

111TH CONGRESS
1ST SESSION

S. 473

To establish the Senator Paul Simon Study Abroad Foundation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2009

Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish the Senator Paul Simon Study Abroad
Foundation.

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 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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 “[t]he 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 (16) To restore America’s standing in the
8 world, President Barack Obama has said that he will
9 call on our Nation’s greatest resource, our people, to
10 reach out to and engage with other nations.

11 **SEC. 3. PURPOSES.**

12 The purposes of this Act are—

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

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

1 islative branch agencies, and nongovernmental orga-
2 nizations involved in foreign affairs activities;

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

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

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

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

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

22 (B) the Committee on Foreign Relations
23 and the Committee on Appropriations of the
24 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) NATIONAL OF THE UNITED STATES.—The
16 term “national of the United States” means a na-
17 tional of the United States or an alien lawfully ad-
18 mitted for permanent residence (as those terms are
19 defined in section 101 of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101)).

21 (7) NONTRADITIONAL STUDY ABROAD DESTINA-
22 TION.—The term “nontraditional study abroad des-
23 tination” means a location that is determined by the
24 Foundation to be a less common destination for
25 United States students who study abroad.

1 (8) STUDY ABROAD.—The term “study abroad”
 2 means an educational program of study, work, re-
 3 search, internship, or combination thereof that is
 4 conducted outside the United States and that carries
 5 academic credit toward fulfilling the participating
 6 student’s degree requirements.

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

13 (10) UNITED STATES STUDENT.—The term
 14 “United States student” means a national of the
 15 United States who is enrolled at an institution of
 16 higher education located within the United States.

17 **SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SEN-**

18 **ATOR PAUL SIMON STUDY ABROAD FOUNDA-**

19 **TION.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established in the
 22 executive branch a corporation to be known as the
 23 “Senator Paul Simon Study Abroad Foundation”
 24 that shall be responsible for carrying out this Act.
 25 The Foundation shall be a Government corporation,

1 as defined in section 103 of title 5, United States
2 Code.

3 (2) BOARD OF DIRECTORS.—The Foundation
4 shall be governed by a Board of Directors in accord-
5 ance with subsection (d).

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

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

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

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

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

20 (2) through responsive, flexible grant-making,
21 promote access to study abroad opportunities by
22 United States students at diverse institutions of
23 higher education, including two-year institutions, mi-
24 nority-serving institutions, and institutions that
25 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) solicit funds from the private sector to sup-
 7 plement funds made available under this Act; and

8 (5) minimize administrative costs and maximize
 9 the availability of funds for grants under this Act.

10 (c) CHIEF EXECUTIVE OFFICER.—

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

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

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

22 (4) COMPENSATION AND RANK.—

23 (A) IN GENERAL.—The Chief Executive
 24 Officer shall be compensated at the rate pro-
 25 vided for level IV of the Executive Schedule

1 under section 5315 of title 5, United States
2 Code.

3 (B) AMENDMENT.—Section 5315 of title
4 5, United States Code, is amended by adding at
5 the end the following:

6 “Chief Executive Officer, Senator Paul Simon
7 Study Abroad Foundation.”.

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

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

16 (d) BOARD OF DIRECTORS.—

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

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

1 (3) MEMBERSHIP.—The Board shall consist
2 of—

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

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

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

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

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

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

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

10 (5) TERMS.—

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

17 (B) OTHER MEMBERS.—Each member of
18 the Board described in paragraph (3)(B) shall
19 be appointed for a term of 3 years and may be
20 reappointed for one additional 3-year term.

21 (C) VACANCIES.—A vacancy in the Board
22 shall be filled in the manner in which the origi-
23 nal appointment was made.

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

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

11 (8) MEETINGS.—The Board shall meet at the
12 call of the Chairperson.

13 (9) COMPENSATION.—

14 (A) OFFICERS OF THE FEDERAL GOVERN-
15 MENT.—

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

21 (ii) TRAVEL EXPENSES.—Each such
22 member of the Board shall receive travel
23 expenses, including per diem in lieu of sub-
24 sistence, in accordance with applicable pro-

1 visions under subchapter I of chapter 57 of
2 title 5, United States Code.

3 (B) OTHER MEMBERS.—

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

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

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

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

22 (1) be administered by the Foundation; and

23 (2) award grants to—

24 (A) United States students for study
25 abroad;

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

5 (C) institutions of higher education, indi-
6 vidually or in consortium,

7 in order to accomplish the objectives set forth in
8 subsection (b).

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

12 (1) not less than 1,000,000 undergraduate
13 United States students will study abroad annually
14 for credit;

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

21 (3) an increasing portion of study abroad will
22 take place in nontraditional study abroad destina-
23 tions, with a substantial portion of such increases
24 taking place in developing countries.

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

9 (d) STRUCTURE OF GRANTS.—

10 (1) PROMOTING REFORM.—In accordance with
11 the recommendations of the Commission on the
12 Abraham Lincoln Study Abroad Fellowship Pro-
13 gram, grants awarded under the program estab-
14 lished under subsection (a) shall be structured to the
15 maximum extent practicable to promote appropriate
16 reforms in institutions of higher education in order
17 to remove barriers to participation by students in
18 study abroad.

19 (2) GRANTS TO INDIVIDUALS AND INSTITU-
20 TIONS.—It is the sense of Congress that—

21 (A) the Foundation should award not more
22 than 25 percent of the funds awarded as grants
23 to individuals described in subparagraph (A) of
24 subsection (a)(2) and not less than 75 percent

1 of such funds to institutions described in sub-
2 paragraphs (B) and (C) of such subsection; and

3 (B) the Foundation should ensure that not
4 less than 85 percent of the amount awarded to
5 such institutions is used to award scholarships
6 to students.

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

21 (1) the study abroad programs for which stu-
22 dents receive grant funds are for academic credit;
23 and

24 (2) the programs have established health and
25 safety guidelines and procedures.

1 **SEC. 7. ANNUAL REPORT.**

2 (a) REPORT REQUIRED.—Not later than December
3 15, 2010, and each December 15 thereafter, the Founda-
4 tion shall submit to the appropriate congressional commit-
5 tees a report on the implementation of this Act during
6 the prior fiscal year.

7 (b) CONTENTS.—The report required by subsection
8 (a) shall include—

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

14 (2) a description of the Board's policy priorities
15 for the year and the bases upon which grant pro-
16 posals were solicited and awarded to institutions of
17 higher education, nongovernmental institutions, and
18 consortiums pursuant to section 6(a)(2)(B) and
19 6(a)(2)(C);

20 (3) a list of grants made to institutions of high-
21 er education, nongovernmental institutions, and con-
22 sortiums pursuant to section 6(a)(2)(B) and
23 6(a)(2)(C) that includes the identity of the institu-
24 tional recipient, the dollar amount, the estimated
25 number of study abroad opportunities provided to
26 United States students by each grant, the amount of

1 the grant used by each institution for administrative
2 expenses, and information on cost-sharing by each
3 institution receiving a grant;

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

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

10 (6) the total administrative and operating ex-
11 penses of the Foundation for the year, as well as
12 specific information on—

13 (A) the number of Foundation employees
14 and the cost of compensation for Board mem-
15 bers, Foundation employees, and personal serv-
16 ice contractors;

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

20 (C) total travel expenses incurred by Board
21 members and Foundation employees in connec-
22 tion with Foundation activities; and

23 (D) total representational expenses.

1 **SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVI-**
2 **SIONS.**

3 (a) POWERS.—The Foundation—

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

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

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

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

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

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

1 (7) may use the United States mails in the
2 same manner and on the same conditions as the ex-
3 ecutive departments;

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

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

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

12 (b) PRINCIPAL OFFICE.—The Foundation shall
13 maintain its principal office in the metropolitan area of
14 Washington, District of Columbia.

15 (c) APPLICABILITY OF GOVERNMENT CORPORATION
16 CONTROL ACT.—

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

22 (2) CONFORMING AMENDMENT.—Section
23 9101(3) of title 31, United States Code, is amended
24 by adding at the end the following:

1 “(S) the Senator Paul Simon Study
2 Abroad Foundation.”.

3 (d) INSPECTOR GENERAL.—

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

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

14 (3) REIMBURSEMENT AND AUTHORIZATION OF
15 SERVICES.—

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

21 (B) AUTHORIZATION FOR SERVICES.—Of
22 the amount authorized to be appropriated
23 under section 11(a) for a fiscal year, up to
24 \$2,000,000 is authorized to be made available
25 to the Inspector General of the Department of

1 State to conduct reviews, investigations, and in-
2 spections of operations and activities of the
3 Foundation.

4 **SEC. 9. GENERAL PERSONNEL AUTHORITIES.**

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

12 (b) **REEMPLOYMENT RIGHTS.**—

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

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

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

4 (2) SPECIFIC RIGHTS.—An employee who satis-
5 fies paragraph (1) is entitled to be reemployed (in
6 accordance with such paragraph) within 30 days
7 after applying for reemployment and, on reemploy-
8 ment, is entitled to at least the rate of basic pay to
9 which such employee would have been entitled had
10 such employee never transferred.

11 (c) HIRING AUTHORITY.—Of persons employed by
12 the Foundation, not to exceed 20 persons may be ap-
13 pointed, compensated, or removed without regard to the
14 civil service laws and regulations.

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

24 (e) DEFINITIONS.—In this section—

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

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

8 **SEC. 10. GAO REVIEW.**

9 (a) REVIEW REQUIRED.—Not later than two years
10 after the date of the enactment of this Act, the Comp-
11 troller General of the United States shall commence a re-
12 view of the operations of the Foundation.

13 (b) CONTENT.—In conducting the review required
14 under subsection (a), the Comptroller General shall ana-
15 lyze—

16 (1) whether the Foundation is organized and
17 operating in a manner that will permit it to fulfill
18 the purposes of this section, as set forth in section
19 3;

20 (2) the degree to which the Foundation is oper-
21 ating efficiently and in a manner consistent with the
22 requirements of paragraphs (4) and (5) of section
23 5(b);

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

4 (4) the extent to which the Foundation is using
5 best practices in the implementation of this Act and
6 the administration of the program described in sec-
7 tion 6; and

8 (5) other relevant matters, as determined by
9 the Comptroller General, after consultation with the
10 appropriate congressional committees.

11 (c) **REPORT REQUIRED.**—The Comptroller General
12 shall submit a report on the results of the review con-
13 ducted under subsection (a) to the Secretary of State (in
14 the capacity of the Secretary as Chairperson of the Board
15 of the Foundation) and to the appropriate congressional
16 committees.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) **IN GENERAL.**—There are authorized to be
20 appropriated to carry out this Act \$80,000,000 for
21 fiscal year 2010 and each subsequent fiscal year.

22 (2) **AMOUNTS IN ADDITION TO OTHER AVAIL-**
23 **ABLE AMOUNTS.**—Amounts authorized to be appro-
24 priated by paragraph (1) are in addition to amounts
25 authorized to be appropriated or otherwise made

1 available for educational exchange programs, includ-
2 ing the J. William Fulbright Educational Exchange
3 Program and the Benjamin A. Gilman International
4 Scholarship Program, administered by the Bureau of
5 Educational and Cultural Affairs of the Department
6 of State.

7 (b) ALLOCATION OF FUNDS.—

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

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

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