

Wicker_Substitute

AEG26031 TWY

S.L.C.

Logrus Wicker

AMENDMENT NO._____

Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S.3266

To support the athletic programs of the United States
Merchant Marine Academy.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. Wicker

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “USMMA Athletics Act
5 of 2026”.

6 **SEC. 2. SUPPORT FOR ATHLETIC PROGRAMS OF THE**
7 **UNITED STATES MERCHANT MARINE ACAD-**
8 **EMY.**

9 (a) **IN GENERAL.**—Chapter 513 of title 46, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

1 **“§ 51329. Support for athletic programs of the United**
2 **States Merchant Marine Academy**

3 “(a) CORPORATION FOR SUPPORT AUTHORIZED.—

4 “(1) AUTHORITY.—The Secretary of Transpor-
5 tation may establish, in accordance with the laws of
6 the State of New York, a corporation (in this section
7 referred to as the ‘corporation’) to support the ath-
8 letic programs of the United States Merchant Ma-
9 rine Academy.

10 “(2) OWNERSHIP.—All stock of the corporation
11 shall be owned by the United States and held in the
12 name of, and subject to be voted by, the Secretary.

13 “(3) PURPOSE.—The corporation shall operate
14 exclusively for charitable, educational, and civic pur-
15 poses to support the athletic programs of the United
16 States Merchant Marine Academy.

17 “(b) CORPORATE ORGANIZATION.—The corporation
18 shall be organized and operated—

19 “(1) as a nonprofit corporation under section
20 501(c)(3) of the Internal Revenue Code of 1986;

21 “(2) in accordance with this section; and

22 “(3) pursuant to the laws of the State of New
23 York, its articles of incorporation, and its bylaws.

24 “(c) CORPORATE BOARD OF DIRECTORS.—

25 “(1) LIMITATION ON COMPENSATION.—The
26 members of the board of directors of the corporation

1 shall serve without compensation as members of the
2 board, except for reasonable travel and other related
3 expenses for attendance at meetings of the board.

4 “(2) DEPARTMENT OF TRANSPORTATION EM-
5 PLOYEE MEMBERSHIP.—

6 “(A) IN GENERAL.—The Secretary may
7 authorize employees of the Department of
8 Transportation to serve, in their official capac-
9 ities, as members of the board of directors of
10 the corporation—

11 “(i) for the sole purpose of providing
12 oversight and advice to, and in coordina-
13 tion with, the corporation; and

14 “(ii) who may not participate in the
15 day-to-day operations of the corporation.

16 “(B) LIMITATION.—Employees serving as
17 a member of the board of directors pursuant to
18 an authorization under subparagraph (A) may
19 not hold more than one-third of the director-
20 ships.

21 “(C) APPLICABILITY OF LIMITATION ON
22 COMPENSATION.—An employee serving as a
23 member of the board of directors shall be sub-
24 ject to the limitation on compensation under
25 paragraph (1).

1 “(D) PUBLICATION IN FEDERAL REG-
2 ISTER.—The Secretary shall publish in the Fed-
3 eral Register an authorization under subpara-
4 graph (A) of an employee of the Department of
5 Transportation to participate as a member of
6 the board of directors.

7 “(d) CONTRACTS AND COOPERATIVE AGREE-
8 MENTS.—

9 “(1) IN GENERAL.—The Secretary may enter
10 the corporation into contracts and cooperative agree-
11 ments for the purpose of supporting the athletic pro-
12 grams of the United States Merchant Marine Acad-
13 emy.

14 “(2) SOLE-SOURCE CONTRACTS.—Notwith-
15 standing section 3105 of title 41, United States
16 Code, a contract or cooperative agreement entered
17 into under paragraph (1) may be a sole-source con-
18 tract, subject to section 3304(a) of such title.

19 “(3) ACQUISITIONS.—Notwithstanding chapter
20 63 of title 31, United States Code, a cooperative
21 agreement under this section may be used to acquire
22 property, services, or travel for the direct benefit or
23 use of the United States Merchant Marine Academy.

24 “(e) LEASES.—For the purpose of supporting the
25 athletic programs of the United States Merchant Marine

1 Academy, in consultation with the Administrator of Gen-
2 eral Services, the Secretary may rent or lease to the cor-
3 poration any real property located at the United States
4 Merchant Marine Academy—

5 “(1) under such terms and conditions as are
6 deemed advisable;

7 “(2) for a period not exceeding 5 years;

8 “(3) so long as such real property is not re-
9 quired for immediate use by the United States Mer-
10 chant Marine Academy; and

11 “(4) so long as all proceeds from such rental or
12 lease be retained and expended in accordance with
13 subsection (j).

14 “(f) SUPPORT SERVICES.—

15 “(1) AUTHORITY.—To the extent required by a
16 contract or cooperative agreement under subsection
17 (d), the Secretary may provide support services to
18 the corporation while the corporation conducts sup-
19 port activities at the United States Merchant Marine
20 Academy only if the Secretary determines that the
21 provision of such services is essential for the support
22 of the athletic programs of the United States Mer-
23 chant Marine Academy.

24 “(2) NO LIABILITY OF THE UNITED STATES.—

25 The provision of support services under paragraph

1 (1) may not result in any liability for the United
2 States to the corporation.

3 “(3) SUPPORT SERVICES DEFINED.—In this
4 subsection, the term ‘support services’ includes utili-
5 ties, office furnishings and equipment, communica-
6 tions services, records staging and archiving, audio
7 and video support, and security systems, in conjunc-
8 tion with the leasing or licensing of property.

9 “(g) TRANSFERS FROM NONAPPROPRIATED FUND
10 OPERATION.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), the Secretary may, subject to the accept-
13 ance of the corporation, transfer to the corporation
14 all title to and ownership of the assets and liabilities
15 of the Department of Transportation non-
16 appropriated fund instrumentality, the function of
17 which includes providing support for the athletic
18 programs of the United States Merchant Marine
19 Academy, including bank accounts and financial re-
20 serves in the accounts of such fund instrumentality,
21 equipment, supplies, and other personal property.

22 “(2) LIMITATION.—In making a transfer under
23 paragraph (1), the Secretary may not transfer any
24 interest in real property.

25 “(h) ACCEPTANCE OF SUPPORT.—

1 “(1) IN GENERAL.—Notwithstanding section
2 1342 of title 31, United States Code, the Secretary
3 may accept from the corporation funds, supplies,
4 and services for the support of the athletic programs
5 of the United States Merchant Marine Academy.

6 “(2) EMPLOYEES OF THE CORPORATION.—For
7 purposes of this section, employees or personnel of
8 the corporation are not employees of the United
9 States.

10 “(3) FUNDS RECEIVED FROM OTHER
11 SOURCES.—The Secretary may charge fees for the
12 support of athletic programs of the United States
13 Merchant Marine Academy. To support the athletic
14 programs of the United States Merchant Marine
15 Academy, the Secretary may accept funds from the
16 National Collegiate Athletic Association, funds from
17 athletic conferences, game guarantees from other
18 educational institutions, fees for ticketing and licens-
19 ing, and any other consideration provided incidental
20 to the execution of the athletic programs of the
21 United States Merchant Marine Academy.

22 “(4) LIMITATION.—The Secretary shall ensure
23 that contributions under this subsection and expend-
24 iture of funds pursuant to subsection (j) do not—

1 “(A) reflect unfavorably on the ability of
2 the Department of Transportation, or any em-
3 ployee of the Department of Transportation, to
4 carry out any responsibility or duty of the De-
5 partment in a fair and objective manner; or

6 “(B) compromise the integrity or appear-
7 ance of integrity of any program of the Depart-
8 ment of Transportation, or any individual in-
9 volved in such a program.

10 “(i) TRADEMARKS AND SERVICE MARKS.—

11 “(1) LICENSING, MARKETING, AND SPONSOR-
12 SHIP AGREEMENTS.—Subject to paragraph (2), a
13 contract or cooperative agreement under subsection
14 (d) may, consistent with section 109(h)(2) of title
15 49, United States Code, include an authorization for
16 the corporation to enter into licensing, marketing,
17 and sponsorship agreements (subject to the approval
18 of the Secretary) relating to trademarks and service
19 marks identifying the United States Merchant Ma-
20 rine Academy.

21 “(2) LIMITATIONS.—The corporation may not
22 enter into any licensing, marketing, or sponsorship
23 agreement pursuant to authority provided under
24 paragraph (1) that—

1 “(A) may reflect unfavorably on the ability
2 of the Department of Transportation, or any
3 employee of the Department of Transportation,
4 to carry out any responsibility or duty of the
5 Department in a fair and objective manner; or

6 “(B) the Secretary determines involves use
7 of the trademark or service mark would com-
8 promise the integrity or appearance of integrity
9 of any program of the Department of Transpor-
10 tation or any individual involved in such a pro-
11 gram.

12 “(j) RETENTION AND USE OF FUNDS.—Funds re-
13 ceived by the Secretary under this section may be retained
14 for use to support the athletic programs of the United
15 States Merchant Marine Academy and shall remain avail-
16 able until expended.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 513 of title 46, United States Code, is amend-
19 ed by adding at the end the following: Chapter 513 of title
20 46, United States Code, is amended

“51329. Support for athletic programs of United States Merchant Marine Acad-
emy.”.

21 (c) LICENSING AUTHORITY.—Section 109(h) of title
22 49, United States Code, is amended by adding at the end
23 the following:

1 “(3) LICENSING OF INTELLECTUAL PROP-
2 ERTY.—

3 “(A) AUTHORITY.—The Secretary may li-
4 cense trademarks and service marks owned or
5 controlled by the Secretary with respect to the
6 United States Merchant Marine Academy and
7 may retain and expend fees received from such
8 licensing in accordance with this paragraph.

9 “(B) DESIGNATED MARKS.—The Secretary
10 shall designate the trademarks and service
11 marks with respect to which the Secretary will
12 exercise the authority to retain licensing fees
13 under this paragraph.

14 “(C) USE OF FEES.—The Secretary shall
15 use fees retained under this paragraph for the
16 following purposes:

17 “(i) For payment of costs incurred by
18 the Secretary of securing trademark reg-
19 istrations and of operating the licensing
20 program under this paragraph.

21 “(ii) For support of athletic programs
22 and recruiting activities of the United
23 States Merchant Marine Academy under
24 the jurisdiction of the Secretary, to the ex-
25 tent (if any) that the total amount of the

1 licensing fees available under this section
2 for a fiscal year exceed the total amount
3 needed for such fiscal year under para-
4 graph (1).

5 “(D) AVAILABILITY.—Fees received in a
6 fiscal year and retained under this paragraph
7 shall be available until expended.

8 “(E) DEFINITIONS.—In this paragraph,
9 the terms ‘trademark’ and ‘service mark’ have
10 the meanings given such terms, respectively, in
11 section 45 of the Act of July 5, 1946 (com-
12 monly referred to as the ‘Trademark Act of
13 1946’; 15 U.S.C. 1127).

14 “(F) GUIDANCE.—Not later than 180 days
15 after the date of enactment of the USMMA
16 Athletics Act of 2026, the Secretary shall issue
17 guidance to implement a trademark and service
18 mark licensing program under this paragraph”.