



AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend title XXXV.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

H. R. 2810

To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER (for
himself and Mrs. FISCHER)

Viz:

1 Strike title XXXV and insert the following:

2 **TITLE XXXV—MARITIME**
3 **ADMINISTRATION**

4 **SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-**
5 **TRATION.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to the Department of Transportation for fiscal
8 year 2018, to be available without fiscal year limitation
9 if so provided in appropriations Acts, for programs associ-

1 ated with maintaining the United States merchant marine,
2 the following amounts:

3 (1) For expenses necessary for operations of the
4 United States Merchant Marine Academy,
5 \$100,802,000, of which—

6 (A) \$75,751,000 shall be for Academy op-
7 erations, including—

8 (i) the implementation of section
9 3514(b) of the National Defense Author-
10 ization Act for Fiscal Year 2017, as added
11 by section 3508; and

12 (ii) staffing, training, and other ac-
13 tions necessary to prevent and respond to
14 sexual harassment and sexual assault; and

15 (B) \$25,051,000 shall remain available
16 until expended for capital asset management at
17 the Academy.

18 (2) For expenses necessary to support the State
19 maritime academies, \$29,550,000, of which—

20 (A) \$2,400,000 shall remain available until
21 September 30, 2018, for the Student Incentive
22 Program;

23 (B) \$3,000,000 shall remain available until
24 expended for direct payments to such acad-
25 emies;

1 (C) \$22,000,000 shall remain available
2 until expended for maintenance and repair of
3 State maritime academy training vessels;

4 (D) \$1,800,000 shall remain available until
5 expended for training ship fuel assistance; and

6 (E) \$350,000 shall remain available until
7 expended for expenses to improve the moni-
8 toring of the service obligations of graduates.

9 (3) For expenses necessary to support the Na-
10 tional Security Multi-Mission Vessel Program,
11 \$36,000,000, which shall remain available until ex-
12 pended.

13 (4) For expenses necessary to support Maritime
14 Administration operations and programs,
15 \$58,694,000.

16 (5) For expenses necessary to dispose of vessels
17 in the National Defense Reserve Fleet, \$20,000,000,
18 which shall remain available until expended.

19 (6) For expenses necessary for the loan guar-
20 antee program authorized under chapter 537 of title
21 46, United States Code, \$33,000,000, of which—

22 (A) \$30,000,000 may be used for the cost
23 (as defined in section 502(5) of the Federal
24 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
25 of loan guarantees under the program; and

1 (B) \$3,000,000 may be used for adminis-
2 trative expenses relating to loan guarantee com-
3 mitments under the program.

4 (b) ASSISTANCE FOR SMALL SHIPYARDS AND MARI-
5 TIME COMMUNITIES.—Section 54101(i) of title 46, United
6 States Code, is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “2015 through 2017” and inserting “2018
9 through 2020”;

10 (2) in paragraph (1), by striking “\$5,000,000”
11 and inserting “\$7,500,000”; and

12 (3) in paragraph (2), by striking
13 “\$25,000,000” and inserting “\$27,500,000”.

14 **SEC. 3502. REMOVAL ADJUNCT PROFESSOR LIMIT AT**
15 **UNITED STATES MERCHANT MARINE ACAD-**
16 **EMY.**

17 Section 51317 of title 46, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking “and” at
21 the end; and

22 (B) in paragraph (2), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (2) by striking subsections (c) and (d).

1 **SEC. 3503. ACCEPTANCE OF GUARANTEES IN CONJUNC-**
2 **TION WITH PARTIAL DONATIONS FOR MAJOR**
3 **PROJECTS OF THE UNITED STATES MER-**
4 **CHANT MARINE ACADEMY.**

5 (a) **GUARANTEES.**—Chapter 513 of title 46, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 51320. Acceptance of guarantees with gifts for**
9 **major projects**

10 **“(a) DEFINITIONS.**—In this section:

11 **“(1) MAJOR PROJECT.**—The term ‘major
12 project’ means a project estimated to cost at least
13 \$1,000,000 for—

14 **“(A)** the purchase or other procurement of
15 real or personal property; or

16 **“(B)** the construction, renovation, or re-
17 pair of real or personal property.

18 **“(2) MAJOR UNITED STATES COMMERCIAL**
19 **BANK.**—The term ‘major United States commercial
20 bank’ means a commercial bank that—

21 **“(A)** is an insured bank (as defined in sec-
22 tion 3(h) of the Federal Deposit Insurance Act
23 (12 U.S.C. 1813(h)));

24 **“(B)** is headquartered in the United
25 States; and

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

4 “(3) MAJOR UNITED STATES INVESTMENT MAN-
5 AGEMENT FIRM.—The term ‘major United States in-
6 vestment management firm’ means—

7 “(A) any broker or dealer (as such terms
8 are defined in section 3 of the Securities Ex-
9 change Act of 1934 (15 U.S.C. 78c));

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

14 “(C) a major United States commercial
15 bank that—

16 “(i) is headquartered in the United
17 States; and

18 “(ii) holds for the account of others
19 investment assets in a total amount consid-
20 ered by the Maritime Administrator to
21 qualify the bank as a major investment
22 management firm.

23 “(4) QUALIFIED GUARANTEE.—The term
24 ‘qualified guarantee’, with respect to a major
25 project, means a guarantee that—

1 “(A) is made by 1 or more persons in con-
2 nection with a donation for the project of a
3 total amount in cash or securities that the Mar-
4 itime Administrator determines is sufficient to
5 defray a substantial portion of the total cost of
6 the project;

7 “(B) is made to facilitate or expedite the
8 completion of the project in reasonable anticipa-
9 tion that other donors will contribute sufficient
10 funds or other resources in amounts sufficient
11 to pay for completion of the project;

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

21 “(D) is accompanied by—

22 “(i) an irrevocable and unconditional
23 standby letter of credit for the benefit of
24 the United States Merchant Marine Acad-
25 emy that is in the amount of the guarantee

1 and is issued by a major United States
2 commercial bank; or

3 “(ii) a qualified account control agree-
4 ment.

5 “(5) QUALIFIED ACCOUNT CONTROL AGREE-
6 MENT.—The term ‘qualified account control agree-
7 ment’, with respect to a guarantee of a donor, means
8 an agreement among the donor, the Maritime Ad-
9 ministrators, and a major United States investment
10 management firm that—

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

15 “(B) provides for the perfection of a secu-
16 rity interest in the assets of the account for the
17 United States for the benefit of the United
18 States Merchant Marine Academy with the
19 highest priority available for liens and security
20 interests under applicable law;

21 “(C) requires the donor to maintain in an
22 account with the investment management firm
23 assets having a total value that is not less than
24 130 percent of the amount guaranteed; and

1 “(D) requires the investment management
2 firm, whenever the value of the account is less
3 than the value required to be maintained under
4 subparagraph (C), to liquidate any noncash as-
5 sets in the account and reinvest the proceeds in
6 Treasury bills issued under section 3104 of title
7 31.

8 “(b) ACCEPTANCE AUTHORITY.—Subject to sub-
9 section (d), the Maritime Administrator may accept a
10 qualified guarantee from a donor or donors for the comple-
11 tion of a major project for the benefit of the United States
12 Merchant Marine Academy.

13 “(c) OBLIGATION AUTHORITY.—The amount of a
14 qualified guarantee accepted under this section shall be
15 considered as contract authority to provide obligation au-
16 thority for purposes of Federal fiscal and contractual re-
17 quirements. Funds available for a project for which such
18 a guarantee has been accepted may be obligated and ex-
19 pended for the project without regard to whether the total
20 amount of funds and other resources available for the
21 project (not taking into account the amount of the guar-
22 antee) is sufficient to pay for completion of the project.

23 “(d) NOTICE.—The Maritime Administrator may not
24 accept a qualified guarantee under this section for the
25 completion of a major project until 30 days after the date

1 on which a report of the facts concerning the proposed
2 guarantee is submitted to Congress.

3 “(e) PROHIBITION ON COMMINGLING FUNDS.—The
4 Maritime Administrator may not enter into any contract
5 or other transaction involving the use of a qualified guar-
6 antee and appropriated funds in the same contract or
7 transaction.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 513 of title 46, United States Code, is amend-
10 ed by adding at the end the following:

“51320. Acceptance of guarantees with gifts for major projects.”.

11 **SEC. 3504. AUTHORITY TO PAY CONVEYANCE OR TRANSFER**
12 **EXPENSES IN CONNECTION WITH ACCEPT-**
13 **ANCE OF A GIFT TO THE UNITED STATES**
14 **MERCHANT MARINE ACADEMY.**

15 Section 51315 of title 46, United States Code, is
16 amended by inserting at the end the following:

17 “(f) PAYMENT OF EXPENSES.—The Maritime Ad-
18 ministrator may pay all necessary expenses in connection
19 with the conveyance or transfer of a gift, devise, or be-
20 quest accepted under this section.”.

21 **SEC. 3505. AUTHORITY TO PARTICIPATE IN FEDERAL,**
22 **STATE OR OTHER RESEARCH GRANTS.**

23 (a) RESEARCH GRANTS.—Chapter 513 of title 46,
24 United States Code, as amended by sections 3503 through

1 3505, is further amended by adding at the end the fol-
2 lowing:

3 **“§ 51321. Grants for scientific and educational re-**
4 **search**

5 “(a) DEFINED TERM.—In this section, the term
6 ‘qualifying research grant’ is a grant that—

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

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

15 “(b) ACCEPTANCE OF QUALIFYING RESEARCH
16 GRANTS.—Notwithstanding any other provision of law,
17 the United States Merchant Marine Academy may com-
18 pete for and accept qualifying research grants if the work
19 under the grant is to be carried out by a professor or in-
20 structor of the United States Merchant Marine Academy.

21 “(c) ADMINISTRATION OF GRANT FUNDS.—

22 “(1) ESTABLISHMENT OF ACCOUNT.—The Mar-
23 itime Administrator shall establish a separate ac-
24 count for administering funds received from research
25 grants under this section.

1 “(A) the economic circumstances and con-
2 ditions of maritime communities;

3 “(B) projects that would be effective in
4 fostering efficiency, competitive operations, and
5 quality ship construction, repair, and reconfig-
6 uration; and

7 “(C) projects that would be effective in
8 fostering employee skills and enhancing produc-
9 tivity.

10 “(2) TIMING OF AWARD.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Administrator shall
13 award grants under this section not later than
14 120 days after the date of the enactment of the
15 appropriations Act for the fiscal year con-
16 cerned.

17 “(B) REALLOCATION OF UNUSED
18 FUNDS.—If a grant is awarded under this sec-
19 tion and, for any reason, the grant funds, or
20 any portion thereof, are not used by the grant-
21 ee—

22 “(i) such funds shall remain available
23 until expended; and

24 “(ii) the Administrator may use such
25 unused funds to award, in any fiscal year,

1 another grant under this section to an ap-
2 plicant who submitted an application under
3 the initial or any subsequent notice of
4 availability of funds.”; and

5 (2) in subsection (c), by adding at the end the
6 following:

7 “(3) BUY AMERICA.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of law, the Secretary of Trans-
10 portation shall not obligate any funds author-
11 ized to be appropriated to carry out this chap-
12 ter unless the steel, iron, and manufactured
13 products used in such project are produced in
14 the United States.

15 “(B) EXCEPTIONS.—The provisions of
16 subparagraph (A) shall not apply if the Sec-
17 retary finds that—

18 “(i) their application would be incon-
19 sistent with the public interest;

20 “(ii) such materials and products are
21 not produced in the United States in suffi-
22 cient and reasonably available quantities
23 and of a satisfactory quality; or

1 “(iii) inclusion of domestic material
2 will increase the cost of the overall project
3 by more than 25 percent.”.

4 **SEC. 3507. DOMESTIC MARITIME CENTERS OF EXCEL-**
5 **LENCE.**

6 (a) DESIGNATION AUTHORITY.—The Secretary of
7 Transportation is authorized to designate community and
8 technical colleges with a maritime training program and
9 maritime training centers operated by or under the super-
10 vision of a State, if located in the United States along
11 the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic
12 Ocean, Bering Sea, Gulf of Alaska, or Great Lakes, as
13 centers of excellence for domestic maritime workforce
14 training and education.

15 (b) ASSISTANCE.—

16 (1) TYPES.—The Secretary may provide to an
17 entity designated as a center of excellence under
18 subsection (a)—

19 (A) technical assistance; and

20 (B) surplus Federal equipment and assets.

21 (2) TECHNICAL ASSISTANCE.—The Secretary
22 may provide technical assistance under paragraph
23 (1) to assist an entity designated as a center of ex-
24 cellence under subsection (a) to expand the capacity

1 of the entity to train the domestic maritime work-
2 force of the United States, including by—

3 (A) admitting additional students;

4 (B) recruiting and training faculty;

5 (C) expanding facilities;

6 (D) creating new maritime career path-
7 ways; and

8 (E) awarding students credit for prior ex-
9 perience, including military service.

10 **SEC. 3508. ACCESS TO SATELLITE COMMUNICATION DE-**
11 **VICES DURING SEA YEAR PROGRAM.**

12 Section 3514 of the National Defense Authorization
13 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
14 ed—

15 (1) by striking “Not later than” and inserting
16 the following:

17 “(a) **VESSEL OPERATOR REQUIREMENTS.**—Not later
18 than”; and

19 (2) by adding at the end the following:

20 “(b) **SATELLITE PHONE ACCESS.**—The Maritime Ad-
21 ministrator shall ensure that each student participating
22 in the Sea Year program is provided or has access to a
23 functional satellite communication device. A student may
24 not be denied from using such device whenever the student

1 determines that such use is necessary to prevent or report
2 sexual harassment or assault.”.

3 **SEC. 3509. ACTIONS TO ADDRESS SEXUAL HARASSMENT,**
4 **DATING VIOLENCE, DOMESTIC VIOLENCE,**
5 **SEXUAL ASSAULT, AND STALKING AT THE**
6 **UNITED STATES MERCHANT MARINE ACAD-**
7 **EMY.**

8 (a) **REQUIRED POLICY.**—Subsection (a) of section
9 51318 of title 46, United States Code, as added by section
10 3510 of the National Defense Authorization Act for Fiscal
11 Year 2017 (Public Law 114–328; 130 Stat. 2782), is
12 amended—

13 (1) in paragraph (1), by striking “harassment
14 and sexual assault” and inserting “harassment, dat-
15 ing violence, domestic violence, sexual assault, and
16 stalking”;

17 (2) in paragraph (2)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “harassment and sexual as-
20 sult” and inserting “harassment, dating vio-
21 lence, domestic violence, sexual assault, and
22 stalking”;

23 (B) in subparagraph (A), by inserting “do-
24 mestic violence, dating violence, stalking,” after
25 “acquaintance rape,”;

1 (C) in subparagraph (B)—

2 (i) in the matter preceding clause (i),
3 by striking “harassment or sexual as-
4 sault,” and inserting “harassment, dating
5 violence, domestic violence, sexual assault,
6 or stalking”;

7 (ii) in clause (i), by striking “harass-
8 ment or sexual assault” and inserting
9 “harassment, dating violence, domestic vio-
10 lence, sexual assault, or stalking”; and

11 (iii) in clause (iii), by striking “crimi-
12 nal sexual assault” and inserting “a crimi-
13 nal sexual offense”;

14 (D) in subparagraph (D), by striking “har-
15 assment or sexual assault” and inserting “har-
16 assment, dating violence, domestic violence, sex-
17 ual assault, or stalking”;

18 (E) in subparagraph (E)—

19 (i) in clause (i), by striking “harass-
20 ment or sexual assault” and inserting
21 “harassment, dating violence, domestic vio-
22 lence, sexual assault, or stalking”;

23 (ii) in clause (ii), by striking “sexual
24 assault” and inserting “sexual harassment,

1 dating violence, domestic violence, sexual
2 assault, or stalking”; and

3 (iii) in clause (iii), by striking “har-
4 assment and sexual assault” and inserting
5 “harassment, dating violence, domestic vio-
6 lence, sexual assault, or stalking”; and

7 (F) in subparagraph (F), by striking “har-
8 assment or sexual assault” and inserting “har-
9 assment, dating violence, domestic violence, sex-
10 ual assault, or stalking”;

11 (3) by redesignating paragraphs (3) and (4) as
12 paragraphs (4) and (5), respectively;

13 (4) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) MINIMUM TRAINING REQUIREMENTS FOR
16 CERTAIN INDIVIDUALS REGARDING SEXUAL HARASS-
17 MENT, DATING VIOLENCE, DOMESTIC VIOLENCE,
18 SEXUAL ASSAULT, AND STALKING.—

19 “(A) REQUIREMENT.—The Maritime Ad-
20 ministrator shall direct the Superintendent of
21 the United States Merchant Marine Academy to
22 develop a mandatory training program at the
23 United States Merchant Marine Academy for
24 each individual who is involved in implementing
25 the Academy’s student disciplinary grievance

1 procedures, including each individual who is re-
2 sponsible for—

3 “(i) resolving complaints of reported
4 sexual harassment, dating violence, domes-
5 tic violence, sexual assault, and stalking;

6 “(ii) resolving complaints of reported
7 violations of the sexual misconduct policy
8 of the Academy; or

9 “(iii) conducting an interview with a
10 victim of sexual harassment, dating vio-
11 lence, domestic violence, sexual assault, or
12 stalking.

13 “(B) CONSULTATION.—The Super-
14 intendent shall develop the training program
15 described in subparagraph (A) in consultation
16 with national, State, or local sexual assault,
17 dating violence, domestic violence, or stalking
18 victim advocacy, victim services, or prevention
19 organizations.

20 “(C) ELEMENTS.—The training required
21 by subparagraph (A) shall include the following:

22 “(i) Information on working with and
23 interviewing persons subjected to sexual
24 harassment, dating violence, domestic vio-
25 lence, sexual assault, or stalking.

1 “(ii) Information on particular types
2 of conduct that would constitute sexual
3 harassment, dating violence, domestic vio-
4 lence, sexual assault, or stalking, regard-
5 less of gender, including same-sex sexual
6 harassment, dating violence, domestic vio-
7 lence, sexual assault, or stalking.

8 “(iii) Information on consent and the
9 effect that drugs or alcohol may have on
10 an individual’s ability to consent.

11 “(iv) Information on the effects of
12 trauma, including the neurobiology of trau-
13 ma.

14 “(v) Training regarding the use of
15 trauma-informed interview techniques,
16 which means asking questions of an indi-
17 vidual who has been a victim of sexual har-
18 assment, dating violence, domestic violence,
19 sexual assault, or stalking in a manner
20 that is focused on the experience of the vic-
21 tim, does not judge or blame the victim,
22 and is informed by evidence-based research
23 on the neurobiology of trauma.

24 “(vi) Training on cultural awareness
25 regarding how dating violence, domestic vi-

1 olence, sexual assault, or stalking may im-
2 pact midshipmen differently depending on
3 their cultural background.

4 “(vii) Information on sexual assault
5 dynamics, sexual assault perpetrator be-
6 havior, and barriers to reporting.

7 “(D) IMPLEMENTATION.—

8 “(i) DEVELOPMENT AND APPROVAL
9 SCHEDULE.—The training program re-
10 quired by subparagraph (A) shall be devel-
11 oped not later than 90 days after the date
12 of the enactment of the National Defense
13 Authorization Act for Fiscal Year 2018.

14 “(ii) COMPLETION OF TRAINING.—
15 Each individual who is required to com-
16 plete the training described in subpara-
17 graph (A) shall complete such training not
18 later than—

19 “(I) 270 days after enactment of
20 the National Defense Authorization
21 Act for Fiscal Year 2018; or

22 “(II) 180 days after starting a
23 position with responsibilities that in-
24 clude the activities described clause

1 (i), (ii), or (iii) of subparagraph (A).”;

2 and

3 (5) by inserting after paragraph (5), as so re-
4 designated, the following:

5 “(6) CONSISTENCY WITH THE HIGHER EDU-
6 CATION ACT OF 1965.—The Secretary shall ensure
7 that the policy developed under this subsection
8 meets the requirements set out in paragraph (8) of
9 section 485(f) of the Higher Education Act of 1965
10 (20 U.S.C. 1092(f)(8)).”.

11 (b) MINIMUM PROCEDURES FOR HANDLING RE-
12 PORTS OF SEXUAL HARASSMENT, DATING VIOLENCE,
13 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALK-
14 ING.—Subsection (b) of section 51318 of title 46, United
15 States Code, as added by section 3510 of the National
16 Defense Authorization Act for Fiscal Year 2017 (Public
17 Law 114–328; 130 Stat. 2782), is amended to read as
18 follows:

19 “(b) DEVELOPMENT PROGRAM.—

20 “(1) IN GENERAL.—The Maritime Adminis-
21 trator shall ensure that the development program of
22 the Academy includes a section that—

23 “(A) describes the relationship between
24 honor, respect, and character development and
25 the prevention of sexual harassment, dating vio-

1 lence, domestic violence, sexual assault, and
2 stalking at the Academy;

3 “(B) includes a brief history of the prob-
4 lem of sexual harassment, dating violence, do-
5 mestic violence, sexual assault, and stalking in
6 the merchant marine, in the Armed Forces, and
7 at the Academy; and

8 “(C) includes information relating to re-
9 porting sexual harassment, dating violence, do-
10 mestic violence, sexual assault, and stalking,
11 victims’ rights, and dismissal for offenders.

12 “(2) MINIMUM REQUIREMENTS TO COMBAT RE-
13 TALIATION.—

14 “(A) REQUIREMENT FOR PLAN.—Not later
15 than 90 days after the date of the enactment of
16 the National Defense Authorization Act for Fis-
17 cal Year 2018, the Maritime Administrator
18 shall direct the Superintendent of the United
19 States Merchant Marine Academy to implement
20 and maintain a plan to combat retaliation
21 against midshipmen at the United States Mer-
22 chant Marine Academy who report sexual har-
23 assment, dating violence, domestic violence, sex-
24 ual assault, or stalking.

1 “(B) VIOLATION OF CODE OF CONDUCT.—

2 The Superintendent shall consider an act of re-
3 taliation against a midshipman at the Academy
4 who reports sexual harassment, dating violence,
5 domestic violence, sexual assault, or stalking as
6 a Class I violation of the Academy’s Mid-
7 shipman Regulations or equivalent code of con-
8 duct.

9 “(C) RETALIATION DEFINITION.—The Su-
10 perintendent shall work with the sexual assault
11 prevention and response staff of the Academy
12 to define ‘retaliation’ for purposes of this sub-
13 section.

14 “(3) MINIMUM RESOURCE REQUIREMENTS.—

15 “(A) IN GENERAL.—The Maritime Admin-
16 istrator shall ensure the staff at the United
17 States Merchant Marine Academy are provided
18 adequate and appropriate sexual harassment,
19 dating violence, domestic violence, sexual as-
20 sault, and stalking prevention and response
21 training materials and resources. Such re-
22 sources shall include staff as follows:

23 “(i) Sexual assault response coordi-
24 nator.

25 “(ii) Prevention educator.

1 “(iii) Civil rights officer.

2 “(iv) Staff member to oversee Sea
3 Year.

4 “(B) COMMUNICATION.—The Director of
5 the Office of Civil Rights of the Maritime Ad-
6 ministration shall create and maintain a direct
7 line of communication to the sexual assault re-
8 sponse staff of the Academy that is outside of
9 the chain of command of the Academy.

10 “(4) MINIMUM TRAINING REQUIREMENTS.—
11 The Superintendent shall ensure that all cadets re-
12 ceive training on the sexual harassment, dating vio-
13 lence, domestic violence, sexual assault, and stalking
14 prevention and response sections of the development
15 program of the Academy, as described in paragraph
16 (1), as follows:

17 “(A) An initial training session, which
18 shall occur not later than 7 days after a cadet’s
19 initial arrival at the Academy.

20 “(B) Additional training sessions, which
21 shall occur biannually following the cadet’s ini-
22 tial training session until the cadet graduates
23 or leaves the Academy.”.

24 “(c) AGGREGATE REPORTING.—Section 51318 of title
25 46, United States Code, as added by section 3510 of the

1 National Defense Authorization Act for Fiscal Year 2017
2 (Public Law 114–328; 130 Stat. 2782), is amended by
3 adding at the end the following:

4 “(e) DATA FOR AGGREGATE REPORTING.—

5 “(1) IN GENERAL.—No requirement related to
6 confidentiality in this section or section 51319 may
7 be construed to prevent a sexual assault response co-
8 ordinator from providing information for any report
9 required by law regarding sexual harassment, dating
10 violence, domestic violence, sexual assault, or stalk-
11 ing.

12 “(2) IDENTITY PROTECTION.—Any information
13 provided for a report referred to in paragraph (1)
14 shall be provided in a manner that protects the iden-
15 tity of the victim or witness.”.

16 (d) DEFINITIONS.—Section 51318 of title 46, United
17 States Code, as added by section 3510 of the National
18 Defense Authorization Act for Fiscal Year 2017 (Public
19 Law 114–328; 130 Stat. 2782), as amended by subsection
20 (c), is further amended by adding at the end the following:

21 “(f) DEFINITIONS.—In this section and section
22 51319:

23 “(1) DATING VIOLENCE; DOMESTIC VIOLENCE;
24 STALKING.—The terms ‘dating violence’, ‘domestic
25 violence’, and ‘stalking’ have the meanings given

1 those terms is section 40002(a) of the Violence
2 Against Women Act of 1994 (42 U.S.C. 13925(a)).

3 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
4 sault’ means an offense classified as a forcible or
5 nonforcible sex offense under the uniform crime re-
6 porting system of the Federal Bureau of Investiga-
7 tion.”.

8 (e) CONFORMING AMENDMENTS.—

9 (1) HEADING.—Section 51318 of title 46,
10 United States Code, as added by section 3510 of the
11 National Defense Authorization Act for Fiscal Year
12 2017 (Public Law 114–328; 130 Stat. 2782), is
13 amended by striking the section heading and insert-
14 ing the following:

15 **“§51318. Policy on sexual harassment, dating vio-**
16 **lence, domestic violence, sexual assault,**
17 **and stalking”.**

18 (2) TABLE OF SECTIONS AMENDMENT.—The
19 table of sections for chapter 513 of title 46, United
20 States Code, as amended by subtitle A of title
21 XXXV of the National Defense Authorization Act
22 for Fiscal Year 2017 (Public Law 114–328; 130
23 Stat. 2774), is amended by striking the item relating
24 to section 51318 and inserting the following:

“51318. Policy on sexual harassment, dating violence, domestic violence, sexual
assault, and stalking.”.

1 **SEC. 3510. SEXUAL ASSAULT PREVENTION AND RESPONSE**

2 **STAFF.**

3 (a) IN GENERAL.—Section 51319 of title 46, United
4 States Code, as added by section 3511 of the National
5 Defense Authorization Act for Fiscal Year 2017 (Public
6 Law 114–328; 130 Stat. 2785), is amended—

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by striking subsection (a) and inserting the
10 following:

11 “(a) SEXUAL ASSAULT RESPONSE COORDINA-
12 TORS.—

13 “(1) REQUIREMENT FOR COORDINATORS.—The
14 United States Merchant Marine Academy shall em-
15 ploy or contract with at least 1 full-time sexual as-
16 sault response coordinator who shall reside at or
17 near the Academy. The Secretary of Transportation
18 may assign additional full-time or part-time sexual
19 assault response coordinators at the Academy as
20 necessary.

21 “(2) SELECTION CRITERIA.—Each sexual as-
22 sault response coordinator shall be selected based
23 on—

24 “(A) experience and a demonstrated ability
25 to effectively provide victim services related to

1 sexual harassment, dating violence, domestic vi-
2 olence, sexual assault, and stalking; and

3 “(B) protection of the individual under ap-
4 plicable law to provide privileged communica-
5 tion.

6 “(3) CONFIDENTIALITY.—A sexual assault re-
7 sponse coordinator shall, to the extent authorized
8 under applicable law, provide confidential services to
9 a midshipman who reports being a victim of, or wit-
10 ness to, sexual harassment, dating violence, domestic
11 violence, sexual assault, or stalking.

12 “(4) TRAINING.—

13 “(A) VERIFICATION.—Not later than 90
14 days after the date of the enactment of the Na-
15 tional Defense Authorization Act for Fiscal
16 Year 2018, the Maritime Administrator, in con-
17 sultation with the Director of the Maritime Ad-
18 ministration Office of Civil Rights, shall develop
19 a process to verify that each sexual assault re-
20 sponse coordinator has completed proper train-
21 ing.

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

1 “(i) working with victims of sexual
2 harassment, dating violence, domestic vio-
3 lence, sexual assault, and stalking;

4 “(ii) the policies, procedures, and re-
5 sources of the Academy related to respond-
6 ing to sexual harassment, dating violence,
7 domestic violence, sexual assault, and
8 stalking; and

9 “(iii) national, State, and local victim
10 services and resources available to victims
11 of sexual harassment, dating violence, do-
12 mestic violence, sexual assault, and stalk-
13 ing.

14 “(C) COMPLETION OF TRAINING.—A sex-
15 ual assault response coordinator shall complete
16 the training referred to in subparagraphs (A)
17 and (B) not later than—

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

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

23 “(5) DUTIES.—A sexual assault response coor-
24 dinator shall—

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

4 “(B) inform the victim of—

5 “(i) the victim’s rights under applica-
6 ble law;

7 “(ii) options for reporting an incident
8 of sexual harassment, dating violence, do-
9 mestic violence, sexual assault, or stalking
10 to the Academy and law enforcement;

11 “(iii) how to access available services,
12 including emergency medical care, medical
13 forensic or evidentiary examinations, legal
14 services, services provided by rape crisis
15 centers and other victim service providers,
16 services provided by the volunteer sexual
17 assault victim advocates at the Academy,
18 and crisis intervention counseling and on-
19 going counseling;

20 “(iv) such coordinator’s ability to as-
21 sist in arranging access to such services,
22 with the consent of the victim;

23 “(v) available accommodations, such
24 as allowing the victim to change living ar-

1 rangements and obtain accessibility serv-
2 ices;

3 “(vi) such coordinator’s ability to as-
4 sist in arranging such accommodations,
5 with the consent of the victim;

6 “(vii) the victim’s rights and the
7 Academy’s responsibilities regarding orders
8 of protection, no contact orders, restrain-
9 ing orders, or similar lawful orders issued
10 by the Academy or a criminal, civil, or
11 tribal court; and

12 “(viii) privacy limitations under appli-
13 cable law;

14 “(C) represent the interests of any mid-
15 shipmen who reports being a victim of sexual
16 harassment, dating violence, domestic violence,
17 sexual assault, or stalking, even if such inter-
18 ests are in conflict with the interests of the
19 Academy;

20 “(D) advise the victim of, and provide
21 written materials regarding, the information de-
22 scribed in subparagraph (B);

23 “(E) liaise with appropriate staff at the
24 Academy, with the victim’s consent, to arrange
25 reasonable accommodations through the Acad-

1 emy to allow the victim to change living ar-
2 rangements, obtain accessibility services, or ac-
3 cess other accommodations;

4 “(F) maintain the privacy and confiden-
5 tiality of the victim, and shall not notify the
6 Academy or any other authority of the identity
7 of the victim or the alleged circumstances sur-
8 rounding the reported incident unless—

9 “(i) otherwise required by applicable
10 law;

11 “(ii) requested to do so by the victim
12 who has been fully and accurately informed
13 about what procedures shall occur if the
14 information is shared; or

15 “(iii) notwithstanding clause (i) or
16 clause (ii), there is risk of imminent harm
17 to other individuals;

18 “(G) assist the victim in contacting and re-
19 porting an incident of sexual harassment, dat-
20 ing violence, domestic violence, sexual assault,
21 or stalking to the Academy or law enforcement,
22 if requested to do so by the victim who has been
23 fully and accurately informed about what proce-
24 dures shall occur if information is shared; and

1 “(II) submit to the Director of the Mari-
2 time Administration Office of Civil Rights an
3 annual report summarizing how the resources
4 supplied to the coordinator were used during
5 the prior year, including the number of victims
6 assisted by the coordinator.

7 “(b) OVERSIGHT.—

8 “(1) IN GENERAL.—

9 “(A) REPORTING.—Each sexual assault re-
10 sponse coordinator shall—

11 “(i) report directly to the Super-
12 intendent; and

13 “(ii) have concurrent reporting re-
14 sponsibility to the Executive Director of
15 the Maritime Administration on matters
16 related to the Maritime Administration and
17 the Department of Transportation and
18 upon belief that the Academy leadership is
19 acting inappropriately regarding sexual as-
20 sault prevention and response matters.

21 “(B) SUPPORT.—The Maritime Adminis-
22 tration Office of Civil Rights shall provide sup-
23 port to the sexual assault response coordinator
24 at the Academy on all sexual harassment, dat-

1 ing violence, domestic violence, sexual assault,
2 or stalking prevention matters.

3 “(2) PROHIBITION ON INVESTIGATION BY THE
4 ACADEMY.—Any request by a victim for an accom-
5 modation, as described in subsection (a)(5)(F), made
6 by a sexual assault response coordinator shall not
7 trigger an investigation by the Academy, even if
8 such coordinator deals only with matters relating to
9 sexual harassment, dating violence, domestic vio-
10 lence, sexual assault, or stalking.

11 “(3) PROHIBITION ON RETALIATION.—A sexual
12 assault response coordinator, victim advocate, or
13 companion may not be disciplined, penalized, or oth-
14 erwise retaliated against by the Academy for rep-
15 resenting the interests of the victim, even if such in-
16 terests are in conflict with the interests of the Acad-
17 emy.”.

18 (b) ACCESS OF ACADEMY MIDSHIPMEN TO DEPART-
19 MENT OF DEFENSE SAFE HELPLINE.—

20 (1) IN GENERAL.—The Secretary of Transpor-
21 tation, acting through the Superintendent of the
22 United States Merchant Marine Academy, and the
23 Secretary of Defense shall jointly provide for the ac-
24 cess to and use of the Department of Defense SAFE

1 Helpline by midshipmen at the Merchant Marine
2 Academy.

3 (2) TRAINING.—The training provided to per-
4 sonnel of the Department of Defense SAFE Helpline
5 shall include training on the resources available to
6 midshipmen at the Merchant Marine Academy in
7 connection with sexual assault, sexual harassment,
8 domestic violence, dating violence, and stalking.

9 (c) REPEAL OF DUPLICATE REQUIREMENT.—Sub-
10 section (c) of section 51319 of title 46, United States
11 Code, as redesignated by subsection (a)(1)—

12 (1) by striking paragraph (5);

13 (2) redesignating paragraph (6) as paragraph
14 (5); and

15 (3) in paragraph (5), as so redesignated, by
16 striking “(3), (4), and (5)” and inserting “(3) and
17 (4)”.

18 **SEC. 3511. PROTECTION OF STUDENTS FROM SEXUAL AS-**
19 **SAULT ONBOARD VESSELS .**

20 (a) IN GENERAL.—Chapter 513 of title 46, United
21 States Code, as amended by subtitle A of title XXXV of
22 the National Defense Authorization Act for Fiscal Year
23 2017 (Public Law 114–328), is amended by adding at the
24 end the following new section:

1 **“§ 51320. Protection of students from sexual assault**
2 **onboard vessels**

3 “(a) PROVISION OF INDIVIDUAL SATELLITE COMMU-
4 NICATION DEVICES DURING SEA YEAR.—

5 “(1) IN GENERAL.—The Maritime Adminis-
6 trator shall ensure that each midshipman at the
7 United States Merchant Marine Academy is pro-
8 vided a functional satellite communication device
9 during the midshipman’s Sea Year.

10 “(2) CHECK-IN.—Not less often than once each
11 week, each such midshipman shall check-in with des-
12 ignated personnel at the Academy via the mid-
13 shipman’s personal satellite communication device. A
14 text message sent via the midshipman’s personal
15 satellite device shall meet the requirement for a
16 weekly check-in for purposes of this paragraph.

17 “(b) RIDING GANGS.—The Maritime Administrator
18 shall—

19 “(1) require the owner or operator of any com-
20 mercial vessel carrying a midshipman of the Acad-
21 emy to certify their compliance with the Inter-
22 national Convention for Safety of Life at Sea, 1974,
23 with annex, done at London November 1, 1974 (32
24 UST 47) and section 8106; and

25 “(2) ensure the Academy informs midshipmen
26 preparing for Sea Year of the obligations that vessel

1 owners and operators have to provide for the secu-
2 rity of individuals aboard a vessel under United
3 States law, including chapter 81 and section
4 70103(e).

5 “(c) CHECKS OF COMMERCIAL VESSELS.—

6 “(1) REQUIREMENT.—Not less frequently than
7 biennially, the staff of the United States Merchant
8 Marine Academy or the Maritime Administration
9 shall conduct both random and targeted unan-
10 nounced checks of not less than 10 percent of the
11 commercial vessels that host a midshipman from the
12 Academy.

13 “(2) REMOVAL OF STUDENTS.—If such staff
14 determine that such a commercial vessel is in viola-
15 tion of the sexual assault policy developed by the
16 Academy through such a check, such staff are au-
17 thorized to remove any midshipman of the Academy
18 from the vessel and report any such violation to the
19 company that owns the vessel.

20 “(d) MAINTENANCE OF SEXUAL ASSAULT TRAINING
21 RECORDS.—The Maritime Administrator shall require
22 each company or seafarer union for a commercial vessel
23 to maintain records of sexual assault training for the crew
24 and passengers of any vessel hosting a midshipman from
25 the Academy.

1 “(e) SEA YEAR SURVEY.—

2 “(1) REQUIREMENT.—The Maritime Adminis-
3 trator shall require each midshipman from the Acad-
4 emy upon completion of the midshipman’s Sea Year
5 to complete a survey regarding the environment and
6 conditions during the Sea Year.

7 “(2) AVAILABILITY.—The Maritime Adminis-
8 trator shall make available to the public for each
9 year—

10 “(A) the questions used in the survey re-
11 quired by paragraph (1); and

12 “(B) the aggregated data received from
13 such surveys.”.

14 (b) TABLE OF SECTIONS AMENDMENT.—The table of
15 sections for chapter 513 of title 46, United States Code,
16 as amended by subtitle A of title XXXV of the National
17 Defense Authorization Act for Fiscal Year 2017 (Public
18 Law 114–328), is amended by adding at the end the fol-
19 lowing:

“51320. Protection of students from sexual assault onboard vessels.”.

20 **SEC. 3512. TRAINING REQUIREMENT FOR SEXUAL ASSAULT**
21 **INVESTIGATORS.**

22 Each employee of the Office of Inspector General of
23 the Department of Transportation who conducts investiga-
24 tions and who is assigned to the Regional Investigations
25 Office in New York, New York—

1 (1) to participate in specialized training in con-
2 ducting sexual assault investigations; and

3 (2) to attend at least 1 Federal Law Enforce-
4 ment Training Center (FLETC) sexual assault in-
5 vestigation course, or equivalent sexual assault in-
6 vestigation training course, as determined by the In-
7 specter General, each year.