higher education, business organizations, for-

1 eign policy organizations, or other relevant or-
2 ganizations) who shall be appointed by the
3 President, by and with the advice and consent
4 of the Senate, of which—

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

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

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

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

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

22 (5) TERMS.—

23 (A) OFFICERS OF THE FEDERAL GOVERN-
24 MENT.—Each member of the Board described
25 in paragraph (3)(A) shall serve for a term that

1 is concurrent with the term of service of the in-
2 dividual's position as an officer within the other
3 Federal department or agency.

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

8 (C) VACANCIES.—A vacancy in the Board
9 shall be filled in the manner in which the origi-
10 nal appointment was made.

11 (6) CHAIRPERSON.—There shall be a Chair-
12 person of the Board. The Secretary of State shall
13 serve as the Chairperson.

14 (7) QUORUM.—A majority of the members of
15 the Board described in paragraph (3) shall con-
16 stitute a quorum, which, except with respect to a
17 meeting of the Board during the 135-day period be-
18 ginning on the date of the enactment of this Act,
19 shall include at least one member of the Board de-
20 scribed in paragraph (3)(B).

21 (8) MEETINGS.—The Board shall meet at the
22 call of the Chairperson.

23 (9) COMPENSATION.—

24 (A) OFFICERS OF THE FEDERAL GOVERN-
25 MENT.—

1 (i) IN GENERAL.—A member of the
2 Board described in paragraph (3)(A) may
3 not receive additional pay, allowances, or
4 benefits by reason of the member’s service
5 on the Board.

6 (ii) TRAVEL EXPENSES.—Each such
7 member of the Board shall receive travel
8 expenses, including per diem in lieu of sub-
9 sistence, in accordance with applicable pro-
10 visions under subchapter I of chapter 57 of
11 title 5, United States Code.

12 (B) OTHER MEMBERS.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), a member of the Board de-
15 scribed in paragraph (3)(B)—

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

1 (II) while away from the mem-
2 ber's home or regular place of busi-
3 ness on necessary travel in the actual
4 performance of duties as a member of
5 the Board, shall be paid per diem,
6 travel, and transportation expenses in
7 the same manner as is provided under
8 subchapter I of chapter 57 of title 5,
9 United States Code.

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

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

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

17 (1) be administered by the Foundation; and

18 (2) award grants to—

19 (A) individuals for study abroad;

20 (B) nongovernmental institutions that pro-
21 vide and promote study abroad opportunities, in
22 consortium with institutions described in sub-
23 paragraph (C); and

24 (C) institutions of higher education, indi-
25 vidually or in consortium,

1 in order to accomplish the objectives set forth in
2 subsection (b).

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

6 (1) not less than one million undergraduate stu-
7 dents in United States institutions of higher edu-
8 cation will study abroad annually for credit;

9 (2) the demographics of study-abroad participa-
10 tion will reflect the demographics of the United
11 States undergraduate population; and

12 (3) an increasing portion of study abroad will
13 take place in nontraditional study abroad destina-
14 tions, with a substantial portion of such increases
15 taking place in developing countries.

16 (c) MANDATE OF THE PROGRAM.—In order to ac-
17 complish the objectives set forth in subsection (b), the
18 Foundation shall, in administering the program estab-
19 lished under subsection (a), take fully into account the rec-
20 ommendations of the Commission on the Abraham Lincoln
21 Study Abroad Fellowship Program (established pursuant
22 to section 104 of the Miscellaneous Appropriations and
23 Offsets Act, 2004 (division H of Public Law 108–199)).

24 (d) STRUCTURE OF GRANTS.—In accordance with
25 the recommendations of the Commission on the Abraham

1 Lincoln Study Abroad Fellowship Program, grants award-
2 ed under the program established under subsection (a)
3 shall be structured to the maximum extent practicable to
4 promote appropriate reforms in institutions of higher edu-
5 cation in order to remove barriers to participation by stu-
6 dents in study abroad.

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

11 (1) longer-term study abroad programs, which
12 maximize foreign-language learning and intercultural
13 understanding; and

14 (2) shorter-term study abroad programs, which
15 maximize the accessibility of study abroad to non-
16 traditional students.

17 **SEC. 7. ANNUAL REPORT.**

18 Not later than March 31, 2008, and each March 31
19 thereafter, the Foundation shall submit to Congress a re-
20 port on the implementation of this Act during the prior
21 fiscal year.

22 **SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVI-**
23 **SIONS.**

24 (a) **POWERS.**—The Foundation—

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

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

6 (3) may make and perform such contracts,
7 grants, and other agreements with any person or
8 government however designated and wherever situ-
9 ated, as may be necessary for carrying out the func-
10 tions of the Foundation;

11 (4) may determine and prescribe the manner in
12 which its obligations shall be incurred and its ex-
13 penses allowed and paid, including expenses for rep-
14 resentation;

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

19 (6) may accept cash gifts or donations of serv-
20 ices or of property (real, personal, or mixed), tan-
21 gible or intangible, for the purpose of carrying out
22 the provisions of this Act;

23 (7) may use the United States mails in the
24 same manner and on the same conditions as the ex-
25 ecutive departments;

1 (8) may contract with individuals for personal
2 services, who shall not be considered Federal em-
3 ployees for any provision of law administered by the
4 Office of Personnel Management;

5 (9) may hire or obtain passenger motor vehi-
6 cles; and

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

9 (b) PRINCIPAL OFFICE.—The Foundation shall
10 maintain its principal office in the metropolitan area of
11 Washington, District of Columbia.

12 (c) APPLICABILITY OF GOVERNMENT CORPORATION
13 CONTROL ACT.—

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

19 (2) CONFORMING AMENDMENT.—Section
20 9101(3) of title 31, United States Code, is amended
21 by adding at the end the following:

22 “(R) the Senator Paul Simon Study
23 Abroad Foundation.”.

24 (d) INSPECTOR GENERAL.—

1 (1) IN GENERAL.—The Inspector General of
2 the Department of State shall serve as Inspector
3 General of the Foundation, and, in acting in such
4 capacity, may conduct reviews, investigations, and
5 inspections of all aspects of the operations and ac-
6 tivities of the Foundation.

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

11 (3) REIMBURSEMENT AND AUTHORIZATION OF
12 SERVICES.—

13 (A) REIMBURSEMENT.—The Foundation
14 shall reimburse the Department of State for all
15 expenses incurred by the Inspector General in
16 connection with the Inspector General’s respon-
17 sibilities under this subsection.

18 (B) AUTHORIZATION FOR SERVICES.—Of
19 the amount authorized to be appropriated
20 under section 10(a) for a fiscal year, up to
21 \$2,000,000 is authorized to be made available
22 to the Inspector General of the Department of
23 State to conduct reviews, investigations, and in-
24 spections of operations and activities of the
25 Foundation.

1 **SEC. 9. GENERAL PERSONNEL AUTHORITIES.**

2 (a) **DETAIL OF PERSONNEL.**—Upon request of the
3 Chief Executive Officer, the head of an agency may detail
4 any employee of such agency to the Foundation on a reim-
5 bursable basis. Any employee so detailed remains, for the
6 purpose of preserving such employee's allowances, privi-
7 leges, rights, seniority, and other benefits, an employee of
8 the agency from which detailed.

9 (b) **REEMPLOYMENT RIGHTS.**—

10 (1) **IN GENERAL.**—An employee of an agency
11 who is serving under a career or career conditional
12 appointment (or the equivalent), and who, with the
13 consent of the head of such agency, transfers to the
14 Foundation, is entitled to be reemployed in such em-
15 ployee's former position or a position of like senior-
16 ity, status, and pay in such agency, if such em-
17 ployee—

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

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

24 (2) **SPECIFIC RIGHTS.**—An employee who satis-
25 fies paragraph (1) is entitled to be reemployed (in
26 accordance with such paragraph) within 30 days

1 after applying for reemployment and, on reemploy-
2 ment, is entitled to at least the rate of basic pay to
3 which such employee would have been entitled had
4 such employee never transferred.

5 (c) HIRING AUTHORITY.—Of persons employed by
6 the Foundation, not to exceed 30 persons may be ap-
7 pointed, compensated, or removed without regard to the
8 civil service laws and regulations.

9 (d) BASIC PAY.—The Chief Executive Officer may fix
10 the rate of basic pay of employees of the Foundation with-
11 out regard to the provisions of chapter 51 of title 5,
12 United States Code (relating to the classification of posi-
13 tions), subchapter III of chapter 53 of such title (relating
14 to General Schedule pay rates), except that no employee
15 of the Foundation may receive a rate of basic pay that
16 exceeds the rate for level IV of the Executive Schedule
17 under section 5315 of such title.

18 (e) DEFINITIONS.—In this section—

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

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

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to carry out this Act
4 \$80,000,000 for fiscal year 2008 and each subsequent fis-
5 cal year.

6 (b) ALLOCATION OF FUNDS.—

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

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

○