

Subsec. (g). Pub. L. 117-263, §3513(a)(2), redesignated subsec. (d) as (g).

Subsecs. (h), (i). Pub. L. 117-263, §3513(a)(5), added subsecs. (h) and (i).

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.”

#### Statutory Notes and Related Subsidiaries

##### REGULATIONS

Pub. L. 117-263, div. C, title XXXV, §3513(b), Dec. 23, 2022, 136 Stat. 3068, provided that:

“(1) IN GENERAL.—The Maritime Administrator may prescribe rules necessary to carry out the amendments made by this section [amending this section and section 51319 of this title and repealing provisions set out as notes under section 51318 of this title].

“(2) INTERIM RULES.—The Maritime Administrator may prescribe interim rules necessary to carry out the amendments made by this section. For this purpose, the Maritime Administrator in prescribing rules under paragraph (1) is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules prescribed under the authority of the amendments made by this section shall remain in effect until superseded by a final rule.”

#### § 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.)

#### § 51325. Sexual assault and sexual harassment prevention information management system

(a) INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish within the United States Merchant Marine Academy Sexual Assault prevention and Response Program, an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system established under paragraph (1) shall include the following information, to the extent that information is available:

(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

(C) The standardized job title or position of the individuals involved in each such incident.

(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

(E) The type of inquiry made into each such incident.

(F) A record of whether each such incident was substantiated by the relevant investigative process.

(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Chief Information Officer of the Department of Transportation shall coordinate to ensure that the information management system under this section shall—

- (A) be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system; and