

108TH CONGRESS  
2D SESSION

# H. R. 4574

To amend title VIII of the Intelligence Authorization Act for Fiscal Year 1992, as amended, to revise the funding mechanism for scholarships, fellowships, and grants to institutions under the National Security Education Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2004

Mr. BEREUTER (for himself, Mr. BOEHLERT, Mr. LAHOOD, Ms. ESHOO, and Mr. HOLT) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title VIII of the Intelligence Authorization Act for Fiscal Year 1992, as amended, to revise the funding mechanism for scholarships, fellowships, and grants to institutions under the National Security Education Program, and for other purposes.

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 “National Security Edu-  
5 cation Program Enhancement Act of 2004”.

1 **SEC. 2. PROVISION FOR ANNUAL AUTHORIZATION OF AP-**  
2 **PROPRIATIONS.**

3 (a) IN GENERAL.—Title VIII of the Intelligence Au-  
4 thorization Act for Fiscal Year 1992 (Public Law 102–  
5 183; 105 Stat. 1271), as amended by section 311(c) of  
6 the Intelligence Authorization Act for Fiscal Year 1994  
7 (Public Law 103–178; 107 Stat. 2037), is amended by  
8 adding at the end of section 810 the following new sub-  
9 section:

10 “(c) FUNDING FROM INTELLIGENCE COMMUNITY  
11 MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING  
12 WITH FISCAL YEAR 2005.—In addition to amounts that  
13 may be made available to the Secretary under the Fund  
14 for a fiscal year, the Director of Central Intelligence shall  
15 transfer to the Secretary from amounts appropriated for  
16 the Intelligence Community Management Account for each  
17 fiscal year, beginning with fiscal year 2005, \$8,000,000,  
18 to carry out the scholarship, fellowship, and grant pro-  
19 grams under subparagraphs (A), (B), and (C), respec-  
20 tively, of section 802(a)(1).”.

21 (b) CONFORMING AMENDMENT.—Section 802(a)(2)  
22 of such Act (50 U.S.C. 1902(a)(2)) is amended in the  
23 matter preceding subparagraph (A) by inserting “or from  
24 an appropriation pursuant to the authorization under sec-  
25 tion 810(c)”.

1 **SEC. 3. MODIFICATION OF OBLIGATED SERVICE REQUIRE-**  
2 **MENTS UNDER NATIONAL SECURITY EDU-**  
3 **CATION PROGRAM.**

4 (a) IN GENERAL.—Subsection (b)(2) of section 802  
5 of title VIII of the Intelligence Authorization Act for Fis-  
6 cal Year 1992 (Public Law 102–183; 105 Stat. 1273), as  
7 amended by section 925(a) of the National Defense Au-  
8 thorization Act for Fiscal Year 2004 (Public Law 108–  
9 136; 117 Stat. 1578), is amended by striking subpara-  
10 graphs (A) and (B), and inserting the following:

11 “(A) in the case of a recipient of a scholar-  
12 ship, as soon as practicable but in no case later  
13 than three years after the completion by the re-  
14 cipient of the study for which scholarship as-  
15 sistance was provided under the program, the  
16 recipient shall work for a period of one year—

17 “(i) in a national security position  
18 that the Secretary certifies is appropriate  
19 to use the unique language and region ex-  
20 pertise acquired by the recipient pursuant  
21 to such study in the Department of De-  
22 fense, in any element of the intelligence  
23 community, in the Department of Home-  
24 land Security, or in the Department of  
25 State; or

1 “(ii) in such a position in any other  
2 Federal department or agency not referred  
3 to in clause (i) if the recipient dem-  
4 onstrates to the Secretary that no position  
5 is available in a Federal department or  
6 agency specified in clause (i); or

7 “(B) in the case of a recipient of a fellow-  
8 ship, as soon as practicable but in no case later  
9 than two years after the completion by the re-  
10 cipient of the study for which fellowship assist-  
11 ance was provided under the program, the re-  
12 cipient shall work for a period equal to the du-  
13 ration of assistance provided under the pro-  
14 gram, but in no case less than one year—

15 “(i) in a position described in sub-  
16 paragraph (A)(i) that the Secretary cer-  
17 tifies is appropriate to use the unique lan-  
18 guage and region expertise acquired by the  
19 recipient pursuant to such study; or

20 “(ii) in such a position in any other  
21 Federal department or agency not referred  
22 to in clause (i) if the recipient dem-  
23 onstrates to the Secretary that no position  
24 is available in a Federal department or  
25 agency specified in clause (i); and”.

1 (b) REGULATIONS.—The Secretary of Defense shall  
2 prescribe regulations to carry out the amendment made  
3 by subsection (a). In prescribing such regulations, the Sec-  
4 retary shall establish standards that recipients of scholar-  
5 ship and fellowship assistance under the program under  
6 such section 802 are required to demonstrate to satisfy  
7 the requirement of a good faith effort to gain employment  
8 as required under subparagraphs (A) and (B) of sub-  
9 section (b)(2) of such section.

10 (c) APPLICABILITY.—(1) The amendment made by  
11 subsection (a) shall apply with respect to service agree-  
12 ments entered into under the David L. Boren National  
13 Security Education Act of 1991 on or after the date of  
14 the enactment of this Act.

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

20 **SEC. 4. IMPROVEMENTS TO THE NATIONAL FLAGSHIP LAN-**  
21 **GUAGE INITIATIVE.**

22 (a) INCREASE IN ANNUAL FUNDING.—Title VIII of  
23 the Intelligence Authorization Act for Fiscal Year 1992  
24 (Public Law 102–183; 105 Stat. 1271), as amended by  
25 section 311(c) of the Intelligence Authorization Act for

1 Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037)  
2 and by section 333(b) of the Intelligence Authorization  
3 Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.  
4 2397), is amended by striking section 811 and inserting  
5 the following new section 811:

6 **“SEC. 811. FUNDING FOR THE NATIONAL FLAGSHIP LAN-**  
7 **GUAGE INITIATIVE.**

8 “(a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
9 CAL YEARS 2003 and 2004.—In addition to amounts that  
10 may be made available to the Secretary under the Fund  
11 for a fiscal year, there is authorized to be appropriated  
12 to the Secretary for each fiscal year, beginning with fiscal  
13 year 2003, \$10,000,000, to carry out the grant program  
14 for the National Flagship Language Initiative under sec-  
15 tion 802(a)(1)(D).

16 “(b) FUNDING FROM INTELLIGENCE COMMUNITY  
17 MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING  
18 WITH FISCAL YEAR 2005.—In addition to amounts that  
19 may be made available to the Secretary under the Fund  
20 for a fiscal year, the Director of Central Intelligence shall  
21 transfer to the Secretary from amounts appropriated for  
22 the Intelligence Community Management Account for each  
23 fiscal year, beginning with fiscal year 2005, \$12,000,000,  
24 to carry out the grant program for the National Flagship  
25 Language Initiative under section 802(a)(1)(D).

1       “(c) AVAILABILITY OF APPROPRIATED FUNDS.—  
2       Amounts made available under this section shall remain  
3       available until expended.”.

4       (b) REQUIREMENT FOR EMPLOYMENT AGREE-  
5       MENTS.—(1) Section 802(i) of the David L. Boren Na-  
6       tional Security Education Act of 1991 (50 U.S.C. 1902(i))  
7       is amended by adding at the end the following new para-  
8       graph:

9       “(5)(A) In the case of an undergraduate or graduate  
10       student that participates in training in programs under  
11       paragraph (1), the student shall enter into an agreement  
12       described in subsection (b), other than such a student who  
13       has entered into such an agreement pursuant to subpara-  
14       graph (A)(ii) or (B)(ii) of section 802(a)(1).

15       “(B) In the case of a student who is an employee  
16       of an agency or department of the Federal Government  
17       that participates in training in programs under paragraph  
18       (1), the employee shall agree in writing—

19               “(i) to continue in the service of the agency or  
20       department of the Federal Government employing  
21       the student for the period of such training;

22               “(ii) to continue in the service of such agency  
23       or department employing the student following com-  
24       pletion of such training for a period of two years for  
25       each year, or part of the year, of such training;

1           “(iii) to reimburse the United States for the  
2           total cost of such training (excluding the student’s  
3           pay and allowances) provided to the student if, be-  
4           fore the completion by the student of the training,  
5           the employment of the student by the agency or de-  
6           partment is terminated due to misconduct by the re-  
7           cipient or by the recipient voluntarily; and

8           “(iv) to reimburse the United States if, after  
9           completing such training, the employment of the stu-  
10          dent by the agency or department is terminated ei-  
11          ther by the agency or department due to misconduct  
12          by the student or by the student voluntarily, before  
13          the completion by the student of the period of serv-  
14          ice required in clause (ii), in an amount that bears  
15          the same ratio to the total cost of the training (ex-  
16          cluding the student’s pay and allowances) provided  
17          to the student as the unserved portion of such pe-  
18          riod of service bears to the total period of service  
19          under clause (ii).

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

24          “(D)(i) A discharge in bankruptcy under title 11,  
25          United States Code, shall not release a person from an



1 obligation to reimburse the United States under an agree-  
2 ment under subparagraph (A) if the final decree of the  
3 discharge in bankruptcy is issued within five years after  
4 the last day of the combined period of service obligation  
5 described in clauses (i) and (ii) of subparagraph (B).

6 “(ii) The head of an element of the intelligence com-  
7 munity may release a recipient, in whole or in part, from  
8 the obligation to reimburse the United States under an  
9 agreement under subparagraph (A) when, in the discretion  
10 of the head of the element, the head of the element deter-  
11 mines that equity or the interests of the United States  
12 so require.”.

13 (2) The amendment made by paragraph (1) shall  
14 apply to training that begins on or after the date that is  
15 90 days after the date of the enactment of this Act.

16 (c) INCREASE IN THE NUMBER OF PARTICIPATING  
17 EDUCATIONAL INSTITUTIONS.—The Secretary of Defense  
18 shall take such steps as the Secretary determines will in-  
19 crease the number of qualified educational institutions  
20 that receive grants under the National Flagship Language  
21 Initiative to establish, operate, or improve activities de-  
22 signed to train students in programs in a range of dis-  
23 ciplines to achieve advanced levels of proficiency in those  
24 foreign languages that the Secretary identifies as being

1 the most critical in the interests of the national security  
2 of the United States.

3 (d) CLARIFICATION OF AUTHORITY TO SUPPORT  
4 STUDIES ABROAD.—Educational institutions that receive  
5 grants under the National Flagship Language Initiative  
6 may support students who pursue total immersion foreign  
7 language studies overseas of foreign languages that are  
8 critical to the national security of the United States.

9 **SEC. 5. ESTABLISHMENT OF SCHOLARSHIP PROGRAM FOR**  
10 **ENGLISH LANGUAGE STUDIES FOR HERIT-**  
11 **AGE COMMUNITY CITIZENS OF THE UNITED**  
12 **STATES WITHIN THE NATIONAL SECURITY**  
13 **EDUCATION PROGRAM.**

14 (a) SCHOLARSHIP PROGRAM FOR ENGLISH LAN-  
15 GUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS  
16 OF THE UNITED STATES.—(1) Subsection (a)(1) of sec-  
17 tion 802 of the David L. Boren National Security Edu-  
18 cation Act of 1991 (50 U.S.C. 1902) is amended—

19 (A) by striking “and” at the end of subpara-  
20 graph (C);

21 (B) by striking the period at the end of sub-  
22 paragraph (D) and inserting “; and”; and

23 (C) by adding at the end the following new sub-  
24 paragraph:

1           “(E) awarding scholarships to students  
2           who—

3           “(i) are United States citizens who—

4                   “(I) are native speakers (com-  
5                   monly referred to as heritage commu-  
6                   nity residents) of a foreign language  
7                   that is identified as critical to the na-  
8                   tional security interests of the United  
9                   States who should be actively re-  
10                  cruited for employment by Federal se-  
11                  curity agencies with a need for lin-  
12                  guists; and

13                  “(II) are not proficient at a pro-  
14                  fessional level in the English language  
15                  with respect to reading, writing, and  
16                  interpersonal skills required to carry  
17                  out the national security interests of  
18                  the United States, as determined by  
19                  the Secretary,

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

24           “(ii) enter into an agreement to work  
25           in a national security position or work in

1           the field of education in the area of study  
2           for which the scholarship was awarded in  
3           a similar manner (as determined by the  
4           Secretary) as agreements entered into pur-  
5           suant to subsection (b)(2)(A).”.

6       (2) The matter following subsection (a)(2) of such  
7 section is amended—

8           (A) in the first sentence, by inserting “or for  
9       the scholarship program under paragraph (1)(E)”  
10       after “under paragraph (1)(D) for the National  
11       Flagship Language Initiative described in subsection  
12       (i)”;

13       (B) by adding at the end the following: “For the au-  
14 thorization of appropriations for the scholarship program  
15 under paragraph (1)(E), see section 812.”.

16       (3) Section 803(d)(4)(E) of such Act (50 U.S.C.  
17 1903(d)(4)(E)) is amended by inserting before the period  
18 the following: “and section 802(a)(1)(E) (relating to  
19 scholarship programs for advanced English language stud-  
20 ies by heritage community residents).”.

21       (b) FUNDING.—The David L. Boren National Secu-  
22 rity Education Act of 1991 (50 U.S.C. 1901 et seq.) is  
23 amended by adding at the end the following new section:

1 **“SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR**  
2 **CERTAIN HERITAGE COMMUNITY RESIDENTS.**

3 “(a) FUNDING FROM INTELLIGENCE COMMUNITY  
4 MANAGEMENT ACCOUNT.—In addition to amounts that  
5 may be made available to the Secretary under the Fund  
6 for a fiscal year, the Director of Central Intelligence shall  
7 transfer to the Secretary from amounts appropriated for  
8 the Intelligence Community Management Account for each  
9 fiscal year, beginning with fiscal year 2005, \$4,000,000,  
10 to carry out the scholarship programs for English lan-  
11 guage studies by certain heritage community residents  
12 under section 802(a)(1)(E).

13 “(b) AVAILABILITY OF FUNDS.—Amounts made  
14 available under subsection (a) shall remain available until  
15 expended.”.

○