

119TH CONGRESS  
1ST SESSION

# S. 3266

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2025

Mr. WICKER (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “USMMA Athletics Act  
5 of 2025”.

6 **SEC. 2. SUPPORT FOR ATHLETIC PROGRAMS OF UNITED**  
7 **STATES MERCHANT MARINE ACADEMY.**

8 (a) CORPORATION ESTABLISHMENT.—

9 (1) AUTHORITY.—The Secretary of Transpor-  
10 tation (referred to in this section as the “Sec-

retary”) may establish, in accordance with the laws of the State of New York, a corporation (in this section referred to as the “corporation”) to support the athletic programs of the United States Merchant Marine Academy.

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

(3) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the United States Merchant Marine Academy.

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

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

(2) in accordance with this section; and

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

(c) CORPORATE BOARD OF DIRECTORS.—

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

(2) DEPARTMENT OF TRANSPORTATION EMPLOYEE MEMBERSHIP.—

(A) IN GENERAL.—The Secretary may authorize employees of the Department of Transportation to serve, in their official capacities, as members of the board of directors of the corporation—

(i) for the sole purpose of providing oversight and advice to, and in coordination with, the corporation; and

(ii) to carry out any activities of the board other than those activities that constitute participation in the day-to-day operations of the corporation.

(B) LIMITATION.—Employees serving as a member of the board of directors pursuant to an authorization under subparagraph (A) may not hold more than one-third of the directorships.

(C) APPLICABILITY OF LIMITATION ON COMPENSATION.—An employee serving as a member of the board of directors shall be subject to the limitation on compensation under paragraph (1).

(d) CONTRACTS AND COOPERATIVE AGREEMENTS.—

1           (1) IN GENERAL.—The Secretary may enter the  
2           corporation into contracts and cooperative agree-  
3           ments for the purpose of supporting the athletic pro-  
4           grams of the United States Merchant Marine Acad-  
5           emy.

6           (2) SOLE-SOURCE CONTRACTS.—Notwith-  
7           standing section 3105 of title 41, United States  
8           Code, a contract or cooperative agreement entered  
9           into under paragraph (1) may be a sole-source con-  
10          tract, subject to section 3304(a) of such title.

11          (3) ACQUISITIONS.—Notwithstanding chapter  
12          63 of title 31, United States Code, a cooperative  
13          agreement under this section may be used to acquire  
14          property, services, or travel for the direct benefit or  
15          use of the United States Merchant Marine Academy.

16          (e) LEASES.—For the purpose of supporting the ath-  
17          letic programs of the United States Merchant Marine  
18          Academy, in consultation with the Administrator of Gen-  
19          eral Services, the Secretary may rent or lease to the cor-  
20          poration any real property located at the United States  
21          Merchant Marine Academy—

22                 (1) under such terms and conditions as are  
23                 deemed advisable;

24                 (2) for a period not exceeding 5 years;

1           (3) so long as such real property is not required  
2           for immediate use by the United States Merchant  
3           Marine Academy; and

4           (4) so long as all proceeds from such rental or  
5           lease be retained and expended in accordance with  
6           subsection (j).

7           (f) SUPPORT SERVICES.—

8           (1) AUTHORITY.—To the extent required by a  
9           contract or cooperative agreement under subsection  
10          (d), the Secretary may provide support services to  
11          the corporation while the corporation conducts sup-  
12          port activities at the United States Merchant Marine  
13          Academy only if the Secretary determines that the  
14          provision of such services is essential for the support  
15          of the athletic programs of the United States Mer-  
16          chant Marine Academy.

17          (2) NO LIABILITY OF THE UNITED STATES.—  
18          The provision of support services under paragraph  
19          (1) may not result in any liability for the United  
20          States to the corporation.

21          (3) SUPPORT SERVICES DEFINED.—In this sub-  
22          section, the term “support services” includes utili-  
23          ties, office furnishings and equipment, communica-  
24          tions services, records staging and archiving, audio

1 and video support, and security systems, in conjunc-  
2 tion with the leasing or licensing of property.

3 (g) TRANSFERS FROM NONAPPROPRIATED FUND  
4 OPERATION.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graph (2), the Secretary may, subject to the accept-  
7 ance of the corporation, transfer to the corporation  
8 all title to and ownership of the assets and liabilities  
9 of the Department of Transportation non-  
10 appropriated fund instrumentality, the function of  
11 which includes providing support for the athletic  
12 programs of the United States Merchant Marine  
13 Academy, including bank accounts and financial re-  
14 serves in the accounts of such fund instrumentality,  
15 equipment, supplies, and other personal property.

16 (2) LIMITATION.—In making a transfer under  
17 paragraph (1), the Secretary may not transfer any  
18 interest in real property.

19 (h) ACCEPTANCE OF SUPPORT.—

20 (1) IN GENERAL.—Notwithstanding section  
21 1342 of title 31, United States Code, the Secretary  
22 may accept from the corporation funds, supplies,  
23 and services for the support of the athletic programs  
24 of the United States Merchant Marine Academy.

1           (2) EMPLOYEES OF THE CORPORATION.—For  
2       purposes of this section, employees or personnel of  
3       the corporation are not employees of the United  
4       States.

5           (3) FUNDS RECEIVED FROM OTHER  
6       SOURCES.—To support the athletic programs of the  
7       United States Merchant Marine Academy, the Sec-  
8       retary may accept funds from the National Colle-  
9       giate Athletic Association, funds from athletic con-  
10      ferences, game guarantees from other educational  
11      institutions, fees for ticketing and licensing, and any  
12      other consideration provided incidental to the execu-  
13      tion of the athletic programs of the United States  
14      Merchant Marine Academy.

15          (4) LIMITATION.—The Secretary shall ensure  
16      that contributions under this subsection and expend-  
17      iture of funds pursuant to subsection (j) do not—

18                (A) reflect unfavorably on the ability of the  
19      Department of Transportation, or any employee  
20      of the Department of Transportation, to carry  
21      out any responsibility or duty of the Depart-  
22      ment in a fair and objective manner; or

23                (B) compromise the integrity or appear-  
24      ance of integrity of any program of the Depart-

1           ment of Transportation, or any individual in-  
 2           volved in such a program.

3           (i) TRADEMARKS AND SERVICE MARKS.—

4           (1) LICENSING, MARKETING, AND SPONSORSHIP  
 5           AGREEMENTS.—Subject to paragraph (2), a contract  
 6           or cooperative agreement under subsection (d) may,  
 7           consistent with section 109(h)(2) of title 49, United  
 8           States Code, include an authorization for the cor-  
 9           poration to enter into licensing, marketing, and  
 10          sponsorship agreements (subject to the approval of  
 11          the Secretary) relating to trademarks and service  
 12          marks identifying the United States Merchant Ma-  
 13          rine Academy.

14          (2) LIMITATIONS.—The corporation may not  
 15          enter into any licensing, marketing, or sponsorship  
 16          agreement pursuant to authority provided under  
 17          paragraph (1) that—

18                (A) may reflect unfavorably on the ability  
 19                of the Department of Transportation, or any  
 20                employee of the Department of Transportation,  
 21                to carry out any responsibility or duty of the  
 22                Department in a fair and objective manner; or

23                (B) the Secretary determines involves use  
 24                of the trademark or service mark would com-  
 25                promise the integrity or appearance of integrity



1 of any program of the Department of Transpor-  
2 tation or any individual involved in such a pro-  
3 gram.

4 (j) RETENTION AND USE OF FUNDS.—Funds re-  
5 ceived by the Secretary under this section may be retained  
6 for use to support the athletic programs of the United  
7 States Merchant Marine Academy and shall remain avail-  
8 able until expended.

9 (k) LICENSING AUTHORITY.—Section 109(h) of title  
10 49, United States Code, is amended by striking paragraph  
11 (2) and inserting the following:

12 “(2) LICENSING OF INTELLECTUAL PROP-  
13 ERTY.—

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

20 “(B) DESIGNATED MARKS.—The Secretary  
21 shall designate the trademarks and service  
22 marks with respect to which the Secretary will  
23 exercise the authority to retain licensing fees  
24 under this paragraph.

1           “(C) USE OF FEES.—The Secretary shall  
2           use fees retained under this paragraph for the  
3           following purposes:

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

8                   “(ii) For recruiting activities of the  
9                   United States Merchant Marine Academy  
10                  under the jurisdiction of the Secretary, to  
11                  the extent that the total amount of the li-  
12                  censing fees available under this section for  
13                  a fiscal year exceed the total amount need-  
14                  ed for such fiscal year under paragraph  
15                  (1).

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

19           “(E) DEFINITIONS.—In this paragraph,  
20           the terms ‘trademark’ and ‘service mark’ have  
21           the meanings given such terms, respectively, in  
22           section 45 of the Act of July 5, 1946 (com-  
23           monly referred to as the ‘Trademark Act of  
24           1946’; 15 U.S.C. 1127).”.

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