

109TH CONGRESS
1ST SESSION

H. R. 1191

To establish a National Marine Scholarship Program to recruit and prepare graduate students for careers in the fields of marine science, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2005

Mr. INSLEE (for himself, Mr. EHLERS, Mr. BOEHLERT, Mr. PALLONE, Mr. WELDON of Pennsylvania, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Science

A BILL

To establish a National Marine Scholarship Program to recruit and prepare graduate students for careers in the fields of marine science, 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 Marine Schol-
5 arship Act of 2005”.

6 **SEC. 2. NATIONAL MARINE SCHOLARSHIP PROGRAM.**

7 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the National Oceanic and Atmospheric
3 Administration.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the National
6 Oceanic and Atmospheric Administration.

7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning that term has under section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (4) PROGRAM.—The term “Program” means
12 the National Marine Scholarship Program estab-
13 lished by the Administrator under this section.

14 (b) ESTABLISHMENT OF PROGRAM.—

15 (1) REQUIREMENT.—The Administrator shall
16 establish a National Marine Scholarship Program
17 that is designed to recruit and prepare students for
18 careers in the fields of marine science. Under the
19 program, the Secretary shall award scholarships for
20 those academic programs and fields of study de-
21 scribed in the list made available under subsection
22 (d).

23 (2) EMPLOYMENT OBLIGATION.—As a condition
24 of the award of each scholarship under the Program,
25 the Administrator shall require the recipient to enter

1 into a contractual agreement under which the indi-
2 vidual is obligated to serve as a full-time employee
3 of the Administration in a position needed by the
4 Administration and for which the individual is quali-
5 fied, for a period of time to be determined by the
6 Administrator and stated in the contractual agree-
7 ment. If a full-time equivalent position is not avail-
8 able within the Administration at the time the schol-
9 arship recipient is obligated begin their employment,
10 the scholarship recipient may fulfill such employ-
11 ment obligation in a full-time position in another
12 Federal agency with administrative jurisdiction over
13 programs relating to the marine environment that is
14 approved by the Administrator.

15 (c) ELIGIBILITY CRITERIA.—In order to be eligible
16 for a scholarship under the program, an individual must—

17 (1) be enrolled or accepted for enrollment as a
18 full-time graduate student at an institution of higher
19 education in an academic program and field of study
20 described in the list made available under subsection
21 (d);

22 (2) be a United States citizen or national or a
23 permanent resident of the United States; and

24 (3) at the time of the initial scholarship award,
25 not be an employee of the Administration.

1 (d) ELIGIBLE ACADEMIC PROGRAMS AND FIELDS OF
2 STUDY.—The Administrator shall make publicly available
3 a list of academic programs and fields of study for which
4 scholarships under this section may be used, and shall up-
5 date the list as necessary.

6 (e) COMPETITIVE AWARD PROCESS.—

7 (1) IN GENERAL.—Under the Program, the Ad-
8 ministrator shall award scholarships to individuals
9 who are selected through a competitive process—

10 (A) under which awards are made pri-
11 marily on the basis of academic merit;

12 (B) in which consideration is given to pro-
13 moting the participation in the Program by in-
14 dividuals referred to in section 33 or 34 of the
15 Science and Engineering Equal Opportunities
16 Act (42 U.S.C. 1885a, 1885b); and

17 (C) in which consideration may be given to
18 financial need.

19 (2) APPLICATION.—An individual seeking a
20 scholarship under this section shall submit an appli-
21 cation to the Administrator at such time, in such
22 manner, and containing such information, agree-
23 ments, or assurances as the Administrator may re-
24 quire.

25 (f) SCHOLARSHIP LIMITS.—

1 (1) NUMBER OF ACADEMIC YEARS.—An indi-
2 vidual may not receive a scholarship under this sec-
3 tion for a masters degree program for more than 2
4 academic years, or for a doctorate program for more
5 than 4 academic years, except as specifically author-
6 ized by a waiver issued by the Administrator.

7 (2) DOLLAR AMOUNT.—The dollar amount of a
8 scholarship under this section shall not exceed the
9 cost of attendance, as such cost is determined in ac-
10 cordance with section 472 of the Higher Education
11 Act of 1965 (20 U.S.C. 1087).

12 (3) USE.—Amounts received as a scholarship
13 under this section may be expended only for tuition,
14 fees, and other expenses authorized by regulations
15 issued by the Administrator.

16 (4) PAYMENT OF SCHOLARSHIP AMOUNTS.—
17 The Administrator may enter into a contractual
18 agreement with an institution of higher education
19 with respect to which a scholarship is provided
20 under this section, under which the amounts pro-
21 vided as the scholarship for tuition, fees, and other
22 authorized expenses are paid directly to the institu-
23 tion.

24 (g) PERIOD OF SERVICE UNDER EMPLOYMENT OB-
25 LIGATION.—

1 (1) GENERAL REQUIREMENT.—Except as pro-
2 vided in subsection (i)(2), the period of service for
3 which an individual shall be obligated to serve as an
4 employee of the Administration pursuant to this sec-
5 tion shall be determined by the Administrator in ac-
6 cordance with subsection (b)(2).

7 (2) BEGINNING OF SERVICE.—

8 (A) GENERAL RULE.—Except as provided
9 in subparagraph (B), obligated service under
10 subsection (b)(2) shall begin not later than 60
11 days after the date on which individual obtains
12 the educational degree for which the scholarship
13 was provided.

14 (B) DEFERRAL.—The Administrator may
15 defer the beginning of obligated service under
16 subsection (b)(2) if the Administrator deter-
17 mines that such a deferral is appropriate. The
18 Administrator shall by regulation prescribe the
19 terms and conditions under which a service obli-
20 gation may be deferred under this subpara-
21 graph.

22 (h) REPAYMENT.—

23 (1) FAILURE TO PERFORM ACADEMICALLY.—

24 (A) BREACH OF OBLIGATION.—A recipient
25 of a scholarship under this section shall be in

1 breach of the recipient's contractual agreement
2 under this section if the recipient—

3 (i) fails to maintain a high level of
4 academic standing, as defined by the Ad-
5 ministrator by regulation;

6 (ii) is dismissed from the recipient's
7 educational institution for disciplinary rea-
8 sons; or

9 (iii) voluntarily terminates academic
10 training before graduation from the edu-
11 cational program for which the scholarship
12 was awarded.

13 (B) PENALTY.—A recipient of a scholar-
14 ship who under subparagraph (A) is in breach
15 of the recipient's contractual agreement—

16 (i) shall be liable to the United States
17 for repayment, within 2 years after the
18 date of the breach, of all amounts paid
19 under the scholarship to the recipient or to
20 an institution of higher education on the
21 recipient's behalf; and

22 (ii) shall not be required to fulfill any
23 employment obligation under such agree-
24 ment.

1 (2) FAILURE TO FULFILL EMPLOYMENT OBLI-
2 GATION.—

3 (A) BREACH OF OBLIGATION.—A recipient
4 of a scholarship under this section shall be in
5 breach of the recipient’s contractual agreement
6 under this section if the recipient—

7 (i) fails to begin or complete the re-
8 cipient’s employment obligation under this
9 section; or

10 (ii) fails to comply with the terms and
11 conditions of deferment established by the
12 Administrator pursuant to subsection
13 (g)(2)(B).

14 (B) PENALTY.—A recipient of a scholar-
15 ship who under subparagraph (A) is in breach
16 of the recipient’s contractual agreement shall be
17 liable for payment to the United States, within
18 3 years, of an amount equal to—

19 (i) the total amount of scholarships
20 received by such individual under this sec-
21 tion; plus

22 (ii) interest on the total amount of
23 such scholarships at a rate that is equiva-
24 lent to the rate of interest that would
25 apply under section 427A of the Higher

1 Education Authorization Act of 1965 if the
2 scholarships were loans to cover the cost of
3 education (as that term is used in that sec-
4 tion).

5 (i) CANCELLATION OR WAIVER.—

6 (1) IN GENERAL.—Any obligation of an indi-
7 vidual incurred under this section for service or pay-
8 ment shall be canceled upon the death of the indi-
9 vidual.

10 (2) WAIVER OR SUSPENSION OF ANY OBLIGA-
11 TION BY ADMINISTRATOR.—The Administrator shall
12 by regulation provide for the partial or total waiver
13 or suspension of any obligation of employment or
14 payment incurred by an individual under this section
15 (including any contractual agreement under this sec-
16 tion), if—

17 (A) compliance by the individual is impos-
18 sible or would involve extreme hardship to the
19 individual; or

20 (B) enforcement of such obligation with re-
21 spect to the individual would be contrary to the
22 best interests of the Government.

23 (j) REPORT TO CONGRESS.—Not later than 2 years
24 after the date of the enactment of this Act, and every 2

1 years thereafter, the Administrator shall transmit a report
2 to the Congress that addresses each of the following:

3 (1) The effectiveness of the National Marine
4 Scholarship Program established under this section
5 in increasing the number of marine science-related
6 service professionals.

7 (2) The effectiveness of such program in pre-
8 paring scholarship recipients for temporary jobs
9 within the Administration or other marine-related
10 Federal agencies.

11 (k) DEADLINE FOR REGULATIONS.—The Adminis-
12 trator shall issue such regulations as are necessary to
13 carry out this section by not later than 90 days after the
14 date of the enactment of this Act.

15 (l) AUTHORIZATION OF APPROPRIATIONS.—Of the
16 amounts authorized for each of fiscal years 2005 through
17 2010 for programs administered by the National Oceanic
18 and Atmospheric Administration, \$5,000,000 shall be
19 available for the National Marine Scholarship Program es-
20 tablished under this section.

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