

“(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.—

(1) REQUIREMENT FOR 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.

(2) SELECTION CRITERIA.—Each sexual assault response coordinator shall be selected based on—

(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

(B) protection of the individual under applicable law to provide privileged communication.

(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a cadet at the Academy who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

(4) TRAINING.—

(A) VERIFICATION.—Not later than 90 days after the date of the enactment of the Na-

tional Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall develop a process to verify that each sexual assault response coordinator has completed proper training.

(B) TRAINING REQUIREMENTS.—The training referred to in subparagraph (A) shall include training in—

(i) working with victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(C) COMPLETION OF TRAINING.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

(ii) 180 days after starting in the role of sexual assault response coordinator.

(5) DUTIES.—A sexual assault response coordinator shall—

(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

(B) inform the victim of—

(i) the victim’s rights under applicable law;

(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy and law enforcement;

(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocates at the Academy, and crisis intervention counseling and ongoing counseling;

(iv) such coordinator’s ability to assist in arranging access to such services, with the consent of the victim;

(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

(vi) such coordinator’s ability to assist in arranging such accommodations, with the consent of the victim;

(vii) the victim’s rights and the Academy’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

(viii) privacy limitations under applicable law;

(C) represent the interests of any cadet at the Academy who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

(D) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

(E) liaise with appropriate staff at the Academy, with the victim's consent, to arrange reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

(F) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstances surrounding the reported incident unless—

- (i) otherwise required by applicable law;
- (ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or
- (iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if information is shared; and

(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

(b) OVERSIGHT.—

(1) IN GENERAL.—

(A) REPORTING.—Each sexual assault response coordinator shall—

- (i) report directly to the Superintendent; and
- (ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response matters.

(B) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator at the Academy on all sexual harassment, dating violence, domestic violence, sexual assault, or stalking prevention matters.

(2) PROHIBITION ON INVESTIGATION BY THE ACADEMY.—Any request by a victim for an accommodation, as described in subsection

(a)(5)(E), made by a sexual assault response coordinator shall not trigger an investigation by the Academy, even if such coordinator deals only with matters relating to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

(3) PROHIBITION ON RETALIATION.—A sexual assault response coordinator, victim advocate, or companion may not be disciplined, penalized, or otherwise retaliated against by the Academy for representing the interests of the victim, even if such interests are in conflict with the interests of the Academy.

(c) 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) 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) and (4).

(Added Pub. L. 114-328, div. C, title XXXV, §3511(a), Dec. 23, 2016, 130 Stat. 2785; amended Pub. L. 115-91, div. C, title XXXV, §3515(a), (c), Dec. 12, 2017, 131 Stat. 1924, 1927.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2018 and enactment of the National Defense Authorization Act for Fiscal Year 2018, referred to in subsec. (a)(4)(A), (C)(i), are the date of enactment of Pub. L. 115-91, which was approved Dec. 12, 2017.

AMENDMENTS

2017—Subsecs. (a) to (c). Pub. L. 115-91, § 3515(a), added subsecs. (a) and (b), redesignated former subsec. (b) as (c), and struck out former subsec. (a) which read as follows: “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.”

Subsec. (c)(5), (6). Pub. L. 115-91, § 3515(c), redesignated par. (6) as (5), substituted “paragraphs (3) and (4)” for “paragraphs (3), (4), and (5)”, and struck out former par. (5) which read as follows: “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.”

§ 51320. Acceptance of guarantees with gifts for major projects

(a) DEFINITIONS.—In this section:

(1) MAJOR PROJECT.—The term “major project” means a project estimated to cost at least \$1,000,000 for—

(A) the purchase or other procurement of real or personal property; or

(B) the construction, renovation, or repair of real or personal property.

(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term “major United States commercial bank” means a commercial bank that—

(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

(B) is headquartered in the United States; and

(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

(3) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term “major United States investment management firm” means—

(A) any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c));

(B) any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2)); or

(C) a major United States commercial bank that—

(i) is headquartered in the United States; and

(ii) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

(4) QUALIFIED GUARANTEE.—The term “qualified guarantee”, with respect to a major project, means a guarantee that—

(A) is made by 1 or more persons in connection with a donation for the project of a total amount in cash or securities that the Maritime Administrator determines is sufficient to defray a substantial portion of the total cost of the project;

(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

(C) is set forth as a written agreement providing that the donor will furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

(D) is accompanied by—

(i) an irrevocable and unconditional standby letter of credit for the benefit of the United States Merchant Marine Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

(ii) a qualified account control agreement.

(5) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term “qualified account control agreement”, with respect to a guarantee of a donor, means an agreement among the donor, the Maritime Administrator, and a major United States investment management firm that—

(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.

(c) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal