

the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.

(c) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

(d) NOTICE.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

(e) PROHIBITION ON COMMINGLING FUNDS.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(Added Pub. L. 115-91, div. C, title XXXV, § 3510(a), Dec. 12, 2017, 131 Stat. 1916.)

#### **§ 51321. Grants for scientific and educational research**

(a) DEFINED TERM.—In this section, the term “qualifying research grant” is a grant that—

(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

(2) is to be used to carry out a research project with a scientific or educational purpose.

(b) ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.—The United States Merchant Marine Academy may compete for and accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

(c) ADMINISTRATION OF GRANT FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

(2) USE OF GRANT FUNDS.—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.

(Added Pub. L. 115-91, div. C, title XXXV, § 3512(a), Dec. 12, 2017, 131 Stat. 1918.)

#### **§ 51322. Protection of cadets from sexual assault onboard vessels**

(a) SAFETY CRITERIA.—The Maritime Administrator, after consulting with the Commandant of the Coast Guard, shall establish—

(1) criteria, to which an owner or operator of a vessel engaged in commercial service shall adhere prior to carrying a cadet performing their Sea Year service from the United States Merchant Marine Academy, that addresses prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

(2) a process for collecting pertinent information from such owners or operators and verifying their compliance with the criteria.

##### **(3) TRAINING.**

(A) IN GENERAL.—As part of training that shall be provided not less than semiannually to all midshipmen of the Academy, pursuant to section 51318, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault prevention and response field and includes appropriate scenario-based training.

(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(b) MINIMUM STANDARDS.—At a minimum, the criteria established under subsection (a) shall require the vessel owners or operators to have policies that address—

(1) communication between a cadet and an individual ashore who is trained in responding to incidents of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

(2) the safety and security of cadet state-rooms while a cadet is onboard the vessel;

(3) requirements for crew to report complaints or incidents of sexual assault, sexual harassment, dating violence, domestic vio-

lence, and stalking consistent with the requirements in section 10104;

(4) the maintenance of records of reports of sexual harassment, dating violence, domestic violence, sexual assault, and stalking onboard a vessel carrying a cadet;

(5) the maintenance of records of sexual harassment, dating violence, domestic violence, sexual assault, and stalking training as required under subsection (f);

(6) a requirement for the owner or operator provide each cadet a copy of the policies and procedures related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking policies that pertain to the vessel on which they will be employed; and

(7) any other issues the Maritime Administrator determines necessary to ensure the safety of cadets during Sea Year training.

(c) SELF-CERTIFICATION BY OWNERS OR OPERATORS.—The Maritime Administrator shall require the owner or operator of any commercial vessel that is carrying a cadet from the United States Merchant Marine Academy to annually certify that—

(1) the vessel owner or operator is in compliance with the criteria established under subsection (a); and

(2) the vessel is in compliance with the International Convention of Safety of Life at Sea, 1974 (32 UST 47) and sections 8106 and 70103(c).

(d) INFORMATION, TRAINING, AND RESOURCES.—The Maritime Administrator shall ensure that a cadet participating in Sea Year—

(1) receives training specific to vessel safety, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response training, prior to the cadet boarding a vessel for Sea Year training;

(2) is equipped with an appropriate means of communication and has been trained on its use;

(3) has access to a helpline to report incidents of sexual harassment, dating violence, domestic violence, sexual assault, or stalking that is monitored by trained personnel; and

(4) is informed of the legal requirements for vessel owners and operators to provide for the security of individuals onboard, including requirements under section 70103(c) and chapter 81.

(e) CHECKS OF COMMERCIAL VESSELS.—

(1) REQUIREMENT.—Not less frequently than biennially, staff of the Academy or staff of the Maritime Administration shall conduct both random and targeted unannounced checks of not less than 10 percent of the commercial vessels that host a cadet from the Academy.

(2) ACCESS TO INFORMATION.—The vessel operator shall make available to staff conducting a vessel check such information as the Maritime Administrator determines is necessary to determine whether the vessel is being operated in compliance with the criteria established under subsection (a).

(3) REMOVAL OF STUDENTS.—If staff of the Academy or staff of the Maritime Administration determine that a commercial vessel is not

in compliance with the criteria established under subsection (a), the staff—

(A) may remove a cadet of the Academy from the vessel; and

(B) shall report such determination of non-compliance to the owner or operator of the vessel.

(f) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require the owner or operator of a commercial vessel, and the seafarer union for a commercial vessel, to maintain records of sexual assault training for any person required to have such training.

(g) SEA YEAR SURVEY.—

(1) REQUIREMENT.—The Maritime Administrator shall require each cadet from the Academy, upon completion of the cadet's Sea Year, to complete a survey regarding the environment and conditions during the Sea Year of the vessel to which the cadet was assigned.

(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

(A) the questions used in the survey required by paragraph (1); and

(B) the aggregated data received from such surveys.

(h) NONCOMMERCIAL VESSELS.—

(1) IN GENERAL.—A public vessel (as defined in section 2101) shall not be subject to the requirements of this section.

(2) REQUIREMENTS FOR PARTICIPATION.—The Maritime Administrator may establish criteria and requirements that the operators of public vessels shall meet to participate in the Sea Year program of the United States Merchant Marine Academy that addresses prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(i) SHARING OF BEST PRACTICES.—The Maritime Administrator shall share with State maritime academies best practices for, and lessons learned with respect to, the prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(Added Pub. L. 115-91, div. C, title XXXV, § 3516(a), Dec. 12, 2017, 131 Stat. 1927; amended Pub. L. 115-232, div. C, title XXXV, § 3515(b), Aug. 13, 2018, 132 Stat. 2312; Pub. L. 117-263, div. C, title XXXV, §§ 3513(a), 3531(g), Dec. 23, 2022, 136 Stat. 3066, 3088.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, § 3513(a)(1), added subsec. (a) and struck out former subsec. (a) which related to riding gangs.

Subsec. (a)(3). Pub. L. 117-263, § 3531(g), added par. (3).

Subsecs. (b) to (d). Pub. L. 117-263, § 3513(a)(1), added subsecs. (b) to (d). Former subsecs. (b) to (d) redesignated (e) to (g), respectively.

Subsec. (e). Pub. L. 117-263, § 3513(a)(2), redesignated subsec. (b) as (e).

Subsec. (e)(2), (3). Pub. L. 117-263, § 3513(a)(3), added pars. (2) and (3) and struck out former par. (2), which related to removal of students.

Subsec. (f). Pub. L. 117-263, § 3513(a)(2), (4), redesignated subsec. (c) as (f) and substituted “and the seafarer union” for “or the seafarer union”.

Subsec. (g). Pub. L. 117-263, § 3513(a)(2), redesignated subsec. (d) as (g).

Subsecs. (h), (i). Pub. L. 117-263, § 3513(a)(5), added subsecs. (h) and (i).

2018—Subsec. (c). Pub. L. 115-232 amended subsec. (c) generally. Prior to amendment, text read as follows: “The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for the crew and passengers of any vessel hosting a cadet from the Academy.”

#### Statutory Notes and Related Subsidiaries

##### REGULATIONS

Pub. L. 117-263, div. C, title XXXV, § 3513(b), Dec. 23, 2022, 136 Stat. 3068, provided that:

“(1) IN GENERAL.—The Maritime Administrator may prescribe rules necessary to carry out the amendments made by this section [amending this section and section 51319 of this title and repealing provisions set out as notes under section 51318 of this title].

“(2) INTERIM RULES.—The Maritime Administrator may prescribe interim rules necessary to carry out the amendments made by this section. For this purpose, the Maritime Administrator in prescribing rules under paragraph (1) is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules prescribed under the authority of the amendments made by this section shall remain in effect until superseded by a final rule.”

#### § 51323. United States Merchant Marine Academy Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory council, to be known as the “United States Merchant Marine Academy Advisory Council” (in this section referred to as the “Council”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall select not fewer than 8 and not more than 14 individuals to serve as members of the Council. Such individuals shall have such expertise as the Secretary determines necessary and appropriate for providing advice and guidance on improving the Academy.

(2) GOVERNMENTAL EXPERTS.—The number of members of the Council who are employees of the Federal Government may not exceed the number of members of the Council who are not employees of the Federal Government.

(3) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government by reason of their membership on the Council for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

(c) RESPONSIBILITIES.—The Council shall provide advice to the Secretary at the time and in the manner requested by the Secretary.

(d) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out its responsibilities under this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

(Added Pub. L. 117-81, div. C, title XXXV, § 3501(c)(1), Dec. 27, 2021, 135 Stat. 2238.)

#### § 51324. Unfilled vacancies

(a) IN GENERAL.—In the event of an unfilled vacancy for any critical position at the United

States Merchant Marine Academy, the Secretary of Transportation may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of that title, a qualified candidate for the purposes of filling up to 20 of such positions.

(b) CRITICAL POSITION DEFINED.—In this section, the term “critical position” means a position that contributes to the improvement of—

- (1) the culture or infrastructure of the Academy;
- (2) student health and well being;
- (3) Academy governance; or
- (4) any other priority areas identified by the Council.

(Added Pub. L. 117-81, div. C, title XXXV, § 3501(c)(1), Dec. 27, 2021, 135 Stat. 2238.)

#### § 51325. Sexual assault and sexual harassment prevention information management system

(a) INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish within the United States Merchant Marine Academy Sexual Assault prevention and Response Program, an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system established under paragraph (1) shall include the following information, to the extent that information is available:

(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

(C) The standardized job title or position of the individuals involved in each such incident.

(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

(E) The type of inquiry made into each such incident.

(F) A record of whether each such incident was substantiated by the relevant investigative process.

(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Chief Information Officer of the Department of Transportation shall coordinate to ensure that the information management system under this section shall—

(A) be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system; and