

(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

fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

(d) **NOTICE.**—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

(e) **PROHIBITION ON COMMINGLING FUNDS.**—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(Added Pub. L. 115–91, div. C, title XXXV, §3510(a), Dec. 12, 2017, 131 Stat. 1916.)

§ 51321. Grants for scientific and educational research

(a) **DEFINED TERM.**—In this section, the term “qualifying research grant” is a grant that—

(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

(2) is to be used to carry out a research project with a scientific or educational purpose.

(b) **ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.**—The United States Merchant Marine Academy may compete for and accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

(c) **ADMINISTRATION OF GRANT FUNDS.**—

(1) **ESTABLISHMENT OF ACCOUNT.**—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

(2) **USE OF GRANT FUNDS.**—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

(d) **RELATED EXPENSES.**—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.

(Added Pub. L. 115–91, div. C, title XXXV, §3512(a), Dec. 12, 2017, 131 Stat. 1918.)

§ 51322. Protection of cadets from sexual assault onboard vessels

(a) **RIDING GANGS.**—

(1) **CERTIFICATION OF COMPLIANCE.**—The Maritime Administrator shall require the owner or operator of any commercial vessel that is car-

rying a cadet from the United States Merchant Marine Academy to certify compliance of the vessel with the International Convention for Safety of Life at Sea, 1974 (32 UST 47) and section 8106 of this title.

(2) INFORMATION FOR CADETS.—The Maritime Administrator shall ensure that the Academy informs cadets preparing for Sea Year of the obligations that vessel owners and operators have to provide for the security of individuals aboard a vessel under United States law, including chapter 81 and section 70103(c) of this title.

(b) CHECKS OF COMMERCIAL VESSELS.—

(1) REQUIREMENT.—Not less frequently than biennially, staff of the Academy or staff of the Maritime Administration shall conduct both random and targeted unannounced checks of not less than 10 percent of the commercial vessels that host a cadet from the Academy.

(2) REMOVAL OF STUDENTS.—If staff of the Academy or staff of the Maritime Administration determine that a commercial vessel is in violation of the sexual assault policy developed by the Academy through a check conducted under paragraph (1), the staff may—

(A) remove any cadet of the Academy from the vessel; and

(B) report the violation to the owner or operator of the vessel.

(c) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for any person required to have such training.

(d) SEA YEAR SURVEY.—

(1) REQUIREMENT.—The Maritime Administrator shall require each cadet from the Academy, upon completion of the cadet’s Sea Year, to complete a survey regarding the environment and conditions during the Sea Year of the vessel to which the cadet was assigned.

(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

(A) the questions used in the survey required by paragraph (1); and

(B) the aggregated data received from such surveys.

(Added Pub. L. 115-91, div. C, title XXXV, § 3516(a), Dec. 12, 2017, 131 Stat. 1927; amended Pub. L. 115-232, div. C, title XXXV, § 3515(b), Aug. 13, 2018, 132 Stat. 2312.)

Editorial Notes

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-232 amended subsec. (c) generally. Prior to amendment, text read as follows: “The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for the crew and passengers of any vessel hosting a cadet from the Academy.”

§ 51323. United States Merchant Marine Academy Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory council, to

be known as the “United States Merchant Marine Academy Advisory Council” (in this section referred to as the “Council”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall select not fewer than 8 and not more than 14 individuals to serve as members of the Council. Such individuals shall have such expertise as the Secretary determines necessary and appropriate for providing advice and guidance on improving the Academy.

(2) GOVERNMENTAL EXPERTS.—The number of members of the Council who are employees of the Federal Government may not exceed the number of members of the Council who are not employees of the Federal Government.

(3) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government by reason of their membership on the Council for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

(c) RESPONSIBILITIES.—The Council shall provide advice to the Secretary at the time and in the manner requested by the Secretary.

(d) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out its responsibilities under this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

(Added Pub. L. 117-81, div. C, title XXXV, § 3501(c)(1), Dec. 27, 2021, 135 Stat. 2238.)

§ 51324. Unfilled vacancies

(a) IN GENERAL.—In the event of an unfilled vacancy for any critical position at the United States Merchant Marine Academy, the Secretary of Transportation may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of that title, a qualified candidate for the purposes of filling up to 20 of such positions.

(b) CRITICAL POSITION DEFINED.—In this section, the term “critical position” means a position that contributes to the improvement of—

- (1) the culture or infrastructure of the Academy;
- (2) student health and well being;
- (3) Academy governance; or
- (4) any other priority areas identified by the Council.

(Added Pub. L. 117-81, div. C, title XXXV, § 3501(c)(1), Dec. 27, 2021, 135 Stat. 2238.)

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