

117TH CONGRESS
1ST SESSION

H. R. 5964

To enhance the policies, procedures, and training for the United States Merchant Marine Academy, to authorize infrastructure replacement and improvement projects at the United States Merchant Marine Academy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2021

Mr. SUOZZI introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance the policies, procedures, and training for the United States Merchant Marine Academy, to authorize infrastructure replacement and improvement projects at the United States Merchant Marine Academy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Protections
5 for Midshipmen Act”.

1 **SEC. 2. SUSPENSION OR REVOCATION OF MERCHANT MAR-**
 2 **INER CREDENTIALS FOR PERPETRATORS OF**
 3 **SEXUAL HARASSMENT OR SEXUAL ASSAULT.**

4 (a) IN GENERAL.—Chapter 77 of title 46, United
 5 States Code, is amended—

6 (1) in section 7701(b), by striking “section
 7 7703” and inserting “section 7703, 7704, or
 8 7704a,”; and

9 (2) by inserting after section 7704 the fol-
 10 lowing:

11 **“§ 7704a. Sexual harassment or sexual assault as**
 12 **grounds for suspension or revocation**

13 “If it is shown at a hearing under this chapter that
 14 a holder of a license, certificate of registry, or merchant
 15 mariner’s document issued under this part, within 10
 16 years before the beginning of the proceedings, is the sub-
 17 ject of a claim, that is—

18 “(1) a claim of—

19 “(A) sexual harassment as defined in sec-
 20 tion 1561(e)(1) of title 10; or

21 “(B) sexual assault as described by section
 22 920 of title 10 (article 120 of the Uniform Code
 23 of Military Justice); and

24 “(2) substantiated, meaning that either—

1 “(A) the employer of the accused deter-
 2 mines that it is more likely than not that the
 3 harassment or assault has taken place; or

4 “(B) a finding by any Federal, State, local,
 5 or Tribal administrative or legal proceeding
 6 that the harassment or assault has taken place,
 7 the license, certificate, or document shall be sus-
 8 pended or revoked.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 of chapter 77 of title 46, United States Code, is amended
 11 by inserting after the item relating to section 7704 the
 12 following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or rev-
 ocation.”.

13 **SEC. 3. SUPPORTING THE UNITED STATES MERCHANT MA-**
 14 **RINE ACADEMY.**

15 (a) IN GENERAL.—Chapter 513 of title 46, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 **“§ 51323. Sexual assault and sexual harassment pre-**
 19 **vention information management system**

20 “(a) INFORMATION MANAGEMENT SYSTEM.—Not
 21 later than January 1, 2023, the Maritime Administrator
 22 shall establish an information management system—

23 “(1) to track and maintain—

1 “(A) the overall number of sexual assault
2 or sexual harassment incidents per fiscal year
3 at the United States Merchant Marine Acad-
4 emy;

5 “(B) the location of each such incident;

6 “(C) the names and ranks of the individ-
7 uals involved in each such incident;

8 “(D) the general nature of each such inci-
9 dent;

10 “(E) the type of inquiry made into each
11 such incident;

12 “(F) a determination as to whether each
13 such incident is substantiated; and

14 “(G) any accountability taken for mis-
15 conduct related to the incident; and

16 “(2) that is maintained in a secure fashion and
17 ensures the protection of privacy for any individuals
18 involved in such incidents.

19 “(b) SEA YEAR PROGRAM.—The Maritime Adminis-
20 trator shall provide for the establishment of in-person and
21 virtual confidential exit interviews for midshipmen from
22 the Academy upon completion of Sea Year and following
23 completion by the midshipmen of the survey under section
24 51322(d).

1 **“§ 51324. Sexual assault advisory council**

2 “(a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall establish a Sexual Assault Advisory Council
4 (in this section referred to as the ‘Council’).

5 “(b) MEMBERSHIP.—The Council shall be composed
6 of not fewer than 8 and not more than 14 individuals se-
7 lected by the President who are alumni or current mid-
8 shipmen of the United States Merchant Marine Academy
9 (including midshipmen or alumni who were victims of sex-
10 ual assault and midshipmen or alumni who were not vic-
11 tims of sexual assault) and governmental and nongovern-
12 mental experts and professionals in the sexual assault
13 field. At least one member shall be licensed in the field
14 of mental health and have prior experience working as a
15 counselor or therapist providing mental health care to sur-
16 vivors of sexual assault in a victim services agency or orga-
17 nization. No employee of the Department of Transpor-
18 tation shall be a member of the Council. The number of
19 governmental experts appointed to the Council shall not
20 exceed the number of nongovernmental experts.

21 “(c) FUNCTIONS; MEETINGS.—The Council shall
22 meet not less often than annually to review the policy on
23 sexual harassment, dating violence, domestic violence, sex-
24 ual assault, and stalking under section 51318, and such
25 other matters related to sexual assault and sexual harass-
26 ment the Council views as appropriate, to ensure that such

1 policy and such matters conform to the extent practicable
2 to best practices in the sexual assault field. To carry out
3 this subsection, the Council may conduct case reviews and
4 have access, including through interviews, to current and
5 former midshipmen of the United States Merchant Marine
6 Academy (to the extent that such midshipmen provide the
7 Department of Transportation express consent to be inter-
8 viewed by the Council), to Sea Year surveys under section
9 51323(b), to all data collected from restricted reporting,
10 and to any other information necessary to conduct such
11 case reviews, except that the Council may not have access
12 to any personally identifying information associated with
13 such interviews, surveys, data, or information.

14 “(d) REPORTS.—On an annual basis for each of the
15 5 years after the date of enactment of this section, and
16 at the discretion of the Council thereafter, the Council
17 shall submit, to the President and the Committee on Com-
18 merce, Science, and Transportation and the Committee on
19 Appropriations of the Senate and the Committee on
20 Transportation and Infrastructure and the Committee on
21 Appropriations of the House of Representatives, a report
22 on its findings based on the reviews conducted pursuant
23 to subsection (c).

24 “(e) EMPLOYEE STATUS.—Members of the Council
25 shall not be considered employees of the United States

1 Government for any purpose and shall not receive com-
2 pensation other than reimbursement of travel expenses
3 and per diem allowance in accordance with section 5703
4 of title 5.

5 “(f) NONAPPLICABILITY OF FACA.—The Federal
6 Advisory Committee Act (5 U.S.C. App.) shall not apply
7 to the Council.

8 “(g) SUNSET.—This section shall cease to be effective
9 on the date that is 10 years after the date of enactment
10 of this section.

11 **“§ 51325. Diversity and inclusion action plan**

12 “(a) IN GENERAL.—Not later than January 1, 2023,
13 the Maritime Administrator shall promulgate a Diversity
14 and Inclusion Action Plan for the United States Merchant
15 Marine Academy (referred to in this section as the ‘Plan’).
16 The Plan shall—

17 “(1) increase recruiting efforts in historically
18 underrepresented communities, including through
19 partnerships with historically black colleges and uni-
20 versities and maritime centers of excellence des-
21 ignated under section 51706;

22 “(2) promulgate and make available a set of re-
23 sources to—

1 “(A) establish responsibilities for mid-
2 shipmen, faculty, and staff of the Academy with
3 respect to diversity and inclusion;

4 “(B) create standards of—

5 “(i) training that require inter-
6 personal dialogue on diversity and inclu-
7 sion;

8 “(ii) setting behavioral boundaries
9 with others; and

10 “(iii) specific processes for the report-
11 ing and documentation of misconduct re-
12 lated to hazing, bullying, hate, and harass-
13 ment;

14 “(C) hold leaders and other individuals at
15 the Academy accountable for violations of such
16 standards;

17 “(D) equip midshipmen, faculty, and staff
18 of the Academy with the resources and mate-
19 rials to promote a diverse and inclusive working
20 environment; and

21 “(E) address how concepts of diversity and
22 inclusion can be integrated into the curriculum
23 and training of the Academy;

24 “(3) require a biannual survey of midshipmen,
25 faculty, and staff of the Academy assessing—

1 “(A) the inclusiveness of the environment
2 of the Academy; and

3 “(B) the effectiveness of the Plan; and

4 “(4) require an annual survey of faculty and
5 staff of the Academy assessing the inclusiveness of
6 the environment of the Sea Year program.

7 “(b) REPORT TO CONGRESS.—Not later than 30 days
8 after the date of enactment of this section, the Maritime
9 Administrator shall provide Congress with a report on the
10 resources necessary to properly implement this section.”.

11 (b) CONFORMING AMENDMENTS.—The chapter anal-
12 ysis for chapter 513 of title 46, United States Code, is
13 amended by adding at the end the following:

“51323. Sexual assault and sexual harassment prevention information manage-
ment system.

“51324. Sexual assault advisory council.

“51325. Diversity and inclusion action plan.”.

14 (c) UNITED STATES MERCHANT MARINE ACADEMY
15 STUDENT SUPPORT PLAN.—

16 (1) STUDENT SUPPORT PLAN.—Not later than
17 January 1, 2023, the Maritime Administrator shall
18 promulgate a Student Support Plan for the United
19 States Merchant Marine Academy. Such plan
20 shall—

21 (A) address the mental health resources
22 available to midshipmen, both on-campus and
23 during Sea Year;

1 (B) establish a tracking system for suicidal
2 ideations and suicide attempts;

3 (C) create an option for midshipmen to ob-
4 tain assistance from a professional care pro-
5 vider virtually; and

6 (D) require an annual survey of faculty
7 and staff assessing the adequacy of mental
8 health resources for midshipmen of the Acad-
9 emy, both on campus and during Sea Year.

10 (2) REPORT TO CONGRESS.—Not later than 30
11 days after the date of enactment of this Act, the
12 Maritime Administrator shall provide Congress with
13 a report on the resources necessary to properly im-
14 plement this subsection.

15 **SEC. 4. SPECIAL VICTIMS COUNSEL.**

16 Section 51319 of title 46, United States Code, is
17 amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d);

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) SPECIAL VICTIMS COUNSEL.—The Secretary
23 shall designate legal counsel (to be known as ‘Special Vic-
24 tims’ Counsel’) for the purpose of providing legal assist-
25 ance to any cadet of the Academy who is the victim of

1 an alleged sex-related offense, regardless of whether the
2 report of that offense is restricted or unrestricted.”; and

3 (3) by adding at the end the following:

4 “(e) UNFILLED VACANCIES.—In the event of an un-
5 filled vacancy for any position under this section, the Sec-
6 retary may appoint, without regard to the provisions of
7 subchapter I of chapter 33 of title 5, other than sections
8 3303 and 3328 of that title, a qualified candidate for the
9 purposes of filling such position.”.

10 **SEC. 5. CATCH A SERIAL OFFENDER ASSESSMENT.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Commandant of the Coast Guard, in con-
13 sultation with the Maritime Administrator, shall conduct
14 an assessment of the feasibility and process necessary to
15 implement a program for the United States Merchant Ma-
16 rine Academy and United States Merchant Marine mod-
17 eled off of the Catch a Serial Offender program of the
18 Department of Defense using the information manage-
19 ment system required under subsection (a) of section
20 51323 of title 46, United States Code, and the exit inter-
21 views under subsection (b) of such section.

22 **SEC. 6. SHIPBOARD TRAINING.**

23 Section 51322(a) of title 46, United States Code, is
24 amended by adding at the end the following:

25 “(3) TRAINING.—

“(A) IN GENERAL.—As part of training provided to all midshipmen of the Academy, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field and includes appropriate time underway onboard a training vessel.

“(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.”.

SEC. 7. UNITED STATES MARITIME TRANSPORTATION SYSTEM WORKFORCE DIVERSITY AND INCLUSION TASK FORCE.

Section 55501 of title 46, United States Code, is amended by adding at the end the following:

“(g) MARITIME TRANSPORTATION SYSTEM DIVERSITY AND INCLUSION TASK FORCE.—

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the

1 Secretary of Transportation shall establish within
2 the Committee a task force to provide an inter-
3 agency forum for the identification, discussion, and
4 sharing of tools and practices that promote diversity
5 and inclusiveness within the maritime transportation
6 system workforce.

7 “(2) RESPONSIBILITIES.—The task force estab-
8 lished under this subsection shall share best prac-
9 tices with the Committee toward enhancing rep-
10 resentation in the maritime transportation system
11 workforce.

12 “(3) DIVERSITY AND INCLUSION ACTION
13 PLAN.—Not later than January 1, 2023, the Sec-
14 retary of Transportation shall promulgate a Diver-
15 sity and Inclusion Action Plan for the maritime
16 transportation system workforce. Such plan shall es-
17 tablish measurable parameters to assess recruiting,
18 retention, training, and support for women and his-
19 torically underrepresented racial and ethnic minori-
20 ties within the United States maritime community.”.

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