

ommendations referred to in subsection (c)(1). The prioritization and implementation plan shall—

“(i) be developed using the strategies, processes, and systems developed pursuant to an agreement entered into under paragraph (1);

“(ii) include estimated timelines and cost estimates for the implementation of priority goals;

“(iii) include summaries of stakeholder and interagency engagement used to assess goals and timelines;

“(iv) with respect to any recommendation the Superintendent determines is not relevant to the Maritime Administration, include an explanation for the determination; and

“(v) submitted to the Inspector General of the Department of Transportation and the appropriate congressional committees and made publicly available.

“(B) AUDIT AND REPORT.—The Inspector General of the Department of Transportation shall—

“(i) not later than 180 days after the date on which the prioritization and implementation plan described in subparagraph (A) is made publicly available, initiate an audit of the actions taken by the Maritime Administration to address such plan;

“(ii) monitor the actions taken by the Maritime Administration to implement recommendations contained in the audit required under clause (i) and in prior audits of the Maritime Administration’s implementation of National Academy of Public Administration recommendations and periodically initiate subsequent audits of the continued actions taken by the Maritime Administration to address the prioritization and implementation plan, as the Inspector General determines necessary; and

“(iii) after the completion of the audit required under clause (i), submit to the Administrator of the Maritime Administration and the appropriate congressional committees, and make publicly available, a report containing the results of the audit.

“(C) REPORT OF PROGRESS.—Not later than 180 days after the date on which the report required under clause (ii) is made publicly available, and annually thereafter, the Administrator of the Maritime Administration shall submit to the Inspector General of the Department of Transportation and the appropriate congressional committees a report that includes a description of—

“(i) the actions planned to be taken by the Maritime Administration, and estimated timeframes, to implement any open or unresolved recommendation—

“(I) included in the report of the Inspector General required under subsection (B)(iii); or

“(II) referred to in subsection (c)(1); and

“(ii) an identification of any recommendation referred to in clause (i) for which the Maritime Administration failed to meet a target action date, or for which the Maritime Administration requested an extension of time, and the reasons why such an extension was necessary.

“(3) AGREEMENT FOR PLAN ON CAPITAL IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall seek to enter into an agreement with a Federal construction agent for the development of a plan to execute capital improvements at the United States Merchant Marine Academy.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ‘appropriate congressional committees’ means—

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

“(2) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate;

“(3) the Committee on Transportation and Infrastructure of the House of Representatives;

“(4) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

“(5) the Committee on Armed Services of the House of Representatives.”

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 Concerning 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

§51302a. Nomination in event of death, resignation, or expulsion from office of Senator otherwise authorized to nominate

(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 51302(b)(1) of this title due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.