

tutions 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.
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- 51312. Board of Visitors.
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- 51314. Limitation on charges and fees for attendance.
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- 51316. Temporary appointments to the Academy.
- 51317. Adjunct professors.
- 51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.
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- 51321. Grants for scientific and educational research.

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- 51322. Protection of cadets from sexual assault on-board vessels.
- 51323. United States Merchant Marine Academy Advisory Council.
- 51324. Unfilled vacancies.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. C, title XXXV, § 3501(c)(2), Dec. 27, 2021, 135 Stat. 2238, added items 51323 and 51324.
2017—Pub. L. 115-91, div. C, title XXXV, §§ 3510(b), 3512(b), 3514(d)(2), 3516(b), Dec. 12, 2017, 131 Stat. 1918, 1919, 1923, 1928, added items 51318 and 51320 to 51322 and struck out former item 51318 “Policy on sexual harassment and sexual assault”.

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 the rank of Captain, Chief Mate, or Chief Engineer in the merchant marine of the United States, or 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 merchant marine, 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 merchant marine, 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. 112-239, div. A, title X, § 1076(i), Jan. 2, 2013, 126 Stat. 1955; Pub. L. 114-328, div. C, title XXXV, § 3506(a), Dec. 23, 2016, 130 Stat. 2777; Pub. L. 116-283, div. C, title XXXV, § 3503(b), Jan. 1, 2021, 134 Stat. 4399.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51301	46 App. 1295b(a).	June 29, 1936, ch. 858, title XIII, § 1303(a), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1998.

Editorial Notes

AMENDMENTS

2021—Subsec. (c)(2)(A)(i). Pub. L. 116-283, § 3503(b)(1), inserted “the rank of Captain, Chief Mate, or Chief Engineer in the merchant marine of the United States, or” after “attained”.

Subsec. (c)(2)(B)(i)(I), (C)(i). Pub. L. 116-283, § 3503(b)(2), inserted “merchant marine,” before “Navy”.

2016—Subsec. (c). Pub. L. 114-328 added subsec. (c).

2013—Subsec. (a). Pub. L. 112-239 substituted “IN GENERAL” for “IN GENERAL” in heading.

2011—Pub. L. 112-81 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 111-383 inserted “as an institution of higher education” after “Academy” and substituted “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.” for “States.”

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 114-328, div. C, title XXXV, § 3506(b), Dec. 23, 2016, 130 Stat. 2777, provided that: “Nothing in this section [amending this section] may be construed to require any change to the current leadership of the United States Merchant Marine Academy.”

CONCURRENT JURISDICTION

Pub. L. 115-232, div. C, title XXXV, § 3506, Aug. 13, 2018, 132 Stat. 2309, provided that: “Notwithstanding any other law, the Secretary of Transportation may relinquish, at the Secretary’s discretion, to the State of New York, such measure of legislative jurisdiction over the lands constituting the United States Merchant Marine Academy in King’s Point, New York, as is necessary to establish concurrent jurisdiction between the Federal Government and the State of New York. Such partial relinquishment of legislative jurisdiction shall be accomplished—

“(1) by filing with the Governor of New York a notice of relinquishment to take effect upon acceptance thereof; or

“(2) as the laws of that State may provide.”

CLASS PROFILES

Pub. L. 114-328, div. C, title XXXV, § 3516(b), Dec. 23, 2016, 130 Stat. 2789, provided that:

“(1) IN GENERAL.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy’s public website a profile of each class at the Academy.

“(2) CONTENTS.—Each profile posted under paragraph (1) shall include, for the incoming class of the Academy and for the 4 classes that preceded that class at the Academy, the number and percentage of students by—

“(A) State;

“(B) country;

“(C) gender;

“(D) race and ethnicity; and

“(E) prior military service.”

§ 51302. Nomination and competitive appointment of cadets

(a) REQUIREMENTS.—An individual may be nominated for a competitive appointment as a cadet at the United States Merchant Marine Academy only if the individual—

(1) is a citizen or national of the United States; and

(2) meets the minimum requirements that the Secretary of Transportation shall establish.

(b) NOMINATORS.—Nominations for competitive appointments for the positions allocated under subsection (c) may be made as follows:

(1) A Senator may nominate residents of the State represented by that Senator.

(2) A Member of the House of Representatives may nominate residents of the State in which the congressional district represented by that Member is located.

(3) A Delegate to the House of Representatives from the District of Columbia, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa may nominate residents of the jurisdiction represented by that Delegate.

(4) The Resident Commissioner to the United States from Puerto Rico may nominate residents of Puerto Rico.

(5) The Panama Canal Commission may nominate—

(A) residents, or sons or daughters of residents, of an area or installation in Panama and made available to the United States under the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Con-