

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-

cerning Air Traffic Control and Related Services, concluded January 8, 1979; and

(B) sons or daughters of personnel of the United States Government and the Panama Canal Commission residing in Panama.

(c) ALLOCATION OF POSITIONS.—Positions for competitive appointments shall be allocated each year as follows:

(1) Positions shall be allocated for residents of each State nominated by the Members of Congress from that State in proportion to the representation in Congress from that State.

(2) Four positions shall be allocated for residents of the District of Columbia nominated by the Delegate to the House of Representatives from the District of Columbia.

(3) One position each shall be allocated for residents of the Virgin Islands, Guam, and American Samoa nominated by the Delegates to the House of Representatives from the Virgin Islands, Guam, and American Samoa, respectively.

(4) One position shall be allocated for a resident of Puerto Rico nominated by the Resident Commissioner to the United States from Puerto Rico.

(5) One position shall be allocated for a resident of the Northern Mariana Islands nominated by the Governor of the Northern Mariana Islands.

(6) Two positions shall be allocated for individuals nominated by the Panama Canal Commission.

(d) COMPETITIVE SYSTEM FOR APPOINTMENT.—

(1) ESTABLISHMENT OF SYSTEM.—The Secretary shall establish a competitive system for selecting individuals nominated under subsection (b) to fill the positions allocated under subsection (c). The system must determine the relative merit of each individual based on competitive examinations, an assessment of the individual's academic background, and other effective indicators of motivation and probability of successful completion of training at the Academy.

(2) APPOINTMENTS BY JURISDICTION.—The Secretary shall appoint individuals to fill the positions allocated under subsection (c) for each jurisdiction in the order of merit of the individuals nominated from that jurisdiction.

(3) REMAINING UNFILLED POSITIONS.—If positions remain unfilled after the appointments are made under paragraph (2), the Secretary shall appoint individuals to fill the positions in the order of merit of the remaining individuals nominated from all jurisdictions.

(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS.—When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1570; Pub. L. 111-383, div. C, title XXXV, §3503, Jan. 7, 2011, 124 Stat. 4518; Pub. L. 114-328, div. A, title V, §566(d), Dec. 23, 2016, 130 Stat. 2139.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51302(a)	46 App.:1295b(b)(1)(A).	June 29, 1936, ch. 858, title XIII, §1303(b)(1)-(3)(A), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1998; Pub. L. 101-595, title VII, §708(1), (2), Nov. 16, 1990, 104 Stat. 2995.
	46 App.:1295b(b)(2)(A) (related to nominations).	
51302(b)	46 App.:1295b(b)(1) (less cl. (A)).	
	46 App.:1295b(b)(3)(A)(ii) (related to who may be nominated).	
51302(c)	46 App.:1295b(b)(3)(A) (less (ii) (related to who may be nominated)).	
51302(d)	46 App.:1295b(b)(2)(A) (related to selection), (B), (3)(B), (C).	

In subsection (b)(6)(A), the words “residents, or sons or daughters of residents, of an area or installation” are substituted for “a resident of the area or installation” in 46 App. U.S.C. 1295b(b)(1)(B) and “sons or daughters of residents of any area or installation” in 46 App. U.S.C. 1295b(b)(3)(A)(ii) to resolve an inconsistency in the source law and to conform to the probable intent of Congress. Although 46 App. U.S.C. 1295b(b)(1)(B) provides that a nominee must be a resident, 46 App. U.S.C. 1295b(b)(3)(A)(ii) allocates positions only for sons or daughters of residents.

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 applicable with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after Jan. 1, 2018, see section 566(e) of Pub. L. 114-328, set out as a note under section 7442 of Title 10, Armed Forces.

§ 51303. Non-competitive appointments

(a) IN GENERAL.—The Secretary of Transportation may appoint each year without competition as cadets at the United States Merchant Marine Academy not more than 50 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.

(b) APPOINTMENT OF CANDIDATES SELECTED FOR PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of Transportation may appoint each year as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals sponsored by the Academy to attend preparatory school during the academic year prior