

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.

(b) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Senator pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Senator not submitting nominations for cadets for an academic year in accordance with section 51302 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 occurs after the date of the deadline for submittal of nominations for cadets for the academic year.

(Added Pub. L. 118-159, div. C, title XXXV, § 3537(a), Dec. 23, 2024, 138 Stat. 2316.)

§ 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 to entrance in the Academy, and who have successfully met the terms and conditions of sponsorship set by the Academy.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1572; Pub. L. 114-328, div. C, title XXXV, § 3516(a), Dec. 23, 2016, 130 Stat. 2789; Pub. L. 116-92, div. C, title XXXV, § 3504, Dec. 20, 2019, 133 Stat. 1970.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51303, 46 App.:1295b(b)(3)(D), June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(D), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1999.

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2016—Pub. L. 114-328 substituted “50” for “40”.

§ 51304. Additional appointments from particular areas

(a) OTHER COUNTRIES IN WESTERN HEMISPHERE.—The President may appoint individuals from countries in the Western Hemisphere other than the United States to receive instruction at the United States Merchant Marine Academy. Not more than 12 individuals may receive instruction under this subsection at the same time, and not more than 2 individuals from the same country may receive instruction under this subsection at the same time.

(b) OTHER COUNTRIES GENERALLY.—

(1) APPOINTMENT.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from coun-

tries other than the United States to receive instruction at the Academy. Not more than 30 individuals may receive instruction under this subsection at the same time.

(2) REIMBURSEMENT.—The Secretary of Transportation shall ensure that the country from which an individual comes under this subsection will reimburse the Secretary for the cost (as determined by the Secretary) of the instruction and allowances received by the individual.

(c) PANAMA.—

(1) APPOINTMENT.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Panama to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.

(2) REIMBURSEMENT.—The Secretary of Transportation shall be reimbursed for the cost (as determined by the Secretary) of the instruction and allowances received by an individual appointed under this subsection.

(d) ALLOWANCES AND REGULATIONS.—Individuals receiving instruction under this section are entitled to the same allowances and are subject to the same regulations on admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the Academy appointed from the United States.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1-4: 51304(a)-(d) with corresponding source codes and dates.

The word “appoint” is substituted for “designate” and “permit” for consistency in the chapter.

§ 51305. Prohibited basis for appointment

Preference may not be given to an individual for appointment as a cadet at the United States Merchant Marine Academy because one or more members of the individual's immediate family are alumni of the Academy.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 51305, 46 App.:1295b(b)(3)(E), June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(E), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1999.

§ 51306. Cadet commitment agreements

(a) AGREEMENT REQUIREMENTS.—A citizen of the United States appointed as a cadet at the