

119TH CONGRESS
2D SESSION

S. 3266

AN ACT

To support the athletic programs of the United States
Merchant Marine Academy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “USMMA Athletics Act
3 of 2026”.

4 **SEC. 2. SUPPORT FOR ATHLETIC PROGRAMS OF THE**
5 **UNITED STATES MERCHANT MARINE ACADE-**
6 **MY.**

7 (a) IN GENERAL.—Chapter 513 of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 51329. Support for athletic programs of the United**
11 **States Merchant Marine Academy**

12 “(a) CORPORATION FOR SUPPORT AUTHORIZED.—

13 “(1) AUTHORITY.—The Secretary of Transpor-
14 tation may establish, in accordance with the laws of
15 the State of New York, a corporation (in this section
16 referred to as the ‘corporation’) to support the ath-
17 letic programs of the United States Merchant Ma-
18 rine Academy.

19 “(2) OWNERSHIP.—All stock of the corporation
20 shall be owned by the United States and held in the
21 name of, and subject to be voted by, the Secretary.

22 “(3) PURPOSE.—The corporation shall operate
23 exclusively for charitable, educational, and civic pur-
24 poses to support the athletic programs of the United
25 States Merchant Marine Academy.

1 “(b) CORPORATE ORGANIZATION.—The corporation
2 shall be organized and operated—

3 “(1) as a nonprofit corporation under section
4 501(c)(3) of the Internal Revenue Code of 1986;

5 “(2) in accordance with this section; and

6 “(3) pursuant to the laws of the State of New
7 York, its articles of incorporation, and its bylaws.

8 “(c) CORPORATE BOARD OF DIRECTORS.—

9 “(1) LIMITATION ON COMPENSATION.—The
10 members of the board of directors of the corporation
11 shall serve without compensation as members of the
12 board, except for reasonable travel and other related
13 expenses for attendance at meetings of the board.

14 “(2) DEPARTMENT OF TRANSPORTATION EM-
15 PLOYEE MEMBERSHIP.—

16 “(A) IN GENERAL.—The Secretary may
17 authorize employees of the Department of
18 Transportation to serve, in their official capac-
19 ities, as members of the board of directors of
20 the corporation—

21 “(i) for the sole purpose of providing
22 oversight and advice to, and in coordina-
23 tion with, the corporation; and

24 “(ii) who may not participate in the
25 day-to-day operations of the corporation.

1 “(B) LIMITATION.—Employees serving as
2 a member of the board of directors pursuant to
3 an authorization under subparagraph (A) may
4 not hold more than one-third of the director-
5 ships.

6 “(C) APPLICABILITY OF LIMITATION ON
7 COMPENSATION.—An employee serving as a
8 member of the board of directors shall be sub-
9 ject to the limitation on compensation under
10 paragraph (1).

11 “(D) PUBLICATION IN FEDERAL REG-
12 ISTER.—The Secretary shall publish in the Fed-
13 eral Register an authorization under subpara-
14 graph (A) of an employee of the Department of
15 Transportation to participate as a member of
16 the board of directors.

17 “(d) CONTRACTS AND COOPERATIVE AGREE-
18 MENTS.—

19 “(1) IN GENERAL.—The Secretary may enter
20 the corporation into contracts and cooperative agree-
21 ments for the purpose of supporting the athletic pro-
22 grams of the United States Merchant Marine Acad-
23 emy.

24 “(2) SOLE-SOURCE CONTRACTS.—Notwith-
25 standing section 3105 of title 41, United States

1 Code, a contract or cooperative agreement entered
2 into under paragraph (1) may be a sole-source con-
3 tract, subject to section 3304(a) of such title.

4 “(3) ACQUISITIONS.—Notwithstanding chapter
5 63 of title 31, United States Code, a cooperative
6 agreement under this section may be used to acquire
7 property, services, or travel for the direct benefit or
8 use of the United States Merchant Marine Academy.

9 “(e) LEASES.—For the purpose of supporting the
10 athletic programs of the United States Merchant Marine
11 Academy, in consultation with the Administrator of Gen-
12 eral Services, the Secretary may rent or lease to the cor-
13 poration any real property located at the United States
14 Merchant Marine Academy—

15 “(1) under such terms and conditions as are
16 deemed advisable;

17 “(2) for a period not exceeding 5 years;

18 “(3) so long as such real property is not re-
19 quired for immediate use by the United States Mer-
20 chant Marine Academy; and

21 “(4) so long as all proceeds from such rental or
22 lease be retained and expended in accordance with
23 subsection (j).

24 “(f) SUPPORT SERVICES.—

1 “(1) AUTHORITY.—To the extent required by a
2 contract or cooperative agreement under subsection
3 (d), the Secretary may provide support services to
4 the corporation while the corporation conducts sup-
5 port activities at the United States Merchant Marine
6 Academy only if the Secretary determines that the
7 provision of such services is essential for the support
8 of the athletic programs of the United States Mer-
9 chant Marine Academy.

10 “(2) NO LIABILITY OF THE UNITED STATES.—
11 The provision of support services under paragraph
12 (1) may not result in any liability for the United
13 States to the corporation.

14 “(3) SUPPORT SERVICES DEFINED.—In this
15 subsection, the term ‘support services’ includes utili-
16 ties, office furnishings and equipment, communica-
17 tions services, records staging and archiving, audio
18 and video support, and security systems, in conjunc-
19 tion with the leasing or licensing of property.

20 “(g) TRANSFERS FROM NONAPPROPRIATED FUND
21 OPERATION.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the Secretary may, subject to the accept-
24 ance of the corporation, transfer to the corporation
25 all title to and ownership of the assets and liabilities

1 of the Department of Transportation non-
2 appropriated fund instrumentality, the function of
3 which includes providing support for the athletic
4 programs of the United States Merchant Marine
5 Academy, including bank accounts and financial re-
6 serves in the accounts of such fund instrumentality,
7 equipment, supplies, and other personal property.

8 “(2) LIMITATION.—In making a transfer under
9 paragraph (1), the Secretary may not transfer any
10 interest in real property.

11 “(h) ACCEPTANCE OF SUPPORT.—

12 “(1) IN GENERAL.—Notwithstanding section
13 1342 of title 31, United States Code, the Secretary
14 may accept from the corporation funds, supplies,
15 and services for the support of the athletic programs
16 of the United States Merchant Marine Academy.

17 “(2) EMPLOYEES OF THE CORPORATION.—For
18 purposes of this section, employees or personnel of
19 the corporation are not employees of the United
20 States.

21 “(3) FUNDS RECEIVED FROM OTHER
22 SOURCES.—The Secretary may charge fees for the
23 support of athletic programs of the United States
24 Merchant Marine Academy. To support the athletic
25 programs of the United States Merchant Marine

Academy, the Secretary may accept funds from the National Collegiate Athletic Association, funds from athletic conferences, game guarantees from other educational institutions, fees for ticketing and licensing, and any other consideration provided incidental to the execution of the athletic programs of the United States Merchant Marine Academy.

“(4) LIMITATION.—The Secretary shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (j) do not—

“(A) reflect unfavorably on the ability of the Department of Transportation, or any employee of the Department of Transportation, to carry out any responsibility or duty of the Department in a fair and objective manner; or

“(B) compromise the integrity or appearance of integrity of any program of the Department of Transportation, or any individual involved in such a program.

“(i) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—Subject to paragraph (2), a contract or cooperative agreement under subsection (d) may, consistent with section 109(h)(2) of title 49, United States Code, include an authorization for

1 the corporation to enter into licensing, marketing,
2 and sponsorship agreements (subject to the approval
3 of the Secretary) relating to trademarks and service
4 marks identifying the United States Merchant Ma-
5 rine Academy.

6 “(2) LIMITATIONS.—The corporation may not
7 enter into any licensing, marketing, or sponsorship
8 agreement pursuant to authority provided under
9 paragraph (1) that—

10 “(A) may reflect unfavorably on the ability
11 of the Department of Transportation, or any
12 employee of the Department of Transportation,
13 to carry out any responsibility or duty of the
14 Department in a fair and objective manner; or

15 “(B) the Secretary determines involves the
16 use of trademarks or service marks that would
17 compromise the integrity or appearance of in-
18 tegrity of any program of the Department of
19 Transportation or any individual involved in
20 such a program.

21 “(j) RETENTION AND USE OF FUNDS.—Funds re-
22 ceived by the Secretary under this section may be retained
23 for use to support the athletic programs of the United
24 States Merchant Marine Academy and shall remain avail-
25 able until expended.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 513 of title 46, United States Code, is amend-
 3 ed by adding at the end the following: Chapter 513 of title
 4 46, United States Code, is amended

“51329. Support for athletic programs of United States Merchant Marine Acad-
 emy.”.

5 (c) LICENSING AUTHORITY.—Section 109(h) of title
 6 49, United States Code, is amended by adding at the end
 7 the following:

8 “(3) LICENSING OF INTELLECTUAL PROP-
 9 ERTY.—

10 “(A) AUTHORITY.—The Secretary may li-
 11 cense trademarks and service marks owned or
 12 controlled by the Secretary with respect to the
 13 United States Merchant Marine Academy and
 14 may retain and expend fees received from such
 15 licensing in accordance with this paragraph.

16 “(B) DESIGNATED MARKS.—The Secretary
 17 shall designate the trademarks and service
 18 marks with respect to which the Secretary will
 19 exercise the authority to retain licensing fees
 20 under this paragraph.

21 “(C) USE OF FEES.—The Secretary shall
 22 use fees retained under this paragraph for the
 23 following purposes:

1 “(i) For payment of costs incurred by
2 the Secretary of securing trademark reg-
3 istrations and of operating the licensing
4 program under this paragraph.

5 “(ii) For support of athletic programs
6 and recruiting activities of the United
7 States Merchant Marine Academy under
8 the jurisdiction of the Secretary, to the ex-
9 tent (if any) that the total amount of the
10 licensing fees available under this section
11 for a fiscal year exceed the total amount
12 needed for such fiscal year under para-
13 graph (1).

14 “(D) AVAILABILITY.—Fees received in a
15 fiscal year and retained under this paragraph
16 shall be available until expended.

17 “(E) DEFINITIONS.—In this paragraph,
18 the terms ‘trademark’ and ‘service mark’ have
19 the meanings given such terms, respectively, in
20 section 45 of the Act of July 5, 1946 (com-
21 monly referred to as the ‘Trademark Act of
22 1946’; 15 U.S.C. 1127).

23 “(F) GUIDANCE.—Not later than 180 days
24 after the date of enactment of the USMMA
25 Athletics Act of 2026, the Secretary shall issue

- 1 guidance to implement a trademark and service
- 2 mark licensing program under this paragraph.”.

Passed the Senate August 6, 2026.

Attest:

Secretary.

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