

106TH CONGRESS
2^D SESSION

S. 3241

To carry out an international fellowship program between the United States and Vietnam to enable Vietnamese nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, SEPTEMBER 22), 2000

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

A BILL

To carry out an international fellowship program between the United States and Vietnam to enable Vietnamese nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries.

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 Act of 2000”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are the following:

3 (1) To establish an international fellowship pro-
4 gram under which—

5 (A) Vietnamese nationals can undertake
6 graduate and post-graduate level studies in the
7 sciences (natural, physical, and environmental),
8 mathematics, medicine, and technology (includ-
9 ing information technology); and

10 (B) United States citizens can teach in the
11 fields specified in subparagraph (A) in appro-
12 priate Vietnamese institutions.

13 (2) To further the process of reconciliation be-
14 tween the United States and Vietnam and the build-
15 ing of a bilateral relationship serving the interests of
16 both countries.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) BOARD.—The term “Board” means the
20 Board of Directors of the Foundation.

21 (2) FOUNDATION.—The term “Foundation”
22 means the Vietnam Education Foundation estab-
23 lished in section 4.

24 (3) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (4) UNITED STATES-VIETNAM DEBT AGREE-
4 MENT.—The term “United States-Vietnam debt
5 agreement” means the Agreement Between the Gov-
6 ernment of the United States of America and the
7 Government of the Socialist Republic of Vietnam Re-
8 garding the Consolidation and Rescheduling of Cer-
9 tain Debts Owed to, Guaranteed by, or Insured by
10 the United States Government and the Agency for
11 International Development, dated April 7, 1997.

12 **SEC. 4. ESTABLISHMENT.**

13 There is established the Vietnam Education Founda-
14 tion as an independent establishment of the executive
15 branch under section 104 of title 5, United States Code.

16 **SEC. 5. BOARD OF DIRECTORS.**

17 (a) IN GENERAL.—The Foundation shall be subject
18 to the supervision and direction of the Board of Directors,
19 which shall consist of 13 members, as follows:

20 (1) Two members of the House of Representa-
21 tives appointed by the Speaker of the House of Rep-
22 resentatives, one of whom shall be appointed upon
23 the recommendation of the Majority Leader and one
24 of whom shall be appointed upon the recommenda-

1 tion of the Minority Leader, and who shall serve as
2 ex officio, nonvoting members.

3 (2) Two members of the Senate, appointed by
4 the President pro tempore, one of whom shall be ap-
5 pointed upon the recommendation of the Majority
6 Leader and one of whom shall be appointed upon
7 the recommendation of the Minority Leader, and
8 who shall serve as ex officio, nonvoting members.

9 (3) Secretary of State.

10 (4) Secretary of Education.

11 (5) Secretary of Treasury.

12 (6) Six members to be appointed by the Presi-
13 dent from among individuals in the nongovernmental
14 sector who have academic excellence or experience in
15 the fields of concentration specified in section
16 2(1)(A) or a general knowledge of Vietnam, not less
17 than three of whom shall be drawn from academic
18 life.

19 (b) ROTATION OF MEMBERSHIP.—(1) The term of
20 office of each member appointed under subsection (a)(6)
21 shall be 3 years, except that of the members initially ap-
22 pointed under that subsection, two shall serve for terms
23 of one year, two shall serve for terms of two years, and
24 two shall serve for terms of three years.

1 (2) A member of Congress appointed under sub-
2 section (a)(1) or (2) shall not serve as a member of the
3 Board for more than a total of six years.

4 (c) CHAIR.—The Board shall elect one of the mem-
5 bers appointed under subsection (a)(6) to serve as Chair.

6 (d) MEETINGS.—The Board shall meet upon the call
7 of the Chair but not less frequently than twice each year.
8 A majority of the voting members of the Board shall con-
9 stitute a quorum.

10 (e) DUTIES.—The Board shall—

11 (1) select the individuals who will be eligible to
12 serve as Fellows; and

13 (2) provide overall supervision and direction of
14 the Foundation.

15 (f) COMPENSATION.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), each member of the Board shall serve
18 without compensation, and members who are officers
19 or employees of the United States shall serve with-
20 out compensation in addition to that received for
21 their services as officers or employees of the United
22 States.

23 (2) TRAVEL EXPENSES.—The members of the
24 Board shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for

1 employees of agencies under subchapter I of chapter
2 57 of title 5, United States Code, while away from
3 their homes or regular places of business in the per-
4 formance of service for the Board.

5 **SEC. 6. FELLOWSHIP PROGRAM.**

6 (a) AWARD OF FELLOWSHIPS.—

7 (1) IN GENERAL.—To carry out the purposes of
8 this Act, the Foundation shall award fellowships
9 to—

10 (A) Vietnamese nationals to study at insti-
11 tutions of higher education in the United States
12 at graduate and post-graduate levels in the fol-
13 lowing fields: physical sciences, natural sciences,
14 mathematics, environmental sciences, medicine,
15 technology, and computer sciences; and

16 (B) United States citizens to teach in Viet-
17 nam in appropriate Vietnamese institutions in
18 the fields of study described in subparagraph
19 (A).

20 (2) SPECIAL EMPHASIS ON SCIENTIFIC AND
21 TECHNICAL VOCABULARY IN ENGLISH.—Fellowships
22 awarded under paragraph (1) may include funding
23 for the study of scientific and technical vocabulary
24 in English.

1 (b) CRITERIA FOR SELECTION.—Fellowships under
2 this Act shall be awarded to persons who meet the min-
3 imum criteria established by the Foundation, including the
4 following:

5 (1) VIETNAMESE NATIONALS.—Vietnamese can-
6 didates for fellowships shall have basic English pro-
7 ficiency and must have the ability to meet the cri-
8 teria for admission into graduate or post-graduate
9 programs in United States institutions of higher
10 learning.

11 (2) UNITED STATES CITIZEN TEACHERS.—
12 American teaching candidates shall be highly com-
13 petent in their fields and be experienced and pro-
14 ficient teachers.

15 (c) IMPLEMENTATION.—The Foundation may pro-
16 vide, directly or by contract, for the conduct of nationwide
17 competition for the purpose of selecting recipients of fel-
18 lowships awarded under this section.

19 (d) AUTHORITY TO AWARD FELLOWSHIPS ON A
20 MATCHING BASIS.—The Foundation may require, as a
21 condition of the availability of funds for the award of a
22 fellowship under this Act, that an institution of higher
23 education make available funds for such fellowship on a
24 matching basis.

1 (e) FELLOWSHIP CONDITIONS.—A person awarded a
 2 fellowship under this Act may receive payments authorized
 3 under this Act only during such periods as the Foundation
 4 finds that the person is maintaining satisfactory pro-
 5 ficiency and devoting full time to study or teaching, as
 6 appropriate, and is not engaging in gainful employment
 7 other than employment approved by the Foundation pur-
 8 suant to regulations of the Board.

9 (f) FUNDING.—

10 (1) FISCAL YEAR 2001.—

11 (A) AUTHORIZATION OF APPROPRIA-
 12 TIONS.—There are authorized to be appro-
 13 priated to the Foundation \$5,000,000 for fiscal
 14 year 2001 to carry out the activities of the
 15 Foundation.

16 (B) AVAILABILITY OF FUNDS.—Amounts
 17 appropriated pursuant to subparagraph (A) are
 18 authorized to remain available until expended.

19 (2) FISCAL YEAR 2002 AND SUBSEQUENT FIS-
 20 CAL YEARS.—Effective October 1, 2001, the Foun-
 21 dation shall utilize funds transferred to the Founda-
 22 tion under section 7.

23 **SEC. 7. VIETNAM DEBT REPAYMENT FUND.**

24 (a) ESTABLISHMENT.—Notwithstanding any other
 25 provision of law, there is established in the Treasury a

1 separate account which shall be known as the Vietnam
2 Debt Repayment Fund (in this subsection referred to as
3 the “Fund”).

4 (b) DEPOSITS.—There shall be deposited as offset-
5 ting receipts into the Fund all payments (including inter-
6 est payments) made by the Socialist Republic of Vietnam
7 under the United States-Vietnam debt agreement.

8 (c) AVAILABILITY OF THE FUNDS.—

9 (1) FISCAL YEAR LIMITATION.—Beginning with
10 fiscal year 2002, and each subsequent fiscal year
11 through fiscal year 2018, \$5,000,000 of the amounts
12 deposited into the Fund (or accrued interest) each
13 fiscal year shall be available to the Foundation,
14 without fiscal year limitation, under paragraph (2).

15 (2) DISBURSEMENT OF FUNDS.—The Secretary
16 of the Treasury, at least on a quarterly basis, shall
17 transfer to the Foundation amounts allotted to the
18 Foundation under paragraph (1) for the purpose of
19 carrying out its activities.

20 (3) TRANSFER OF EXCESS FUNDS TO MIS-
21 CELLANEOUS RECEIPTS.—Beginning with fiscal year
22 2002, and each subsequent fiscal year through fiscal
23 year 2018, the Secretary of the Treasury shall with-
24 draw from the Fund and deposit in the Treasury of
25 the United States as miscellaneous receipts all mon-

1 eys in the Fund in excess of amounts made available
2 to the Foundation under paragraph (1).

3 (d) ANNUAL REPORT.—The Board shall prepare and
4 submit annually to Congress statements of financial condi-
5 tion of the Fund, including the beginning balance, re-
6 ceipts, refunds to appropriations, transfers to the general
7 fund, and the ending balance.

8 **SEC. 9. FOUNDATION PERSONNEL MATTERS.**

9 (a) APPOINTMENT BY BOARD.—There shall be an
10 Executive Secretary of the Foundation who shall be ap-
11 pointed by the Board without regard to the provisions of
12 title 5, United States Code, or any regulation thereunder,
13 governing appointment in the competitive service. The Ex-
14 ecutive Director shall be the Chief Executive Officer of
15 the Foundation and shall carry out the functions of the
16 Foundation subject to the supervision and direction of the
17 Board. The Executive Director shall carry out such other
18 functions consistent with the provisions of this Act as the
19 Board shall prescribe. The decision to employ or terminate
20 an Executive Director shall be made by an affirmative vote
21 of at least 6 of the 9 voting members of the Board.

22 (b) PROFESSIONAL STAFF.—The Executive Director
23 shall hire Foundation staff on the basis of professional
24 and nonpartisan qualifications.

1 (c) EXPERTS AND CONSULTANTS.—The Executive
2 Director may procure temporary and intermittent services
3 of experts and consultants as are necessary to the extent
4 authorized by section 3109 of title 5, United States Code
5 to carry out the purposes of the Foundation.

6 (d) COMPENSATION.—The Board may fix the com-
7 pensation of the Executive Director and other personnel
8 without regard to the provisions of chapter 51 and sub-
9 chapter III of chapter 53 of title V, United States Code,
10 relating to classification of positions and General Schedule
11 pay rates, except that the rate of pay for the Executive
12 Director and other personnel may not exceed the rate pay-
13 able for level V of the Executive Schedule under section
14 5316 of such title.

15 **SEC. 9. ADMINISTRATIVE PROVISIONS.**

16 (a) IN GENERAL.—In order to carry out this title,
17 the Foundation may—

18 (1) prescribe such regulations as it considers
19 necessary governing the manner in which its func-
20 tions shall be carried out;

21 (2) receive money and other property donated,
22 bequeathed, or devised, without condition or restric-
23 tion other than it be used for the purposes of the
24 Foundation, and to use, sell, or otherwise dispose of

1 such property for the purpose of carrying out its
2 functions;

3 (3) accept and use the services of voluntary and
4 noncompensated personnel;

5 (4) enter into contracts or other arrangements,
6 or make grants, to carry out the provisions of this
7 title, and enter into such contracts or other arrange-
8 ments, or make such grants, with the concurrence of
9 a majority of the members of the Board, without
10 performance or other bonds and without regard to
11 section 3709 of the Revised Statutes (41 U.S.C. 5);

12 (5) rent office space in the District of Colum-
13 bia; and

14 (6) make other necessary expenditures.

15 (b) ANNUAL REPORT.—The Foundation shall submit
16 to the President and to the Committee on Foreign Rela-
17 tions of the Senate and the Committee on International
18 Relations of the House of Representatives an annual re-
19 port of its operations under this Act.

20 **SEC. 10. TERMINATION.**

21 (a) IN GENERAL.—The Foundation may not award
22 any new fellowship, or extend any existing fellowship, after
23 September 30, 2016.

1 (b) ABOLISHMENT.—Effective 120 days after the ex-
2 piration of the last fellowship in effect under this Act, the
3 Foundation is abolished.

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