

DEADLINES; CONTINUATION OF SERVICE

Pub. L. 113-291, div. C, title XXXV, § 3504(b), (c), Dec. 19, 2014, 128 Stat. 3909, provided that:

“(b) DEADLINES.—

“(1) SELECTION OF DESIGNATED FEDERAL OFFICER.—The Secretary of Transportation shall select a Designated Federal Officer under subsection (g)(2) of section 51312 of title 46, United States Code, as amended by this Act, by not later than 30 days after the date of the enactment of this Act [Dec. 19, 2014].

“(2) APPOINTMENT OF MEMBERS.—Appointments under subsection (b)(1) of such section shall be completed by not later than 60 days after the date of the enactment of this Act.

“(3) ORGANIZATION OF FIRST MEETING.—Such Designated Federal Officer shall organize a meeting of the Board under section (d)(2) of such section by not later than 60 days after the date of the enactment of this Act.

“(c) CONTINUATION OF SERVICE OF CURRENT MEMBERS.—Each member of the Board of Visitors serving as a member of the Board on the date of the enactment of this Act shall continue to serve on the Board for the remainder of such member’s term.”

§ 51313. Advisory Board

(a) IN GENERAL.—An Advisory Board to the United States Merchant Marine Academy shall be established to visit the Academy at least once during each academic year, for the purpose of examining the course of instruction and management of the Academy and advising the Maritime Administrator and the Superintendent of the Academy.

(b) APPOINTMENT AND TERMS.—The Board shall be composed of not more than 7 individuals appointed by the Secretary of Transportation. The individuals must be distinguished in education and other fields related to the Academy. Members of the Board shall be appointed for terms of not more than 3 years and may be reappointed. The Secretary shall designate one of the members as chairman.

(c) TRAVEL EXPENSES.—When serving away from home or regular place of business, a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the Board.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1576.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51313	46 App.:1295b(i).	June 29, 1936, ch. 858, title XIII, § 1303(i), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97-31, § 12(144)(C), Aug. 6, 1981, 95 Stat. 166.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 51314. Limitation on charges and fees for attendance

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the United States Mer-

chant Marine Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees. The Secretary of Transportation shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection. Such fees shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1576; Pub. L. 111-84, div. C, title XXXV, § 3510, Oct. 28, 2009, 123 Stat. 2722; Pub. L. 111-117, div. A, title I, § 176, Dec. 16, 2009, 123 Stat. 3068.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51314	46 App.:1295b(j).	June 29, 1936, ch. 858, title XIII, § 1303(j), as added Pub. L. 108-375, Oct. 28, 2004, div. A, title V, § 545(e), 118 Stat. 1909.

AMENDMENTS

2009—Subsec. (b). Pub. L. 111-117 inserted at end “Such fees shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”

Pub. L. 111-84 substituted “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees.” for “1994.”

§ 51315. Gifts to the Merchant Marine Academy

(a) IN GENERAL.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator’s duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the “Academy Gift Fund”. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the

Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

- (1) gifts of money;
- (2) income from donated property accepted under this section;
- (3) proceeds from the sale of donated property; and
- (4) income from securities under subsection (c) of this section.

(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

(d) DISBURSEMENT AUTHORITY.—There are hereby authorized to be disbursed from the Fund such sums as may be on deposit, to remain available until expended.

(e) DEDUCTIBILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.

(Added Pub. L. 110-417, div. C, title XXXV, § 3506(g)(1), Oct. 14, 2008, 122 Stat. 4764.)

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (e), is classified generally to Title 26, Internal Revenue Code.

§ 51316. Temporary appointments to the Academy

Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.

(Added Pub. L. 110-417, div. C, title XXXV, § 3506(h)(1), Oct. 14, 2008, 122 Stat. 4765.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

§ 51317. Adjunct professors

(a) IN GENERAL.—The Maritime Administrator may establish a program for the purpose of contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

(b) CONTRACT REQUIREMENTS.—Each contract under the program—

- (1) must be approved by the Maritime Administrator; and¹
- (2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circum-

stances justify an extension of up to one additional year.²

(3) shall be subject to the availability of appropriations.

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts³ under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy in fiscal year 2010 or fiscal year 2011, the Administrator shall notify the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment for the adjunct professor.

(Added Pub. L. 111-84, div. C, title XXXV, § 3503(a), Oct. 28, 2009, 123 Stat. 2719.)

§ 51318. Policy on sexual harassment and sexual assault

(a) REQUIRED POLICY.—

(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

(A) 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;

(B) procedures that a cadet or other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual assault, including—

(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by the victim and the options for confidential reporting;

(ii) specifying any other person whom the victim should contact; and

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

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

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

¹ So in original. The word “and” probably should not appear.

² So in original. The period probably should be “; and”.

³ So in original. Probably should be “contracts”.