

# NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SCHOLARSHIP PROGRAM

JUNE 23, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOEHLERT, from the Committee on Science,  
submitted the following

## R E P O R T

[To accompany H.R. 2364]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 2364) to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

### CONTENTS

	Page
I. Amendment .....	2
II. Purpose of the Bill .....	3
III. Background and Need for the Legislation .....	4
IV. Summary of Hearings .....	4
V. Committee Actions .....	4
VI. Summary of Major Provisions of the Bill .....	4
VII. Section-by-Section Analysis (By Title and Section) .....	5
VIII. Committee Views .....	5
IX. Cost Estimate .....	6
X. Congressional Budget Office Cost Estimate .....	6
XI. Compliance with Public Law 104-4 (Unfunded Mandates) .....	7
XII. Committee Oversight Findings and Recommendations .....	7
XIII. Statement on General Performance Goals and Objectives .....	7
XIV. Constitutional Authority Statement .....	7
XV. Federal Advisory Committee Statement .....	7
XVI. Congressional Accountability Act .....	7
XVII. Changes in Existing Law Made by the Bill, As Reported .....	7

XVIII. Committee Recommendations .....	7
XIX. Proceedings of Full Committee Markup .....	9

## I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

#### (a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator is authorized to establish a Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the National Weather Service and in Administration marine research, atmospheric research, and satellite programs.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), including those from Historically Black Colleges and Universities and institutions serving a large proportion of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations.

(3) SERVICE AGREEMENTS.—To carry out the scholarship program, the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (f)(1), in positions needed by the Administration in fields described in paragraph (1) and for which the individuals are qualified, in exchange for receiving a scholarship.

#### (b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in the scholarship program, an individual shall—

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

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require to carry out this section.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships may be utilized in fields described in subsection (a)(1), and shall update the list as necessary.

#### (e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—The Administrator may provide a scholarship under the scholarship program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—The Administrator 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) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—Except as provided in subsection (h)(2), the period of service for which an individual shall be obligated to serve as an employee

of the Administration shall be 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR 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.—The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, 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 not later than 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 (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—A scholarship recipient who, for any reason, fails to begin or complete a service obligation under this section after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. When a recipient breaches an agreement 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; plus

(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.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the scholarship program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the scholarship 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.

(i) DEFINITIONS.—In this Act the following definitions apply:

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(3) COST OF ATTENDANCE.—The term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l).

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(5) SCHOLARSHIP PROGRAM.—The term “scholarship program” means the Science and Technology Scholarship Program established under this section.

## II. PURPOSE OF THIS BILL

The purpose of H.R. 2364 is to promote scientific expertise at the National Oceanic and Atmospheric Administration (NOAA) by establishing a Science and Technology Scholarship Program to award

scholarships to recruit and prepare students for careers in the National Weather Service (NWS) and in NOAA marine and atmospheric research, and satellite programs.

### III. BACKGROUND AND NEED FOR THE LEGISLATION

There is growing concern that too few American students pursue science, math and engineering and that the federal government will not be able to replenish its ranks of scientists as the current cohort retires. This Act provides incentives to study science, math or engineering and to work for NOAA by awarding scholarships to students who agree to work for the agency upon completion of their degree. This Act is virtually identical to a law enacted during the 108th Congress for the National Aeronautics and Space Administration (P.L. 108–176 and P.L. 108–201). The legislation is based on the Robert Noyce Scholarship Program at the National Science Foundation under which students must teach in return for scholarship aid (P.L. 107–368). In addition, the House has twice passed Science Committee legislation to create a similar program in the Department of Energy.

### IV. SUMMARY OF HEARINGS

The House Committee on Science has held numerous hearings over the years on workforce development and scholarship issues. These hearings have all pointed to the need for the federal government to provide incentives to help create a workforce with scientific expertise.

### V. COMMITTEE ACTIONS

On May 16, 2005, Congressman Dana Rohrabacher introduced H.R. 2364, which was referred to the Committee on Science.

On May 17, 2005, the Committee on Science met to consider H.R. 2364, and considered the following amendment to the bill:

1. Ms. Jackson-Lee offered an amendment which makes clear that students in historically black colleges and similar institutions serving other minorities should receive consideration under this scholarship program. The amendment was adopted by voice vote.

The motion to adopt the bill as amended passed by voice vote. Mr. Gordon moved that the Committee favorably report the bill H.R. 2364, as amended, to the House with the recommendation that the bill, as amended, do pass; that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes; and that the Chairman take all necessary steps to bring the bill before the House for consideration. With a quorum present, the motion was agreed to by voice vote.

### VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 2364:

- Authorizes the Administrator of NOAA to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and NOAA's marine and atmospheric research and satellite programs.

- Requires that scholarship recipients agree to serve as full-time employees of NOAA for 24 months for every year of scholarship provided.
- Requires that, to be eligible for a scholarship, a student: (1) must be enrolled or accepted to be enrolled full time in an institution of higher education in a degree program in a field of study acceptable to the Administrator of NOAA; (2) must be a U.S. citizen or permanent resident; and (3) may not be a Federal employee.

#### VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

##### *Section 1. Science and Technology Scholarship Program*

Authorizes the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and the NOAA's marine research, atmospheric research, and satellite programs.

Requires that scholarship recipients be selected through a competitive process primarily on the basis of academic merit with consideration given to financial need and other factors.

Requires that scholarship recipients agree to serve as full-time employees of NOAA for 24 months for every year of scholarship provided, except in cases where the Administrator of NOAA determines that compliance with this requirement would cause the recipient extreme hardship or would be contrary to the best interests of the Government.

Establishes that to be eligible for a scholarship a student (1) must be enrolled or accepted to be enrolled full time in an institution of higher education in a degree program in a field of study acceptable to the Administrator of NOAA, (2) must be a U.S. citizen or permanent resident, and (3) may not be a Federal employee.

Prohibits an individual from receiving a scholarship for more than 4 academic years.

Authorizes the Administrator of NOAA to establish the amount of the scholarship, but prohibits the amount from being greater than the cost of attendance. Restricts the use of scholarships to tuition, fees, and other expenses authorized by the Administrator.

Requires that scholarship recipients who fail to maintain a high level of academic standing, are dismissed from their educational institution for disciplinary reasons, or who voluntarily terminate their academic training before graduation repay to the Federal government all scholarship funds paid to them and to their educational institution. Requires that scholarship recipients who fail to begin or complete their service obligation to the Federal government repay the total amount of scholarship awards plus interest.

The section also provides definitions used in the bill.

#### VIII. COMMITTEE VIEWS

The Committee is concerned about the ability of NOAA to attract and retain the scientific and technical personnel it needs to effectively carry out its programs. The Act awards scholarships for talented young scientists accepted for enrollment at institutions of higher education in scientific and technical disciplines of impor-

tance to NOAA, who must then work at the agency for two years for every one year of scholarship. The Committee believes that this program will provide an important tool for recruiting talented young scientists to government service, particularly in agencies, such as the National Weather Service and NOAA, which have positions demanding a high degree of scientific or technical literacy.

#### IX. COST ESTIMATE

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section X of this report pursuant to House Rule XIII, clause 3(c)(3).

H.R. 2364 contains no new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 2364 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section X of this report.

#### X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 2, 2005.*

Hon. SHERWOOD L. BOEHLERT,  
*Chairman, Committee on Science,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2364, a bill to establish a science and technology scholarship program to award scholarships to recruit and prepare students for careers in the National Weather Service and in the National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 2364—A bill to establish a science and technology scholarship program to award scholarships to recruit and prepare students for careers in the National Weather Service and in the National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs*

H.R. 2364 would authorize the National Oceanic and Atmospheric Administration (NOAA) to provide scholarships to individuals who are enrolled in appropriate science and technology programs at colleges or universities and who agree to work for the agency after graduation.

Assuming the availability of appropriated funds and based on information from NOAA, CBO estimates that implementing the authorized scholarship program would cost NOAA about \$500,000 an-

nually. We estimate that enacting the bill would have no effect on direct spending or revenues.

H.R. 2364 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### XI. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2364 contains no unfunded mandates.

#### XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

#### XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of this Act is to enhance the ability of NOAA to attract and retain scientists.

#### XIV. CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2364.

#### XV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 2364 does not create any advisory committees.

#### XVI. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 2364 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

#### XVII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

#### XVIII. COMMITTEE RECOMMENDATIONS

On May 17, 2005, a quorum being present, the Committee on Science favorably reported H.R. 2364, by voice vote and recommended its enactment.





**XIX. PROCEEDINGS OF THE FULL COMMITTEE MARKUP ON H.R. 2364, TO ESTABLISH A SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM TO AWARD SCHOLARSHIPS TO RECRUIT AND PREPARE STUDENTS FOR CAREERS IN THE NATIONAL WEATHER SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE RESEARCH, ATMOSPHERIC RESEARCH, AND SATELLITE PROGRAMS**

---

**TUESDAY, MAY 17, 2005**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
*Washington, DC.*

The Committee met, pursuant to call, at 10:08 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Sherwood L. Boehlert [Chairman of the Committee] presiding.

Chairman BOEHLERT. I want to welcome everyone here today for this markup of bills concerning the heavens and the Earth and to the agencies that explore them, NOAA and NASA.

Now let me just say this before I give you the rest of this wonderful statement.

The Committee on Science will come to order. Pursuant to notice, the Committee on Science meets to consider the following measures: H.R. 50, *National Oceanic and Atmospheric Administration Act*; H.R. 2363, *To establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in the National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs*; H.R. 426, *Remote Sensing Applications Act of 2005*, and H.R. 1022, the *George E. Brown, Jr. Near-Earth Object Survey Act*.

I ask unanimous consent for the authority to recess the Committee at any point during consideration of these matters, and without objection, it is so ordered.

We will now proceed with the markup beginning with the opening statements, and I will continue mine.

The main bill before us today is the *NOAA Organic Act* introduced by Dr. Ehlers, which we had initially planned to markup last week. This bill will give NOAA a firm legislative grounding, some-

thing that was called for by the Ocean Commission, among others. The Administration has also called for an Organic Act for NOAA.

But our bill will do more than merely found NOAA into law. It will raise the profile of science at NOAA and improve its management. The bill also will greatly improve oversight of the agency by ensuring that Congress and the public get the information needed to evaluate NOAA's organizational structure, facilities plans, budgeting, and satellite programs. This is a solid bill that will strengthen the agency.

And now we look forward to working with the Resources Committee, which shares jurisdiction over portions of NOAA, to get this bill to the Floor. Also related to NOAA, we will take up Congressman Rohrabacher's bill to create a Scholarship for Service Program at NOAA. And he is a real leader on that effort, and we applaud that. We have done the same thing with NASA and the Department of Energy. Service scholarships are a great way to entice students into science, math, and engineering while also helping the Federal Government develop the workforce it will need. These scholarships have been championed tirelessly by Congressman Rohrabacher, and I congratulate him for that.

We are running the scholarship program through as a separate bill, because specific program authorizations generally are not part of agency Organic Acts. We will also take up two bills related to space today. These were last-minute additions to today's roster, which is something we have generally avoided on this committee. But this seemed like an opportune time to move these bills, and we continue to work on them through manager's amendments on the Floor.

Mr. Udall's bill, which the Committee also passed last Congress, concerns remote sensing. Mr. Udall will offer an amendment that will take care of concerns raised by companies in the remote sensing data business, concerns that have stymied progress on this bill in the past. I know that Mr. Bonner and I, perhaps some others, have some further ideas for perfecting the bill, and we will work on those as the bill moves forward.

Mr. Rohrabacher's bill focuses on near-Earth objects, a subject that has long concerned him and has gotten quite a bit of publicity lately. Congressman Rohrabacher has helped us all understand that asteroids may present a real threat to Earth and that we need to pay greater attention to them. All of these bills will improve our lives through increasing our understanding of the Earth, how it works, and what may threaten it.

As usual, these bills represent a bipartisan effort, and I take pride in that. I look forward to their passage.

The Chair recognizes Mr. Gordon.

Mr. Gordon.

[The prepared statement of Chairman Boehlert follows:]

#### PREPARED STATEMENT OF CHAIRMAN SHERWOOD L. BOEHLERT

I want to welcome everyone here today for this markup of bills concerning the heavens and the Earth—and to the agencies that explore them, NOAA and NASA.

The main bill before us today is the *NOAA Organic Act*, introduced by Dr. Ehlers, which we had initially planned to mark up last week. This bill will give NOAA a firm legislative grounding, something that was called for by the Ocean Commission among others. The Administration has also called for an Organic Act for NOAA.

But our bill will do more than merely found NOAA in law. It will raise the profile of science at NOAA and improve its management. The bill also will greatly improve oversight of the agency by ensuring that Congress—and the public—get the information needed to evaluate NOAA's organizational structure, facilities plans, budgeting and satellite programs. This is a solid bill that will strengthen the agency.

And now we look forward to working with the Resources Committee, which shares jurisdiction over portions of NOAA, to get this bill to the Floor.

Also related to NOAA, we will take up Congressman Rohrabacher's bill to create a scholarship for service program at NOAA, as we have at NASA and the Department of Energy. Service scholarships are a great way to entice students into science, math and engineering while also helping the Federal Government develop the workforce it will need. These scholarships have been championed tirelessly by Congressman Rohrabacher, and I congratulate him for that.

We are running the scholarship program through as a separate bill because specific program authorizations generally are not part of agency organic acts.

We will also take up two bills related to space today. These were last minute additions to today's roster, which is something we have generally avoided on this committee. But this seemed like an opportune time to move these bills, and we can continue to work on them through manager's amendments on the Floor.

Mr. Udall's bill, which the Committee also passed last Congress, concerns remote sensing. Mr. Udall will offer an amendment that will take care of concerns raised by companies in the remote sensing data business—concerns that have stymied progress on this bill in the past. I know that Mr. Bonner and I and perhaps some others have some further ideas for "perfecting" the bill, and we will work on those as the bill moves forward.

Mr. Rohrabacher's bill focuses on Near-Earth Objects, a subject that has long concerned him and that has gotten quite a bit of press lately. Congressman Rohrabacher has helped us all understand that asteroids may present a real threat to Earth and that we need to pay greater attention to them.

All of these bills will improve our lives through increasing our understanding of the Earth, how it works and what may threaten it. As usual, these bills represent a bipartisan effort. I look forward to their passage.

Mr. Gordon.

Mr. GORDON. Thank you, Mr. Chairman. You have summed up what we are going to do this morning very well. I just want to concur that it is a good idea, I think, to take up these additional three bills today, and I want to give my thanks to the staff on both sides for the good cooperative work that they have done over the last week in trying to bring NOAA together as well as these three bills, and I look forward to the markup.

And I yield my time back.

[The prepared statement of Mr. Gordon follows:]

#### PREPARED STATEMENT OF REPRESENTATIVE BART GORDON

I want to thank the Chairman for scheduling this markup.

Originally we were to just take up H.R. 50 today, but I think it is to the advantage of our Members that we will expeditiously take up three other bills, all of which can probably move on suspension on the Floor.

In addition to the NOAA organic act, I am especially pleased to see the Remote Sensing Act move through Committee. We have dealt with this in past Congresses and I am happy the Chairman agrees that we can move that bill forward today.

I don't want to delay the process here this morning with an extensive preliminary statement, but let me take a moment to thank staff on both sides of the aisle for their work to handle these bills. I think the Members have been well served through their efforts.

With that, I yield back, Mr. Chairman.

Chairman BOEHLERT. Thank you very much.

Without objection, Members may place statements in the record at this point.

Now we will move on to consider three relatively non-controversial bills. We will now consider H.R. 2364, *To establish a Science and Technology Scholarship Program to award scholarships to re-*

*cruit and prepare students for careers in the National Weather Service and the National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.*

I recognize Mr. Rohrabacher to present his remarks on the bill.

Mr. ROHRABACHER. Well, thank you very much, Mr. Chairman.

This bill is part of my effort to follow through on some of the hearings that we have had, and let me commend the Chairman for bringing the information necessary for us to understand the problem that does exist. I will keep expressing my appreciation to the Chairman until he hears it. We appreciate, Mr. Chairman, that the hearings that you have called before this committee has enlightened us to the need, education needs, for engineering and scientific type of education opportunities for Americans. And in fact, we have also learned, through hearings that you have called, that there are many—that many of our schools, graduate schools in particular, that there is plenty of room for Americans, because more than half of the students that are getting graduate degrees in the sciences are from overseas.

And what we have here in my legislation is an attempt to try to address this problem of a lack of, frankly, Americans getting educated in science and engineering and mathematics. I will be moving this same type of amendment, although this is coming up as a separate bill, for other science-related organizations within the Federal Government. But it permits these organizations, whether it was NASA and here, in this case, with NOAA or in the future with things like the patent office, et cetera, it permits them to determine their needs within their agency for the educational needs of people that they may need in the future for personnel and to provide a scholarship that will pay the entire expenses for any student that would like to go on, and this is undergraduate as well as graduate, to educate themselves in the sciences and mathematics and those areas that can be used by NOAA and other agencies. This legislation provides that they may have a scholarship, a full scholarship, and instead of asking for repayment, we are asking for service within that government agency. This is very much like the GI bill we have for people who serve in the military, but we are aiming it at the sciences and—because there is a great shortfall today.

This bill will also, I might add, help those in the private sector, those companies in the private sector, who are having trouble recruiting educated young people, because this does require two years of service for every year of scholarship, but after that time period, if they don't like working for that government agency, they are free to move on, or they are free to buy—to pay back the scholarship and—but pay it back, and with interest, if they choose not to work for the government agency.

So what we have here is an answer to some of the problems that your leadership has exposed, and I thank you very much for letting us move forward in the legislation. And thank you for your leadership in helping us understand the problem and a way we can solve it.

Chairman BOEHLERT. Thank you very much, Mr. Rohrabacher.

And I can just say that every single Member of this committee, from one end to the other, can take great pride in what we are about on this committee, but particularly as we are addressing the

need for better educated and greater quantity of better educated people in the science, math, and engineering disciplines. Every single one of us can take pride in the leadership role played by this committee.

And Mr. Rohrabacher, you are a leader among leaders.

Mr. Gordon.

Mr. GORDON. Just quickly, this is another good bill by Mr. Rohrabacher, and I want to particularly say thank you for adding the special consideration to be given for financial need in awarding these scholarships.

And I yield to my friend from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank the distinguished gentleman.

And I would like to offer an amendment at this time.

Chairman BOEHLERT. Not just yet, but you are first up.

I ask unanimous consent that the bill is considered as read and open to amendment at any point and that Members proceed with the amendments in the order on the roster. Without objection, so ordered.

The first amendment is offered by the distinguished gentlelady from Texas, Ms. Jackson Lee. And you are obviously prepared.

The Clerk will report the amendment.

Ms. TESSIERI. Amendment to H.R. 2364 offered by Ms. Jackson Lee of Texas.

Chairman BOEHLERT. And distribute the amendment, please.

And while the amendment is being distributed, Ms. Jackson Lee is recognized for five minutes to explain her amendment.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

I want to thank the Chairman and the Ranking Member for their kindness and Mr. Rohrabacher. I recognize him as having focused us on this very important challenge and this very important legislative initiative that speaks to the adequate supply of scientists and engineers to meet the workforce needs of the national workforce.

I compliment the gentleman in identifying women and minorities as important candidates for the scholarship program he has proposed.

My amendment clarifies his attempt by emphasizing the contribution that can be made by historically black colleges and universities and their counterpart institutions that serve Hispanics, Native Americans, Asian-Pacific Americans in meeting the goals of this legislation.

And I thank the Science Committee staff for their mutual and collegiate and collaborative work on this amendment.

These institutions, historically, have produced a large number proportion of the Nation's minority scientists and engineers, and we need to strengthen these efforts as we address potential scientific and technical workforce shortages if we are to encourage the young people of America to focus their sites on science. We must give them the opportunity and create the jobs.

I ask my colleagues to support this amendment.

I yield back.

Chairman BOEHLERT. The Chair recognizes Mr. Rohrabacher.

Mr. ROHRABACHER. I would be happy to accept this amendment in the spirit of the Tuskegee Institute and Booker T. Washington,

who was one of the great scientific minds, as well as—and respect for the many great, I might add, African American inventors that have contributed so much to our society but sometimes don't get the credit that they deserve. And I understand the great contributions that these people have made, and this will just make sure that their heirs have that same opportunity and that our country benefits from that same contribution.

Chairman BOEHLERT. Thank you very much, Ms. Jackson Lee. Thank you for the amendment.

Thank you for your endorsement.

Is there no further discussion? The vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it, and the amendment is agreed to.

Are there any other amendments? Hearing none, the vote is on the bill, H.R. 2364, *To establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs*, as amended. All of those in favor, say aye. Opposed, no. In the opinion of the Chair, the ayes have it.

The Chair is going to try to move rapidly, because the other two items on the agenda are non-contentious, and we are told that we are going to have a series of votes momentarily.

I recognize Mr. Gordon to offer a motion.

Mr. GORDON. Mr. Chairman, I move that the Committee favorably report H.R. 2364, as amended, to the House with the recommendation that the bill and the amendments do pass. Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman BOEHLERT. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Opposed, no. The ayes have it, and the bill is favorably reported.

Without objection, the motion to reconsider is laid upon the table.

I move that Members have two subsequent calendar days in which to submit supplemental, minority, or additional views on the measure. I move pursuant to Clause 1 of Rule 22 of the Rules of the House of Representatives that the Committee authorizes the Chairman to offer such motions as may be necessary in the House to adopt and pass H.R. 2364, as amended. Without objection, so ordered.

I want to thank everybody for participating and for your attendance and indulgence.

This concludes our Committee markup.

[Whereupon, at 11:15 a.m., the Committee was adjourned.]

## Appendix:

---

H.R. 2364, AMENDMENT ROSTER

.....  
(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. R. \_\_\_\_\_**

To establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROHRBACHER introduced the following bill, which was referred to the Committee on \_\_\_\_\_

**A BILL**

To establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.

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. SCIENCE AND TECHNOLOGY SCHOLARSHIP**  
4 **PROGRAM.**

5 (a) ESTABLISHMENT OF PROGRAM.—





1 (1) IN GENERAL.—The Administrator is au-  
2 thorized to establish a Science and Technology  
3 Scholarship Program to award scholarships to indi-  
4 viduals that is designed to recruit and prepare stu-  
5 dents for careers in the National Weather Service  
6 and in Administration marine research, atmospheric  
7 research, and satellite programs.

8 (2) COMPETITIVE PROCESS.—Individuals shall  
9 be selected to receive scholarships under this section  
10 through a competitive process primarily on the basis  
11 of academic merit, with consideration given to finan-  
12 cial need and the goal of promoting the participation  
13 of individuals identified in section 33 or 34 of the  
14 Science and Engineering Equal Opportunities Act  
15 (42 U.S.C. 1885a or 1885b).

16 (3) SERVICE AGREEMENTS.—To carry out the  
17 scholarship program, the Administrator shall enter  
18 into contractual agreements with individuals selected  
19 under paragraph (2) under which the individuals  
20 agree to serve as full-time employees of the Adminis-  
21 tration, for the period described in subsection (f)(1),  
22 in positions needed by the Administration in fields  
23 described in paragraph (1) and for which the indi-  
24 viduals are qualified, in exchange for receiving a  
25 scholarship.



1 (b) SCHOLARSHIP ELIGIBILITY.—In order to be eligi-  
2 ble to participate in the scholarship program, an individual  
3 shall—

4 (1) be enrolled or accepted for enrollment as a  
5 full-time student at an institution of higher edu-  
6 cation in an academic program or field of study de-  
7 scribed in the list made available under subsection  
8 (d);

9 (2) be a United States citizen or permanent  
10 resident; and

11 (3) at the time of the initial scholarship award,  
12 not be a Federal employee as defined in section  
13 2105 of title 5 of the United States Code.

14 (c) APPLICATION REQUIRED.—An individual seeking  
15 a scholarship under this section shall submit an applica-  
16 tion to the Administrator at such time, in such manner,  
17 and containing such information, agreements, or assur-  
18 ances as the Administrator may require to carry out this  
19 section.

20 (d) ELIGIBLE ACADEMIC PROGRAMS.—The Adminis-  
21 trator shall make publicly available a list of academic pro-  
22 grams and fields of study for which scholarships may be  
23 utilized in fields described in subsection (a)(1), and shall  
24 update the list as necessary.

25 (e) SCHOLARSHIP REQUIREMENT.—

1 (1) IN GENERAL.—The Administrator may pro-  
2 vide a scholarship under the scholarship program for  
3 an academic year if the individual applying for the  
4 scholarship has submitted to the Administrator, as  
5 part of the application required under subsection (c),  
6 a proposed academic program leading to a degree in  
7 a program or field of study on the list made avail-  
8 able under subsection (d).

9 (2) DURATION OF ELIGIBILITY.—An individual  
10 may not receive a scholarship under this section for  
11 more than 4 academic years, unless the Adminis-  
12 trator grants a waiver.

13 (3) SCHOLARSHIP AMOUNT.—The dollar  
14 amount of a scholarship under this section for an  
15 academic year shall be determined under regulations  
16 issued by the Administrator, but shall in no case ex-  
17 ceed the cost of attendance.

18 (4) AUTHORIZED USES.—A scholarship pro-  
19 vided under this section may be expended for tuition,  
20 fees, and other authorized expenses as established by  
21 the Administrator by regulation.

22 (5) CONTRACTS REGARDING DIRECT PAYMENTS  
23 TO INSTITUTIONS.—The Administrator may enter  
24 into a contractual agreement with an institution of  
25 higher education under which the amounts provided



1 for a scholarship under this section for tuition, fees,  
2 and other authorized expenses are paid directly to  
3 the institution with respect to which the scholarship  
4 is provided.

5 (f) PERIOD OF OBLIGATED SERVICE.—

6 (1) DURATION OF SERVICE.—Except as pro-  
7 vided in subsection (h)(2), the period of service for  
8 which an individual shall be obligated to serve as an  
9 employee of the Administration shall be 24 months  
10 for each academic year for which a scholarship  
11 under this section is provided.

12 (2) SCHEDULE FOR SERVICE.—

13 (A) IN GENERAL.—Except as provided in  
14 subparagraph (B), obligated service under para-  
15 graph (1) shall begin not later than 60 days  
16 after the individual obtains the educational de-  
17 gree for which the scholarship was provided.

18 (B) DEFERRAL.—The Administrator may  
19 defer the obligation of an individual to provide  
20 a period of service under paragraph (1) if the  
21 Administrator determines that such a deferral  
22 is appropriate. The Administrator shall pre-  
23 scribe the terms and conditions under which a  
24 service obligation may be deferred through reg-  
25 ulation.

1 (g) PENALTIES FOR BREACH OF SCHOLARSHIP  
2 AGREEMENT.—

3 (1) FAILURE TO COMPLETE ACADEMIC TRAIN-  
4 ING.—Scholarship recipients who fail to maintain a  
5 high level of academic standing, as defined by the  
6 Administrator by regulation, who are dismissed from  
7 their educational institutions for disciplinary rea-  
8 sons, or who voluntarily terminate academic training  
9 before graduation from the educational program for  
10 which the scholarship was awarded, shall be in  
11 breach of their contractual agreement and, in lieu of  
12 any service obligation arising under such agreement,  
13 shall be liable to the United States for repayment  
14 not later than 1 year after the date of default of all  
15 scholarship funds paid to them and to the institution  
16 of higher education on their behalf under the agree-  
17 ment, except as provided in subsection (h)(2). The  
18 repayment period may be extended by the Adminis-  
19 trator when determined to be necessary, as estab-  
20 lished by regulation.

21 (2) FAILURE TO BEGIN OR COMPLETE THE  
22 SERVICE OBLIGATION OR MEET THE TERMS AND  
23 CONDITIONS OF DEFERMENT.—A scholarship recipi-  
24 ent who, for any reason, fails to begin or complete  
25 a service obligation under this section after comple-



tion of academic training, or fails to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. When a recipient breaches an agreement 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; plus

(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.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the scholarship program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Administrator shall by regulation provide for



1 the partial or total waiver or suspension of any obli-  
 2 gation of service or payment incurred by an indi-  
 3 vidual under the scholarship program (or a contrac-  
 4 tual agreement thereunder) whenever compliance by  
 5 the individual is impossible or would involve extreme  
 6 hardship to the individual, or if enforcement of such  
 7 obligation with respect to the individual would be  
 8 contrary to the best interests of the Government.

9 (i) DEFINITIONS.—In this Act the following defini-  
 10 tions apply:

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

14 (2) ADMINISTRATOR.—The term “Adminis-  
 15 trator” means the Administrator of the National  
 16 Oceanic and Atmospheric Administration.

17 (3) COST OF ATTENDANCE.—The term “cost of  
 18 attendance” has the meaning given that term in sec-  
 19 tion 472 of the Higher Education Act of 1965 (20  
 20 U.S.C. 1087l).

21 (4) INSTITUTION OF HIGHER EDUCATION.—The  
 22 term “institution of higher education” has the  
 23 meaning given that term in section 101(a) of the  
 24 Higher Education Act of 1965; and



F:\M9\ROHRAB\ROHRAB\_039.XML

H.L.C.

9

- 1           (5) SCHOLARSHIP PROGRAM.—The term “schol-  
2       arship program” means the Science and Technology  
3       Scholarship Program established under this section.





**COMMITTEE ON SCIENCE  
FULL COMMITTEE MARKUP**

May 17, 2005

**AMENDMENT ROSTER**

**H.R. 2364, To establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.**

—Motion to adopt the bill, as amended: agreed to by a voice vote.  
—Motion to report the bill, as amended: agreed to by a voice vote.

No.	Sponsor	Description	Results
1.	Ms. Jackson Lee	Amendment makes clear that students in historically black colleges and similar institutions serving other minorities receive consideration under this scholarship program.	—Adopted by a voice vote.

**AMENDMENT TO H.R. 2364**  
**OFFERED BY MS. JACKSON-LEE OF TEXAS**

Page 2, line 15, insert “, including those from Historically Black Colleges and Universities and institutions serving a large proportion of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations” after “or 1885b”).

