

Calendar No. 434

119TH CONGRESS
2D SESSION**S. 3266****[Report No. 119–126]**

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

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

JUNE 15, 2026

Reported by Mr. CRUZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**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”.

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

3 ~~(a) CORPORATION ESTABLISHMENT.—~~

4 ~~(1) AUTHORITY.—~~The Secretary of Transpor-
5 ~~tation~~ (referred to in this section as the “Sec-
6 ~~retary~~”) may establish, in accordance with the laws
7 of the State of New York, a corporation (in this sec-
8 ~~tion~~ referred to as the “corporation”) to support the
9 athletic programs of the United States Merchant
10 Marine Academy.

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

14 ~~(3) PURPOSE.—~~The corporation shall operate
15 exclusively for charitable, educational, and civic pur-
16 poses to support the athletic programs of the United
17 States Merchant Marine Academy.

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

20 ~~(1)~~ as a nonprofit corporation under section
21 501(c)(3) of the Internal Revenue Code of 1986;

22 ~~(2)~~ in accordance with this section; and

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

25 ~~(c) CORPORATE BOARD OF DIRECTORS.—~~

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

6 (2) DEPARTMENT OF TRANSPORTATION EM-
 7 PLOYEE MEMBERSHIP.—

8 (A) IN GENERAL.—The Secretary may au-
 9 thorize employees of the Department of Trans-
 10 portation to serve, in their official capacities, as
 11 members of the board of directors of the cor-
 12 poration—

13 (i) for the sole purpose of providing
 14 oversight and advice to, and in coordina-
 15 tion with, the corporation; and

16 (ii) to carry out any activities of the
 17 board other than those activities that con-
 18 stitute participation in the day-to-day oper-
 19 ations of the corporation.

20 (B) LIMITATION.—Employees serving as a
 21 member of the board of directors pursuant to
 22 an authorization under subparagraph (A) may
 23 not hold more than one-third of the director-
 24 ships.

1 (C) APPLICABILITY OF LIMITATION ON
 2 COMPENSATION.—An employee serving as a
 3 member of the board of directors shall be sub-
 4 ject to the limitation on compensation under
 5 paragraph (1).

6 (d) CONTRACTS AND COOPERATIVE AGREEMENTS.—

7 (1) IN GENERAL.—The Secretary may enter the
 8 corporation into contracts and cooperative agree-
 9 ments for the purpose of supporting the athletic pro-
 10 grams of the United States Merchant Marine Acad-
 11 emy.

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

17 (3) ACQUISITIONS.—Notwithstanding chapter
 18 63 of title 31, United States Code, a cooperative
 19 agreement under this section may be used to acquire
 20 property, services, or travel for the direct benefit or
 21 use of the United States Merchant Marine Academy.

22 (e) LEASES.—For the purpose of supporting the ath-
 23 letic programs of the United States Merchant Marine
 24 Academy, in consultation with the Administrator of Gen-
 25 eral Services, the Secretary may rent or lease to the cor-

1 poration any real property located at the United States
 2 Merchant Marine Academy—

3 ~~(1)~~ under such terms and conditions as are
 4 deemed advisable;

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

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

9 ~~(4)~~ so long as all proceeds from such rental or
 10 lease be retained and expended in accordance with
 11 subsection (j).

12 ~~(f) SUPPORT SERVICES.—~~

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

22 ~~(2) NO LIABILITY OF THE UNITED STATES.—~~
 23 The provision of support services under paragraph
 24 ~~(1)~~ may not result in any liability for the United
 25 States to the corporation.

1 ~~(3) SUPPORT SERVICES DEFINED.~~—In this sub-
 2 section, the term “support services” includes utili-
 3 ties, office furnishings and equipment, communica-
 4 tions services, records staging and archiving, audio
 5 and video support, and security systems, in conjunc-
 6 tion with the leasing or licensing of property.

7 ~~(g) TRANSFERS FROM NONAPPROPRIATED FUND~~
 8 ~~OPERATION.~~—

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

20 ~~(2) LIMITATION.~~—In making a transfer under
 21 paragraph ~~(1)~~, the Secretary may not transfer any
 22 interest in real property.

23 ~~(h) ACCEPTANCE OF SUPPORT.~~—

24 ~~(1) IN GENERAL.~~—Notwithstanding section
 25 1342 of title 31, United States Code, the Secretary

1 may accept from the corporation funds, supplies,
2 and services for the support of the athletic programs
3 of the United States Merchant Marine Academy.

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

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

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

21 (A) reflect unfavorably on the ability of the
22 Department of Transportation, or any employee
23 of the Department of Transportation, to carry
24 out any responsibility or duty of the Depart-
25 ment 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 the corporation to enter into licensing, marketing, and sponsorship agreements (subject to the approval of the Secretary) relating to trademarks and service marks identifying the United States Merchant Marine Academy.~~

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

~~(A) may 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~~

1 ~~(B)~~ the Secretary determines involves use
 2 of the trademark or service mark would com-
 3 promise the integrity or appearance of integrity
 4 of any program of the Department of Transpor-
 5 tation or any individual involved in such a pro-
 6 gram.

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

12 ~~(k)~~ LICENSING AUTHORITY.—Section 109(h) of title
 13 49, United States Code, is amended by striking paragraph
 14 (2) and inserting the following:

15 ~~“(2)~~ LICENSING OF INTELLECTUAL PROP-
 16 PERTY.—

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

23 ~~“(B)~~ DESIGNATED MARKS.—The Secretary
 24 shall designate the trademarks and service
 25 marks with respect to which the Secretary will

1 exercise the authority to retain licensing fees
2 under this paragraph.

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

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

10 “(ii) For recruiting activities of the
11 United States Merchant Marine Academy
12 under the jurisdiction of the Secretary, to
13 the extent that the total amount of the li-
14 censing fees available under this section for
15 a fiscal year exceed the total amount need-
16 ed for such fiscal year under paragraph
17 (1).

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

21 “(E) DEFINITIONS.—In this paragraph,
22 the terms ‘trademark’ and ‘service mark’ have
23 the meanings given such terms, respectively, in
24 section 45 of the Act of July 5, 1946 (com-

1 monly referred to as the ‘Trademark Act of
2 1946’, 15 U.S.C. 1127).’.”

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “USMMA Athletics Act*
5 *of 2026”.*

6 **SEC. 2. SUPPORT FOR ATHLETIC PROGRAMS OF THE**
7 **UNITED STATES MERCHANT MARINE ACAD-**
8 **EMY.**

9 (a) *IN GENERAL.*—Chapter 513 of title 46, United
10 *States Code, is amended by adding at the end the following:*

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

13 “(a) *CORPORATION FOR SUPPORT AUTHORIZED.*—

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

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

23 “(3) *PURPOSE.*—The corporation shall operate
24 *exclusively for charitable, educational, and civic pur-*

1 *poses to support the athletic programs of the United*
 2 *States Merchant Marine Academy.*

3 “(b) *CORPORATE ORGANIZATION.—The corporation*
 4 *shall be organized and operated—*

5 *“(1) as a nonprofit corporation under section*
 6 *501(c)(3) of the Internal Revenue Code of 1986;*

7 *“(2) in accordance with this section; and*

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

10 “(c) *CORPORATE BOARD OF DIRECTORS.—*

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

16 *“(2) DEPARTMENT OF TRANSPORTATION EM-*
 17 *PLOYEE MEMBERSHIP.—*

18 *“(A) IN GENERAL.—The Secretary may au-*
 19 *thorize employees of the Department of Trans-*
 20 *portation to serve, in their official capacities, as*
 21 *members of the board of directors of the corpora-*
 22 *tion—*

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

1 “(ii) *who may not participate in the*
 2 *day-to-day operations of the corporation.*

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

7 “(C) *APPLICABILITY OF LIMITATION ON*
 8 *COMPENSATION.—An employee serving as a*
 9 *member of the board of directors shall be subject*
 10 *to the limitation on compensation under para-*
 11 *graph (1).*

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

18 “(d) *CONTRACTS AND COOPERATIVE AGREEMENTS.—*

19 “(1) *IN GENERAL.—The Secretary may enter the*
 20 *corporation into contracts and cooperative agreements*
 21 *for the purpose of supporting the athletic programs of*
 22 *the United States Merchant Marine Academy.*

23 “(2) *SOLE-SOURCE CONTRACTS.—Notwith-*
 24 *standing section 3105 of title 41, United States Code,*
 25 *a contract or cooperative agreement entered into*

1 *under paragraph (1) may be a sole-source contract,*
 2 *subject to section 3304(a) of such title.*

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

8 “(e) *LEASES.—For the purpose of supporting the ath-*
 9 *letic programs of the United States Merchant Marine Acad-*
 10 *emy, in consultation with the Administrator of General*
 11 *Services, the Secretary may rent or lease to the corporation*
 12 *any real property located at the United States Merchant*
 13 *Marine Academy—*

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

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

17 “(3) *so long as such real property is not required*
 18 *for immediate use by the United States Merchant Ma-*
 19 *rine Academy; and*

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

23 “(f) *SUPPORT SERVICES.—*

24 “(1) *AUTHORITY.—To the extent required by a*
 25 *contract or cooperative agreement under subsection*

1 (d), the Secretary may provide support services to the
2 corporation while the corporation conducts support
3 activities at the United States Merchant Marine
4 Academy only if the Secretary determines that the
5 provision of such services is essential for the support
6 of the athletic programs of the United States Mer-
7 chant Marine Academy.

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

12 “(3) SUPPORT SERVICES DEFINED.—In this sub-
13 section, the term ‘support services’ includes utilities,
14 office furnishings and equipment, communications
15 services, records staging and archiving, audio and
16 video support, and security systems, in conjunction
17 with the leasing or licensing of property.

18 “(g) TRANSFERS FROM NONAPPROPRIATED FUND OP-
19 ERATION.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary may, subject to the accept-
22 ance of the corporation, transfer to the corporation all
23 title to and ownership of the assets and liabilities of
24 the Department of Transportation nonappropriated
25 fund instrumentality, the function of which includes

1 *providing support for the athletic programs of the*
2 *United States Merchant Marine Academy, including*
3 *bank accounts and financial reserves in the accounts*
4 *of such fund instrumentality, equipment, supplies,*
5 *and other personal property.*

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

9 “(h) *ACCEPTANCE OF SUPPORT.*—

10 “(1) *IN GENERAL.*—*Notwithstanding section*
11 *1342 of title 31, United States Code, the Secretary*
12 *may accept from the corporation funds, supplies, and*
13 *services for the support of the athletic programs of the*
14 *United States Merchant Marine Academy.*

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

18 “(3) *FUNDS RECEIVED FROM OTHER SOURCES.*—
19 *The Secretary may charge fees for the support of ath-*
20 *letic programs of the United States Merchant Marine*
21 *Academy. To support the athletic programs of the*
22 *United States Merchant Marine Academy, the Sec-*
23 *retary may accept funds from the National Collegiate*
24 *Athletic Association, funds from athletic conferences,*
25 *game guarantees from other educational institutions,*

1 *fees for ticketing and licensing, and any other consid-*
 2 *eration provided incidental to the execution of the*
 3 *athletic programs of the United States Merchant Ma-*
 4 *rine Academy.*

5 “(4) *LIMITATION.*—*The Secretary shall ensure*
 6 *that contributions under this subsection and expendi-*
 7 *ture of funds pursuant to subsection (j) do not—*

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

13 “(B) *compromise the integrity or appear-*
 14 *ance of integrity of any program of the Depart-*
 15 *ment of Transportation, or any individual in-*
 16 *volved in such a program.*

17 “(i) *TRADEMARKS AND SERVICE MARKS.*—

18 “(1) *LICENSING, MARKETING, AND SPONSORSHIP*
 19 *AGREEMENTS.*—*Subject to paragraph (2), a contract*
 20 *or cooperative agreement under subsection (d) may,*
 21 *consistent with section 109(h)(2) of title 49, United*
 22 *States Code, include an authorization for the corpora-*
 23 *tion to enter into licensing, marketing, and sponsor-*
 24 *ship agreements (subject to the approval of the Sec-*
 25 *retary) relating to trademarks and service marks*

1 *identifying the United States Merchant Marine Acad-*
 2 *emy.*

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

7 “(A) *may reflect unfavorably on the ability*
 8 *of the Department of Transportation, or any em-*
 9 *ployee of the Department of Transportation, to*
 10 *carry out any responsibility or duty of the De-*
 11 *partment in a fair and objective manner; or*

12 “(B) *the Secretary determines involves the*
 13 *use of trademarks or service marks that would*
 14 *compromise the integrity or appearance of integ-*
 15 *rity of any program of the Department of Trans-*
 16 *portation or any individual involved in such a*
 17 *program.*

18 “(j) *RETENTION AND USE OF FUNDS.—Funds received*
 19 *by the Secretary under this section may be retained for use*
 20 *to support the athletic programs of the United States Mer-*
 21 *chant Marine Academy and shall remain available until*
 22 *expended.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections for*
 24 *chapter 513 of title 46, United States Code, is amended by*

1 *adding at the end the following: Chapter 513 of title 46,*
 2 *United States Code, is amended*

“51329. Support for athletic programs of United States Merchant Marine Academy.”.

3 *(c) LICENSING AUTHORITY.—Section 109(h) of title*
 4 *49, United States Code, is amended by adding at the end*
 5 *the following:*

6 *“(3) LICENSING OF INTELLECTUAL PROPERTY.—*

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

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

18 *“(C) USE OF FEES.—The Secretary shall*
 19 *use fees retained under this paragraph for the*
 20 *following purposes:*

21 *“(i) For payment of costs incurred by*
 22 *the Secretary of securing trademark reg-*
 23 *istrations and of operating the licensing*
 24 *program under this paragraph.*

1 “(ii) *For support of athletic programs*
2 *and recruiting activities of the United*
3 *States Merchant Marine Academy under the*
4 *jurisdiction of the Secretary, to the extent*
5 *(if any) that the total amount of the licens-*
6 *ing fees available under this section for a*
7 *fiscal year exceed the total amount needed*
8 *for such fiscal year under paragraph (1).*

9 “(D) *AVAILABILITY.—Fees received in a fis-*
10 *cal year and retained under this paragraph shall*
11 *be available until expended.*

12 “(E) *DEFINITIONS.—In this paragraph, the*
13 *terms ‘trademark’ and ‘service mark’ have the*
14 *meanings given such terms, respectively, in sec-*
15 *tion 45 of the Act of July 5, 1946 (commonly re-*
16 *ferred to as the ‘Trademark Act of 1946’; 15*
17 *U.S.C. 1127).*

18 “(F) *GUIDANCE.—Not later than 180 days*
19 *after the date of enactment of the USMMA Ath-*
20 *letics Act of 2026, the Secretary shall issue guid-*
21 *ance to implement a trademark and service*
22 *mark licensing program under this paragraph.”.*

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119TH CONGRESS
2^D Session

S. 3266

[Report No. 119-126]

A BILL

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

JUNE 15, 2026

Reported with an amendment