

110TH CONGRESS  
2D SESSION

# S. 3097

To amend the Vietnam Education Foundation Act of 2000.

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IN THE SENATE OF THE UNITED STATES

JUNE 6, 2008

Mr. KERRY (for himself, Mr. HAGEL, Mr. BIDEN, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend the Vietnam Education Foundation Act of 2000.

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 “Vietnam Education  
5 Foundation Amendments Act of 2008”.

6 **SEC. 2. TRANSFER OF THE FOUNDATION TO THE DEPART-**  
7 **MENT OF STATE.**

8 (a) IN GENERAL.—Section 204 of the Vietnam Edu-  
9 cation Foundation Act of 2000 (22 U.S.C. 2452 note) is  
10 amended to read as follows:

1 **“SEC. 204. ESTABLISHMENT.**

2 “There is established, within the Bureau of Edu-  
3 cational and Cultural Affairs of the Department of State,  
4 the Vietnam Education Foundation (referred to in this  
5 title as the ‘Foundation’).”.

6 (b) REPLACEMENT OF BOARD OF DIRECTORS WITH  
7 ADVISORY COMMITTEE.—Section 205 of such Act is  
8 amended to read as follows:

9 **“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY**  
10 **COMMITTEE.**

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—There is established a Viet-  
13 nam Education Foundation Advisory Committee (re-  
14 ferred to in this section as the ‘Advisory Com-  
15 mittee’), which shall provide advice to the Secretary  
16 and the Assistant Secretary for Educational and  
17 Cultural Affairs regarding the Foundation’s activi-  
18 ties.

19 “(2) MEMBERSHIP.—The Advisory Committee  
20 shall be composed of 7 members, of whom—

21 “(A) 3 shall be appointed by the Secretary;

22 “(B) 1 shall be appointed by the majority  
23 leader of the Senate;

24 “(C) 1 shall be appointed by the minority  
25 leader of the Senate;

1           “(D) 1 shall be appointed by the Speaker  
2 of the House of Representatives; and

3           “(E) 1 shall be appointed by the minority  
4 leader of the House of Representatives.

5           “(3) APPOINTMENT OF INCUMBENT MEMBERS  
6 OF BOARD OF DIRECTORS.—Members appointed to  
7 the Advisory Committee under paragraph (2) may  
8 include individuals who were members of the Board  
9 of Directors of the Foundation on the date imme-  
10 diately preceding the date of the enactment of the  
11 Vietnam Education Foundation Amendments Act of  
12 2008.

13          “(b) SUPERVISION.—The Foundation shall be subject  
14 to the supervision and direction of the Secretary, working  
15 through the Assistant Secretary for Educational and Cul-  
16 tural Affairs, and in consultation with the Advisory Com-  
17 mittee established under subsection (a).”.

18          “(c) FELLOWSHIP PROGRAM.—Section 206(a) of such  
19 Act is amended—

20           (1) in paragraph (1)(A), by striking “to study  
21 at institutions of higher education in the United  
22 States at graduate and post-graduate levels” and in-  
23 serting “for post-secondary studies at institutions of  
24 higher education in the United States”;

25           (2) in paragraph (2)—

1 (A) by striking “may include funding to  
 2 improve” and inserting the following: “may in-  
 3 clude funding to—

4 “(A) improve”; and

5 (B) by striking the period at the end and  
 6 inserting the following: “; and

7 “(B) prepare the fellowship recipient for  
 8 post-secondary education in any field described  
 9 in paragraph (1)(A).”; and

10 (3) by adding at the end the following:

11 “(3) PRIORITY FOR BASIC SCIENCES.—In  
 12 awarding fellowships under this subsection, the  
 13 Foundation shall give priority to individuals de-  
 14 scribed in paragraph (1)(A) who are studying the  
 15 basic sciences.”.

16 (d) CONFORMING AMENDMENTS.—Such Act is  
 17 amended—

18 (1) in section 203—

19 (A) by striking paragraph (1);

20 (B) by redesignating paragraphs (2) and  
 21 (3) as paragraphs (1) and (2), respectively; and

22 (C) by inserting after paragraph (2), as re-  
 23 designated, the following:

24 “(3) SECRETARY.—The term ‘Secretary’ means  
 25 the Secretary of State.”;

1           (2) in section 206(e), by striking “of the  
2 Board” and inserting “promulgated by the Sec-  
3 retary”;

4           (3) in section 208—

5                 (A) in subsection (a)—

6                     (i) in the subsection heading, by strik-  
7 ing “BOARD” and inserting “SECRETARY”;  
8 and

9                     (ii) by striking “Board” each place it  
10 appears and inserting “Secretary”; and

11                 (B) in subsection (d), by striking “Board”  
12 and inserting “Secretary”; and

13           (4) in section 209(b), by striking “Board” and  
14 inserting “Secretary”.

15           (e) MUTUAL EDUCATIONAL AND CULTURAL EX-  
16 CHANGE ACT OF 1961.—Section 112(a) of the Mutual  
17 Educational and Cultural Exchange Act of 1961 (22  
18 U.S.C. 2460(a)) is amended—

19                 (1) in paragraph (8), by striking “and” at the  
20 end;

21                 (2) in paragraph (9), by striking the period at  
22 the end and inserting “; and”; and

23                 (3) by adding at the end the following:

24                     “(10) programs administered by the Vietnam  
25 Education Foundation.”.

1 (f) TRANSFER OF FUNCTIONS.—All functions and as-  
2 sets of the Vietnam Education Foundation are transferred  
3 to the Bureau of Educational and Cultural Affairs of the  
4 Department of State. The Assistant Secretary for Edu-  
5 cational and Cultural Affairs may hire personnel who were  
6 employed by the Vietnam Education Foundation on the  
7 date before the date of the enactment of this Act, and  
8 such other personnel as may be necessary to support the  
9 Foundation, in accordance with part III of title 5, United  
10 States Code.

11 **SEC. 3. AMERICAN RESEARCH COLLEGE IN VIETNAM.**

12 (a) GRANTS AUTHORIZED.—The Secretary of State,  
13 acting through the Assistant Secretary for Educational  
14 and Cultural Affairs, is authorized to award 1 or more  
15 grants to institutions of higher education (as defined in  
16 section 101(a) of the Higher Education Act of 1965 (20  
17 U.S.C. 1001(a))), which shall be used to participate in a  
18 partnership with the Government of the Socialist Republic  
19 of Vietnam to establish an American Research College in  
20 Vietnam. The purpose of the American Research College  
21 shall be to provide a high quality general education to Vi-  
22 etnamese undergraduate students.

23 (b) APPLICATION.—

24 (1) IN GENERAL.—Each institution of higher  
25 education desiring the grant under this section shall

1 submit an application to the Secretary of State at  
2 such time, in such manner, and accompanied by  
3 such information as the Secretary may reasonably  
4 require.

5 (2) **COMPETITIVE BASIS.**—Each grant author-  
6 ized under subsection (a) shall be awarded on a  
7 competitive basis.

8 (c) **SOURCE OF GRANT FUNDS.**—The Secretary of  
9 State may use funds made available to the Vietnam Edu-  
10 cation Foundation under section 207(c) of the Vietnam  
11 Education Foundation Act of 2000 (22 U.S.C. 2452 note)  
12 for the grant awarded under this section.

13 (d) **LIMITATION.**—The Secretary of State shall en-  
14 courage the Government of the Socialist Republic of Viet-  
15 nam to make an appropriate financial or in-kind contribu-  
16 tion to establish and maintain the college established with  
17 grant funds awarded under this section.

18 **SEC. 4. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act shall  
20 take effect on the date that is 90 days after the date of  
21 the enactment of this Act.

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