

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; and<sup>1</sup>
- (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.<sup>2</sup>

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

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts<sup>3</sup> 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;

<sup>1</sup> So in original. The word “and” probably should not appear.

<sup>2</sup> So in original. The period probably should be “; and”.

<sup>3</sup> So in original. Probably should be “contracts”.