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§ 1901. Short title, findings, and purposes**(a) Short title**

This chapter may be cited as the “David L. Boren National Security Education Act of 1991”.

(b) Findings

The Congress makes the following findings:

(1) The security of the United States is and will continue to depend on the ability of the United States to exercise international leadership.

(2) The ability of the United States to exercise international leadership is, and will increasingly continue to be, based on the political and economic strength of the United States, as well as on United States military strength around the world.

(3) Recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased.

(4) The future national security and economic well-being of the United States will depend substantially on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries.

(5) The Federal Government has an interest in ensuring that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of this changing international environment.

(6) The Federal Government also has an interest in taking actions to alleviate the prob-

lem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations.

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, counterproliferation studies, and other international fields to help meet those challenges.

(c) Purposes

The purposes of this chapter are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, counterproliferation studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the departments and agencies of the United States Government with national security responsibilities.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(Pub. L. 102-183, title VIII, § 801, Dec. 4, 1991, 105 Stat. 1271; Pub. L. 102-496, title IV, § 404(a), Oct. 24, 1992, 106 Stat. 3185; Pub. L. 105-272, title III, § 305(a)(1), Oct. 20, 1998, 112 Stat. 2400.)

AMENDMENTS

1998—Subsecs. (b)(7), (c)(2). Pub. L. 105-272 inserted “counterproliferation studies,” after “area studies.”
 1992—Subsec. (a). Pub. L. 102-496 amended subsec. (a) generally, inserting “David L. Boren”.

§ 1902. Scholarship, fellowship, and grant program**(a) Program required****(1) In general**

The Secretary of Defense shall carry out a program for—

(A) awarding scholarships to undergraduate students who—

(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 1903(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 1906(d) of this title); and

(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work in a national security position or work in the field of higher education in the area of study for which the scholarship was awarded;

(B) awarding fellowships to graduate students who—

(i) are United States citizens to enable such students to pursue education as part of a graduate degree program of a United States institution of higher education in the disciplines of foreign languages, area studies, counterproliferation studies, and other international fields relating to the national security interests of the United States that are critical areas of those disciplines (as determined under section 1903(d)(4)(B) of this title) and in which deficiencies exist (as identified in the assessments undertaken pursuant to section 1906(d) of this title); and

(ii) pursuant to subsection (b)(2)(B) of this section, enter into an agreement to work in a national security position or work in the field of education in the area of study for which the fellowship was awarded; and

(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, or improve programs in foreign languages, area studies, counterproliferation studies, and other international fields that are critical areas of those disciplines (as determined under section 1903(d)(4)(C) of this title).

(2) Funding allocations

Of the amount available for obligation out of the National Security Education Trust Fund for any fiscal year for the purposes stated in paragraph (1), the Secretary shall have a goal of allocating—

(A) $\frac{1}{3}$ of such amount for the awarding of scholarships pursuant to paragraph (1)(A);

(B) $\frac{1}{3}$ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

(C) $\frac{1}{3}$ of such amount for the awarding of grants pursuant to paragraph (1)(C).

(3) Consultation with National Security Education Board

The program required under this chapter shall be carried out in consultation with the National Security Education Board established under section 1903 of this title.

(4) Contract authority

The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, counterproliferation studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in paragraph (1) in accordance with the provisions of this chapter. The Secretary may enter into such contracts without regard to section 5 of title 41 or any other provision of law that requires the use of competitive procedures. In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.

(b) Service agreement

In awarding a scholarship or fellowship under the program, the Secretary or contract organization referred to in subsection (a)(4) of this section, as the case may be, shall require a recipi-

ent of any fellowship or any scholarship to enter into an agreement that, in return for such assistance, the recipient—

(1) will maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary, and agrees that failure to maintain such progress shall constitute grounds upon which the Secretary or contract organization referred to in subsection (a)(4) of this section may terminate such assistance;

(2) will—

(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

(i) work in a national security position for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, counterproliferation study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

(i) work in a national security position for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, counterproliferation study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and

(3) if the recipient fails to meet either of the obligations set forth in paragraph (1) or (2), will reimburse the United States Government for the amount of the assistance provided the recipient under the program, together with interest at a rate determined in accordance with regulations issued by the Secretary.

(c) Evaluation of progress in language skills

The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this chapter before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such

study or education. The purpose of these tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this chapter.

(d) Distribution of assistance

In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this chapter, the Secretary or a contract organization referred to in subsection (a)(4) of this section, as the case may be, shall take into consideration (1) the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States, and (2) the extent to which the distribution of scholarships and fellowships to individuals reflects the cultural, racial, and ethnic diversity of the population of the United States.

(e) Merit review

The Secretary shall award scholarships, fellowships, and grants under the program based upon a merit review process.

(f) Limitation on use of program participants

No person who receives a grant, scholarship, or fellowship or any other type of assistance under this chapter shall, as a condition of receiving such assistance or under any other circumstances, be used by any department, agency, or entity of the United States Government engaged in intelligence activities to undertake any activity on its behalf during the period such person is pursuing a program of education for which funds are provided under the program carried out under this chapter.

(g) Determination of agencies and offices of Federal Government having national security responsibilities

(1) The Secretary, in consultation with the Board, shall annually determine and develop a list identifying each agency or office of the Federal Government having national security responsibilities at which a recipient of a fellowship or scholarship under this chapter will be able to make the recipient's foreign area and language skills available to such agency or office. The Secretary shall submit the first such list to the Congress and include each subsequent list in the annual report to the Congress, as required by section 1906(b)(6) of this title.

(2) Notwithstanding section 1904 of this title, funds may not be made available from the Fund to carry out this chapter for fiscal year 1997 until 30 days after the date on which the Secretary of Defense submits to the Congress the first such list required by paragraph (1).

(Pub. L. 102-183, title VIII, § 802, Dec. 4, 1991, 105 Stat. 1271; Pub. L. 102-496, title IV, § 404(b), (c), Oct. 24, 1992, 106 Stat. 3185; Pub. L. 103-178, title III, § 311(b)(2), (d), Dec. 3, 1993, 107 Stat. 2037; Pub. L. 104-201, div. A, title X, § 1078(b)-(d), (f)(2), Sept. 23, 1996, 110 Stat. 2664-2666; Pub. L. 105-272, title III, § 305(a)(2), Oct. 20, 1998, 112 Stat. 2400.)

AMENDMENTS

1998—Subsec. (a)(1)(B)(i), (C), (4). Pub. L. 105-272, § 305(a)(2)(A), inserted “counterproliferation studies,” after “area studies.”

Subsec. (b)(2)(A)(ii), (B)(ii). Pub. L. 105-272, § 305(a)(2)(B), inserted “counterproliferation study,” after “area study.”

1996—Subsec. (a)(1)(A). Pub. L. 104-201, § 1078(b)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “awarding scholarships to undergraduate students who are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 1903(d)(4)(A) of this title) in those language and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 1906(d) of this title);”.

Subsec. (a)(1)(B)(i). Pub. L. 104-201, § 1078(b)(2)(A), inserted “relating to the national security interests of the United States” after “international fields”.

Subsec. (a)(1)(B)(ii). Pub. L. 104-201, § 1078(b)(2)(B), substituted “subsection (b)(2)(B)” for “subsection (b)(2)” and “work in a national security position or work in” for “work for an agency or office of the Federal Government or in”.

Subsec. (b). Pub. L. 104-201, § 1078(c)(1), in introductory provisions, substituted “or any scholarship” for “, or of scholarships that provide assistance for periods that aggregate 12 months or more.”

Subsec. (b)(2). Pub. L. 104-201, § 1078(c)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “will, upon completion of such recipient's baccalaureate degree or education under the program, as the case may be, and in accordance with regulations issued by the Secretary, work for the Federal Government or in the field of education in the area of study for which the scholarship or fellowship was awarded for a period specified by the Secretary, which period for the recipients of scholarships shall be no more than the same period for which scholarship assistance was provided and for the recipients of fellowships shall be not less than one and not more than three times the period for which the fellowship assistance was provided; and”.

Subsecs. (c) to (f). Pub. L. 104-201, § 1078(d), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

Subsec. (g). Pub. L. 104-201, § 1078(f)(2), added subsec. (g).

1993—Subsec. (a)(1)(A). Pub. L. 103-178, § 311(b)(2)(A), (d), struck out comma after “term,” and inserted before semicolon at end “in those language and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 1906(d) of this title)”.

Subsec. (a)(1)(B)(i). Pub. L. 103-178, § 311(b)(2)(B), inserted before semicolon at end “and in which deficiencies exist (as identified in the assessments undertaken pursuant to section 1906(d) of this title)”.

1992—Subsec. (a)(1)(A). Pub. L. 102-496, § 404(b)(1), inserted “or equivalent term,” after “semester”.

Subsec. (a)(1)(B)(i). Pub. L. 102-496, § 404(b)(2), substituted “as part of a graduate degree program of a United States institution of higher education” for “in the United States”.

Subsec. (a)(4). Pub. L. 102-496, § 404(b)(3), inserted at end “In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.”

Subsecs. (e), (f). Pub. L. 102-496, § 404(c), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows: “The Secretary shall administer the program through the Defense Intelligence College.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1903, 1904, 1906, 1908 of this title.

§ 1903. National Security Education Board

(a) Establishment

The Secretary of Defense shall establish a National Security Education Board.