

Calendar No. 957

110TH CONGRESS
2D SESSION**S. 3097****[Report No. 110-458]**

To amend the Vietnam Education Foundation Act of 2000.

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

SEPTEMBER 12, 2008

Reported by Mr. BIDEN, without amendment

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”.

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

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

6 **“SEC. 204. ESTABLISHMENT.**

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

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

14 **“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY**
 15 **COMMITTEE.**

16 “(a) ESTABLISHMENT.—

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

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

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

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

3 “(C) 1 shall be appointed by the minority
4 leader of the Senate;

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

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

9 “(3) APPOINTMENT OF INCUMBENT MEMBERS
10 OF BOARD OF DIRECTORS.—Members appointed to
11 the Advisory Committee under paragraph (2) may
12 include individuals who were members of the Board
13 of Directors of the Foundation on the date imme-
14 diately preceding the date of the enactment of the
15 Vietnam Education Foundation Amendments Act of
16 2008.

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

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

24 (1) in paragraph (1)(A), by striking “to study
25 at institutions of higher education in the United

1 States at graduate and post-graduate levels” and in-
 2 sserting “for post-secondary studies at institutions of
 3 higher education in the United States”;

4 (2) in paragraph (2)—

5 (A) by striking “may include funding to
 6 improve” and inserting the following: “may in-
 7 clude funding to—

8 “(A) improve”; and

9 (B) by striking the period at the end and
 10 inserting the following: “; and

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

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

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

20 (d) CONFORMING AMENDMENTS.—Such Act is
 21 amended—

22 (1) in section 203—

23 (A) by striking paragraph (1);

24 (B) by redesignating paragraphs (2) and

25 (3) as paragraphs (1) and (2), respectively; and

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

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

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

8 (3) in section 208—

9 (A) in subsection (a)—

10 (i) in the subsection heading, by strik-
11 ing “BOARD” and inserting “SECRETARY”;
12 and

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

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

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

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

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

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

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

4 “(10) programs administered by the Vietnam
5 Education Foundation.”.

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

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

17 (a) **GRANTS AUTHORIZED.**—The Secretary of State,
18 acting through the Assistant Secretary for Educational
19 and Cultural Affairs, is authorized to award 1 or more
20 grants to institutions of higher education (as defined in
21 section 101(a) of the Higher Education Act of 1965 (20
22 U.S.C. 1001(a))), which shall be used to participate in a
23 partnership with the Government of the Socialist Republic
24 of Vietnam to establish an American Research College in
25 Vietnam. The purpose of the American Research College

1 shall be to provide a high quality general education to Vi-
2 etnamese undergraduate students.

3 (b) APPLICATION.—

4 (1) IN GENERAL.—Each institution of higher
5 education desiring the grant under this section shall
6 submit an application to the Secretary of State at
7 such time, in such manner, and accompanied by
8 such information as the Secretary may reasonably
9 require.

10 (2) COMPETITIVE BASIS.—Each grant author-
11 ized under subsection (a) shall be awarded on a
12 competitive basis.

13 (c) SOURCE OF GRANT FUNDS.—The Secretary of
14 State may use funds made available to the Vietnam Edu-
15 cation Foundation under section 207(c) of the Vietnam
16 Education Foundation Act of 2000 (22 U.S.C. 2452 note)
17 for the grant awarded under this section.

18 (d) LIMITATION.—The Secretary of State shall en-
19 courage the Government of the Socialist Republic of Viet-
20 nam to make an appropriate financial or in-kind contribu-
21 tion to establish and maintain the college established with
22 grant funds awarded under this section.

1 **SEC. 4. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on the date that is 90 days after the date of
4 the enactment of this Act.

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