

(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 manage-