

111TH CONGRESS
1ST SESSION

H. R. 2651

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2009

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Maritime Workforce
3 Development Act”.

4 **SEC. 2. MARITIME EDUCATION LOAN PROGRAM.**

5 (a) IN GENERAL.—Chapter 517 of title 46, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 51705. Maritime career training loan program**

9 “(a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish a maritime career training loan pro-
11 gram (in this section referred to as the ‘program’) in ac-
12 cordance with the requirements of this section.

13 “(b) PURPOSE.—The purpose of the program shall
14 be to make maritime career training loans available to eli-
15 gible students to provide for the training of United States
16 mariners.

17 “(c) ADMINISTRATION.—The program shall be car-
18 ried out by the Secretary, acting through the Adminis-
19 trator of the Maritime Administration.

20 “(d) DUTIES.—The Secretary shall—

21 “(1) allocate, on an annual basis, the award of
22 loans under the program based on the needs of stu-
23 dents;

24 “(2) develop an application process and eligi-
25 bility criteria for the award of loans under the pro-
26 gram;

1 “(3) approve applications for loans under the
2 program based on the eligibility criteria and alloca-
3 tions made under paragraph (1); and

4 “(4) designate maritime training institutions at
5 which loans made under the program may be used.

6 “(e) DESIGNATION OF MARITIME TRAINING INSTITU-
7 TIONS.—

8 “(1) IN GENERAL.—In designating maritime
9 training institutions under subsection (d)(4), the
10 Secretary—

11 “(A) may include Federal, State, and com-
12 mercial training institutions and nonprofit
13 training organizations, except that under-
14 graduate students at the United States Mer-
15 chant Marine Academy shall not be eligible for
16 loans under the program;

17 “(B) shall designate institutions based on
18 geographic diversity and scope of classes of-
19 fered;

20 “(C) shall ensure that designated institu-
21 tions have the ability to administer the pro-
22 gram; and

23 “(D) shall ensure that designated institu-
24 tions meet requirements to provide training in-

1 instruction for appropriate Coast Guard-approved
2 training instruction.

3 “(2) EXCLUSIONS.—The Secretary—

4 “(A) may exclude from participation in the
5 program a maritime training institution that
6 has had severe performance deficiencies, includ-
7 ing deficiencies demonstrated by audits or pro-
8 gram reviews conducted during the 5 calendar
9 years immediately preceding the present year;

10 “(B) shall exclude from participation in
11 the program a maritime training institution
12 that has delinquent or outstanding debts to the
13 United States, unless such debts are being re-
14 paid under or in accordance with a repayment
15 arrangement satisfactory to the United States,
16 or the Secretary in the Secretary’s discretion
17 determines that the existence or amount of any
18 such debts has not been finally determined by
19 the appropriate Federal agency;

20 “(C) may exclude from participation in the
21 program a maritime training institution that
22 has failed to comply with quality standards es-
23 tablished by the Department of Labor, the
24 Coast Guard, or a State; and

1 “(D) may establish such other criteria as
2 the Secretary determines will protect the finan-
3 cial interest of the United States and promote
4 the purposes of this section.

5 “(f) STATE MARITIME ACADEMIES.—

6 “(1) USE OF FUNDS FOR LOANS TO STUDENTS
7 ATTENDING STATE MARITIME ACADEMIES.—The
8 Secretary may obligate not more than 50 percent of
9 the amounts appropriated to carry out this section
10 for a fiscal year for loans to undergraduate students
11 attending State maritime academies receiving assist-
12 ance under chapter 515 of this title.

13 “(2) ACADEMIC STANDARDS FOR STUDENTS.—
14 Students at State maritime academies receiving
15 loans under the program shall maintain satisfactory
16 progress toward the completion of their course of
17 study as evidenced by the maintenance of a cumu-
18 lative C average, or its equivalent, or academic
19 standing consistent with the requirements for grad-
20 uation, as determined by the institution.

21 “(g) LOAN AMOUNTS AND USE.—

22 “(1) MAXIMUM AMOUNTS.—The Secretary may
23 not make loans to a student under the program in
24 an amount that exceeds \$15,000 in a calendar year
25 or \$60,000 in the aggregate.

1 “(2) USE OF LOAN PROCEEDS.—A student who
2 receives a loan under the program may use the pro-
3 ceeds of the loan only for postsecondary expenses in-
4 curred at an institution designated by the Secretary
5 under subsection (d)(4) for books, tuition, required
6 fees, travel to and from training facilities, and room
7 and board.

8 “(h) STUDENT ELIGIBILITY.—To be eligible to re-
9 ceive a loan under the program, a student shall—

10 “(1) be eligible to hold a license or merchant
11 mariner document issued by the Coast Guard;

12 “(2) provide to the Secretary such information
13 as the Secretary may require, including all current
14 Coast Guard documents, certifications, proof of
15 United States citizenship or permanent legal status,
16 and a statement of intent to enter a maritime ca-
17 reer;

18 “(3) meet the enrollment requirements of a
19 maritime training institution designated by the Sec-
20 retary under subsection (d)(4); and

21 “(4) sign an agreement to—

22 “(A) complete a course of instruction at
23 such a maritime training institution; and

24 “(B) maintain a license or document and
25 work under the authority of the license or docu-

1 ment and any associated endorsements for at
2 least 18 months following the date of gradua-
3 tion from the maritime program for which the
4 loan proceeds will be used.

5 “(i) ADMINISTRATION OF LOANS.—

6 “(1) CONTENTS OF LOAN AGREEMENTS.—Any
7 agreement between the Secretary and a student bor-
8 rower for a loan under the program shall—

9 “(A) be evidenced by a note or other writ-
10 ten instrument that provides for the repayment
11 of the principal amount of the loan and any
12 origination fee, together with interest thereon,
13 in equal installments (or, if the student bor-
14 rower so requests, in graduated periodic install-
15 ments determined in accordance with such
16 schedules as may be approved by the Secretary)
17 payable quarterly, bimonthly, or monthly, at the
18 option of the student borrower, over a period
19 beginning 9 months from the date on which the
20 student borrower completes study or discon-
21 tinues attendance at the maritime program for
22 which the loans are used at the institution ap-
23 proved by the Secretary and not exceeding 10
24 years;

1 “(B) include provision for acceleration of
2 repayment of the whole, or any part, of such
3 loan, at the option of the student borrower;

4 “(C) provide the loan without security and
5 without endorsement;

6 “(D) provide that the liability to repay the
7 loan shall be canceled upon the death of the
8 student borrower, or if the student borrower be-
9 comes permanently and totally disabled, as de-
10 termined in accordance with regulations to be
11 issued by the Secretary;

12 “(E) contain a notice of the system of dis-
13 closure of information concerning default on
14 such loan to credit bureau organizations; and

15 “(F) include provisions for deferral of re-
16 payment, as determined by the Secretary.

17 “(2) RATE OF INTEREST.—A student borrower
18 who receives a loan under the program on or after
19 January 1, 2010, and before October 1, 2015, shall
20 be obligated to repay the loan amount to the Sec-
21 retary, together with interest beginning in the period
22 referred to in paragraph (1)(A), at a rate to be de-
23 termined as follows:

24 “(A) For a loan for which the first dis-
25 bursement is made on or after January 1,

1 2010, and before October 1, 2011, 5.6 percent
2 on the unpaid principal balance of the loan.

3 “(B) For a loan for which the first dis-
4 bursement is made on or after October 1, 2011,
5 and before October 1, 2012, 4.5 percent on the
6 unpaid principal balance of the loan.

7 “(C) For a loan for which the first dis-
8 bursement is made on or after October 1, 2012,
9 3.4 percent on the unpaid principal balance of
10 the loan.

11 “(3) DISCLOSURE REQUIRED PRIOR TO DIS-
12 BURSEMENT.—

13 “(A) IN GENERAL.—The Secretary shall at
14 or prior to the time the Secretary makes a loan
15 to a student borrower under the program, pro-
16 vide thorough and adequate loan information on
17 such loan to the student borrower. The disclo-
18 sures required by this paragraph may be made
19 as part of the written application material pro-
20 vided to the student borrower, as part of the
21 promissory note evidencing the loan, or on a
22 separate written form provided to the student
23 borrower.

24 “(B) CONTENTS.—The disclosures shall
25 include—

- 1 “(i) the address to which communica-
2 tions and payments should be sent;
- 3 “(ii) the principal amount of the loan;
- 4 “(iii) the amount of any charges col-
5 lected at or prior to the disbursement of the
6 loan and whether such charges are to be
7 deducted from the proceeds of the loan or
8 paid separately by the student borrower;
- 9 “(iv) the stated interest rate on the
10 loan;
- 11 “(v) the yearly and cumulative max-
12 imum amounts that may be borrowed;
- 13 “(vi) an explanation of when repay-
14 ment of the loan will be required and when
15 the student borrower will be obligated to
16 pay interest that accrues on the loan;
- 17 “(vii) a statement as to the minimum
18 and maximum repayment term that the
19 Secretary may impose, and the minimum
20 monthly payment required by law and a
21 description of any penalty imposed as a
22 consequence of default, such as liability for
23 expenses reasonably incurred in attempts
24 by the Secretary to collect on a loan;

1 “(viii) a statement of the total cumu-
2 lative balance, including the loan applied
3 for, owed by the student borrower to the
4 Secretary, and an estimate of the projected
5 monthly payment, given such cumulative
6 balance;

7 “(ix) an explanation of any special op-
8 tions the student borrower may have for
9 loan consolidation or other refinancing of
10 the loan;

11 “(x) a statement that the student bor-
12 rower has the right to prepay all or part
13 of the loan, at any time, without penalty;

14 “(xi) a statement summarizing cir-
15 cumstances in which repayment of the loan
16 or interest that accrues on the loan may be
17 deferred, and a brief notice of the program
18 for repayment of loans, on the basis of
19 military service, pursuant to the Depart-
20 ment of Defense educational loan repay-
21 ment program (10 U.S.C. 16302);

22 “(xii) a definition of default and the
23 consequences to the student borrower if
24 the student borrower defaults, together
25 with a statement that the disbursement of,

1 and the default on, a loan under this part
2 shall be reported to a credit bureau or
3 credit reporting agency;

4 “(xiii) to the extent practicable, the
5 effect of accepting the loan on the eligi-
6 bility of the student borrower for other
7 forms of student assistance; and

8 “(xiv) an explanation of any cost the
9 student borrower may incur in the making
10 or collection of the loan.

11 “(C) INFORMATION TO BE PROVIDED
12 WITHOUT COST.—The information provided
13 under this paragraph shall be available to the
14 Secretary without cost to the student borrower.

15 “(4) REPAYMENT AFTER DEFAULT.—The Sec-
16 retary may require any student borrower who has
17 defaulted on a loan made under the program to—

18 “(A) pay all reasonable collection costs as-
19 sociated with such loan; and

20 “(B) repay the loan pursuant to an income
21 contingent repayment plan.

22 “(5) AUTHORIZATION TO REDUCE RATES AND
23 FEES.—Notwithstanding any other provision of this
24 section, the Secretary may prescribe by regulation
25 any reductions in the interest rate or origination fee

1 paid by a student borrower of a loan made under the
2 program as the Secretary determines appropriate to
3 encourage ontime repayment of the loan. Such re-
4 ductions may be offered only if the Secretary deter-
5 mines the reductions are cost neutral and in the best
6 financial interest of the United States.

7 “(6) COLLECTION OF REPAYMENTS.—The Sec-
8 retary shall collect repayments made under the pro-
9 gram and exercise due diligence in such collection,
10 including maintenance of all necessary records to en-
11 sure that maximum repayments are made. Collection
12 and servicing of repayments under the program shall
13 be pursued to the full extent of the law, including
14 wage garnishment if necessary. The Secretary of the
15 Department in which the Coast Guard is operating
16 shall provide the Secretary of Transportation with
17 any information regarding a mariner that may aid
18 in the collection of repayments under this section.

19 “(7) REPAYMENT SCHEDULE.—A student bor-
20 rower who receives a loan under the program shall
21 repay the loan quarterly, bimonthly, or monthly, at
22 the option of the student borrower, over a period be-
23 ginning 9 months from the date the student bor-
24 rower completes study or discontinues attendance at
25 the maritime program for which the loan proceeds

1 are used and ending not more than 10 years after
2 the date repayment begins. Provisions for deferral of
3 repayment shall be determined by the Secretary.

4 “(8) CONTRACTS FOR SERVICING AND COLLEC-
5 TION OF LOANS.—The Secretary may—

6 “(A) enter into a contract or other ar-
7 rangement with State or nonprofit agencies
8 and, on a competitive basis, with collection
9 agencies for servicing and collection of loans
10 under this section; and

11 “(B) conduct litigation necessary to carry
12 out this section.

13 “(j) REVOLVING LOAN FUND.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-
15 tablish a revolving loan fund consisting of amounts
16 deposited in the fund under paragraph (2).

17 “(2) DEPOSITS.—The Secretary shall deposit in
18 the fund—

19 “(A) receipts from the payment of prin-
20 cipal and interest on loans made under the pro-
21 gram; and

22 “(B) any other monies paid to the Sec-
23 retary by or on behalf of individuals under the
24 program.

1 “(3) AVAILABILITY OF AMOUNTS.—Amounts in
2 the fund shall be available to the Secretary, without
3 further appropriation—

4 “(A) to cover the administrative costs of
5 the program, including the maintenance of
6 records and making collections under this sec-
7 tion; and

8 “(B) to the extent that amounts remain
9 available after paying such administrative costs,
10 to make loans under the program.

11 “(4) MAINTENANCE OF RECORDS.—The Sec-
12 retary shall maintain accurate records of the admin-
13 istrative costs referred to in paragraph (3)(A).

14 “(k) ANNUAL REPORT.—The Secretary, on an an-
15 nual basis, shall submit to the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 and the Committee on Commerce, Science, and Transpor-
18 tation of the Senate a report on the program, including—

19 “(1) the total amount of loans made under the
20 program in the preceding year;

21 “(2) the number of students receiving loans
22 under the program in the preceding year; and

23 “(3) the total amount of loans made under pro-
24 gram that are in default as of the date of the report.

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each of fiscal years
3 2010 through 2015—

4 “(1) \$10,000,000 for making loans under the
5 program; and

6 “(2) \$1,000,000 for administrative expenses of
7 the Secretary in carrying out the program.

8 **“§ 51706. Maritime recruitment, training, and reten-**
9 **tion grant program**

10 “(a) STRATEGIC PLAN.—

11 “(1) IN GENERAL.—Not later than one year
12 after the date of enactment of this section, and at
13 least once every 3 years thereafter, the Secretary of
14 Transportation, acting through the Administrator of
15 the Maritime Administration, shall publish in the
16 Federal Register a plan that describes the dem-
17 onstration, research, and multistate project priorities
18 of the Department of Transportation concerning
19 merchant mariner recruitment, training, and reten-
20 tion for the 3-year period following the date of publi-
21 cation of the plan.

22 “(2) CONTENTS.—A plan published under para-
23 graph (1) shall contain strategies and identify poten-
24 tial projects to address merchant mariner recruit-

1 ment, training, and retention issues in the United
2 States.

3 “(3) FACTORS.—In developing a plan under
4 paragraph (1), the Secretary shall take into account,
5 at a minimum—

6 “(A) the availability of existing research
7 (as of the date of publication of the plan);

8 “(B) the need to ensure results that have
9 broad applicability;

10 “(C) the benefits of economies of scale and
11 the efficiency of potential projects; and

12 “(D) the likelihood that the results of po-
13 tential projects will be useful to policymakers
14 and stakeholders in addressing merchant mar-
15 iner recruitment, training, and retention issues.

16 “(4) CONSULTATION.—In developing a plan
17 under paragraph (1), the Secretary shall consult
18 with representatives of the maritime industry, labor
19 organizations, and other governmental entities and
20 parties with an interest in the maritime industry.

21 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
22 retary shall transmit copies of a plan published
23 under paragraph (1) to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-

1 atives and the Committee on Commerce, Science,
2 and Transportation of the Senate.

3 “(b) DEMONSTRATION PROJECTS.—

4 “(1) IN GENERAL.—The Secretary may award
5 grants to a maritime training institution to carry
6 out demonstration projects that implement the prior-
7 ities identified in the plan prepared under subsection
8 (a)(1), for the purpose of developing and imple-
9 menting methods to address merchant mariner re-
10 cruitment, training, and retention issues.

11 “(2) GRANT AWARDS.—Grants shall be awarded
12 under this subsection on a competitive basis under
13 guidelines and requirements to be established by the
14 Secretary.

15 “(3) APPLICATIONS.—To be eligible to receive a
16 grant for a project under this subsection, a maritime
17 training institution shall submit to the Secretary a
18 grant proposal that includes, at a minimum—

19 “(A) information demonstrating the esti-
20 mated effectiveness of the project; and

21 “(B) a method for evaluating the effective-
22 ness of the project.

23 “(4) ELIGIBLE PROJECTS.—Projects eligible for
24 grants under this subsection may include—

1 “(A) the establishment of maritime tech-
2 nology skill centers developed through local
3 partnerships of industry, labor, education, com-
4 munity-based organizations, economic develop-
5 ment organizations, or Federal, State, and local
6 government agencies to meet unmet skills needs
7 of the maritime industry;

8 “(B) projects that provide training to up-
9 grade the skills of workers who are employed in
10 the maritime industry;

11 “(C) projects that promote the use of dis-
12 tance learning, enabling students to take
13 courses through the use of media technology,
14 such as videos, teleconferencing, and the Inter-
15 net;

16 “(D) projects that assist in providing serv-
17 ices to address maritime recruitment and train-
18 ing of youth residing in targeted high poverty
19 areas within empowerment zones and enterprise
20 communities;

21 “(E) the establishment of partnerships
22 with national and regional organizations with
23 special expertise in developing, organizing, and
24 administering merchant mariner recruitment
25 and training services; and

1 “(F) the establishment of maritime train-
2 ing programs that foster technical skills and
3 operational productivity in communities in
4 which economies are related to or dependent
5 upon the maritime industry.

6 “(c) PROJECTS AUTHORIZED.—

7 “(1) PROJECTS.—The Secretary may award
8 grants to carry out projects identified in a plan pub-
9 lished under subsection (a)(1) under which the
10 project sponsor will—

11 “(A) design, develop, and test an array of
12 approaches to providing recruitment, training,
13 or retention services to one or more targeted
14 populations;

15 “(B) in conjunction with employers, orga-
16 nized labor, other groups (such as community
17 coalitions), and Federal, State, or local agen-
18 cies, design, develop, and test various training
19 approaches in order to determine effective prac-
20 tices; or

21 “(C) assist in the development and replica-
22 tion of effective service delivery strategies for
23 the national maritime industry as a whole.

24 “(2) RESEARCH PROJECTS.—The Secretary
25 may award grants to carry out research projects

1 identified in a plan published under subsection
2 (a)(1) that will contribute to the solution of mari-
3 time industry recruitment, training, and retention
4 issues in the United States.

5 “(3) MULTISTATE OR REGIONAL PROJECTS.—
6 The Secretary may award grants to carry out
7 multistate or regional projects identified in a plan
8 published under subsection (a)(1) to effectively dis-
9 seminate best practices and models for implementing
10 maritime recruitment, training, and retention serv-
11 ices designed to address industry-wide skill short-
12 ages.

13 “(4) GRANT AWARDS.—Grants shall be awarded
14 under this subsection on a competitive basis under
15 guidelines and requirements to be established by the
16 Secretary.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for each of fiscal years
19 2010 through 2015—

20 “(1) \$10,000,000 for making grants under this
21 section; and

22 “(2) \$1,000,000 for administrative expenses of
23 the Secretary in carrying out this section.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 such chapter is amended by adding at the end the fol-
3 lowing:

“51705. Maritime career training loan program.

“51706. Maritime recruitment, training, and retention grant program.”.

Passed the House of Representatives October 14,
2009.

Attest:

LORRAINE C. MILLER,

Clerk.