

2008 and each fiscal year thereafter for a regional maritime academy.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1578; Pub. L. 109-163, div. C, title XXXV, § 3502(a), Jan. 6, 2006, 119 Stat. 3547; Pub. L. 110-181, div. C, title XXXV, § 3523(a)(3), (b), Jan. 28, 2008, 122 Stat. 599, 600.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51505, 46 App.:1295c(d)(1), June 29, 1936, ch. 858, title XIII, §1304(d)(1), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2004; Pub. L. 101-115, §5, Oct. 13, 1989, 103 Stat. 693.

In subsection (b)(1), the reference to territories is omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

AMENDMENTS

2008—Pub. L. 110-181, §3523(b), repealed Pub. L. 109-163, §3502(a). See 2006 Amendment note below.

Subsec. (b)(2)(B). Pub. L. 110-181, §3523(a)(3), incorporated the substance of the amendment by Pub. L. 109-163, §3502(a), into this section by substituting "\$300,000 for fiscal year 2006, \$400,000 for fiscal year 2007, and \$500,000 for fiscal year 2008 and each fiscal year thereafter" for "\$200,000". 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. 109-163, §3502(a), which directed the amendment of section 1295c(d)(1) of the former Appendix to this title from which this section was derived, was repealed by Pub.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. (b)(2)(B) and Historical and Revision notes above.

§ 51506. Conditions to receiving payments and use of vessels

(a) GENERAL CONDITIONS.—As conditions of receiving an annual payment or the use of a vessel under this chapter, a State maritime academy must—

(1) provide courses of instruction on navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of new vessels and equipment, and innovations being introduced to the merchant marine of the United States;

(2) agree in writing to conform to the standards for courses, training facilities, admissions, and instruction that the Secretary of Transportation may establish after consultation with the superintendents of State maritime academies; and

(3) agree in writing to require, as a condition for graduation, that each individual who is a citizen of the United States and who is attending the academy in a merchant marine officer preparation program pass the examination required for the issuance of a license under section 7101 of this title.

(b) ADDITIONAL CONDITION TO PAYMENTS OF MORE THAN \$25,000.—As a condition of receiving an annual payment of more than \$25,000 under section 51505 of this title, a State maritime academy also must agree to admit each year a number of citizens of the United States who meet its admission requirements and reside in a State not supporting that academy. The Sec-

retary shall determine the number of individuals to be admitted by each academy under this subsection. The number may not be more than one-third of the total number of individuals attending the academy at any time.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1579.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51506, 46 App.:1295c(f), June 29, 1936, ch. 858, title XIII, §1304(f), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2004; Pub. L. 101-115, §3(a), Oct. 13, 1989, 103 Stat. 692.

In subsection (a)(3), the words "administered by the Coast Guard" are omitted as unnecessary.

§ 51507. Places of training

The Secretary of Transportation may provide for the training of students attending a State maritime academy—

(1) on vessels owned or subsidized by the United States Government;

(2) on other documented vessels, with the permission of the owner; and

(3) in shipyards or plants and with industrial or educational organizations.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1579.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51507, 46 App.:1295c(c)(3)(A), June 29, 1936, ch. 858, title XIII, §1304(c)(3)(A), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2003.

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

§ 51508. Allowances for students

Under regulations prescribed by the Secretary of Transportation, a student at a State maritime academy shall receive from the Secretary allowances for transportation (including reimbursement of traveling expenses) when traveling under orders to receive training under section 51507 of this title.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1579.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51508, 46 App.:1295c(c)(3)(B), June 29, 1936, ch. 858, title XIII, §1304(c)(3)(B), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2004.

§ 51509. Student incentive payment agreements

(a) GENERAL AUTHORITY.—If a State maritime academy has an agreement with the Secretary of Transportation under section 51505 of this title, the Secretary may make an agreement with a student at the academy who is a citizen of the United States to make student incentive payments to the individual. An agreement with a student may not be effective for more than 4 academic years. The Secretary shall allocate

payments under this section among the various State maritime academies in an equitable manner.

(b) PAYMENTS.—Payments under an agreement under this section shall be equal to \$8,000 each academic year and be paid in such installments as the Secretary shall determine while the individual is attending the academy, as prescribed by the Secretary. The payments shall be used for uniforms, tuition, books, and subsistence.

(c) ENLISTED RESERVE STATUS.—An agreement under this section shall require the student to accept enlisted reserve status in the Navy Reserve (including the Merchant Marine Reserve, Navy Reserve) or the Coast Guard Reserve before receiving any payments under the agreement.

(d) AGREEMENT REQUIREMENTS.—An agreement under this section shall require the student to—

(1) complete the course of instruction at the academy the individual is attending;

(2) take the examination for a license as an officer in the merchant marine of the United States before graduation from the academy and fulfill the requirements for such a license within 3 months after 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) 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 3 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), 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.

(e) FAILURE TO COMPLETE COURSE OF INSTRUCTION.—

(1) ACTIVE DUTY.—If the Secretary of Transportation determines that an individual who has accepted the payments described in subsection (b) for a minimum of 2 academic years has failed to fulfill the part of the agreement described in subsection (d)(1), the individual may be ordered by the Secretary of Defense to serve on active duty in 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 amount of student incentive payments, plus interest and attorney fees. 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.

(f) 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 (d)(2)–(6), the individual may be ordered to serve on active duty for a period of at least 2 years but not more than the unexpired period (as determined by the Secretary) of the service required by subsection (d)(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 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 amount of student incentive payments, plus interest and attorney fees. 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.

(g) 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.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1579; 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, § 3508, Oct. 17, 2006, 120 Stat. 2517; Pub. L. 110-181, div. C, title XXXV, §§ 3523(a)(1), (b), 3526(d), (g), Jan. 28, 2008, 122 Stat. 598, 600, 602; Pub. L. 110-417, div. C, title XXXV, § 3503, Oct. 14, 2008, 122 Stat. 4762; Pub. L. 111-8, div. I, title I, § 177, Mar. 11, 2009, 123 Stat. 944; Pub. L. 111-84, div. C, title XXXV, § 3507, Oct. 28, 2009, 123 Stat. 2721.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51509(a)	46 App.:1295c(g)(1) (words before 5th comma, cl. (A)), (8).	June 29, 1936, ch. 858, title XIII, §1304(g)(1)-(5), (8), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2004, 2006; Pub. L. 97-31, §12(145)(A), Aug. 6, 1981, 95 Stat. 166; Pub. L. 101-115, §2(a)-(d), Oct. 13, 1989, 103 Stat. 691; Pub. L. 102-587, title VI, §6201(a)(1), (b), (c), Nov. 4, 1992, 106 Stat. 5093; Pub. L. 108-136, title XXXV, §3515(d), Nov. 24, 2003, 117 Stat. 1794.
51509(b)	46 App.:1295c(g)(1) (words between 5th comma and dash, cls. (B), (C)).	
51509(c)	46 App.:1295c(g)(2)	
51509(d)	46 App.:1295c(g)(3)	
51509(e)	46 App.:1295c(g)(4)	
51509(f)	46 App.:1295c(g)(5)	
51509(g)	46 App.:1295c(g)(6)	

In subsection (a), the text of 46 App. U.S.C. 1295c(g)(8) is omitted as obsolete.

In subsection (g), 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

2009—Pub. L. 111-84, §3507(a), substituted “and be paid in such installments as the Secretary shall determine” for “and be paid before the start of each academic year, as prescribed by the Secretary,” and “academy, as prescribed by the Secretary,” for “academy.”

Pub. L. 111-8, §177, which directed amendment identical to that made by Pub. L. 110-417, §3503(1), (2), was repealed by Pub. L. 111-84, §3507(b), with Pub. L. 111-8, §177, to have no force or effect. See 2008 Amendment note below.

2008—Pub. L. 110-181, §3526(g), repealed Pub. L. 109-364, §3508. 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. (b). Pub. L. 110-417, §3503(3), inserted “before the start of each academic year” after “and be paid”.

Pub. L. 110-417, §3503(1), (2), substituted “\$8,000” for “\$4,000” and inserted “tuition,” after “uniforms.”

Subsec. (c). Pub. L. 110-181, §3526(d), incorporated the substance of the amendments by Pub. L. 109-364, §3508, into this section by striking out “Midshipman and” before “Enlisted” in heading and “midshipman and” before “enlisted” in text and inserting “or the Coast Guard Reserve” after “Reserve”. 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.

Pub. L. 110-181, §3523(a)(1), incorporated the substance of the amendments 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.

Subsec. (d)(4). Pub. L. 110-181, §3523(a)(1), incorporated the substance of the amendments 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.

2006—Pub. L. 109-364, §3508, which directed the amendment of section 1295c(g)(2) of the former Appendix to this title from which subsec. (c) of this section was derived, was repealed by Pub. L. 110-181, §3526(g). See 2008 Amendment note for subsec. (c) and Historical and Revision notes above.

Pub. L. 109-163, §515(g)(2)(A), which directed the amendment of section 1295c 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 notes for subsecs. (c) and (d)(4) and Historical and Revision notes above.

§ 51510. Deferment of service obligation under student incentive payment agreements

The Secretary of Transportation may defer the service commitment of an individual under section 51509(d)(5) of this title (as specified in the agreement under section 51509) for not more than 2 years if the individual is engaged in a graduate course of study approved by the Secretary. However, deferment of service as a commissioned officer on active duty must be approved by the Secretary of the affected military department (or the Secretary of Commerce, for service with the National Oceanic and Atmospheric Administration).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1581.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51510	46 App.:1295c(g)(7).	June 29, 1936, ch. 858, title XIII, §1304(g)(7), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2006; Pub. L. 97-31, §12(145)(B), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108-136, title XXXV, §3515(d)(7), Nov. 24, 2003, 117 Stat. 1795.

The words “affected military department” are substituted for “military department . . . which has jurisdiction over such service” for clarity and to eliminate unnecessary words.

§ 51511. Midshipman status in the Navy Reserve

A citizen of the United States attending a State maritime academy may be appointed by the Secretary of the Navy as a midshipman in the Navy Reserve (including the Merchant Marine Reserve, Navy Reserve).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1582; Pub. L. 109-163, div. A, title V, §515(g)(2), Jan. 6, 2006, 119 Stat. 3236; Pub. L. 110-181, div. C, title XXXV, §3523(a)(1), (b), Jan. 28, 2008, 122 Stat. 598, 600.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51511	46 App.:1295c(h).	June 29, 1936, ch. 858, title XIII, §1304(h), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2006.

AMENDMENTS

2008—Pub. L. 110-181, §3523(b), repealed Pub. L. 109-163, §515(g)(2). See 2006 Amendment note below.

Pub. L. 110-181, §3523(a)(1), incorporated the substance of the amendment by Pub. L. 109-163, §515(g)(2),