

- (1) any certifications made under section 1885a of this title;
- (2) a description of the judicial review of the certifications made under section 1885a of this title; and
- (3) any actions taken to enforce the provisions of section 1885b of this title.

(Pub. L. 95-511, title VIII, §804, as added Pub. L. 110-261, title II, §201, July 10, 2008, 122 Stat. 2470.)

CHAPTER 37—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

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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 problem 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.)

Editorial Notes

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), 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), 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);

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

(E) awarding scholarships to students who—

(i) are United States citizens who—

(I) are native speakers (referred to as “heritage community citizens”) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

(II) are not proficient at a professional level in the English language with respect to reading, writing, and other skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

(ii) enter into an agreement to work in a position in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).

(2) Funding allocations

Of the amount available for obligation out of the National Security Education Trust Fund or from a transfer under section 1910(c) of this title 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) or for the scholarship program under paragraph (1)(E). For the authorization of appropriations for the National Flagship Language Initiative, see section 1911 of this title. For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 1912 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 6101 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), 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) may terminate such assistance;

(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under sub-

section (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or

(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); 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), 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) Temporary employment and retention of certain participants

(1) In general

The Secretary of Defense may—

(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree, there is an active investigation to provide security clearance to the person for an appropriate permanent position in the Department of Defense under subsection (b)(2); and

(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the

service agreement of the person under subsection (b) shall terminate.

(2) Treatment of certain service

The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).

(i) 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) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) 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.

(j) 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) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) 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) 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.

(5) An undergraduate or graduate student who participates in training in a program under paragraph (1) and has not already entered into a service agreement under subsection (b) shall enter into a service agreement under subsection (b) applicable to an undergraduate or graduate student, as the case may be, with respect to participation in such training in a program under paragraph (1).

(6)(A) An employee of a department or agency of the Federal Government who participates in training in a program under paragraph (1) shall agree in writing—

(i) to continue in the service of the department or agency of the Federal Government employing the employee for the period of such training;

(ii) to continue in the service of such department or agency, following completion by the employee of such training, for a period of two years for each year, or part of the year, of such training;

(iii) if, before the completion by the employee of such training, the employment of the employee is terminated by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee; and

(iv) if, after the completion by the employee of such training but before the completion by the employee of the period of service required by clause (ii), the employment of the employee by such department or agency is terminated either by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States in an amount that bears the same ratio to the total cost of such training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service required by clause (ii).

(C)¹ Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

(D) The head of the element of the intelligence community concerned may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.

(k) Employment of program participants

(1) Appointment authority

The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

(A) may, without regard to any provision of title 5, governing appointments in the competitive service, appoint an eligible program participant—

¹ So in original. No subpar. (B) has been enacted.

(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office identified by the Secretary; and

(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career-conditional appointment.

(2) Treatment of certain service

In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (4)(C) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office referred to in paragraph (1) may count any period that the individual served in a position with the Federal Government toward satisfaction of the service requirement under paragraph (1)(B) if that service—

(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

(3) Career tenure

In the case of an individual whose appointment to a position in the excepted service is converted to a career or career-conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, as if it were service in a position under a career or career-conditional appointment.

(4) Eligible program participant defined

In this subsection, the term “eligible program participant” means an individual who—

(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded;

(B) has not previously been appointed to the excepted service position under paragraph (1)(A); and

(C) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment to a Department or Federal agency or office referred to in paragraph (1);

(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

(iii) is a former civilian employee of the Federal Government who has less than a

one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.

(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; Pub. L. 108–136, div. A, title IX, § 925(a), Nov. 24, 2003, 117 Stat. 1578; Pub. L. 108–487, title VI, §§ 601(b), 602(a)(1), 603(a)(1), (2), Dec. 23, 2004, 118 Stat. 3952–3954; Pub. L. 109–364, div. A, title IX, § 945(a), (b), Oct. 17, 2006, 120 Stat. 2367; Pub. L. 110–181, div. A, title IX, § 953, Jan. 28, 2008, 122 Stat. 292; Pub. L. 111–84, div. A, title XI, § 1101, Oct. 28, 2009, 123 Stat. 2484; Pub. L. 112–239, div. A, title IX, § 956, Jan. 2, 2013, 126 Stat. 1899; Pub. L. 115–91, div. A, title XVI, § 1625, Dec. 12, 2017, 131 Stat. 1733.)

Editorial Notes

CODIFICATION

In subsec. (a)(4), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes (41 U.S.C. 5)” on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2017—Subsec. (k)(2). Pub. L. 115–91, § 1625(2), substituted “paragraph (4)(C)” for “paragraph (3)(C)” in introductory provisions.

Subsec. (k)(3), (4). Pub. L. 115–91, § 1625(1), (3), added par. (3) and redesignated former par. (3) as (4).

2013—Subsec. (k). Pub. L. 112–239 amended subsec. (k) generally. Prior to amendment, text read as follows: “The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and

“(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.”

2009—Subsec. (k). Pub. L. 111–84 added subsec. (k).

2008—Subsec. (b)(2)(A)(iii). Pub. L. 110–181, § 953(1), added cl. (iii).

Subsec. (b)(2)(B)(iii). Pub. L. 110–181, § 953(2), added cl. (iii).

2006—Subsec. (b)(2). Pub. L. 109–364, § 945(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “will—

“(A) in the case of a recipient of a scholarship, after the recipient’s completion of the study for which scholarship assistance was provided under the program, work in a position in the Department of Defense or other element of the intelligence community that is certified by the Secretary as appropriate to utilize the unique language and region expertise acquired by the recipient pursuant to such study for a period specified by the Secretary, which period shall include one year of service for each year, or portion thereof, for which such scholarship assistance was provided; or

“(B) in the case of a recipient of a fellowship, after the recipient’s completion of the study for which the fellowship assistance was provided under the program, work in a position described in subparagraph (A) that is certified by the Secretary as appropriate to utilize the unique language and region expertise acquired by the recipient pursuant to such study for a period specified by the Secretary, which period shall (at the discretion of the Secretary) include not less than one nor more than three years for each year, or portion thereof, for which such fellowship assistance was provided; and”.

Subsecs. (h) to (j). Pub. L. 109-364, §945(b), added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

2004—Subsec. (a)(1)(E). Pub. L. 108-487, §603(a)(1), added subpar. (E).

Subsec. (a)(2). Pub. L. 108-487, §603(a)(2), which directed the amendment of the matter following par. (2) by inserting in the first sentence “or for the scholarship program under paragraph (1)(E)” after “under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)” and by inserting at end “For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 1912 of this title.”, was executed to the concluding provisions of par. (2) to reflect the probable intent of Congress.

Pub. L. 108-487, §601(b), in introductory provisions, inserted “or from a transfer under section 1910(c) of this title” after “National Security Education Trust Fund”.

Subsecs. (i)(5), (6). Pub. L. 108-487, §602(a)(1), added pars. (5) and (6).

2003—Subsec. (b)(2). Pub. L. 108-136 added subpars. (A) and (B) and struck out former subpars. (A) and (B) which also contained provisions relating to recipients of scholarships and fellowships, respectively.

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). 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 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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-487, title VI, §602(a)(2), Dec. 23, 2004, 118 Stat. 3953, provided that: “The amendment made by

paragraph (1) [amending this section] shall apply to training under section 802(i) [now 802(j)] of the David L. Boren National Security Act of 1991 [50 U.S.C. 1902(i), now 1902(j)] that begins on or after the date that is 90 days after the date of the enactment of this Act [Dec. 23, 2004].”

Amendment by Pub. L. 108-487 effective Dec. 23, 2004, except as otherwise provided, see section 801 of Pub. L. 108-487, set out as a note under section 2656f of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title IX, §925(b), Nov. 24, 2003, 117 Stat. 1578, provided that:

“(1) The amendment made by subsection (a) [amending this section] shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 [50 U.S.C. 1901 et seq.] on or after the date of the enactment of this Act [Nov. 24, 2003].

“(2) The amendment made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.”

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 programmatically 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].”

INCREASE IN NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS

Pub. L. 108-487, title VI, §602(c), Dec. 23, 2004, 118 Stat. 3953, provided that: “The Secretary of Defense shall take such actions as the Secretary considers appropriate to increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative under section 802(i) of the David L. Boren National Security Education Act of 1991 [50 U.S.C. 1902(i)] to 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 to the national security of the United States.”

CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD

Pub. L. 108-487, title VI, §602(d), Dec. 23, 2004, 118 Stat. 3953, provided that: “Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign lan-

guages that are critical to the national security of the United States.”

§ 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 Secretary of Homeland Security.
- (6) The Secretary of Energy.
- (7) The Director of National Intelligence.
- (8) The Chairperson of the National Endowment for the Humanities.

(9) Six individuals appointed by the President, 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)(7) 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;