

ing from sexual assault or sexual harassment, for which the individual has been treated or is being treated by a medical or psychological provider.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1574; Pub. L. 111–84, div. C, title XXXV, §3514, Oct. 28, 2009, 123 Stat. 2724; Pub. L. 117–263, div. C, title XXXV, §3511, Dec. 23, 2022, 136 Stat. 3065.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51309(a)	46 App.:1295b(g)(1).	June 29, 1936, ch. 858, title XIII, §1303(g), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 2002; restated Pub. L. 108–136, title XXXV, §3515(c), Nov. 24, 2003, 117 Stat. 1794.
51309(b)	46 App.:1295b(g)(2).	June 29, 1936, ch. 858, title XIII, §1303(b)(8), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 99–368, §5, Aug. 1, 1986, 100 Stat. 776.
51309(c)	46 App.:1295b(b)(8).	

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117–263, §3511(1), in heading, inserted “or psychological” after “physical”, and, in text, inserted “able or” before “allowed” and substituted “solely due to a documented medical or psychological condition shall” for “only because of physical disqualification may”.

Subsec. (d). Pub. L. 117–263, §3511(2), added subsec. (d).

2009—Subsec. (b). Pub. L. 111–84 inserted before last sentence “Nonappropriated funds received for this purpose shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of nonappropriated fund receipts and all associated expenses.”

§ 51310. Deferment of service obligation under cadet commitment agreements

The Secretary of Transportation may defer the service commitment of an individual under section 51306(a)(5) of this title (as specified in the cadet commitment agreement) 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 under section 51306(a)(5) must be approved by the Secretary of the military department that has jurisdiction over the service or by the Secretary of Commerce for service with the National Oceanic and Atmospheric Administration.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1575.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51310	46 App.:1295b(e)(5).	June 29, 1936, ch. 858, title XIII, §1303(e)(5), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 2001; Pub. L. 97–31, §12(144)(B), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108–136, title XXXV, §3515(b)(6), Nov. 24, 2003, 117 Stat. 1793.

§ 51311. Midshipman status in the Navy Reserve

(a) APPLICATION REQUIREMENT.—Before being appointed as a cadet at the United States Merchant Marine Academy, a citizen of the United States must agree to apply for midshipman status in the Navy Reserve (including the Merchant Marine Reserve, Navy Reserve).

(b) APPOINTMENT.—

(1) IN GENERAL.—A citizen of the United States appointed as a cadet at the Academy shall be appointed by the Secretary of the Navy as a midshipman in the Navy Reserve (including the Merchant Marine Reserve, Navy Reserve).

(2) RIGHTS AND PRIVILEGES.—The Secretary of the Navy shall provide for cadets of the Academy who are midshipmen in the United States Navy Reserve to be—

(A) issued an identification card (referred to as a “military ID card”); and

(B) entitled to all rights and privileges in accordance with the same eligibility criteria as apply to other members of the Ready Reserve of the reserve components of the armed forces.

(3) COORDINATION.—The Secretary of the Navy shall carry out paragraphs (1) and (2) in coordination with the Secretary of Transportation.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1575; 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)
51311(a)	46 App.:1295b(b)(3)(F).	June 29, 1936, ch. 858, title XIII, §1303(b)(3)(F), (c), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 1999, 2000; Pub. L. 105–261, div. A, title V, §568, Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106–65, div. A, title X, §1066(b)(5), Oct. 5, 1999, 113 Stat. 772.
51311(b)	46 App.:1295b(c).	

Editorial Notes

AMENDMENTS

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

Subsecs. (a), (b)(1), (2). 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 1295b 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 subsecs. (a), (b)(1), (2) and Historical and Revision notes above.

§ 51312. Board of Visitors

(a) IN GENERAL.—There shall be a Board of Visitors to the United States Merchant Marine Academy (referred to in this section as the

“Board” and the “Academy”, respectively) to provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of—

(A) 2 Senators appointed by the Chairman of the Committee on Commerce, Science, and Transportation of the Senate in consultation with the ranking member of such Committee;

(B) 3 Members of the House of Representatives appointed by the Chairman of the Committee on Armed Services of the House of Representatives in consultation with the ranking member of such Committee;

(C) 1 Senator appointed by the Vice President, who shall be a member of the Committee on Appropriations of the Senate;

(D) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader, at least 1 of whom shall be a member of the Committee on Appropriations of the House of Representatives;

(E) 5 individuals appointed by the President; and

(F) as ex officio members—

(i) the Commander of the Military Sealift Command;

(ii) the Deputy Commandant for Operations of the Coast Guard;

(iii) the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

(iv) the chairman of the Committee on Armed Services of the House of Representatives;

(v) the chairman of the Advisory Board to the Academy established under section 51313; and

(vi) the Member of the House of Representatives for the congressional district in which the Academy is located, as a non-voting member, unless such Member of the House of Representatives is appointed as a voting member of the Board under subparagraph (B) or (D).

(2) PRESIDENTIAL APPOINTEES.—Of the individuals appointed by the President under paragraph (1)(E)—

(A) at least 2 shall be graduates of the Academy;

(B) at least 1 shall be a senior corporate officer from a United States maritime shipping company that participates in the Maritime Security Program, or in any Maritime Administration program providing incentives for companies to register their vessels in the United States, and this appointment shall rotate biennially among such companies;

(C) at least 1 shall be a representative of a maritime labor organization; and

(D) 1 or more may be a Senate-confirmed Presidential appointee, a member of the Senior Executive Service, or an officer of flag-rank from the Coast Guard, the National Oceanic and Atmospheric Administration, or any of the military services that

commission graduates of the Academy, other than the individuals who are members of the Board under clauses (i) and (ii) of paragraph (1)(F).

(3) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board, other than an ex officio member under paragraph (1)(F), shall serve for a term of 2 years commencing at the beginning of each Congress.

(B) CONTINUATION OF SERVICE.—Any member described in subparagraph (A) whose term on the Board has expired, other than a member appointed under any of subparagraphs (A) through (D) of paragraph (1) who is no longer a Member of Congress, shall continue to serve until a successor is appointed.

(C) REPLACEMENT.—If a member of the Board is replaced, not later than 60 days after the date of the replacement, the Designated Federal Officer selected under subsection (g)(2) shall notify that member.

(4) VACANCIES.—If a member of the Board is no longer able to serve on the Board or resigns, the Designated Federal Officer selected under subsection (g)(2) shall immediately notify the person who appointed such member. Not later than 60 days after that notification, such person shall designate a replacement to serve the remainder of such member’s term.

(5) DESIGNATION AND RESPONSIBILITY OF SUBSTITUTE BOARD MEMBERS.—

(A) AUTHORITY TO DESIGNATE.—A member of the Board under clause (i) or (ii) of paragraph (1)(F) or appointed under subparagraph (B) or (C) of paragraph (2) may, if unable to attend or participate in an activity described in subsection (d), (e), or (f), designate another individual to serve as a substitute member of the Board, on a temporary basis, to attend or participate in such activity.

(B) REQUIREMENTS.—A substitute member of the Board designated under subparagraph (A) shall be—

(i) an individual serving in a position for which the individual was appointed by the President and confirmed by the Senate;

(ii) a member of the Senior Executive Service; or

(iii) an officer of flag-rank who is employed by—

(I) the Coast Guard; or

(II) the Military Sealift Command.

(C) PARTICIPATION.—A substitute member of the Board designated under subparagraph (A)—

(i) shall be permitted by the Board to fully participate in the proceedings and activities of the Board;

(ii) shall report to the member that designated the substitute member on the Board’s activities not later than 15 days following the substitute member’s participation in such activities; and

(iii) shall be permitted by the Board to participate in the preparation of reports

described in paragraph¹ (j) related to any proceedings or activities of the Board in which such substitute member participates.

(c) CHAIRPERSON.—

(1) IN GENERAL.—On a biennial basis and subject to paragraph (2), the Board shall select from among its members a Member of the House of Representatives or a Senator to serve as the Chairperson.

(2) ROTATION.—A Member of the House of Representatives and a Member of the Senate shall alternately be selected as the Chairperson of the Board.

(3) TERM.—An individual may not serve as Chairperson for consecutive terms.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet as provided for in the Charter adopted under paragraph (2)(B), including at least 1 meeting held at the Academy and 2 additional meetings, which may be held in person or virtually.

(2) CHAIRPERSON AND CHARTER.—The Designated Federal Officer selected under subsection (g)(2) shall organize a meeting of the Board for the purposes of—

(A) selecting a Chairperson under subsection (c); and

(B) adopting an official Charter for the Board, which shall establish the schedule of meetings of the Board.

(3) SCHEDULING; NOTIFICATION.—When scheduling a meeting of the Board, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the meeting. Members of the Board shall be notified of the date of each meeting not less than 30 days prior to the meeting date.

(e) VISITING THE ACADEMY.—

(1) ANNUAL VISIT.—The Board shall visit the Academy annually on a date selected by the Board, in consultation with the Secretary of Transportation and the Superintendent of the Academy.

(2) OTHER VISITS.—In cooperation with the Superintendent, the Board or its members may make other visits to the Academy in connection with the duties of the Board.

(3) ACCESS.—While visiting the Academy under this subsection, members of the Board shall have reasonable access to the grounds, facilities, midshipmen, faculty, staff, and other personnel of the Academy for the purpose of carrying out the duties of the Board.

(4) STAFF.—One or more staff of each member of the Board may accompany them on Academy visits.

(5) SCHEDULING; NOTIFICATION.—When scheduling a visit to the Academy, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the visit. Members of the Board shall be notified of the date of each visit not less than 30 days prior to the visit date.

(f) RESPONSIBILITY.—The Board shall inquire into the state of morale and discipline, the cur-

riculum, instruction, physical equipment, fiscal affairs, and academic methods of the Academy, and other matters relating to the Academy that the Board decides to consider.

(g) DEPARTMENT OF TRANSPORTATION SUPPORT.—The Secretary of Transportation shall—

(1) provide support as deemed necessary by the Board for the performance of the Board's functions;

(2) select a Designated Federal Officer to support the performance of the Board's functions; and

(3) in cooperation with the Maritime Administrator and the Superintendent of the Academy, advise the Board of any institutional issues, consistent with applicable laws concerning the disclosure of information.

(h) STAFF.—Each of the chairman and ranking member of the Committee on Commerce, Science, and Transportation of the Senate and the chairman and ranking member of the Committee on Armed Services of the House of Representatives may designate staff members of such Committee to serve, without additional reimbursement (except as provided in subsection (i)), as staff for the Board. Such staff may attend meetings and may visit the Academy.

(i) TRAVEL EXPENSES.—While serving away from his or her home or regular place of business, a member of the Board or a staff member designated under subsection (h) shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

(j) REPORTS.—

(1) ANNUAL REPORT.—Not later than 60 days after each annual visit required under subsection (e)(1), the Board shall submit to the President a written report of its actions, views, and recommendations pertaining to the Academy.

(2) OTHER REPORTS.—If the members of the Board visit the Academy under subsection (e)(2), the Board may—

(A) prepare a report on such visit; and

(B) if approved by a majority of the members of the Board, submit such report to the President not later than 60 days after the date of the approval.

(3) ADVISORS.—The Board may call in advisers—

(A) for consultation regarding the execution of the Board's responsibility under subsection (f); or

(B) to assist in the preparation of a report described in paragraph (1) or (2).

(4) SUBMISSION.—A report submitted to the President under paragraph (1) or (2) shall be concurrently submitted to—

(A) the Secretary of Transportation;

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Committee on Armed Services of the House of Representatives.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1575; Pub. L. 113-291, div. C, title XXXV, §3504(a), Dec. 19, 2014, 128 Stat. 3905; Pub. L. 117-263, div. C, title XXXV, §3512, Dec. 23, 2022, 136 Stat. 3065.)

¹ So in original. Probably should be "subsection".

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51312	46 App.:1295b(h).	June 29, 1936, ch. 858, title XIII, §1303(h), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97-35, title XVI, §1607, Aug. 13, 1981, 95 Stat. 752; Pub. L. 101-595, title VII, §703, Nov. 16, 1990, 104 Stat. 2994.

The words “Committee on Armed Services” are substituted for “Committee on Merchant Marine and Fisheries” to reflect changes in committee structure made by the 104th Congress.

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(2)(C). Pub. L. 117-263, §3512(1)(A)(iii), (iv), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(2)(D). Pub. L. 117-263, §3512(1)(A)(i), (ii), redesignated subpar. (C) as (D) and substituted “flag-rank” for “flag-rank who”.

Subsec. (b)(3)(C). Pub. L. 117-263, §3512(1)(B), added subpar. (C).

Subsec. (d)(1). Pub. L. 117-263, §3512(2)(A), inserted “and 2 additional meetings, which may be held in person or virtually” after “Academy”.

Subsec. (d)(3). Pub. L. 117-263, §3512(2)(B), added par. (3).

Subsec. (e)(4), (5). Pub. L. 117-263, §3512(3), added pars. (4) and (5).

Subsec. (h). Pub. L. 117-263, §3512(4), inserted “and ranking member” after “chairman” in two places and inserted at end “Such staff may attend meetings and may visit the Academy.”

2014—Pub. L. 113-291 amended section generally. Prior to amendment, section related to the Board of Visitors and consisted of subsecs. (a) to (d) relating to establishment of the Board, appointment of board members, designation of staff members to the board, and travel expenses, respectively.

Statutory Notes and Related Subsidiaries

DEADLINES; CONTINUATION OF SERVICE

Pub. L. 113-291, div. C, title XXXV, §3504(b), (c), Dec. 19, 2014, 128 Stat. 3909, provided that:

“(b) DEADLINES.—

“(1) SELECTION OF DESIGNATED FEDERAL OFFICER.—The Secretary of Transportation shall select a Designated Federal Officer under subsection (g)(2) of section 51312 of title 46, United States Code, as amended by this Act, by not later than 30 days after the date of the enactment of this Act [Dec. 19, 2014].

“(2) APPOINTMENT OF MEMBERS.—Appointments under subsection (b)(1) of such section shall be completed by not later than 60 days after the date of the enactment of this Act.

“(3) ORGANIZATION OF FIRST MEETING.—Such Designated Federal Officer shall organize a meeting of the Board under section (d)(2) of such section by not later than 60 days after the date of the enactment of this Act.

“(c) CONTINUATION OF SERVICE OF CURRENT MEMBERS.—Each member of the Board of Visitors serving as a member of the Board on the date of the enactment of this Act shall continue to serve on the Board for the remainder of such member’s term.”

§ 51313. Advisory Board

(a) IN GENERAL.—An Advisory Board to the United States Merchant Marine Academy shall be established to visit the Academy at least once during each academic year, for the purpose

of examining the course of instruction and management of the Academy and advising the Maritime Administrator and the Superintendent of the Academy.

(b) APPOINTMENT AND TERMS.—The Board shall be composed of not more than 7 individuals appointed by the Secretary of Transportation. The individuals must be distinguished in education and other fields related to the Academy. Members of the Board shall be appointed for terms of not more than 3 years and may be reappointed. The Secretary shall designate one of the members as chairman.

(c) TRAVEL EXPENSES.—When serving away from home or regular place of business, a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(d) RELATIONSHIP TO OTHER LAW.—Chapter 10 of title 5 does not apply to the Board.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1576; Pub. L. 117-286, §4(a)(292), Dec. 27, 2022, 136 Stat. 4338.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51313	46 App.:1295b(i).	June 29, 1936, ch. 858, title XIII, §1303(i), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97-31, §12(14)(C), Aug. 6, 1981, 95 Stat. 166.

Editorial Notes

AMENDMENTS

2022—Subsec. (d). Pub. L. 117-286 substituted “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 App. U.S.C.)”.

§ 51314. Limitation on charges and fees for attendance

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the United States Merchant Marine Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees. The Secretary of Transportation shall present at the next meeting of the Board of Visitors, and post on a publicly available website, any change made by the Academy in the amount of a charge or fee authorized under this subsection. Such fees shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1576; Pub. L. 111-84, div. C, title XXXV, §3510, Oct. 28,