

Transforming Federal Foreign Language Programs to Serve U.S. Interests

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KEY TAKEAWAYS

Title VI International and Foreign Language Education programs do not achieve their goal as stated by Congress and should be eliminated.

Generally, civil society and free-market actors could do a better job of developing experts in languages and cultures of other nations.

So long as the programs exist, regulatory reform could transform Title VI programs to fund projects that support American interests.

Title VI of the Higher Education Act creates academic and fellowship programs to serve American interests by funding the study of foreign languages and cultures, including for international commerce. Yet, most of the funding goes to “area studies” programs that work *against* American interests.¹

But Title VI is not the only route for Americans to learn a foreign tongue. The Department of Defense’s National Security Education Program already serves this and related purposes,² and civil society adequately does the rest. Congress should eliminate funding for Title VI programs.

It seems unlikely, however, that the next reauthorization of the Higher Education Act will eliminate these programs or fix the systemic problems in the operation of Title VI. The good news is that, as long

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as the programs exist, regulatory reform could transform the Title VI programs to fund research and study that *support* American interests and promote understanding of how free markets allow American business to succeed in international commerce. A full set of proposed revisions to the regulations pertaining to the Title VI programs, reflecting these reforms, is available from the author of this *Backgrounders*.

In order to ensure that federal language and culture programs serve U.S. interests, the U.S. Department of Education should:

- **Require** institutional applicants, key personnel, and fellowship recipients to certify that they intend to further the stated statutory goals of the programs to serve American interests.
- **Ensure** that at least 40 percent of funding goes to the international business programs, including a competitive preference for projects that teach the role of free markets or collaborate with philosophy, politics, and economics (PPE) programs.
- **Require** that grant competitions use a competitive preference for collaborating with non-university entities by sharing 40 percent of the funding.
- **Ensure** that funding includes determinations of whether the programs are working.
- **End** racial preferences. The Department of Education should remove existing regulatory language that prioritizes minority-serving institutions (MSIs) or has “inclusion” requirements. The Department of Education should also ban funding for critical race theory (CRT) projects.

Congressional Intent

The following proposed regulatory changes would give much more effect to the stated intent of Congress:

Purpose. The law establishing international and foreign language education (IFLE) programs includes congressional findings to justify their establishment. Congress stated: “The security, stability, and economic vitality of the United States in a complex global era depend upon American experts in and citizens knowledgeable about world regions, foreign languages, and

international affairs, as well as upon a strong research base in these areas.”³ But, as critics of the Title VI programs have noted for decades, grantee institutions tend to thwart this mission. The same academic centers that receive federal funding also receive funds from abroad, and they, too, often produce graduates who have more sympathy for foreign countries than for their own.⁴

Therefore, the proposed regulatory reforms would require that the Department of Education assess applications in part on the extent to which “the project [and the project director and key personnel] seek to contribute to the security, stability, and economic vitality of the United States.” Furthermore, since the Department of Education normally engages external readers to score applications on the basis of stated criteria, the proposed reforms would require that such readers certify that they “will rate more highly projects that contribute to the security, stability, and economic vitality of the United States.”⁵

Additionally, the proposed regulatory language would ensure that Title VI programs follow congressional intent by requiring that projects not take as a premise any of the following ideas, which are often found in CRT in academia. CRT takes as given that the United States is a fundamentally racist and oppressive nation and that it is neither exceptional nor deserving of pre-eminence among other nations. Following language in anti-CRT legislation around the country, the proposed regulatory revisions would require that projects not seek to advance the idea that:

- The interests of another country should take precedence over the interests of the United States;
- The United States is fundamentally or irredeemably racist or sexist;
- American rule of law is primarily a series of power relationships and struggles among racial or other kinds of identity groups;
- All Americans are not created equal or are not endowed with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or that
- A government should deny to any person within its jurisdiction the equal protection of the law.

Funding. The congressional appropriation for Title VI is a single line item of about \$71 million per year. The Department of Education decides

each year how much money to put into each program. Unless such funding is eliminated, the proposed regulatory revisions would specify how the department will spend its Title VI appropriations to align with the policy reforms proposed here. To this end, it is important that the Education Department use its regulatory authority to dramatically reduce or eliminate funding for existing university programs that are not on mission and instead fund programs that are more likely to serve American interests. Furthermore, pursuant to 20 U.S. Code 1127, grants must be equitably distributed across the country. Accordingly, the proposed regulatory revisions would:

- Direct at least 20 percent of funding to the Centers for International Business Education program, and at least 20 percent to the Business and International Education program;
- Prefer new applicants over existing grantees, defined as those that have received at least one grant under the relevant program in the previous five years;
- Require that the Education Department assess applicants in part on the extent to which they will “link with domestic and foreign partners and share funding with domestic partners;”⁶ and
- Empower the department to prioritize types of institutions that may have greater interest or ability in contributing to the security, stability, and economic vitality of the United States, such as military academies.

Ending Racial Preferences. Title VI does not authorize the Education Department to prioritize MSIs, which are usually defined on the basis of race quotas,⁷ but recent grant competitions have prioritized MSIs anyway. Instead of selecting applicants according to the race or ethnicity of students, Title VI programs should select the best applicants. The proposed regulatory revisions require that the department no longer use MSI status as a priority. They also remove the requirement to assess applicants on the extent to which they serve “underrepresented groups,” such as “members of racial or ethnic minority groups.”

Program-Specific Recommendations

In addition to the regulatory reforms described above, further recommendations for each Title VI program are described here:

National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies. To advance America’s interests, it is valuable to hear from foreign scholars who have been persecuted in their home countries. Being at least a temporary home for visiting scholars is already one of the permitted grant activities, and persecuted scholars have uniquely valuable insight on countries that are likely of great interest to the United States. Therefore, applicants to this program would be evaluated in part on whether they share 40 percent of funding with external partners, and one kind of grantee partner may “provide sanctuary and assistance to persecuted scholars in other countries by partnering with institutions of higher education to employ such scholars as visitors at these institutions.”⁸ The Scholars at Risk Network and the Atlas Network are two examples of potential partners with relevant experience.⁹

To determine the national need for attention to particular foreign languages and cultures, Title VI requires the Education Department to ask heads of a wide variety of agencies for input. In programs under 20 U.S. Code 1122, attention to “areas of need in the education, business, and nonprofit sectors” is required, so this language is added in key places.

The proposed regulatory revisions of this program add economics to the list of relevant fields of study.

Foreign Language and Area Studies Fellowships Program. In this program, institutions receive funding to provide fellowships to students. For some languages and study areas, however, the applicant college may have no good offerings but should be allowed to engage an external partner for its students. Also, some outside organizations would better serve American interests if they could send their own staff to an applicant college for this instruction, whether the staff enroll in a degree program or not. The proposed regulatory revisions permit these scenarios and establish a competitive preference for applicants that share at least 30 percent of funding with a partner for such purposes.

Furthermore, overseas partners (which are allowed under the existing regulation) must certify that they seek to contribute to the security, stability, and economic vitality of the United States, and if any fellow (whether a student at the institution or an employee of an institution’s partner) no longer seeks to do so, the institution must withdraw the fellowship.

Undergraduate International Studies and Foreign Language Program. The proposed regulatory revisions change this program’s diversity requirement from types of institutions (such as MSIs) to programmatic diversity (types of projects). They also add a competitive priority for applicants that will share 20 percent of funds with an external partner, which

may include one that provides a sanctuary program for endangered faculty abroad, such as Scholars at Risk, so that such scholars can be brought to the applicant college and teach undergraduate classes.

International Research and Studies Program. Using language from Title VI of the Higher Education Act, the proposed regulatory revisions add program assessment as a triennial requirement, to assess primarily:

- The extent to which graduates of Title VI programs are employed by governmental, educational, and private-sector organizations;
- The extent to which Title VI programs address national needs, in ways that are not otherwise offered; and
- The extent to which Title VI programs generate debate about world regions and international affairs.

Business and International Education Program. The Title VI international business programs, as part of Title VI, should be eliminated. Particularly in the area of international business, civil society and free markets can achieve the desired results without government funding. Nevertheless, so long as the programs exist, regulations should keep them focused on their stated goals. The proposed regulatory revisions would refocus this program on teaching program participants about the role of free enterprise in supporting American businesses.

Applicant institutions must assure the Education Department that they seek to improve understanding of how free markets expand the capacity of American businesses to engage in commerce outside the United States and contribute to the ability of United States business to prosper in an international economy.

The Education Department may employ competitive priorities for programs that promote free markets as a way to expand the capacity of American businesses to engage in international commerce, or that involve partnerships that promote this end. Additionally, the department must employ three competitive priorities, based on statutory language or consistent with it, focused on freedom-advancing scholarship:

1. Programs that inform the public of increasing international economic interdependence and the role of American business within the international economic system, emphasizing the role of free markets;

2. Research programs that focus on issues of common interest to institutions of higher education, as well as private-sector organizations and associations engaged in or promoting international economic activity, emphasizing the role of free markets, and prioritizing new faculty hires and graduate fellowships, for which applicants may request up to \$1 million per faculty hire; and
3. Collaborating with an academic program that combines philosophy, politics or political science, and economics into a single PPE program.

Centers for International Business Education Program. No regulations exist for this program, so the proposed regulatory package adds a section, mainly referring to the statute and using language from the most recent grant competition. This new section also adds key parameters: The applicant and key personnel must provide assurances that they seek to advance the pro-business mission of the program and to contribute to improvements in understanding the role of free markets in contributing to the ability of United States business to prosper in an international economy.

In grant competitions, the Education Department must prioritize applicants that:

- Provide research or education about the role of free enterprise in international trade, international commerce, or related fields of study;
- Develop research programs designed either to strengthen and improve the international aspects of business and professional education and to promote integrated curricula, or to promote the international competitiveness of American businesses and firms, including those not currently active in international trade—including up to \$1 million for each proposed faculty hire; or
- Collaborate with a PPE program.

Language Resource Centers Program. The proposed regulatory revisions for language resource centers include parameters about competitive priorities:

- The Education Department may prioritize types of institutions that may have greater interest or ability in strengthening the nation's capacity for teaching and learning foreign languages, such as military academies;

- The Education Department may not establish a priority for MSIs; and
- The Education Department must prioritize applicants that contract with an outside, domestic entity for direct contributions to the proposed activities for at least 10 percent of the cost of the project.

Fulbright Programs

The organizational unit at the Education Department that runs Title VI programs also runs Fulbright fellowship programs and has regulations for them. This authority stems not from Title VI but from a single paragraph in a different part of the code, 22 U.S. Code 2452(b)(6). Generally, the purpose of programs in this area is to improving fellows’ “skill in languages and their knowledge of the culture of the people of the countries they visit and of strengthening international cooperative relations in order to benefit the United States.” Also, there are grants for group projects.

The Fulbright fellowship programs are:

- The Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program,
- The Fulbright-Hays Faculty Research Abroad Fellowship Program, and
- The Fulbright-Hays Group Projects Abroad Program.

In the proposed revision of the regulations for these programs, fellows and their institutions, as well as application readers, are required to certify that they seek to further the statutory mission of the programs. In addition:

- The institution must not use racial preferences in promoting the opportunity or in screening or selecting applicants.
- The Education Department may not give a competitive preference to MSIs.
- Fellows will be allowed to earn limited income during the fellowship.
- Violations of the Fulbright board’s conduct standards must be determined using a clear and convincing standard, using due process, and not violating free speech, academic freedom, or religious liberty.

Conclusion

It makes sense that American interests include developing experts in the languages and cultures of other nations, and that the study of more obscure languages and cultures may need to be subsidized in order to have sufficient experts in those areas. Yet, Title VI International and Foreign Language Education programs do not achieve this goal and should be eliminated.

Furthermore, civil society and the free market can achieve this goal except, perhaps, in the case of obscure languages.

When Congress reauthorized Title VI programs in 2008, a modest reform required that programs present a diversity of viewpoints.¹⁰ This reform was barely implemented and was far from enough. So long as these programs persist, the proposed regulatory changes will at least return them to the congressional intent that originally motivated their existence.

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Endnotes

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2. Mike Gonzalez, "America Is Ill-Served by Its Government-Funded Area Studies and Foreign Policy Programs," Heritage Foundation *Backgrounders* No. 2946, August 25, 2014, <https://www.heritage.org/asia/report/america-ill-served-its-government-funded-area-studies-and-foreign-policy-programs>.
3. 20 U.S. Code 1121.
4. Arnold, "Hijacked: The Capture of America's Middle East Studies Centers."
5. See proposed regulatory language available from the author.
6. See proposed regulatory language available from the author.
7. Adam Kissel, "Race-Based Federal Funding for Colleges Is Illegal, But Biden Wants to Boost It," *New York Post*, July 28, 2021, <https://nypost.com/2021/07/28/biden-wants-to-boost-race-based-federal-funding-for-colleges/> (accessed February 6, 2023).
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9. Scholars at Risk Network, <https://www.scholarsatrisk.org> (accessed February 6, 2023), and Atlas Network, <https://www.atlasnetwork.org> (accessed February 6, 2023).
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