

REFERENCES IN TEXT

The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, referred to in text, is title III of Pub. L. 102-182, Dec. 4, 1991, 105 Stat. 1245, as amended, which is classified principally to chapter 65 (§5601 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 22 and Tables.

The Nuclear Proliferation Prevention Act of 1994, referred to in text, is title VIII of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 507, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 22, Foreign Relations and Intercourse, and Tables.

Title XVII of the National Defense Authorization Act for Fiscal Year 1991, referred to in text, is title XVII of div. A of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1750, as amended, which enacted section 2410b of the Appendix to this title and sections 2797 to 2797c of Title 22, Foreign Relations and Intercourse, amended section 2405 of the Appendix to this title, and enacted provisions set out as notes under section 2402 of the Appendix to this title and section 2797 of Title 22. For complete classification of title XVII to the Code, see Tables.

The Iran-Iraq Arms Nonproliferation Act of 1992, referred to in text, is title XVI of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2571, as amended, which is set out as a note under section 1701 of this title.

Section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994, referred to in text, probably means section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, Pub. L. 103-87, title V, Sept. 30, 1993, 107 Stat. 972, which is not classified to the Code.

Section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995, referred to in text, probably means section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995, Pub. L. 103-306, title V, Aug. 23, 1994, 108 Stat. 1649, which is not classified to the Code.

§ 441d. Repealed. Pub. L. 108-177, title III, § 313(a), Dec. 13, 2003, 117 Stat. 2610

Section, act July 26, 1947, ch. 343, title IX, §905, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 965; amended Pub. L. 104-293, title III, §304, Oct. 11, 1996, 110 Stat. 3464; Pub. L. 105-107, title III, §304, Nov. 20, 1997, 111 Stat. 2252; Pub. L. 105-272, title III, §303, Oct. 20, 1998, 112 Stat. 2400, provided that this subchapter would cease to be effective on Jan. 6, 2000.

SUBCHAPTER VII-A—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

PART A—SCIENCE AND TECHNOLOGY

§ 441g. Scholarships and work-study for pursuit of graduate degrees in science and technology

(a) Program authorized

The Director of National Intelligence may carry out a program to provide scholarships and work-study for individuals who are pursuing graduate degrees in fields of study in science and technology that are identified by the Director as appropriate to meet the future needs of the intelligence community for qualified scientists and engineers.

(b) Administration

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director of National Intelligence shall

administer the program through the Office of the Director of National Intelligence.

(c) Identification of fields of study

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director shall identify fields of study under subsection (a) of this section in consultation with the other heads of the elements of the intelligence community.

(d) Eligibility for participation

An individual eligible to participate in the program is any individual who—

(1) either—

(A) is an employee of the intelligence community; or

(B) meets criteria for eligibility for employment in the intelligence community that are established by the Director of National Intelligence;

(2) is accepted in a graduate degree program in a field of study in science or technology identified under subsection (a) of this section; and

(3) is eligible for a security clearance at the level of Secret or above.

(e) Regulations

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director shall prescribe regulations for purposes of the administration of this section.

(July 26, 1947, ch. 343, title X, §1001, as added Pub. L. 107-306, title III, §331(a)(3), Nov. 27, 2002, 116 Stat. 2394; amended Pub. L. 108-458, title I, §§1071(a)(1)(MM), (3)(C)-(F), 1072(a)(8), Dec. 17, 2004, 118 Stat. 3689, 3690, 3692.)

PRIOR PROVISIONS

A prior section 1001 of act July 26, 1947, ch. 343, was renumbered section 1101 and is classified to section 442 of this title.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §1071(a)(1)(MM), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b). Pub. L. 108-458, §1072(a)(8), substituted “Office of the Director of National Intelligence” for “Assistant Director of Central Intelligence for Administration”.

Pub. L. 108-458, §1071(a)(3)(C), which directed amendment of subsec. (b) by substituting “Director of National Intelligence” for “Director” each place it appeared, was executed by making the substitution the first two places it appeared to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 108-458, §1071(a)(3)(D), substituted “If the Director of National Intelligence” for “If the Director”.

Subsec. (d)(1)(B). Pub. L. 108-458, §1071(a)(3)(E), substituted “Director of National Intelligence” for “Director”.

Subsec. (e). Pub. L. 108-458, §1071(a)(3)(F), substituted “If the Director of National Intelligence” for “If the Director”.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

PILOT PROGRAM ON RECRUITMENT AND TRAINING OF
INTELLIGENCE ANALYSTS

Pub. L. 108-177, title III, §318, Dec. 13, 2003, 117 Stat. 2613, as amended by Pub. L. 108-458, title I, §§1071(g)(3)(A)(iii), 1072(d)(2)(B), Dec. 17, 2004, 118 Stat. 3692, 3693, provided that:

“(a) PILOT PROGRAM.—(1) The Director of National Intelligence shall carry out a pilot program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current analytic capabilities of the intelligence community are deficient or in which future analytic capabilities of the intelligence community are likely to be deficient.

“(2) A student or former student selected for participation in the pilot program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

“(3) The pilot program shall be known as the Pat Roberts Intelligence Scholars Program.

“(b) ELEMENTS.—In carrying out the pilot program under subsection (a), the Director shall—

“(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence analysts; and

“(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in analytic capabilities.

“(c) DURATION.—The Director shall carry out the pilot program under subsection (a) during fiscal years 2004 through 2006.

“(d) LIMITATION ON NUMBER OF MEMBERS DURING FISCAL YEAR 2004.—The total number of individuals participating in the pilot program under subsection (a) during fiscal year 2004 may not exceed 150 students.

“(e) RESPONSIBILITY.—The Director shall carry out the pilot program under subsection (a) through the Deputy Director of National Intelligence.

“(f) REPORTS.—(1) Not later than 120 days after the date of the enactment of this Act [Dec. 13, 2003], the Director shall submit to Congress a preliminary report on the pilot program under subsection (a), including a description of the pilot program and the authorities to be utilized in carrying out the pilot program.

“(2) Not later than one year after the commencement of the pilot program, the Director shall submit to Congress a report on the pilot program. The report shall include—

“(A) a description of the activities under the pilot program, including the number of individuals who participated in the pilot program and the training provided such individuals under the pilot program;

“(B) an assessment of the effectiveness of the pilot program in meeting the purpose of the pilot program; and

“(C) any recommendations for additional legislative or administrative action that the Director considers appropriate in light of the pilot program.

“(g) FUNDING.—Of the amounts authorized to be appropriated by this Act, \$4,000,000 shall be available until expended to carry out this section.”

§ 441g-1. Framework for cross-disciplinary education and training

The Director of National Intelligence shall establish an integrated framework that brings to-

gether the educational components of the intelligence community in order to promote a more effective and productive intelligence community through cross-disciplinary education and joint training.

(July 26, 1947, ch. 343, title X, §1002, as added Pub. L. 108-458, title I, §1042, Dec. 17, 2004, 118 Stat. 3679.)

EFFECTIVE DATE

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

§ 441g-2. Intelligence Community Scholarship Program

(a) Establishment

(1) In general

The Director of National Intelligence, in consultation with the head of each agency of the intelligence community, shall establish a scholarship program (to be known as the “Intelligence Community Scholarship Program”) to award scholarships to individuals that is designed to recruit and prepare students for civilian careers in the intelligence community to meet the critical needs of the intelligence community agencies.

(2) Selection of recipients

(A) Merit and agency needs

Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the needs of the agency.

(B) Demonstrated commitment

Individuals selected under this section shall have a demonstrated commitment to the field of study for which the scholarship is awarded.

(3) Contractual agreements

To carry out the Program the head of each agency shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the agency, for the period described in subsection (g)(1) of this section, in positions needed by the agency and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) Eligibility

In order to be eligible to participate in the Program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline described in the list made available under subsection (d) of this section;

(2) be a United States citizen; and

(3) at the time of the initial scholarship award, not be an employee (as defined under section 2105 of title 5).

(c) Application

An individual seeking a scholarship under this section shall submit an application to the Director of National Intelligence at such time, in such manner, and containing such information, agreements, or assurances as the Director may require.

(d) Programs and fields of study

The Director of National Intelligence shall—

(1) make publicly available a list of academic programs and fields of study for which scholarships under the Program may be used; and

(2) update the list as necessary.

(e) Scholarships**(1) In general**

The Director of National Intelligence may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Director, as part of the application required under subsection (c) of this section, a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d) of this section.

(2) Limitation on years

An individual may not receive a scholarship under this section for more than 4 academic years, unless the Director of National Intelligence grants a waiver.

(3) Student responsibilities

Scholarship recipients shall maintain satisfactory academic progress.

(4) Amount

The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Director of National Intelligence, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as established by the Director.

(5) Use of scholarships

A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Director of National Intelligence by regulation.

(6) Payment to institution of higher education

The Director of National Intelligence may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) Special consideration for current employees**(1) Set aside of scholarships**

Notwithstanding paragraphs (1) and (3) of subsection (b) of this section, 10 percent of the scholarships awarded under this section shall be set aside for individuals who are employees of agencies on December 17, 2004, to enhance the education of such employees in areas of critical needs of agencies.

(2) Full- or part-time education

Employees who are awarded scholarships under paragraph (1) shall be permitted to pur-

sue undergraduate or graduate education under the scholarship on a full-time or part-time basis.

(g) Employee service**(1) Period of service**

Except as provided in subsection (i)(2) of this section, the period of service for which an individual shall be obligated to serve as an employee of the agency is 24 months for each academic year for which a scholarship under this section is provided. Under no circumstances shall the total period of obligated service be more than 8 years.

(2) Beginning of service**(A) In general**

Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) Deferral

In accordance with regulations established by the Director of National Intelligence, the Director or designee may defer the obligation of an individual to provide a period of service under paragraph (1) if the Director or designee determines that such a deferral is appropriate.

(h) Repayment**(1) In general**

Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Director of National Intelligence, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (i)(2) of this section. The repayment period may be extended by the Director when determined to be necessary, as established by regulation.

(2) Liability

Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Director of National Intelligence under subsection (i)(2)(B)¹ of this section, shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; and

¹ So in original. Probably should be subsection "(g)(2)(B)".

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(i) Cancellation, waiver, or suspension of obligation

(1) Cancellation

Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) Waiver or suspension

The Director of National Intelligence shall prescribe regulations to provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(j) Regulations

The Director of National Intelligence shall prescribe regulations necessary to carry out this section.

(k) Definitions

In this section:

(1) Agency

The term “agency” means each element of the intelligence community as determined by the Director of National Intelligence.

(2) Institution of higher education

The term “institution of higher education” has the meaning given that term under section 1001 of title 20.

(3) Program

The term “Program” means the Intelligence Community Scholarship Program established under subsection (a) of this section.

(July 26, 1947, ch. 343, title X, §1003, as added Pub. L. 108-458, title I, §1043, Dec. 17, 2004, 118 Stat. 3679.)

EFFECTIVE DATE

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

PART B—FOREIGN LANGUAGES PROGRAM

§ 441j. Program on advancement of foreign languages critical to the intelligence community

(a) In general

The Secretary of Defense and the Director of National Intelligence may jointly carry out a program to advance skills in foreign languages

that are critical to the capability of the intelligence community to carry out the national security activities of the United States (hereinafter in this part referred to as the “Foreign Languages Program”).

(b) Identification of requisite actions

In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of National Intelligence shall jointly identify actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States and to meet the long-term intelligence needs of the United States.

(July 26, 1947, ch. 343, title X, §1011, as added Pub. L. 108-487, title VI, §612(a)(2), Dec. 23, 2004, 118 Stat. 3955.)

§ 441j-1. Education partnerships

(a) In general

In carrying out the Foreign Languages Program, the head of a covered element of the intelligence community may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study in such educational institutions of foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States.

(b) Assistance provided under educational partnership agreements

Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of a covered element of the intelligence community may provide the following assistance to the educational institution:

(1) The loan of equipment and instructional materials of the element of the intelligence community to the educational institution for any purpose and duration that the head of the element considers appropriate.

(2) Notwithstanding any other provision of law relating to the transfer of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

(A) commonly used by educational institutions;

(B) surplus to the needs of the element of the intelligence community; and

(C) determined by the head of the element to be appropriate for support of such agreement.

(3) The provision of dedicated personnel to the educational institution—

(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States; or

(B) to assist in the development for the educational institution of courses and materials on such languages.

(4) The involvement of faculty and students of the educational institution in research