

§ 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.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), 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.

(2) **EXCEPTION.**—The Secretary may modify the payments made to an individual under paragraph (1), but the total amount of payments to that individual may not exceed \$32,000.

(3) **AUTHORIZED USES.**—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 Strategic Sealift Officer Program, 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) obtain a merchant mariner license, without limitation as to tonnage or horsepower, from the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certification required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation, within three months of completion of the course of instruction at the academy the individual is attending;

(3) for at least 6 years after graduation from the academy, maintain—

(A) a valid merchant mariner license, unlimited as to horsepower or tonnage, issued by the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certifications required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation;

(B) a valid transportation worker identification credential; and

(C) a Coast Guard medical certificate;

(4) apply for, and accept, if tendered, an appointment as a commissioned officer in the Navy Reserve (including the Strategic Sealift Officer Program, Navy Reserve), the Coast Guard Reserve, or any other reserve compo-

ment of an armed force of the United States, and, if tendered the appointment, to serve and meet the participation requirements and to maintain active status in good standing, as determined by the program manager of the appropriate military service, for at least 8 years after the date of commissioning;

(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.**—

(A) **IN GENERAL.**—The Secretary of Defense may order an individual to serve on active duty in the armed forces of the United States for a period of not more than 2 years if—

(i) the individual has attended an academy under this section for more than 2 academic years, but less than 3 academic years;

(ii) the individual has accepted the payments described in subsection (b) in an amount totaling at least \$8,000; and

(iii) the Secretary of Transportation has determined that the individual has failed to fulfill the part of the agreement described in subsection (d)(1).

(B) **3 OR MORE YEARS.**—The Secretary of Defense may order an individual to serve on active duty in the armed forces of the United States for a period of not more than 3 years if—

(i) the individual has attended an academy under this section for 3 or more academic years;

(ii) the individual has accepted the payments described in subsection (b) in an amount totaling at least \$16,000; and

(iii) the Secretary of Transportation has determined that the individual has failed to fulfill the part of the agreement described in subsection (d)(1).

(C) **HARDSHIP WAIVER.**—In cases of hardship as determined by the Secretary of Transpor-

tation, 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.

(h) ALTERNATIVE SERVICE.—

(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from an 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 (d).

(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and

conditions set forth in subsection (d) through the imposition of alternative service requirements.

(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; Pub. L. 114–92, div. C, title XXXV, §3507, Nov. 25, 2015, 129 Stat. 1221.)

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

2015—Subsec. (b). Pub. L. 114–92, §3507(1), designated first sentence as par. (1) and last sentence as par. (3), inserted headings, realigned margins, in par. (1), substituted “Except as provided in paragraph (2), payments” for “Payments”, and added par. (2).

Subsec. (c). Pub. L. 114–92, §3507(2), substituted “Strategic Sealift Officer Program” for “Merchant Marine Reserve”.

Subsec. (d)(2). Pub. L. 114–92, §3507(3)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “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;”.

Subsec. (d)(3). Pub. L. 114–92, §3507(3)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “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;”.

Subsec. (d)(4). Pub. L. 114–92, §3507(3)(C), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “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 appoint-

ment, to serve for at least 6 years after graduation from the academy.”

Subsec. (e)(1). Pub. L. 114-92, § 3507(4), amended par. (1) generally. Prior to amendment, text read as follows: “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.”

Subsec. (h). Pub. L. 114-92, § 3507(5), added subsec. (h). 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 Sec-

retary. 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), into this section by substituting “Navy Reserve” for “Naval Reserve” wherever appearing in section catchline and text. 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, § 515(g)(2), 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 and Historical and Revision notes above.

CHAPTER 517—OTHER SUPPORT FOR MERCHANT MARINE TRAINING

Sec.	
51701.	United States Maritime Service.
51702.	Civilian nautical schools.
51703.	Additional training.
51704.	Training for maritime oil pollution prevention, response, and clean-up.
51705.	Training program for use of force against piracy. ¹

¹ So in original. Does not conform to section catchline.