

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.

○