

(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-

ment 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

(B) be free of personally identifiable information and maintain only the data required to satisfy the statistical purpose of such system.

(5) **CYBERSECURITY AUDIT.**—Ninety days after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system and shall submit a report containing the results of that audit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) **CORRECTING RECORDS.**—In establishing the information management system, the Maritime Administrator shall create a process to ensure that if any incident report results in a final agency action or final judgement that acquits an individual of wrongdoing, all personally identifiable information about the acquitted individual is removed from that incident report in the system.

(b) **SEA YEAR PROGRAM.**—The Maritime Administrator shall provide for the establishment

of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51322(d).¹

(c) **DATA-INFORMED DECISIONMAKING.**—The data maintained in the data management system under subsection (a) and through the exit interviews under subsection (b) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(Added Pub. L. 117-263, div. C, title XXXV, § 3531(a), Dec. 23, 2022, 136 Stat. 3083.)

Editorial Notes

REFERENCES IN TEXT

Section 51322(d), referred to in subsec. (b), probably should be a reference to section 51322(g) of this title. Subsec. (d) of section 51322, which relates to the completion of a survey by a cadet upon the completion of the cadet's Sea Year, was redesignated as subsec. (g) of section 51322 by Pub. L. 117-263, § 3513(a)(2). Subsec. (d) of section 51322, as added by Pub. L. 117-263, § 3513(a)(1), provides that the Maritime Administrator is to ensure that a cadet participating in Sea Year has certain information, training, and resources.

§ 51326. Student advisory board at the United States Merchant Marine Academy

(a) **IN GENERAL.**—The Maritime Administrator shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation (referred to in this section as the “Advisory Board”).

(b) **MEMBERSHIP.**—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

(c) **APPOINTMENT; TERM.**—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Maritime Administrator. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipmen on the Advisory Board shall be 1 academic year.

(d) **REAPPOINTMENT.**—The Maritime Administrator may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Maritime Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

(e) **MEETINGS.**—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Maritime Administrator not less than 2 times each academic year to discuss the activities of the Advisory Board.

¹ See References in Text note below.