

determined to be of sufficient value to the Navy to warrant their further preservation and retention.

(2) INSTITUTIONS.—The institutions referred to in paragraph (1) are—

(A) the United States Merchant Marine Academy;

(B) a State maritime academy; and

(C) a nonprofit training institution or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof jointly approved by the Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating as offering training courses that meet Federal regulations for maritime training.

(c) ASSISTANCE FROM OTHER AGENCIES.—

(1) IN GENERAL.—The Secretary of Transportation may secure directly from an agency, on a reimbursable basis, information, facilities, and equipment necessary to carry out this part.

(2) DETAILING PERSONNEL.—At the request of the Secretary, the head of an agency (including a military department) may detail, on a reimbursable basis, personnel from the agency to the Secretary to assist in carrying out this part.

(d) ACADEMY PERSONNEL.—To carry out this part, the Secretary may—

(1) employ an individual as a professor, lecturer, or instructor at the Academy, without regard to the provisions of title 5 governing appointments in the competitive service; and

(2) pay the individual without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1569; Pub. L. 112-213, title IV, §404, Dec. 20, 2012, 126 Stat. 1570.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51103(a) .....	46 App.:1295 (last sentence cl. (1)).	June 29, 1936, ch. 858, title XIII, §1301 (last sentence cl. (1)), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97-31, §12(142)(A), Aug. 6, 1981, 95 Stat. 166.
51103(b) .....	46 App.:1295g(b).	June 29, 1936, ch. 858, title XIII, §1308(b)-(d), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 2007.
51103(c) .....	46 App.:1295g(c).	
51103(d) .....	46 App.:1295g(d).	

In subsection (c), the word “department” is omitted as unnecessary because of the definition of “agency” in chapter 1 of the revised title.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-213, §404(1), struck out “Surplus” before “Property” in heading.

Subsec. (b)(1). Pub. L. 112-213, §404(2), amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, shipboard equipment, and other marine equipment, owned by the United States Government and determined to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale,

lease, or charter on terms the Secretary considers appropriate.”

Subsec. (b)(2)(C). Pub. L. 112-213, §404(3), inserted “or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof” after “a nonprofit training institution”.

§51104. General authority of Secretary of the Navy

The Secretary of the Navy, in cooperation with the Maritime Administrator and the head of each State maritime academy, shall ensure that—

(1) the training of future merchant marine officers at the United States Merchant Marine Academy and at State maritime academies includes programs for naval science training in the operation of merchant vessels as a naval and military auxiliary; and

(2) naval officer training programs for future officers, insofar as possible, are maintained at designated maritime academies consistent with Navy standards and needs.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1570.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51104 .....	46 App.:1126-1(a) (last sentence), (b).  46 App.:1295 (last sentence cl. (2)).	Pub. L. 94-361, title VI, §603(a) (last sentence), (b), July 14, 1976, 90 Stat. 929; Pub. L. 97-31, §12(76), Aug. 6, 1981, 95 Stat. 160.  June 29, 1936, ch. 858, title XIII, §1301 (last sentence cl. (2)), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97-31, §12(142)(B), Aug. 6, 1981, 95 Stat. 166.

CHAPTER 513—UNITED STATES MERCHANT MARINE ACADEMY

Sec.

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AMENDMENTS

2011—Pub. L. 111-383, div. A, title X, §1075(d)(25), Jan. 7, 2011, 124 Stat. 4374, amended Pub. L. 111-84, §3503(b)(1). See 2009 Amendment note below.

2009—Pub. L. 111-84, div. C, title XXXV, §3503(b)(1), Oct. 28, 2009, 123 Stat. 2719, as amended by Pub. L. 111-383, div. A, title X, §1075(d)(25), Jan. 7, 2011, 124 Stat. 4374, added item 51317.

2008—Pub. L. 110-417, div. C, title XXXV, §3506(g)(2), (h)(2), Oct. 14, 2008, 122 Stat. 4765, added items 51315 and 51316.

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 51311.

### § 51301. Maintenance of the Academy

(a) IN GENERAL.—The Secretary of Transportation shall maintain the United States Merchant Marine Academy as an institution of higher education to provide instruction to individuals to prepare them for service in the merchant marine of the United States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.

(b) RECRUITMENT.—The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1570; Pub. L. 111-383, div. C, title XXXV, §3504, Jan. 7, 2011, 124 Stat. 4518; Pub. L. 112-81, div. C, title XXXV, §3503, Dec. 31, 2011, 125 Stat. 1716; Pub. L. 112-239, div. A, title X, §1076(i), Jan. 2, 2013, 126 Stat. 1955.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51301 .....	46 App.:1295b(a).	June 29, 1936, ch. 858, title XIII, §1303(a), as added Pub. L. 96-453, §2, Oct. 15, 1980, 94 Stat. 1998.

#### AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239 substituted “IN GENERAL” for “IN GENERAL” in heading.

2011—Pub. L. 112-81 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 111-383 inserted “as an institution of higher education” after “Academy” and substituted “States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.” for “States.”

#### ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES MERCHANT MARINE ACADEMY

Pub. L. 110-417, div. C, title XXXV, §3507, Oct. 14, 2008, 122 Stat. 4765, provided that:

“(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

“(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

“(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

“(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

“(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

“(B) a specification of any other person whom the victim should contact; and

“(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

“(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

“(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

“(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

“(c) ANNUAL ASSESSMENT.—

“(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

“(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

“(B) to assess the perceptions of Academy personnel of—

“(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

“(ii) the enforcement of such policies;

“(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

“(d) ANNUAL REPORT.—

“(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

“(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey