

CRS Report for Congress

Received through the CRS Web

National Security Education Program Background and Issues

Updated January 21, 2005

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National Security Education Program: Background and Issues

Summary

The National Security Education Program (NSEP), authorized by the *David L. Boren National Security Education Act of 1991* (NSEA, Title VIII of P.L. 102-183), provides aid for international education and foreign language studies by American undergraduate and graduate students, plus grants to institutions of higher education. The statement of purpose for the NSEA emphasizes the needs of federal government agencies, as well as the Nation's postsecondary education institutions, for an increased supply of individuals knowledgeable about the languages and cultures of foreign nations, especially those which are of national security concern and have not traditionally been the focus of American interest and study.

Three types of assistance are authorized and currently provided by the NSEA: (a) David L. Boren Scholarships for undergraduate students to study in "critical" foreign countries; (b) grants to institutions of higher education to establish or operate programs in "critical" foreign language and area studies areas, including a National Flagship Language Initiative-Pilot Program; and (c) David L. Boren Fellowships to graduate students for education abroad or in the U.S. in "critical" foreign languages, disciplines, and area studies. Individuals who receive NSEP fellowships and scholarships are obligated for a limited period of time to seek employment in a national security position with a federal agency. Grant recipients who demonstrate that such positions are not available may fulfill the requirement through work in any federal agency or in the field of higher education in an area of study for which the scholarship or fellowship was awarded.

The NSEP is intended to complement, and not duplicate, other federal programs of aid for foreign language and area studies education, such as those authorized under Title VI of the Higher Education Act and the Fulbright-Hays Act. Distinctive elements of the NSEP, compared to most other federal programs of aid to international education or exchange, include the service requirement for aid recipients, administration by the Department of Defense (rather than the Departments of Education or State), and support for international travel by American undergraduate students. The recent establishment of the NSEP pilot program, the National Flagship Language Initiative, distinguishes it even further from Title VI programs. The NSEP is administered by the Department of Defense's National Defense University, under the guidance of a Presidentially appointed National Security Education Board.

Several bills passed in the 107th and 108th Congressional sessions that would have altered the NSEP's funding and administration. In addition, the intelligence reform bill (P.L. 108-458) signed by the President on December 17, 2004, amends Title X of the National Security Act to create a new Intelligence Community Scholarship Program (ICSP) that is quite similar to the NSEP (§1042). This report provides background information on the NSEP and an analysis of related issues including the ICSP. It will be updated in response to major legislative developments.

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National Security Education Program: Background and Issues

Introduction

The National Security Education Program (NSEP), authorized by the *David L. Boren National Security Education Act* (NSEA),¹ provides aid for international education and foreign language studies by American undergraduate and graduate students, plus grants to institutions of higher education (IHEs). The statement of purpose for the NSEA emphasizes the needs of federal government agencies, as well as the Nation's postsecondary education institutions, for an increased supply of individuals knowledgeable about the languages and cultures of foreign nations, especially those which are of national security concern and have not traditionally been the focus of American interest and study. Specifically, the NSEA declares the purposes of this program to be: providing the "necessary resources, accountability, and flexibility" to meet the national security needs of the United States; increasing the "quantity, diversity, and quality" of teaching and learning of foreign language and area studies critical to the Nation's interest; expanding the pool of applicants for employment in U.S. government agencies with national security responsibilities; expanding the foreign language and area studies knowledge base upon which U.S. citizens and government employees can rely; and permitting the federal government to "advocate the cause of international education" (50 USC 1901).

Since the terrorist attacks of September 11, 2001, there has been increased congressional interest in the NSEP and other federal programs of aid for "critical" foreign language and area studies. Several bills passed in the 107th and 108th Congressional sessions that would have altered the NSEP's funding and administration. In addition, the intelligence reform bill (P.L. 108-458) signed by the President on December 17, 2004, amends Title X of the National Security Act to create a new Intelligence Community Scholarship Program (ICSP) that is quite similar to the NSEP (§1042). This report provides background information on the NSEP and an analysis of related issues including the ICSP. It will be updated in response to major legislative developments.

¹ Title VIII of P.L. 102-183, the *Intelligence Authorization Act for Fiscal Year 1992*, as amended primarily by P.L. 102-496, the *Intelligence Authorization Act for Fiscal Year 1993*, P.L. 103-178, the *Intelligence Authorization Act for Fiscal Year 1994*, and P.L. 104-201, *National Defense Authorization Act for Fiscal Year 1997*.

Background: Program Activities and Administration

The National Security Education Program (NSEP)² is intended to complement, and not duplicate, other federal programs of aid for foreign language and area studies education, such as those authorized under Title VI of the Higher Education Act, the Fulbright-Hays Act, and other legislation.³ Distinctive elements of the NSEP, compared to most other federal programs of aid to international education or exchange, include its service requirement for aid recipients, administration by the Department of Defense (DOD), rather than the Departments of Education (ED) or State, and its support for international travel by American undergraduate students. The recent establishment of the NSEP pilot program, the National Flagship Language Initiative, distinguishes it even further from Title VI programs.

Forms of Aid

Three types of assistance are authorized and currently provided by the NSEA:

1. David L. Boren Scholarships for undergraduate (including community college) students to study abroad in a “critical” foreign country;
2. grants to institutions of higher education to establish or operate programs in “critical” foreign language and area studies areas, often combined with study of other disciplines related to national security; and
3. David L. Boren Fellowships to graduate students for education abroad or in the U.S. in “critical” foreign language, disciplines, and area studies.

The NSEA establishes a goal of awarding one-third of each year’s grants for each of these three forms of aid, although specific allocations of available funds are determined by the National Security Education Board (NSEB), which also establishes specific criteria for awards in each category. (The NSEB is discussed further below, under “Program Administration.”)

Individual Grants. Only United States citizens are eligible for the scholarships and fellowships, which are to be awarded on the basis of merit, taking into consideration the geographic distribution and the “cultural, racial, and ethnic diversity” of grant recipients. The NSEA provides that the language skills of aid recipients are to be assessed before and after the period of instruction for which they receive assistance. A recent amendment to the NSEA (contained in P.L. 107-306) also allows recipients of NSEP scholarships and fellowships to attend the DOD’s Defense Language Institute.

² For additional basic information on the NSEP, see also [<http://www.ndu.edu/nsep>] and [<http://www.worldstudy.gov>].

³ See CRS Report RL31625, *Foreign Language and International Studies: Federal Aid Under Title VI of the Higher Education Act*, by (name redacted).

While financial need is not taken into account in the selection of scholarship or fellowship recipients, it is considered in determining the level of individual grants. Undergraduate students may receive up to two scholarships, one during their first two years of study, and a second during their remaining years. Graduate students may receive grants for up to six semesters, but may receive no more in total than \$20,000 for study abroad, \$12,000 for domestic study, or \$28,000 for a combined domestic-abroad study program. The current dollar ranges for individual grants are outlined in **Table 1**.

The number of students receiving undergraduate scholarships increased from 143 in 2001 to 194 in 2002 and has since remained at 194. Similarly, the number of graduate fellowship recipients increased from 70 in 2001 to 90 in 2002 and has since remained at 90. Both scholarship and fellowship recipients have traveled to a wide variety of Asian, African, East European, and Latin American nations. NSEP has supported study in more than 100 countries. The most frequent destinations have been Russia, China, Japan, Egypt, and Brazil for undergraduate scholarship recipients, and those nations plus Vietnam and Thailand for graduate fellowship recipients. NSEP does not fund study in Western Europe, Australia, Canada, and New Zealand.

The individual award recipients under the NSEP have studied numerous languages. While the most common languages have been Arabic, Chinese (Mandarin), Russian, Japanese, Portuguese, plus Spanish at an advanced level, smaller numbers of aid recipients are studying languages such as Zulu, Xhosa, Tibetan, Mongolian, Latvian, Persian, Uzbek, and several other East European, African, and Asian languages which are very infrequently taught in United States IHEs.

Table 1. Funding Ranges for Individual Grants Under the National Security Education Program

Type of grant	Minimum grant	Maximum grant
<i>Undergraduate students</i>		
Summer	\$2,500	program cost
Semester	\$4,000	\$10,000
Academic year	\$6,000	\$20,000
<i>Graduate students</i>		
Summer abroad	none	\$10,000
Academic year abroad	none	\$20,000
Domestic study (year)	none	\$12,000
Combined program of domestic and foreign studies	none	\$28,000

Source: [<http://www.worldstudy.gov/overview2.html>].

Institutional Grants. Through 2002, most institutional grants had been focused on supporting the establishment of instructional and exchange programs involving less commonly taught languages and nations or regions at a wide variety of IHEs in the United States; increasing the number of disadvantaged and/or minority students participating in international education and exchange programs; and integrating foreign language and international studies with professional education in a variety of fields. Beginning in 2003, NSEP no longer sponsored an annual competition for programs generally oriented to establish and/or improve programs in international education. Instead, grants to IHEs will occur under the National Flagship Language Initiative.

National Flagship Language Initiative

This shift in the strategy and focus for NSEP institutional grants began on a pilot basis with a share of the grant funds in 2002.⁴ Adopted and authorized by the 107th Congress as part of the *Intelligence Authorization Act for Fiscal Year 2003* (P.L. 107-306), the National Flagship Language Initiative provides multi-year grants to IHEs to develop curricular and instructional models for *advanced* study of the foreign languages considered *most critical* for national security.⁵ The goal of the program is “demonstrating program design and administrative structures on our nation’s campuses that are capable of dramatically increasing the number of U.S. students advancing to professional levels of language competency.”⁶ Special consideration is to be given to federal employees in the admission of students to such programs. New Flagship grant competitions were not conducted for FY2003 or announced for FY2004.

The National Flagship Language Initiative responds not only to federal government needs but also perceived weaknesses in the former program of institutional grants. According to a statement on the NSEP’s website, past institutional grants have been short-term and often insufficiently coordinated with individual awards. They have often been focused on improving the general capacity of American IHEs to provide foreign language and area studies (FLAS) instruction, which duplicates the role of other federal programs, especially Title VI of the HEA.⁷

⁴ An initial series of four National Flagship Language Initiative-Pilot Program grants was announced in July 2002 to Brigham Young University, University of Washington, University of Hawaii at Manoa, and the University of California at Los Angeles.

⁵ For purposes of the National Flagship Language Initiative-Pilot Program in 2002, these were identified as Arabic (including vernaculars), Hindi, Chinese (Mandarin), Japanese, Korean, Persian/Farsi, Russian, and Turkish.

⁶ National Foreign Language Center, *National Flagship Language Initiative — Pilot Program, Advanced Language Institutional Grants, Application Instructions and Guidelines*, Apr. 1, 2002, p. 3.

⁷ See [http://www.ndu.edu/nsep/institutional_grants.htm].

Program Administration

The NSEP is administered by the Department of Defense's National Defense University, under the guidance of a 12-member National Security Education Board (NSEB). The NSEB consists of the Secretaries of Defense (who chairs the Board), Education, Commerce, and State, the Director of Central Intelligence, the Chairperson of the National Endowment for the Humanities, plus six persons appointed by the President who have expertise in the areas of international, language, area, and nonproliferation studies education. The Board's functions include developing criteria and qualifications for making awards; providing for wide dissemination of information about program activities; reviewing program administration; and making recommendations on countries, disciplines, and areas where there are knowledge deficiencies which make them "critical" for support under the program. In making the latter determination, the Board is to take into account federal government needs as well as the supply of individuals knowledgeable in various languages and areas of the world. To carry out this responsibility, the Board conducts an annual survey and analysis of federal agency requirements regarding foreign language proficiency, as well as national security-related regions/nations and fields of study.⁸

As with many of the federal government's programs supporting international education and exchange, and as specifically authorized by the NSEA, the NSEP is largely administered through non-governmental organizations that process applications and oversee the award competition. The Institute of International Education (IIE, [<http://www.iie.org>]) performs this role with respect to undergraduate scholarships, the Academy for Educational Development (AED, [<http://nsep.aed.org>]) does so for the graduate fellowship competition, and the National Foreign Language Center at the University of Maryland ([<http://www.nflc.org>]) has acted as an administrative agent for the NSEP in the awarding of some institutional grants, particularly those under the new National Flagship Language Initiative Program.

Service Requirement

Individuals who receive NSEP fellowships and scholarships are obligated for a limited period of time to seek federal employment in a national security position.⁹ If grant recipients can demonstrate that no national security positions are available, they may fulfill the requirement through work in any federal government position or in the field of higher education in an area of study for which the scholarship or

⁸ See [http://www.ndu.edu/nsep/Federal_Language_Needs_2001.htm]. For a listing of both the foreign languages and world regions and disciplines which were emphasized in the 2004 award competition, see [<http://nsep.aed.org/emphasis.html>].

⁹ This requirement has been interpreted to include employment in a relatively wide variety of federal agencies, including all agencies in the Departments of Defense and State, the U.S. Intelligence Community, plus several agencies in the Departments of Commerce, Energy, Justice, and Treasury, the Executive Office of the President, several Congressional Committees, the Congressional Research Service, and numerous independent federal agencies. See [<http://www.nsep.aed.org/agencies.html>].

fellowship was awarded. If individuals fail to meet the service requirement, they must repay the amount of their grant plus interest.

According to the NSEA, the service period is to be up to the length of time for which aid was received for scholarship recipients, and 1-3 times of the length of time for which aid was received for fellowship recipients. Within these limits, the specific length of the service requirement is determined by the NSEB. In general, it is approximately equal to the length of the educational program for which a person receives aid.

Under the *original* NSEA, as enacted in 1991, the service obligation was somewhat more flexible — it could have been met through employment in *any* Federal agency or position (i.e., not just positions involved in national security), or as an educator (at any level of education) in the area of study for which the scholarship or fellowship was awarded. The current service requirement provision was adopted under P.L. 104-201, the *National Defense Authorization Act for Fiscal Year 1997*, and amended by P.L. 107-296, the *Homeland Security Act of 2002*.¹⁰

Since adoption of the current service requirement, approximately 73% of scholarship and fellowship recipients (combined) have met the service requirement through federal employment, and 27% through employment in higher education.¹¹ However, the pattern of service is distinctly different for undergraduate scholarship recipients versus graduate fellowship recipients — 93% of scholarship recipients have met the requirement through federal employment versus 50% of the fellowship recipients.

Funding

Funding for this program is provided from a National Security Education Trust Fund (NSETF) in the U.S. Treasury. Money may be taken from the Fund for grants and administrative costs, but only to the extent specified in authorization and appropriations legislation. Money in the Fund may be invested only in interest-bearing obligations of the United States or guaranteed by the United States. Reimbursements for failure to meet service requirements are to be paid into the Fund.

An initial amount of \$150 million was appropriated to the Fund for FY1992. Early in the 104th Congress, FY1995 rescissions legislation was passed by the House which would have eliminated the program completely and returned all of its \$150 million trust fund to the Treasury. (The initial amount was still available because the NSEP did not begin making grants until academic year 1994-1995.) Under the final version of this legislation (P.L. 104-6), one-half of the funds originally appropriated for the NSEP trust fund (\$75 million) was rescinded.

¹⁰ A similar provision was earlier included in FY1996 appropriations legislation for DOD (P.L. 104-61), although it affected only the use of FY1996 appropriations.

¹¹ According to NSEP staff, individual aid recipients have failed to meet the service requirement (and have repaid their award) in only a handful of special cases.

Each year since FY1992, the NSETF has grown through interest income, and each year since FY1995, it has declined through appropriations for grants and program administration. Particularly in recent years, NSETF expenditures have exceeded income, so the balance remaining in the Fund has steadily declined. The *Department of Defense Appropriations Act for Fiscal Year 2003* (P.L. 107-248) provided for \$8 million to be appropriated from the National Security Education Trust Fund for FY2003, the same as the FY2002 amount as well as the President's FY2004 request. **Table 2** shows the annual appropriations from the NSETF each year since FY1995 and the projected Fund balance at the end of FY2002, 2003 and 2004.

Table 2. Annual Appropriations from the National Security Education Trust Fund, FY1995-2004, and Projected Fund Balance, FY2002-2004

Fiscal year	Appropriation	Projected fund balance, end of year
1995	\$8,500,000	—
1996	\$7,500,000	—
1997	\$5,000,000	—
1998	\$2,000,000	—
1999	\$3,000,000	—
2000	\$8,000,000	—
2001	\$7,000,000	—
2002	\$8,000,000	\$28,000,000
2003	\$8,000,000	\$22,000,000
2004	\$8,000,000	\$21,000,000

P.L. 107-306 requires the Secretary of Defense to submit to selected congressional committees¹² a report on the effectiveness of the NSEP and the advisability of conversion from a trust fund mechanism to annual appropriations. The authorization of \$10 million per year for a National Flagship Language Initiative is contingent upon submission of this report with a finding that “the programs carried out under the David L. Boren National Security Education Act of 1991 are being carried out in a fiscally and programmatically sound manner.”

¹² The Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the House and Senate Committees on Armed Services, and Committees on Appropriations.

P.L. 107-306 further authorizes \$300,000 for the Secretary of Defense, “acting through the Director of the National Security Education Program,” to prepare a report on the feasibility of establishing a “Civilian Linguist Reserve Corps,” to be composed of U.S. citizens with advanced foreign language skills. Those preparing the report are encouraged to consider the reserve components of the armed forces as a possible model for this Corps.

Issues

Selected issues that have arisen with respect to the NSEP are discussed in the remainder of this report.

Funding Mechanism

As noted earlier, the original intention was that the NSEP would be funded via the earnings of a trust fund. An initial appropriation of \$150 million was provided to the trust fund, with the possibility of additional appropriations being provided to the fund afterward. The apparent intention of using this funding mechanism was to help insulate the program from the uncertainties of the annual budget and appropriations processes, although funds to be used for annual grants and administration must still be appropriated from the Fund.

However, the reduction of the NSETF by one-half in subsequent rescissions legislation (P.L. 104-6), combined with a decline in interest rates mean that annual NSETF earnings have been only \$2-3 million in recent years, much lower than the annual appropriations and program level of approximately \$8 million per year. Thus, as noted in **Table 2**, the Fund’s balance is steadily declining; if current trends continue, the Fund will be depleted by FY2006. If NSEP activities are to be maintained at their current (or higher) levels, the size of the Fund must be increased significantly. Alternatively, the NSEP’s funding structure might be shifted totally to an annual appropriations basis, as is the case for the majority of federal grant programs. P.L. 107-306, discussed above, requires the Secretary of Defense to study the feasibility of such a shift.

Targeting of Critical Languages, Regions, and Disciplines

An issue which arises with respect to any federal program intended to support instruction in “critical” foreign languages, regions, and disciplines is whether aid awards are appropriately targeted on such languages, regions, and disciplines. According to the NSEA, “critical” foreign languages, regions, and disciplines are those in which there is a major national security interest, the knowledge and skills of U.S. students and federal employees are deficient, and they are infrequently taught in the nation’s colleges and universities and infrequently represented in other international educational exchange programs.

The NSEB conducts an annual survey of federal agencies to identify foreign languages, regions, and disciplines which the agencies deem to be critical to their operations. A wide variety of languages that are both frequently (e.g., Spanish) and infrequently (e.g., Farsi) taught are identified through this process. However, the

NSEB identifies a subset of these languages, along with associated world regions/nations, plus disciplines to be the focus of scholarship and fellowship awards for the succeeding year. In addition, the National Flagship Language Initiative, as planned by the NSEB and as authorized by P.L. 107-306, will attempt to identify the *most* critical languages to be the focus of all institutional grants beginning in 2003.

While any process to identify critical foreign languages, world regions and disciplines will be imperfect and subject to regular revision, and past *institutional* grants may not always have been clearly focused on such critical subjects, it appears that substantial effort is devoted toward focusing NSEP grants on languages, regions and disciplines which are infrequently taught in American IHEs, and are of national security interest, particularly in comparison to most other federal foreign language and area studies programs.

Coordination with Other Federal Programs Supporting Foreign Language and International Studies

The NSEP's emphasis on helping to meet national security needs, and its service requirement for individual aid recipients, distinguish it from other federal programs of support for foreign language and area studies. Nevertheless, the NSEP shares with several other federal programs the goals of increasing understanding of, and the availability of advanced instruction in, world languages and regions which are infrequently taught in United States IHEs. Therefore, efficiency in the use of federal aid funds is likely to be enhanced through coordination of the NSEP and such programs as ED's Title VI of the Higher Education Act and the Fulbright-Hays Act programs administered by the Departments of State and Education. Currently, such coordination occurs through representation on the National Security Education Board of designees of the Secretaries of Education and State, among others. However, there is no statutory provision for analogous representation of NSEP officials on decision-making bodies for related programs administered by other federal agencies.

One aspect of the NSEP — institutional grants, including those under the National Flagship Language Initiative — is especially similar to activities supported under another federal program, Title VI of the Higher Education Act (HEA).¹³ Both the NSEP institutional grants and two programs under HEA Title VI — National Resource Centers and Language Resource Centers — provide grants to United States IHEs to increase their capacity to provide instruction in foreign languages and regions, with special emphasis on those which are infrequently taught in this nation. The major difference may be the degree of focus on “most critical” foreign languages and regions, especially in view of the planned restructuring of the NSEP institutional grants under the National Flagship Language Initiative.

The NSEP has attempted to address this concern about possible program overlap by requiring IHEs to propose activities which complement, but do not duplicate, those supported under other federal programs when applying for NSEP institutional grants. Nevertheless, especially given recent efforts through the annual

¹³ See CRS Report RL31625, *Foreign Language and International Studies: Federal Aid Under Title VI of the Higher Education Act*, by (name redacted).

appropriations process to increase the focus of HEA Title VI on the most critical languages and regions, plus the inefficiencies and administrative costs associated with conducting multiple federal grant competitions for IHEs, as well as the concerns expressed about NSEP institutional grants by some members of the academic community (discussed later in this report), the possibility of consolidating the NSEP institutional grant program with the HEA Title VI national and language resource center programs might be considered.

In addition, coordination with other programs may be altered by proposals to move the administrative responsibility for NSEP from the Secretary of Defense to the Director of Central Intelligence (H.R. 1588 as passed by the Senate) or to the Secretary of Education (as the President's Budget recommends). Placing responsibility for both the NSEP and the HEA, Title VI programs under the Secretary of Education would presumably increase the degree of coordination and decrease the amount of overlap among these programs. On the other hand, it is not clear how shifting responsibility for the NSEP to the Director of Central Intelligence would impact program coordination.

Support for Undergraduate Travel Abroad

Some have questioned whether support of foreign travel grants by a limited number of undergraduate students should be a priority for expenditure of federal funds under the NSEA. In the 107th Congress the Senate-passed version of H.R. 4628 would have eliminated the NSEP's undergraduate scholarship program, shifting available funds to graduate fellowships and institutional grants. Although the enacted version of this legislation does *not* eliminate authority for undergraduate scholarships, debate over this issue may continue.

According to the Senate Select Committee on Intelligence report (on S. 2506, 107th Congress):

The Committee views the graduate program as the most effective way of achieving the stated goal of the program for several reasons. First, the graduate program reaches students after they have already selected a career path. Also, NSEP officials have told the Committee that graduate students are enthusiastic about serving as federal employees, and generally seek employment in national security positions. The Committee notes that the undergraduate program, while providing unique learning opportunities, is an inadequate mechanism for ensuring that students will obtain employment with the federal government, and thereby fails to meet the stated goal of producing an increased pool of applicants to serve in the federal government. Because the NSEP is essentially taking a 'risk' on students by providing them with a substantial amount of financial assistance, the Committee believes that it is in the best interest of the program to focus on those students most likely to seek and attain employment in the field of national security. (S.Rept. 107-149)

In addition to the above arguments, the level of foreign language proficiency attained by graduate students is likely to be substantially higher than for undergraduates.

In contrast, supporters of the current NSEP undergraduate scholarship program have argued that it provides a relatively rare opportunity for federally-funded foreign travel at a point in their educational careers at which most students are deciding upon the path they will follow for their graduate study and future careers. Only one other, relatively small, federal program — the Gilman International Scholarship Program¹⁴ — supports foreign travel opportunities for U.S. undergraduate students, and it is not focused on critical foreign languages or world regions.¹⁵

In addition, the argument that graduate students are more likely to pursue a career in a national security position with the federal government would not seem to be supported by data on the ways in which scholarship and fellowship recipients have met their service requirements thus far. According to cumulative data for 1996-2002 provided by NSEP staff, the percentage of undergraduate scholarship recipients who have taken federal positions (93%) is much higher than the percentage of graduate fellowship recipients who have met their service requirement by taking federal positions (50%). Thus far, it appears that graduate fellowship recipients are much more likely to meet their service requirement by taking positions in higher education. This is most likely to occur with respect to students in doctoral (as opposed to master's) degree programs.

Service Requirement and Linkages to National Security Agencies

Throughout the life of the NSEP, and especially after the adoption of amendments to the NSEA service requirements in 1996 (by P.L. 104-201, the National Defense Authorization Act for Fiscal Year 1997), some members of the U.S. academic community have expressed concern about the linkages between this program and the DOD, Central Intelligence Agency (CIA), and other federal national security agencies. This concern arises not only from the NSEP's service requirement — the obligation to seek employment in a national security position (although not necessarily in a national security agency) — but also other linkages between the program and national security agencies — e.g., administration of the program by the DOD, under the auspices of the National Defense University; and representation of national security agencies on the NSEB.

¹⁴ This program is authorized by the International Academic Opportunity Act of 2000 (Title III of P.L. 106-309).

¹⁵ The Gilman International Scholarship Program authorizes the appropriation of \$1.5 million per year for scholarships of up to \$5,000 for U.S. citizen undergraduate students. The scholarships may be used to pay the costs of travel plus tuition and related study abroad expenses. In order to be eligible students must be recipients of financial assistance under ED's Pell Grant program — i.e., undergraduate students from relatively low-income families. In the selection of grant recipients, preference is given to those who have not previously studied abroad. Students may study any subject, and travel to any region of the world (except Cuba or a country identified in a "travel warning" issued by the Department of State). Unlike the NSEP, there is no service requirement. The Gilman program is administered by the Department of State, via the non-governmental Institute of International Education.

The NSEA explicitly prohibits scholarship and fellowship recipients from being required to “undertake any activity” on behalf of any federal agency, as a condition for receipt of their assistance, while engaged in their subsidized education program. In addition, as noted earlier, the service requirement has been interpreted relatively broadly in practice to include positions in a wide range of federal agencies (see footnote 9). Further, the length of the service requirement — generally equal to the period of time for which aid was received — is shorter than for some other scholarship or loan forgiveness programs, requiring service for only a few months to two years in general.

Further, cumulative (1996-2002) data provided by NSEP staff on federal employment of scholarship and fellowship recipients indicate that a majority have met their service requirement by taking positions *outside* the DOD, CIA, and similar national security agencies. First, 50% of graduate fellowship recipients, and 7% of undergraduate scholarship recipients, have met their service requirement by taking positions in higher education institutions, not the federal government. Second, among those taking federal positions to meet their service requirement, more than one-half have taken positions in agencies other than the DOD, CIA, and similar national security agencies.¹⁶

Nevertheless, critics of these linkages have expressed concern that participating students would be treated with suspicion and might even be in danger abroad if they are identifiable as possible future employees of U.S. intelligence and defense agencies. Concern has been expressed about the safety of participants as well as the cooperation of foreign educational institutions if the NSEA is perceived as being related to the U.S. national security agencies.

While critics of this aspect of the NSEP have expressed concerns about all of the program’s grant programs, such criticism has most recently been focused primarily on the current and prospective *institutional* grant programs, including the National Flagship Language Initiative. Critics have argued that the linkages between the NSEP and national security agencies affect only individual students under the scholarship and fellowship programs, while involving, at least indirectly, entire IHEs which accept institutional grants. According to a statement by the Board of Directors of the Middle East Studies Association (MESA),

[W]e have (1992, 1995) noted our strong reservations concerning the decision to locate the NSEP administration in the Department of Defense and the involvement of the CIA on the Board that oversees the NSEP. We believe it is essential to maintain the administrative independence of such programs from government agencies involved in national security [W]e are apprehensive that the proposed establishment of university programs will link all participating students by association with Defense Department language study funding through the institutional grants that NFLI-P [National Flagship Language

¹⁶ The agencies at which scholarship recipients have most often taken positions are the Department of State (27%), DOD (20%), the Congress (14%), and Department of Commerce (8%). The agencies at which fellowship recipients have most often taken positions are the U.S. Agency for International Development (30%), DOD (18%), Department of State (14%), and Department of Commerce (8%).

Initiative-Pilot program] has announced A government-funded program that emphasizes cooperation between the U.S. academy and government agencies responsible for intelligence and defense will increase the difficulties and dangers of such academic activities, and may foster the already widespread impression that academic researchers from the United States are directly involved in government activities. This may discourage foreign colleagues from collaboration with Americans in scholarly projects. Ultimately, such a program may actually undermine the research and teaching of languages, histories and culture that area studies programs in U.S. universities strive to advance We urge that funding for second-language acquisition, like other educational programs, be administered through the Department of Education We recommend that MESA members and institutions not seek or accept funding for the NFLI-P as presently defined, constituted, and administered.¹⁷

In contrast, supporters of the service requirement and other NSEP linkages with national security agencies argue that they are consistent with what they view as being the primary purposes of the program, and help to assure that the federal government receives an appropriate return for its investment in persons aided by the program. While other federal programs supporting foreign language and area studies are administered by the Departments of Education and State, they argue, those other programs have broader purposes than the NSEP. The statement of purpose in the NSEA focuses primarily on helping to meet the national security needs of the United States and expanding the pool of applicants for employment in U.S. government agencies with national security responsibilities, while also mentioning the somewhat broader goals of increasing the “quantity, diversity, and quality” of teaching and learning of foreign language and area studies critical to the Nation’s interest, expanding the foreign language and area studies knowledge base upon which both U.S. citizens and government employees can rely, and permitting the federal government to “advocate the cause of international education” (50 U.S.C. § 1901). Supporters of the program’s current provisions and structure argue that this mixture of purposes is consistent with the NSEP’s linkages to national security agencies, combined with flexibility in other respects (e.g., alternative of service in higher education, opportunity to meet the service requirement in a relatively wide variety of federal agencies, and relatively short term of required service). In fact, if the primary, distinctive purpose of the NSEP is to increase the number of individuals with specialized language skills in national security positions, the service requirement might even be tightened — for example, by lengthening the required period of service, narrowing the variety of federal agencies at which the service requirement may be met, or eliminating the alternative of meeting the service requirement through employment in higher education.

¹⁷ See [<http://fp.arizona.edu/mesassoc/boardletters.htm>].

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