

dent, 46 App. U.S.C. 1295b(b)(3)(A)(ii) allocates positions only for sons or daughters of residents.

AMENDMENTS

2011—Subsec. (b)(3). Pub. L. 111-383, §3503(1), inserted “the Northern Mariana Islands,” after “Guam,”.

Subsec. (b)(5), (6). Pub. L. 111-383, §3503(2), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: “The Governor of the Northern Mariana Islands may nominate residents of the Northern Mariana Islands.”

§ 51303. Non-competitive appointments

The Secretary of Transportation may appoint each year without competition as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals with qualities the Secretary considers to be of special value to the Academy. In making these appointments, the Secretary shall try to achieve a national demographic balance at the Academy.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51303, 46 App.:1295b(b)(3)(D), June 29, 1936, ch. 858, title XIII, §1303(b)(3)(D), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1999.

§ 51304. Additional appointments from particular areas

(a) OTHER COUNTRIES IN WESTERN HEMISPHERE.—The President may appoint individuals from countries in the Western Hemisphere other than the United States to receive instruction at the United States Merchant Marine Academy. Not more than 12 individuals may receive instruction under this subsection at the same time, and not more than 2 individuals from the same country may receive instruction under this subsection at the same time.

(b) OTHER COUNTRIES GENERALLY.—

(1) APPOINTMENT.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from countries other than the United States to receive instruction at the Academy. Not more than 30 individuals may receive instruction under this subsection at the same time.

(2) REIMBURSEMENT.—The Secretary of Transportation shall ensure that the country from which an individual comes under this subsection will reimburse the Secretary for the cost (as determined by the Secretary) of the instruction and allowances received by the individual.

(c) PANAMA.—

(1) APPOINTMENT.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Panama to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.

(2) REIMBURSEMENT.—The Secretary of Transportation shall be reimbursed for the cost (as determined by the Secretary) of the instruction and allowances received by an individual appointed under this subsection.

(d) ALLOWANCES AND REGULATIONS.—Individuals receiving instruction under this section are entitled to the same allowances and are subject to the same regulations on admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the Academy appointed from the United States.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1-4: 51304(a-d) with various U.S. Code and Statutes at Large references.

The word “appoint” is substituted for “designate” and “permit” for consistency in the chapter.

§ 51305. Prohibited basis for appointment

Preference may not be given to an individual for appointment as a cadet at the United States Merchant Marine Academy because one or more members of the individual’s immediate family are alumni of the Academy.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51305, 46 App.:1295b(b)(3)(E), June 29, 1936, ch. 858, title XIII, §1303(b)(3)(E), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1999.

§ 51306. Cadet commitment agreements

(a) AGREEMENT REQUIREMENTS.—A citizen of the United States appointed as a cadet at the United States Merchant Marine Academy must sign, as a condition of the appointment, an agreement to—

(1) complete the course of instruction at the Academy;

(2) fulfill the requirements for a license as an officer in the merchant marine of the United States before graduation from the Academy;

(3) maintain a valid license as an officer in the merchant marine of the United States for at least 6 years after graduation from the Academy, accompanied by the appropriate national and international endorsements and certification required by the Coast Guard for service aboard vessels on domestic and international voyages;

(4) apply for, and accept if tendered, an appointment as a commissioned officer in the Navy Reserve (including the Merchant Marine Reserve, Navy Reserve), the Coast Guard Reserve, or any other reserve unit of an armed force of the United States, and, if tendered the appointment, to serve for at least 6 years after graduation from the Academy;

(5) serve the foreign and domestic commerce and the national defense of the United States for at least 5 years after graduation from the Academy—

(A) as a merchant marine officer on a documented vessel or a vessel owned and operated by the United States Government or by a State;

(B) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Secretary of Transportation), if the Secretary determines that service under subparagraph (A) is not available to the individual;

(C) as a commissioned officer on active duty in an armed force of the United States, as a commissioned officer in the National Oceanic and Atmospheric Administration, or in other maritime-related Federal employment which serves the national security interests of the United States, as determined by the Secretary; or

(D) by a combination of the service alternatives referred to in subparagraphs (A)–(C); and

(6) report to the Secretary on compliance with this subsection.

(b) FAILURE TO COMPLETE COURSE OF INSTRUCTION.—

(1) ACTIVE DUTY.—If the Secretary of Transportation determines that an individual who has attended the Academy for at least 2 years has failed to fulfill the part of the agreement described in subsection (a)(1), the individual may be ordered by the Secretary of Defense to serve on active duty in one of the armed forces of the United States for a period of not more than 2 years. In cases of hardship as determined by the Secretary of Transportation, the Secretary of Transportation may waive this paragraph in whole or in part.

(2) RECOVERY OF COST.—If the Secretary of Defense is unable or unwilling to order an individual to serve on active duty under paragraph (1), or if the Secretary of Transportation determines that reimbursement of the cost of education provided would better serve the interests of the United States, the Secretary of Transportation may recover from the individual the cost of education provided by the Government.

(c) FAILURE TO CARRY OUT OTHER REQUIREMENTS.—

(1) ACTIVE DUTY.—If the Secretary of Transportation determines that an individual has failed to fulfill any part of the agreement described in subsection (a)(2)–(6), the individual may be ordered to serve on active duty for a period of at least 3 years but not more than the unexpired period (as determined by the Secretary) of the service required by subsection (a)(5). The Secretary of Transportation, in consultation with the Secretary of Defense, shall determine in which service the individual shall serve. In cases of hardship as determined by the Secretary of Transportation, the Secretary of Transportation may waive this paragraph in whole or in part.

(2) RECOVERY OF COST.—If the Secretary of Defense is unable or unwilling to order an in-

dividual to serve on active duty under paragraph (1), or if the Secretary of Transportation determines that reimbursement of the cost of education provided would better serve the interests of the United States, the Secretary of Transportation may recover from the individual the cost of education provided. The Secretary may reduce the amount to be recovered to reflect partial performance of service obligations and other factors the Secretary determines merit a reduction.

(d) ACTIONS TO RECOVER COST.—To aid in the recovery of the cost of education provided by the Government under a commitment agreement under this section, the Secretary of Transportation may—

(1) request the Attorney General to bring a civil action against the individual; and

(2) make use of the Federal debt collection procedures in chapter 176 of title 28 or other applicable administrative remedies.

(e) ALTERNATIVE SERVICE.—

(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.

(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1572; Pub. L. 109-163, div. A, title V, § 515(g)(2)(A), Jan. 6, 2006, 119 Stat. 3236; Pub. L. 109-364, div. C, title XXXV, §§ 3505(a), 3506(a), Oct. 17, 2006, 120 Stat. 2516, 2517; Pub. L. 110-181, div. C, title XXXV, §§ 3523(a)(1), (b), 3526(b)(1), (c)(1), (g), Jan. 28, 2008, 122 Stat. 598, 600-602.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51306(a)	46 App.:1295b(e)(1).	June 29, 1936, ch. 858, title XIII, § 1303(e)(1)-(4), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2000; Pub. L. 97-31, § 12144(A), Aug. 6, 1981, 95 Stat. 166; Pub. L. 101-595, title VII, § 707(a), Nov. 16, 1990, 104 Stat. 2995; Pub. L. 108-136, title XXXV, § 3515(b), Nov. 24, 2003, 117 Stat. 1792.
51306(b)	46 App.:1295b(e)(2).	
51306(c)	46 App.:1295b(e)(3).	
51306(d)	46 App.:1295b(e)(4).	

In subsection (a), before paragraph (1), the words “after the date occurring 6 months after October 1, 1981” are omitted as obsolete. In paragraph (2), the words “before graduating” are substituted for “on or before the date of graduation” to eliminate unnecessary words. In paragraph (5)(A), the words “or territories” are omitted as unnecessary because of the definition of “State” in chapter 1 of the revised title.

In subsection (d), the words “bring a civil action” are substituted for “begin court proceedings” for consistency in the revised title and with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

AMENDMENTS

2008—Pub. L. 110-181, § 3526(g), repealed Pub. L. 109-364, §§ 3505(a) and 3506(a). See 2006 Amendment note below.

Pub. L. 110-181, § 3523(b), repealed Pub. L. 109-163, § 515(g)(2)(A). See 2006 Amendment note below.

Subsec. (a)(4). Pub. L. 110-181, § 3523(a)(1), incorporated the substance of the amendment by Pub. L. 109-163, § 515(g)(2)(A), into this section by substituting “Navy Reserve” for “Naval Reserve” in two places. See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

Subsecs. (e), (f). Pub. L. 110-181, § 3526(b)(1), (c)(1), incorporated the substance of the amendments by Pub. L. 109-364, §§ 3505(a), 3506(a), into this section by adding subsecs. (e) and (f). See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-364, §§ 3505(a), 3506(a), which directed the amendment of section 1295b(e) of the former Appendix to this title from which this section was derived, were repealed by Pub. L. 110-181, § 3526(g). See 2008 Amendment note for subsecs. (e) and (f) and Historical and Revision notes above.

Pub. L. 109-163, § 515(g)(2)(A), which directed the amendment of section 1295b of the former Appendix to this title from which this section was derived, was repealed by Pub. L. 110-181, § 3523(b). See 2008 Amendment note for subsec. (a)(4) and Historical and Revision notes above.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. C, title XXXV, § 3526(b)(2), Jan. 28, 2008, 122 Stat. 601, provided that: “Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.”

Pub. L. 110-181, div. C, title XXXV, § 3526(c)(2), Jan. 28, 2008, 122 Stat. 602, provided that: “Section 51306(f) of

title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. C, title XXXV, § 3505(b), Oct. 17, 2006, 120 Stat. 2517, which provided that par. (6) of section 1295b(e) of the former Appendix to this title from which this section was derived, applied only to an individual who enrolled as a cadet at the United States Merchant Marine Academy and signed an agreement under par. (1) of that section after Oct. 17, 2006, was repealed by Pub. L. 110-181, div. C, title XXXV, § 3526(g), Jan. 28, 2008, 122 Stat. 602.

Pub. L. 109-364, div. C, title XXXV, § 3506(b), Oct. 17, 2006, 120 Stat. 2517, which provided that the enactment of par. (7) of section 1295b(e) of the former Appendix to this title from which this section was derived, did not apply with respect to an agreement entered into under section 1295b(e) before Oct. 17, 2006, was repealed by Pub. L. 110-181, div. C, title XXXV, § 3526(g), Jan. 28, 2008, 122 Stat. 602.

§ 51307. Places of training

The Secretary of Transportation may provide for the training of cadets at the United States Merchant Marine Academy—

- (1) on vessels owned or subsidized by the United States Government;
- (2) on other documented vessels, with the permission of the owner;
- (3) in shipyards or plants and with industrial or educational organizations; and
- (4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1574; Pub. L. 109-241, title III, § 307, July 11, 2006, 120 Stat. 528; Pub. L. 110-181, div. C, title XXXV, § 3525(a)(3), (b), Jan. 28, 2008, 122 Stat. 600, 601.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51307	46 App.:1295b(f).	June 29, 1936, ch. 858, title XIII, § 1303(f), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2002.

In paragraph (2), the words “with the permission of the owner” are substituted for “if the owner . . . cooperates in such use” for clarity.

AMENDMENTS

2008—Pub. L. 110-181, § 3525(b), repealed Pub. L. 109-241, § 307. See 2006 Amendment note below.

Par. (4). Pub. L. 110-181, § 3525(a)(3), incorporated the substance of the amendment by Pub. L. 109-241, § 307, into this section by adding par. (4). See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-241, § 307, which directed the amendment of section 1295b(f) of the former Appendix to this title from which this section was derived, was repealed by Pub. L. 110-181, § 3525(b). See 2008 Amendment note for par. (4) and Historical and Revision notes above.

§ 51308. Uniforms, textbooks, and transportation allowances

The Secretary of Transportation shall provide cadets at the United States Merchant Marine Academy—

- (1) all required uniforms and textbooks; and