

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.

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:

8                (1) According to President George W. Bush,  
9        “America’s leadership and national security rest on  
10        our commitment to educate and prepare our youth

1 for active engagement in the international commu-  
2 nity.”.

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

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

20 (4) According to the Lincoln Commission,  
21 “[s]tudy abroad is one of the major means of pro-  
22 ducing foreign language speakers and enhancing for-  
23 eign language learning” and, for that reason, “is  
24 simply essential to the [N]ation’s security”.

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

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

13           (7) 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 significant knowledge and  
18 awareness of the world.

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

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

1           (10) 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           (11) Far more study abroad must take place in  
6 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           (12) 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 (13) 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 (14) An enhanced national study abroad pro-  
13 gram could help further the goals of other United  
14 States Government initiatives to promote edu-  
15 cational, social, and political reform and the status  
16 of women in developing and reforming societies  
17 around the world, such as the Middle East Partner-  
18 ship Initiative.

19 **SEC. 3. PURPOSES.**

20 The purposes of this Act are—

21 (1) to significantly enhance the global competi-  
22 tiveness and international knowledge base of the  
23 United States by ensuring that more United States  
24 students have the opportunity to acquire foreign lan-

1        guage skills and international knowledge through  
2        significantly expanded study abroad;

3            (2) to enhance the foreign policy capacity of the  
4        United States by significantly expanding and diversi-  
5        fying the talent pool of individuals with non-tradi-  
6        tional foreign language skills and cultural knowledge  
7        in the United States who are available for recruit-  
8        ment by United States foreign affairs agencies, leg-  
9        islative branch agencies, and nongovernmental orga-  
10       nizations involved in foreign affairs activities;

11           (3) to ensure that an increasing portion of  
12        study abroad by United States students will take  
13        place in nontraditional study abroad destinations  
14        such as the People’s Republic of China, countries of  
15        the Middle East region, and developing countries;  
16        and

17           (4) to create greater cultural understanding of  
18        the United States by exposing foreign students and  
19        their families to United States students in countries  
20        that have not traditionally hosted large numbers of  
21        United States students.

22 **SEC. 4. DEFINITIONS.**

23        In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Foreign Affairs and  
5                   the Committee on Appropriations of the House  
6                   of Representatives; and

7                   (B) the Committee on Foreign Relations  
8                   and the Committee on Appropriations of the  
9                   Senate.

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

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

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

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

24          (6) NONTRADITIONAL STUDY ABROAD DESTINA-  
25          TION.—The term “nontraditional study abroad des-

1       tination” means a location that is determined by the  
2       Foundation to be a less common destination for  
3       United States students who study abroad.

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

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

16              (9) UNITED STATES STUDENT.—The term  
17       “United States student” means a national of the  
18       United States who is enrolled at an institution of  
19       higher education located within the United States.

20 **SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SEN-**  
21 **ATOR PAUL SIMON STUDY ABROAD FOUNDA-**  
22 **TION.**

23       (a) ESTABLISHMENT.—

24              (1) IN GENERAL.—There is established in the  
25       executive branch a corporation to be known as the

1 “Senator Paul Simon Study Abroad Foundation”  
2 that shall be responsible for carrying out this Act  
3 under the authorities of the Mutual Educational and  
4 Cultural Exchange Act of 1961 (22 U.S.C. 2451 et  
5 seq.). The Foundation shall be a government cor-  
6 poration, as defined in section 103 of title 5, United  
7 States Code.

8 (2) BOARD OF DIRECTORS.—The Foundation  
9 shall be governed by a Board of Directors chaired by  
10 the Secretary of State (or the Secretary’s designee)  
11 in accordance with subsection (d).

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

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

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

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

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

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

7           (3) through creative grant-making, promote ac-  
8           cess to study abroad opportunities by diverse United  
9           States students, including minority students, stu-  
10          dents of limited financial means, and nontraditional  
11          students;

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

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

17          (c) CHIEF EXECUTIVE OFFICER.—

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

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

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

4           (4) COMPENSATION AND RANK.—

5           (A) IN GENERAL.—The Chief Executive  
6       Officer shall be compensated at the rate pro-  
7       vided for level III of the Executive Schedule  
8       under section 5314 of title 5, United States  
9       Code.

10          (B) AMENDMENT.—Section 5314 of title  
11       5, United States Code, is amended by adding at  
12       the end the following:

13       “Chief Executive Officer, Senator Paul Simon  
14       Study Abroad Foundation.”.

15          (5) AUTHORITIES AND DUTIES.—The Chief Ex-  
16       ecutive Officer shall be responsible for the manage-  
17       ment of the Foundation and shall exercise the pow-  
18       ers and discharge the duties of the Foundation.

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

23          (d) BOARD OF DIRECTORS.—

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

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

8           (3) MEMBERSHIP.—The Board shall consist  
9 of—

10           (A) the Secretary of State (or the Sec-  
11 retary’s designee), the Secretary of Education  
12 (or the Secretary’s designee), the Secretary of  
13 Defense (or the Secretary’s designee), and the  
14 Administrator of the United States Agency for  
15 International Development (or the Administra-  
16 tor’s designee); and

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

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

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

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

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

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

18 (5) TERMS.—

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

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

5           (C) VACANCIES.—A vacancy in the Board  
6           shall be filled in the manner in which the origi-  
7           nal appointment was made.

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

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

18          (8) MEETINGS.—The Board shall meet at the  
19          call of the Chairperson.

20          (9) COMPENSATION.—

21                 (A) OFFICERS OF THE FEDERAL GOVERN-  
22                 MENT.—

23                         (i) IN GENERAL.—A member of the  
24                         Board described in paragraph (3)(A) may  
25                         not receive additional pay, allowances, or

1 benefits by reason of the member's service  
2 on the Board.

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

9 (B) OTHER MEMBERS.—

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

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

23 (II) while away from the mem-  
24 ber's home or regular place of busi-  
25 ness on necessary travel in the actual

1 performance of duties as a member of  
2 the Board, shall be paid per diem,  
3 travel, and transportation expenses in  
4 the same manner as is provided under  
5 subchapter I of chapter 57 of title 5,  
6 United States Code.

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

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

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

14 (1) be administered by the Foundation; and

15 (2) award grants to—

16 (A) United States students for study  
17 abroad;

18 (B) nongovernmental institutions that pro-  
19 vide and promote study abroad opportunities  
20 for United States students, in consortium with  
21 institutions described in subparagraph (C); and

22 (C) institutions of higher education, indi-  
23 vidually or in consortium,

24 in order to accomplish the objectives set forth in  
25 subsection (b).

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

4 (1) not less than one million undergraduate  
5 United States students will study abroad annually  
6 for credit;

7 (2) the demographics of study-abroad participa-  
8 tion will reflect the demographics of the United  
9 States undergraduate population, including students  
10 enrolled in community colleges, minority-serving in-  
11 stitutions, and institutions serving large numbers of  
12 low-income and first-generation students; and

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

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

1 (d) STRUCTURE OF GRANTS.—In accordance with  
2 the recommendations of the Commission on the Abraham  
3 Lincoln Study Abroad Fellowship Program, grants award-  
4 ed under the program established under subsection (a)  
5 shall be structured to the maximum extent practicable to  
6 promote appropriate reforms in institutions of higher edu-  
7 cation in order to remove barriers to participation by stu-  
8 dents in study abroad.

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

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

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

19 **SEC. 7. ANNUAL REPORT.**

20 (a) REPORT REQUIRED.—Not later than March 31,  
21 2008, and each March 31 thereafter, the Foundation shall  
22 submit to the appropriate congressional committees a re-  
23 port on the implementation of this Act during the prior  
24 fiscal year.

1 (b) CONTENTS.—The report required by subsection

2 (a) shall include—

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

8 (2) a description of the Board’s policy priorities  
9 for the year and the bases upon which competitive  
10 grant proposals were solicited and awarded to insti-  
11 tutions of higher education, nongovernmental insti-  
12 tutions, and consortiums pursuant to section  
13 6(a)(2)(B) and 6(a)(2)(C);

14 (3) a list of grants made to institutions of high-  
15 er education, nongovernmental institutions, and con-  
16 sortiums pursuant to section 6(a)(2)(B) and  
17 6(a)(2)(C) that includes the identity of the institu-  
18 tional recipient, the dollar amount, and the esti-  
19 mated number of study abroad opportunities pro-  
20 vided to United States students by each grant;

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

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

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

7 (A) the number of Foundation employees  
8 and the cost of compensation for Board mem-  
9 bers, Foundation employees, and personal serv-  
10 ice contractors;

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

14 (C) total travel expenses incurred by Board  
15 members and Foundation employees in connec-  
16 tion with Foundation activities; and

17 (D) total representational expenses.

18 **SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVI-**  
19 **SIONS.**

20 (a) POWERS.—The Foundation—

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

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

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

6           (4) may determine and prescribe the manner in  
7           which its obligations shall be incurred and its ex-  
8           penses allowed and paid, including expenses for rep-  
9           resentation;

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

14          (6) may accept cash gifts or donations of serv-  
15          ices or of property (real, personal, or mixed), tan-  
16          gible or intangible, for the purpose of carrying out  
17          the provisions of this Act;

18          (7) may use the United States mails in the  
19          same manner and on the same conditions as the ex-  
20          ecutive departments;

21          (8) may contract with individuals for personal  
22          services, who shall not be considered Federal em-  
23          ployees for any provision of law administered by the  
24          Office of Personnel Management;

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

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

5           (b) PRINCIPAL OFFICE.—The Foundation shall  
6 maintain its principal office in the metropolitan area of  
7 Washington, District of Columbia.

8           (c) APPLICABILITY OF GOVERNMENT CORPORATION  
9 CONTROL ACT.—

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

15           (2) CONFORMING AMENDMENT.—Section  
16 9101(3) of title 31, United States Code, is amended  
17 by adding at the end the following:

18                   “(R) the Senator Paul Simon Study  
19                   Abroad Foundation.”.

20           (d) INSPECTOR GENERAL.—

21           (1) IN GENERAL.—The Inspector General of  
22 the Department of State shall serve as Inspector  
23 General of the Foundation, and, in acting in such  
24 capacity, may conduct reviews, investigations, and

1 inspections of all aspects of the operations and ac-  
2 tivities of the Foundation.

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

7 (3) REIMBURSEMENT AND AUTHORIZATION OF  
8 SERVICES.—

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

14 (B) AUTHORIZATION FOR SERVICES.—Of  
15 the amount authorized to be appropriated  
16 under section 10(a) for a fiscal year, up to  
17 \$2,000,000 is authorized to be made available  
18 to the Inspector General of the Department of  
19 State to conduct reviews, investigations, and in-  
20 spections of operations and activities of the  
21 Foundation.

22 **SEC. 9. GENERAL PERSONNEL AUTHORITIES.**

23 (a) DETAIL OF PERSONNEL.—Upon request of the  
24 Chief Executive Officer, the head of an agency may detail  
25 any employee of such agency to the Foundation on a reim-

1 bursable basis. Any employee so detailed remains, for the  
2 purpose of preserving such employee's allowances, privi-  
3 leges, rights, seniority, and other benefits, an employee of  
4 the agency from which detailed.

5 (b) REEMPLOYMENT RIGHTS.—

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

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

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

20 (2) SPECIFIC RIGHTS.—An employee who satis-  
21 fies paragraph (1) is entitled to be reemployed (in  
22 accordance with such paragraph) within 30 days  
23 after applying for reemployment and, on reemploy-  
24 ment, is entitled to at least the rate of basic pay to

1       which such employee would have been entitled had  
2       such employee never transferred.

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

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

16       (e) DEFINITIONS.—In this section—

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

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

○