

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.

(f) DUTIES.—The Advisory Board shall—

(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

(3) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Secretary of Transportation and the Maritime Administrator reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

(Added Pub. L. 117-263, div. C, title XXXV, § 3531(a), Dec. 23, 2022, 136 Stat. 3085.)

§ 51327. Sexual Assault Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the “Council”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation who are alumni that have graduated within the last 4 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault, to the maximum extent practicable, and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

(2) EXPERTS INCLUDED.—The Council shall include—

(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual harassment prevention and response policies in an academic setting.

(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council. The number of governmental experts appointed to the

Council shall not exceed the number of non-governmental experts.

(c) DUTIES; AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

(A) review—

(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title;

(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

(iii) related matters the Council views as appropriate; and

(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent practicable, to best practices in the field of sexual assault and sexual harassment response and prevention.

(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

(A) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

(B) review surveys under section 51322(d).¹

(3) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

(d) REPORTS.—On an annual basis for each of the 5 years after the date of enactment of this section, and at the discretion of the Council thereafter, the Council shall submit, to the President and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the Council’s findings based on the reviews conducted pursuant to subsection (c) and related recommendations.

(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government 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.

(f) NONAPPLICABILITY OF FACAs.—The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply to the Council.

(Added Pub. L. 117-263, div. C, title XXXV, § 3531(a), Dec. 23, 2022, 136 Stat. 3086.)

Editorial Notes

REFERENCES IN TEXT

Section 51322(d), referred to in subsec. (c)(2)(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

¹ See References in Text note below.