

ing 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;

(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); and

(D) awarding grants to institutions of higher education to carry out activities under the National Flagship Language Initiative (described in subsection (i) of this section).

**(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).

The funding allocation under this paragraph shall not apply to grants under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i) of this section. For the authorization of appropriations for the National Flagship Language Initiative, see section 1911 of this title.

**(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, ex-

cept 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 recipient 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 in an agency or office of the Federal Government having national security responsibilities is available, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area 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 other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be determined 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).

**(h) Use of awards to attend the Foreign Language Center of the Defense Language Institute**

(1) The Secretary shall provide for the admission of award recipients to the Foreign Language Center of the Defense Language Institute (hereinafter in this subsection referred to as the “Center”). An award recipient may apply a portion of the applicable scholarship or fellowship award for instruction at the Center on a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

(2) Except as the Secretary determines necessary, an award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(3) In this subsection, the term “award recipient” means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) of this section or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) of this section who—

(A) is in good standing;

(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship; and

(C) would benefit from instruction provided at the Center.

**(i) National Flagship Language Initiative**

(1) Under the National Flagship Language Initiative, institutions of higher education shall establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(2) An undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) of this section or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) of this section may participate in the activities carried out under the National Flagship Language Initiative.

(3) An institution of higher education that receives a grant pursuant to subsection (a)(1)(D) of this section shall give special consideration to applicants who are employees of the Federal Government.

(4) For purposes of this subsection, the Foreign Language Center of the Defense Language Institute and any other educational institution that provides training in foreign languages operated by the Department of Defense or an agency in the intelligence community is deemed to be an institution of higher education, and may carry out the types of activities permitted under the National Flagship Language Initiative.

(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; Pub. L. 107-296, title XIII, § 1332(b), Nov. 25, 2002,

116 Stat. 2300; Pub. L. 107-306, title III, §§ 332, 333(a)(1)-(3), Nov. 27, 2002, 116 Stat. 2395, 2396.)

AMENDMENTS

2002—Subsec. (a)(1)(D). Pub. L. 107-306, § 333(a)(1), added subpar. (D).

Subsec. (a)(2). Pub. L. 107-306, § 333(a)(3), inserted at end “The funding allocation under this paragraph shall not apply to grants under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i) of this section. For the authorization of appropriations for the National Flagship Language Initiative, see section 1911 of this title.”

Subsec. (b)(2)(A)(ii). Pub. L. 107-296, § 1332(b)(1), added cl. (ii) and struck out former cl. (ii) which read as follows: “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”.

Subsec. (b)(2)(B)(ii). Pub. L. 107-296, § 1332(b)(2), added cl. (ii) and struck out former cl. (ii) which read as follows: “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”.

Subsec. (h). Pub. L. 107-306, § 332, added subsec. (h).

Subsec. (i). Pub. L. 107-306, § 333(a)(2), added subsec. (i).

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 pro-

vided 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.”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-306, title III, § 333(c), Nov. 27, 2002, 116 Stat. 2397, provided that: “The amendments made by this section [enacting section 1911 of this title and amending this section and section 1903 of this title] shall take effect on the date the Secretary of Defense submits the report required under section 334 of this Act [116 Stat. 2397] and notifies the appropriate committees of Congress (as defined in subsection (c) of that section) that the programs carried out under the David L. Boren National Security Education Act of 1991 [50 U.S.C. 1901 et seq.] are being managed in a fiscally and programatically sound manner.”

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

#### CONSTRUCTION

Pub. L. 107-306, title III, § 333(d), Nov. 27, 2002, 116 Stat. 2397, provided that: “Nothing in this section [enacting section 1911 of this title, amending this section and section 1903 of this title, and enacting provisions set out as notes under this section] shall be construed as affecting any program or project carried out under the David L. Boren National Security Education Act of 1991 [50 U.S.C. 1901 et seq.] as in effect on the date that precedes the date of the enactment of this Act [Nov. 27, 2002].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1903, 1904, 1906, 1908, 1911 of this title.

### § 1903. National Security Education Board

#### (a) Establishment

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

#### (b) Composition

The Board shall be composed of the following individuals or the representatives of such individuals:

- (1) The Secretary of Defense, who shall serve as the chairman of the Board.
- (2) The Secretary of Education.
- (3) The Secretary of State.
- (4) The Secretary of Commerce.
- (5) The Director of Central Intelligence.
- (6) The Chairperson of the National Endowment for the Humanities.

(7) Six individuals appointed by the President, by and with the advice and consent of the Senate, who shall be experts in the fields of international, language, area, and counterproliferation studies education and who may not be officers or employees of the Federal Government.

#### (c) Term of appointees

Each individual appointed to the Board pursuant to subsection (b)(6) of this section shall be appointed for a period specified by the President at the time of the appointment, but not to exceed four years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

#### (d) Functions

The Board shall perform the following functions:

(1) Develop criteria for awarding scholarships, fellowships, and grants under this chapter, including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in a national security position.

(2) Provide for wide dissemination of information regarding the activities assisted under this chapter.

(3) Establish qualifications for students desiring scholarships or fellowships, and institutions of higher education desiring grants, under this chapter, including, in the case of students desiring a scholarship or fellowship, a requirement that the student have a demonstrated commitment to the study of the discipline for which the scholarship or fellowship is to be awarded.

(4) After taking into account the annual analyses of trends in language, international, area, and counterproliferation studies under section 1906(b)(1) of this title, make recommendations to the Secretary regarding—

(A) which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying and countries which are of importance to the national security interests of the United States, and are, therefore, critical countries for the purposes of section 1902(a)(1)(A) of this title;

(B) which areas within the disciplines described in section 1902(a)(1)(B) of this title relating to the national security interests of the United States are areas of study in which United States students are deficient in learning and are, therefore, critical areas within those disciplines for the purposes of that section;

(C) which areas within the disciplines described in section 1902(a)(1)(C) of this title are areas in which United States students, educators, and Government employees are