

(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 FACa.—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.

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.

The date of enactment of this section, referred to in subsec. (d), is the date of enactment of Pub. L. 117-263, which was approved Dec. 23, 2022.

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

§ 51328. Student support

The Maritime Administrator shall—

(1) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing the environment of the Academy; and

(2) require an annual survey of faculty and staff of the Academy assessing the Sea Year program.

(Added Pub. L. 117-263, div. C, title XXXV, §3531(a), Dec. 23, 2022, 136 Stat. 3087.)

Statutory Notes and Related Subsidiaries

UNITED STATES MERCHANT MARINE ACADEMY STUDENT SUPPORT PLAN

Pub. L. 117-263, div. C, title XXXV, §3531(d), Dec. 23, 2022, 136 Stat. 3087, provided that:

“(1) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

“(A) address the mental health resources available to midshipmen, both on-campus and during Sea Year;

“(B) establish a tracking system for suicidal ideations and suicide attempts of midshipmen, which excludes personally identifiable information;

“(C) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

“(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

“(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section [Dec. 23, 2022], the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.”

CHAPTER 515—STATE MARITIME ACADEMY SUPPORT PROGRAM

- Sec. 51501. General support program.
51502. Detailing of personnel.
51503. Regional maritime academies.
51504. Use of training vessels.
51505. Annual payments for maintenance and support.
51506. Conditions to receiving payments and use of vessels.
51507. Places of training.
51508. Allowances for students.
51509. Student incentive payment agreements.
51510. Deferment of service obligation under student incentive payment agreements.

- Sec. 51511. Midshipman status in the Navy Reserve.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-181, div. C, title XXXV, §3523(a)(1), Jan. 28, 2008, 122 Stat. 598, substituted “Navy Reserve” for “Naval Reserve” in item 51511.

§ 51501. General support program

(a) ASSISTANCE TO STATE MARITIME ACADEMIES.—The Secretary of Transportation shall cooperate with and assist State maritime academies in providing instruction to individuals to prepare them for service in the merchant marine of the United States.

(b) COURSE DEVELOPMENT.—The Secretary shall provide to each State maritime academy guidance and assistance in developing courses on the operation and maintenance of new vessels, on equipment, and on innovations being introduced to the merchant marine of the United States.

(c) AMERICAN MARITIME CENTERS OF EXCELLENCE.—The Secretary shall designate each State maritime academy as an American Maritime Center of Excellence.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1577; Pub. L. 116-92, div. C, title XXXV, §3505, Dec. 20, 2019, 133 Stat. 1970.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 51501(a) and 51501(b).

Editorial Notes

AMENDMENTS

2019—Subsec. (c). Pub. L. 116-92 added subsec. (c).

§ 51502. Detailing of personnel

At the request of the Governor of a State, the President may detail, without reimbursement, personnel of the Navy, the Coast Guard, and the Maritime Service to a State maritime academy to serve as a superintendent, professor, lecturer, or instructor at the academy.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1577.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 51502.

The reference to territories is omitted as unnecessary because of the definition of “State” in chapter 1 of the revised title.

§ 51503. Regional maritime academies

The Governors of the States cooperating to sponsor a regional maritime academy shall designate in writing one of those States to conduct