

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”.

(E) procedures through which—

- (i) questions regarding sexual harassment or sexual assault can be confidentially asked and confidentially answered;
- (ii) victims can report incidents of sexual assault confidentially; and
- (iii) the privacy of victims of sexual harassment and sexual assault will be protected; and

(F) 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 assault involving Academy personnel.

(3) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under this subsection is available to—

- (A) all cadets and employees of the Academy; and
- (B) the public.

(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult with or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(b) DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall ensure that the development program of the Academy includes a section that—

- (A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy;
- (B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and
- (C) includes information relating to reporting sexual harassment and sexual assault, victims' rights, and dismissal for offenders.

(2) MINIMUM TRAINING REQUIREMENTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment and sexual assault prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

- (A) An initial training session, which shall occur not later than 7 days after a cadet's initial arrival at the Academy.
- (B) Additional training sessions, which shall occur biannually following the cadet's initial training session until the cadet graduates or leaves the Academy.

(c) ANNUAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Superintendent, shall conduct an assessment at the Academy, during each Academy program year, to determine the effectiveness of the policies, procedures, and training program of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-

numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

(A) to measure—

- (i) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have been reported to officials of the Academy; and
- (ii) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of cadets and other Academy personnel on—

- (i) the policies, procedures, and training programs of the Academy on sexual harassment and sexual assault involving cadets or other Academy personnel;
- (ii) the enforcement of the policies described in clause (i);
- (iii) the incidence of sexual harassment and sexual assault involving cadets or other Academy personnel; and
- (iv) any other issues relating to sexual harassment and sexual assault involving cadets or other Academy personnel.

(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—For each Academy program year, the Superintendent shall submit to the Secretary a report that provides information about sexual harassment and sexual assault involving cadets or other Academy personnel.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

- (A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;
- (B) the number of the reported cases described in subparagraph (A) that have been substantiated;
- (C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to incidents of sexual harassment and sexual assault involving cadets and other Academy personnel; and

(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, incidents of sexual harassment and sexual assault involving cadets and other Academy personnel.

(3) SURVEY AND FOCUS GROUP RESULTS.—

(A) SURVEY RESULTS.—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 conducted in that program year under subsection (c)(2).

(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary is not required to conduct the survey described in subsection (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

(4) REPORTING REQUIREMENT.—

(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent, the Superintendent shall provide to the Secretary and the Board of Visitors of the Academy a report that includes—

- (i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and
- (ii) the Academy's response to the incident.

(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Added Pub. L. 114-328, div. C, title XXXV, § 3510(a), Dec. 23, 2016, 130 Stat. 2782.)

SEA YEAR COMPLIANCE

Pub. L. 114-328, div. C, title XXXV, § 3514, Dec. 23, 2016, 130 Stat. 2788, provided that: "Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2016], the Maritime Administrator, in consultation with operators of commercial vessels of the United States, shall establish—

- "(1) criteria that vessel operators must meet in order to participate in the Sea Year program of the United States Merchant Marine Academy that addresses sexual harassment, sexual assault, and other inappropriate conduct; and
- "(2) a process for verifying compliance with the criteria."

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 conducted in that program year under subsection (c)(2).

“(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent’s comments on the report.

“(B) The Secretary shall transmit each such report, together with the Secretary’s comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.”

§ 51319. Sexual assault response coordinators and sexual assault victim advocates

(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

(1) IN GENERAL.—The Secretary, acting through the Superintendent of the Academy, shall designate from among volunteers 1 or more permanent employees of the Academy to serve as advocates for victims of sexual assaults involving cadets of the Academy or other Academy personnel.

(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318; and

(B) serve as a victim advocate voluntarily, in addition to the individual’s other duties as an employee of the Academy.

(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

(B) identify additional resources to ensure the safety of victims of sexual assault; and

(C) connect victims of sexual assault to companions, as described in paragraph (4).

(4) COMPANIONS.—

(A) IN GENERAL.—At least 1 victim advocate designated under this subsection, or a sexual assault response coordinator designated under subsection (a), while performing the duties of a victim advocate, shall act as a companion to a victim described in paragraph (1) in navigating investigative, medical, mental, and emotional health, and recovery processes relating to sexual assault.

(B) ALTERNATE VICTIM ADVOCATES.—If requested by the victim, an alternate victim advocate shall be designated under this subsection to act as a companion to the victim, as described in subparagraph (A).

(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault described in paragraph (1) can receive victim support services.

(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

(Added Pub. L. 114-328, div. C, title XXXV, §3511(a), Dec. 23, 2016, 130 Stat. 2785.)

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. 51511. Midshipman status in the Navy Reserve.

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.

(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). Rows for 51501(a) and 51501(b).

§ 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.