

(2) a vessel engaged in trade or commerce.

(d) EVIDENCE OF FINANCIAL RESPONSIBILITY.—The owner or charterer of a sailing school vessel shall maintain evidence of financial responsibility to meet liability for death or injury to sailing school students and sailing school instructors on a voyage on the vessel. The amount of financial responsibility shall be at least \$50,000 for each student and instructor. Financial responsibility under this subsection may be evidenced by insurance or other adequate financial resources.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1568.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50504(a)	46 App.:446c.	Pub. L. 97-322, title II, §§ 204, 205, 207, Oct. 15, 1982, 96 Stat. 1589.
50504(b)	46 App.:446.	Pub. L. 97-322, title II, § 206, Oct. 15, 1982, 96 Stat. 1590; Pub. L. 98-557, § 34(b), Oct. 30, 1984, 98 Stat. 2876.
50504(c)	46 App.:446b.	
50504(d)	46 App.:446a.	

In subsection (b)(1), the words “parts B, F, and G of subtitle II of this title” are substituted for “the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto” because the relevant provisions of titles 52 and 53 of the Revised Statutes were previously codified in parts B, F, and G of subtitle II of title 46.

In subsection (c), references to 46 App. U.S.C. 291 and 883 are omitted for consistency with section 50503 of the revised title.

PART B—MERCHANT MARINE SERVICE

CHAPTER 511—GENERAL

Sec.	
51101.	Policy.
51102.	Definitions.
51103.	General authority of Secretary of Transportation.
51104.	General authority of Secretary of the Navy.

§ 51101. Policy

It is the policy of the United States that merchant marine vessels of the United States should be operated by highly trained and efficient citizens of the United States and that the United States Navy and the merchant marine of the United States should work closely together to promote the maximum integration of the total seapower forces of the United States.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1568.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51101	46 App.:1126-1(a) (1st sentence). 46 App.:1295 (1st sentence).	Pub. L. 94-361, title VI, § 603(a) (1st sentence), July 14, 1976, 90 Stat. 929. June 29, 1936, ch. 858, title XIII, § 1301 (1st sentence), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1997.

§ 51102. Definitions

In this part:

(1) ACADEMY.—The term “Academy” means the United States Merchant Marine Academy located at Kings Point, New York, and maintained under chapter 513 of this title.

(2) COST OF EDUCATION PROVIDED.—The term “cost of education provided” means the financial costs incurred by the United States Government for providing training or financial assistance to students at the Academy and the State maritime academies, including direct financial assistance, room, board, classroom academics, and other training activities.

(3) MERCHANT MARINE OFFICER.—The term “merchant marine officer” means an individual issued a license by the Coast Guard authorizing service as—

(A) a master, mate, or pilot on a documented vessel that—

(i) is of at least 1,000 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; and

(ii) operates on the oceans or the Great Lakes; or

(B) an engineer officer on a documented vessel propelled by machinery of at least 4,000 horsepower.

(4) STATE MARITIME ACADEMY.—The term “State maritime academy” means—

(A) a State maritime academy or college sponsored by a State and assisted under chapter 515 of this title; and

(B) a regional maritime academy or college sponsored by a group of States and assisted under chapter 515 of this title.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1568.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51102	46 App.:1295a.	June 29, 1936, ch. 858, title XIII, § 1302, as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97-31, § 12(143), Aug. 6, 1981, 95 Stat. 166; Pub. L. 104-324, title VII, § 708, Oct. 19, 1996, 110 Stat. 3934; Pub. L. 108-136, title XXXV, § 3515(a), Nov. 24, 2003, 117 Stat. 1792.

The definition of “Secretary” is omitted as unnecessary because the full title is used the first time the term appears in each section.

In the definition of “merchant marine office”, the words “documented vessel” are substituted for “vessel . . . which is documented under the laws of the United States” because of the definition of “documented vessel” in 46 U.S.C. 2101, which is being moved to chapter 1 of the revised title.

In the definition of “State maritime academy”, the words “or territory of the United States” and “or territories of the United States” are omitted as unnecessary because of the definition of “State” in chapter 1 of the revised title.

§ 51103. General authority of Secretary of Transportation

(a) EDUCATION AND TRAINING.—The Secretary of Transportation may provide for the education and training of citizens of the United States for the safe and efficient operation of the merchant marine of the United States at all times, including operation as a naval and military auxiliary in time of war or national emergency.

(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

(1) IN GENERAL.—The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels, if such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.

(2) INSTITUTIONS.—The institutions referred to in paragraph (1) are—

(A) the United States Merchant Marine Academy;

(B) a State maritime academy; and

(C) a nonprofit training institution or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof jointly approved by the Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating as offering training courses that meet Federal regulations for maritime training.

(c) ASSISTANCE FROM OTHER AGENCIES.—

(1) IN GENERAL.—The Secretary of Transportation may secure directly from an agency, on a reimbursable basis, information, facilities, and equipment necessary to carry out this part.

(2) DETAILING PERSONNEL.—At the request of the Secretary, the head of an agency (including a military department) may detail, on a reimbursable basis, personnel from the agency to the Secretary to assist in carrying out this part.

(d) ACADEMY PERSONNEL.—To carry out this part, the Secretary may—

(1) employ an individual as a professor, lecturer, or instructor at the Academy, without regard to the provisions of title 5 governing appointments in the competitive service; and

(2) pay the individual without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(e) DONATION FOR HISTORICAL PURPOSES.—

(1) IN GENERAL.—The Secretary may convey the right, title, and interest of the United States Government in any property administered by the Maritime Administration, except real estate or vessels, if—

(A) the Secretary determines that such property is not needed by the Maritime Administration; and

(B) the recipient—

(i) is a nonprofit organization, a State, or a political subdivision of a State;

(ii) agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos,

polychlorinated biphenyls, or lead paint, after conveyance of the property;

(iii) provides a description and explanation of the intended use of the property to the Secretary for approval;

(iv) has provided to the Secretary proof, as determined by the Secretary, of resources sufficient to accomplish the intended use provided under clause (iii) and to maintain the property;

(v) agrees that when the recipient no longer requires the property, the recipient shall—

(I) return the property to the Secretary, at the recipient's expense and in the same condition as received except for ordinary wear and tear; or

(II) subject to the approval of the Secretary, retain, sell, or otherwise dispose of the property in a manner consistent with applicable law; and

(vi) agrees to any additional terms the Secretary considers appropriate.

(2) REVERSION.—The Secretary shall include in any conveyance under this subsection terms under which all right, title, and interest conveyed by the Secretary shall revert to the Government if the Secretary determines the property has been used other than as approved by the Secretary under paragraph (1)(B)(iii).

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1569; Pub. L. 112–213, title IV, §404, Dec. 20, 2012, 126 Stat. 1570; Pub. L. 113–281, title III, §302, Dec. 18, 2014, 128 Stat. 3042.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51103(a)	46 App.:1295 (last sentence cl. (1)).	June 29, 1936, ch. 858, title XIII, §1301 (last sentence cl. (1)), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97–31, §12(142)(A), Aug. 6, 1981, 95 Stat. 166.
51103(b)	46 App.:1295g(b).	June 29, 1936, ch. 858, title XIII, §1308(b)–(d), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 2007.
51103(c)	46 App.:1295g(c).	
51103(d)	46 App.:1295g(d).	

In subsection (c), the word “department” is omitted as unnecessary because of the definition of “agency” in chapter 1 of the revised title.

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–281 added subsec. (e).

2012—Subsec. (b). Pub. L. 112–213, §404(1), struck out “Surplus” before “Property” in heading.

Subsec. (b)(1). Pub. L. 112–213, §404(2), amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, shipboard equipment, and other marine equipment, owned by the United States Government and determined to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms the Secretary considers appropriate.”

Subsec. (b)(2)(C). Pub. L. 112–213, §404(3), inserted “or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof” after “a nonprofit training institution”.

§ 51104. General authority of Secretary of the Navy

The Secretary of the Navy, in cooperation with the Maritime Administrator and the head of each State maritime academy, shall ensure that—

(1) the training of future merchant marine officers at the United States Merchant Marine Academy and at State maritime academies includes programs for naval science training in the operation of merchant vessels as a naval and military auxiliary; and

(2) naval officer training programs for future officers, insofar as possible, are maintained at designated maritime academies consistent with Navy standards and needs.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1570.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51104	46 App.:1126-1(a) (last sentence), (b). 46 App.:1295 (last sentence cl. (2)).	Pub. L. 94-361, title VI, §603(a) (last sentence), (b), July 14, 1976, 90 Stat. 929; Pub. L. 97-31, §12(76), Aug. 6, 1981, 95 Stat. 160. June 29, 1936, ch. 858, title XIII, §1301 (last sentence cl. (2)), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97-31, §12(142)(B), Aug. 6, 1981, 95 Stat. 166.

CHAPTER 513—UNITED STATES MERCHANT MARINE ACADEMY

Sec.	
51301.	Maintenance of the Academy.
51302.	Nomination and competitive appointment of cadets.
51303.	Non-competitive appointments.
51304.	Additional appointments from particular areas.
51305.	Prohibited basis for appointment.
51306.	Cadet commitment agreements.
51307.	Places of training.
51308.	Uniforms, textbooks, and transportation allowances.
51309.	Academic degree.
51310.	Deferment of service obligation under cadet commitment agreements.
51311.	Midshipman status in the Navy Reserve.
51312.	Board of Visitors.
51313.	Advisory Board.
51314.	Limitation on charges and fees for attendance.
51315.	Gifts to the Merchant Marine Academy.
51316.	Temporary appointments to the Academy.
51317.	Adjunct professors.
51318.	Policy on sexual harassment and sexual assault.
51319.	Sexual assault response coordinators and sexual assault victim advocates.

AMENDMENTS

2016—Pub. L. 114-328, div. C, title XXXV, §§3510(b), 3511(b), Dec. 23, 2016, 130 Stat. 2785, 2786, added items 51318 and 51319.

2011—Pub. L. 111-383, div. A, title X, §1075(d)(25), Jan. 7, 2011, 124 Stat. 4374, amended Pub. L. 111-84, §3503(b)(1). See 2009 Amendment note below.

2009—Pub. L. 111-84, div. C, title XXXV, §3503(b)(1), Oct. 28, 2009, 123 Stat. 2719, as amended by Pub. L. 111-383, div. A, title X, §1075(d)(25), Jan. 7, 2011, 124 Stat. 4374, added item 51317.

2008—Pub. L. 110-417, div. C, title XXXV, §3506(g)(2), (h)(2), Oct. 14, 2008, 122 Stat. 4765, added items 51315 and 51316.

Pub. L. 110-181, div. C, title XXXV, §3523(a)(1), Jan. 28, 2008, 122 Stat. 598, substituted “Navy Reserve” for “Naval Reserve” in item 51311.

§ 51301. Maintenance of the Academy

(a) IN GENERAL.—The Secretary of Transportation shall maintain the United States Merchant Marine Academy as an institution of higher education to provide instruction to individuals to prepare them for service in the merchant marine of the United States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.

(b) RECRUITMENT.—The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.

(c) SUPERINTENDENT.—

(1) IN GENERAL.—The immediate command of the United States Merchant Marine Academy shall be in the Superintendent of the Academy, subject to the direction of the Maritime Administrator under the general supervision of the Secretary of Transportation.

(2) APPOINTMENT.—The Secretary of Transportation shall appoint as the Superintendent—

(A) an individual who has—

- (i) attained a general or flag officer rank in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; and
- (ii) served at sea in any rank;

(B) an individual who has—

- (i)(I) served at sea in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; or
- (II) held a valid Coast Guard merchant mariner credential; and
- (ii) demonstrated exemplary leadership in the education of individuals in the Armed Forces or United States merchant marine; or

(C) if a qualified individual described in subparagraph (A) or (B) does not apply for the position, an individual who has—

- (i) attained the grade of captain or above in the Navy, Coast Guard, or National Oceanic and Atmospheric Administration or colonel or above in the Army, Air Force, or Marine Corps; and
- (ii) served at sea in any grade.

(3) RULE OF CONSTRUCTION.—Notwithstanding paragraph (2), the Secretary of Transportation may appoint an individual who is the best qualified candidate, even if such individual does not fully meet the criteria described in paragraph (2).

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1570; Pub. L. 111–383, div. C, title XXXV, §3504, Jan. 7, 2011, 124 Stat. 4518; Pub. L. 112–81, div. C, title XXXV, §3503, Dec. 31, 2011, 125 Stat. 1716; Pub. L.