rity, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5305b. Educational outreach program

(a) In general

Not later than 180 days after October 30, 1998, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

(b) Guidelines

The Secretary shall publish in the Federal Register guidelines for the program.

(c) Contents

Under the program, the Secretary shall publish and disseminate information regarding—

(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

(3) the status of rhinoceros and tiger species and the reasons for protecting the species.

(Pub. L. 103–391, § 8, as added Pub. L. 105–312, title IV, § 406, Oct. 30, 1998, 112 Stat. 2961.)

§ 5305c. Advisory group

(a) In general

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species.

(b) Public participation

(1) Meetings

The Advisory Group[1] shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 103–391, § 9, as added Pub. L. 107–112, § 4, Jan. 8, 2002, 115 Stat. 2097.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 9 of Pub. L. 103–391 was renumbered section 10 and is classified to section 5306 of this title.

§ 5306. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the Fund $10,000,000 for each of fiscal years 2007 through 2012 to carry out this chapter, to remain available until expended.

(b) Administrative expenses

Of amounts available each fiscal year to carry out this chapter, the Secretary may expend not more than 3 percent or $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(Pub. L. 103–391, § 10, formerly § 7, Oct. 22, 1994, 108 Stat. 4097; renumbered § 9 and amended Pub. L. 105–312, title IV, §§ 405(1), 407, Oct. 30, 1998, 112 Stat. 2960, 2961; renumbered § 10 and amended Pub. L. 107–112, §§ 2–4, Jan. 8, 2002, 115 Stat. 2097; Pub. L. 110–132, § 3(b), (c), Dec. 6, 2007, 121 Stat. 1360.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–132, § 3(c), substituted ''2007 through 2012'' for ''2001, 2002, 2003, 2004, 2005, 2006, and 2007''.

Subsec. (b). Pub. L. 110–132, § 3(b), substituted ''$100,000'' for ''$80,000''.

2002—Pub. L. 107–112, §§ 2, 3, designated existing provisions as subsec. (a), inserted heading, substituted ''is authorized'' for ''are authorized'' and ''2001, 2002, 2003, 2004, 2005, 2006, and 2007'' for ''1996 through 2002'', and added subsec. (b).

1998—Pub. L. 105–312, § 407, substituted ''1996 through 2002'' for ''1996, 1997, 1998, 1999, and 2000''.

CHAPTER 74—NATIONAL MARITIME HERITAGE

Sec.
5401. Findings.
5402. National maritime heritage policy.
5403. National Maritime Heritage Grants Program.
5404. National Maritime Heritage Grants Advisory Committee.
5405. Funding.
5406. Definitions.
5407. Regulations.
5408. Savings provision.
5409. Designation of America's National Maritime Museum.

§ 5401. Findings

The Congress finds and declares the following:

(1) The United States is a nation with a rich maritime history, and it is desirable to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture.

(2) The maritime historical and cultural foundations of the Nation should be preserved as a part of our community life and development.

(3) National, State, and local groups have been working independently to preserve the maritime heritage of the United States.

(4) Historic resources significant to the Nation's maritime heritage are being lost or sub-

[1] So in original. Probably should not be capitalized.

stantially altered, often inadvertently, with increasing frequency.

(5) The preservation of this irreplaceable maritime heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits will be maintained and enriched for future generations of Americans.

(6) The current governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich maritime heritage of our Nation.

(7) A coordinated national program is needed immediately to redress the adverse consequences of a period of indifference during which the maritime heritage of the United States has become endangered and to ensure the future preservation of the Nation's maritime heritage.

(8) A national maritime heritage policy would greatly increase public awareness of, and participation in, the preservation of the Nation's maritime heritage.

(Pub. L. 103–451, § 2, Nov. 2, 1994, 108 Stat. 4769.)

SHORT TITLE

Section 1 of Pub. L. 103–451 provided that: ''This Act [enacting this chapter] may be cited as the 'National Maritime Heritage Act of 1994'.''

§ 5402. National maritime heritage policy

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

(Pub. L. 103–451, § 3, Nov. 2, 1994, 108 Stat. 4770.)

§ 5403. National Maritime Heritage Grants Program

(a) Establishment

There is hereby established within the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for Historic Preservation for subgrants administered by the National Trust for maritime heritage education projects under subsection (b) of this section;

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c) of this section; and

(3) grants for interim projects under subsection (j) of this section.

(b) Grants for maritime heritage education projects

(1) Grants to National Trust for Historic Preservation

The Secretary, subject to paragraphs (2), (3), and (4),[1] and the availability of amounts for that purpose under section 5405(b)(1)(A) of this title, shall make an annual grant to the National Trust for maritime heritage education projects.

(2) Use of grants

Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects which have been approved by the Secretary under subsection (f) of this section and which consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archaeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) Grants for maritime heritage preservation projects

(1) Grants to State Historic Preservation Officers

The Secretary, acting through the National Maritime Initiative of the National Park Serv-

[1] So in original. No pars. (3) and (4) have been enacted.

ice and subject to paragraphs (2) and (3),[2] and the availability of amounts for that purpose under section 5405(b)(1)(B) of this title, shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) Use of grants

Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out[3] or to make subgrants to local governments and private nonprofit organizations to carry out, projects which have been approved by the Secretary under subsection (f) of this section for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archaeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime resources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) Criteria for direct grant and subgrant eligibility

To qualify for a subgrant from the National Trust under subsection (b) of this section, or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c) of this section, a person must—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of any books, documents, papers, and records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) Procedures, terms, and conditions

(1) Application procedures

An application for a subgrant under subsection (b) of this section, or a direct grant or subgrant under subsection (c) of this section, shall be submitted under procedures prescribed by the Secretary.

(2) Terms and conditions

A person may not receive a subgrant under subsection (b) of this section, or a direct grant or subgrant under subsection (c) of this section, unless the person has agreed to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) Review of proposals

(1) Committee recommendations

The National Maritime Heritage Grants Committee[4] shall review applications for subgrants under subsection (b) of this section, and direct grants or subgrants under subsection (c) of this section, and submit recommendations to the Secretary regarding projects which should receive funding under those direct grants and subgrants.

(2) Allocation of grant funding

To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) of this section for maritime heritage education projects is equal to the amount made available under subsection (c) of this section for maritime heritage preservation projects.

(3) Limitation

The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) Direct grants and subgrants process

(1) Direct grants and subgrants solicitation

The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(A) a solicitation of applications for direct grants and subgrants under this section;

(B) a list of priorities for the making of those direct grants and subgrants;

(C) a single deadline for the submission of applications for those direct grants and subgrants; and

(D) other relevant information.

(2) Receipt and approval or disapproval of direct grant and subgrant applications

Within 60 days after the submission of recommendations by the Committee to the Sec-

[2] So in original. No par. (3) has been enacted.

[3] So in original. Probably should be followed by a comma.

[4] So in original. Probably should be ''National Maritime Heritage Grants Advisory Committee''.

retary under subsection (h)(6) of this section, the Secretary shall review and approve or disapprove a direct grant or subgrant for each project recommended by the Committee and provide to the Committee and the applicant the reasons for that approval or disapproval.

(h) Direct grant and subgrant administration

The National Trust shall be responsible for administering subgrants for maritime heritage education projects under subsection (b) of this section, the Secretary shall be responsible for administering direct grants for maritime heritage preservation projects under subsection (c) of this section, and the various State Historic Preservation Officers shall be responsible for administering subgrants for maritime heritage preservation projects under subsection (c) of this section, by—

(1) publicizing the Program to prospective grantees, subgrantees, and to the public at large, in cooperation with the National Park Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(2) answering inquiries from the public, including providing information on the Program as requested;

(3) distributing direct grant and subgrant applications;

(4) receiving direct grant and subgrant applications and ensuring their completeness;

(5) forwarding the applications to the Committee for review and recommendation;

(6) submitting to the Secretary applications that the Committee recommends should be approved by the Secretary;

(7) keeping records of all direct grant and subgrant awards and expenditures of funds;

(8) monitoring progress of projects carried out with direct grants and subgrants; and

(9) providing to the Secretary such progress reports as may be required by the Secretary.

(i) Assistance of maritime preservation organizations

The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) Grants for interim projects

(1) Grants authority

The Secretary, subject to paragraph (3), may use amounts available under section 5405(b)(2) of this title to make one or more grants described in paragraph (2).

(2) Grants described

The grants referred to in paragraph (1) are the following:

(A) A grant to the National Museum Association (a nonprofit organization located in San Francisco, California) for payment of expenses directly related to the preservation and restoration of the historic fleet of the San Francisco Maritime National Historical Park, located in San Francisco, California.

(B) A grant to the Virginia V Foundation (a nonprofit organization) for use in restoration and preservation of the historic steamship VIRGINIA V.

(C) A grant to any nonprofit organization which operates and maintains a former hospital ship to be converted to engage in public health activities, for use in refurbishing and maintaining the ship for those activities.

(D) A grant to the Mariners' Museum (a not-for-profit educational institution located in Newport News, Virginia,[5] for use for expenses directly related to the computerization of the library and archives of that museum, including for the purpose of providing to the public enhanced national access to those materials.

(E) A grant for each of fiscal years 1996, 1997, 1998, 1999, and 2000 to the Center for Maritime and Underwater Resource Management at Michigan State University, for a pilot project to plan, design, implement, and evaluate innovative approaches to management and development of maritime and underwater cultural resources at the following sites: Thunder Bay, the Manitou Passage, Isle Royale National Park, Keweenaw Peninsula, Marquette County, Alger County, Whitefish Point, the Straits of Mackinac, the Thumb Area, and Sanilac Shores.

(3) Grant conditions

The Secretary may not make a grant under this subsection unless the grantee complies with the requirements set forth in paragraphs (1) through (5) of subsection (d) of this section.

(k) Report to Congress

The Secretary shall submit to the Congress, after review by the Committee, an annual report on the Program, including—

(1) a description of each project funded under the Program in the period covered by the report;

(2) the results or accomplishments of each such project; and

(3) recommended priorities for achieving the policy set forth in section 5402 of this title.

(Pub. L. 103–451, § 4, Nov. 2, 1994, 108 Stat. 4770.)

§ 5404. National Maritime Heritage Grants Advisory Committee

(a) Establishment

There is hereby established a National Maritime Heritage Grants Advisory Committee.

(b) Membership

(1) In general

The Committee shall consist of 13 members appointed by the Secretary from among individual members of the public who—

(A) are representatives of various sectors of the maritime community who are knowledgeable and experienced in maritime heritage and preservation;

(B) to the extent practicable, are selected in a manner that ensures regional geographic balance;

[5] So in original. The comma probably should be a closing parenthesis.

(C) to the extent practicable, include a representative of each of the fields of—

(i) small craft preservation;

(ii) large vessel preservation;

(iii) sail training;

(iv) preservation architecture;

(v) underwater archaeology;

(vi) lighthouse preservation;

(vii) maritime education;

(viii) military naval history;

(ix) maritime museums or historical societies;

(x) maritime arts and crafts;

(xi) maritime heritage tourism; and

(xii) maritime recreational resources management; and

(D) include a member of the general public.

(2) Ex officio members

In addition to the members appointed under paragraph (1), the President of the National Trust and the President of the National Conference of State Historic Preservation Officers (or their respective designees) shall be ex officio voting members of the Committee.

(3) Term

The term of a member of the Committee appointed under paragraph (1) shall be 3 years, except that of the members first appointed 4 shall be appointed for an initial term of 1 year and 4 shall be appointed for an initial term of 2 years, as specified by the Secretary at the time of appointment.

(4) Completion of appointments

The Secretary shall complete appointment of the members of the Committee under paragraph (1) by not later than 120 days after November 2, 1994.

(5) Vacancies

In the case of a vacancy in the membership of the Committee appointed under paragraph (1), the Secretary shall appoint an individual to serve the remainder of the term that is vacant by not later than 60 days after the vacancy occurs.

(c) Federal Government ex officio members

There shall be ex officio Federal Government members of the Committee as follows:

(1) At least 1 individual designated by each of—

(A) the Director of the National Park Service;

(B) the Administrator of the Maritime Administration;

(C) the Commandant of the Coast Guard;

(D) the Secretary of the Navy;

(E) the Administrator of the National Oceanic and Atmospheric Administration; and

(F) the Advisory Council on Historic Preservation.

(2) Other representatives designated by the heads of such other interested Federal Government agencies as the Secretary considers appropriate.

(d) Duties of Committee

The duties of the Committee include—

(1) reviewing direct grant and subgrant proposals and making funding recommendations to the Secretary;

(2) identifying and advising the Secretary regarding priorities for achieving the policy set forth in section 5402 of this title;

(3) reviewing the Secretary's annual report to the Congress under section 5403(k) of this title; and

(4) performing any other duties the Secretary considers appropriate.

(e) Quorum

Nine members of the Committee shall constitute a quorum for making recommendations on subgrant applications.

(f) Appointments process

The Secretary shall—

(1) publicize annually, in the Federal Register and through publications of preservation and maritime organizations, a request for submission of nominations for appointments to the Committee under subsection (b)(1) of this section; and

(2) designate from among the members of the Committee—

(A) a Chairman; and

(B) a Vice Chairman who may act in place of the Chairman during the absence or disability of the Chairman or when the office of Chairman is vacant.

(g) Compensation and travel expenses

An individual shall not receive any pay by reason of membership on the Committee. While away from home or regular place of business in the performance of service for the Committee, a member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5.

(h) Staff of Federal agencies

Upon request of the Committee, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of the Interior to the Committee to assist it in carrying out its duties under this chapter.

(i) Administrative support services

Upon the request of the Committee, the National Trust shall provide to the Committee the support services necessary for the Committee to carry out its duties under this chapter.

(j) Relationship to other law

The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that meetings of the Committee may be closed to the public by majority vote and section 14(b) of that Act does not apply to the Committee.

(k) Termination

The Committee shall terminate on September 30, 2000.

(Pub. L. 103–451, § 5, Nov. 2, 1994, 108 Stat. 4774.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (j), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as

amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5405. Funding

(a) Availability of funds from sale and scrapping of obsolete vessels

(1) In general

Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 shall be available until expended as follows:

(A) 50 percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) 25 percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010,[1] shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.

(2) Application

Paragraph (1) does not apply to amounts credited to the Vessel Operations Revolving Fund before July 1, 1994.

(b) Use of amounts for Program

(1) In general

Except as provided in paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C) of this section—

(A) ½ shall be used for grants under section 5403(b) of this title; and

(B) ½ shall be used for grants under section 5403(c) of this title.

(2) Use for interim projects

Amounts available for the Program under subsection (a)(1)(C) of this section that are the proceeds of any of the first 8 obsolete vessels in the National Defense Reserve Fleet that are sold or scrapped after July 1, 1994, under section 57102, 57103, or 57104 of title 46 are available to the Secretary for grants for interim projects approved under section 5403(j) of this title.

(3) Administrative expenses

(A) In general

Not more than 15 percent or $500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) of this section for a fiscal year may be used for expenses of administering the Program.

(B) Allocation

Of the amount available under subparagraph (A) for a fiscal year—

(i) ½ shall be allocated to the National Trust for expenses incurred in administering grants under section 5403(b) of this title; and

(ii) ½ shall be allocated as appropriate by the Secretary to the National Park Service and participating State Historic Preservation Officers.

(c) Disposals of vessels

(1) Requirement

The Secretary of Transportation shall dispose (either by sale or purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;

(B) in the manner that provides the best value to the Government, except in any case in which obtaining the best value would require towing a vessel and such towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46.

(2) Vessels described

The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of that fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) Treatment of amounts available

Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

(Pub. L. 103–451, § 6, Nov. 2, 1994, 108 Stat. 4776; Pub. L. 105–85, div. A, title X, § 1026(c), Nov. 18,

[1] See References in Text note below.

1997, 111 Stat. 1878; Pub. L. 106–398, § 1 [div. C, title XXXV, § 3502(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–490; Pub. L. 110–181, div. C, title XXXV, § 3514, Jan. 28, 2008, 122 Stat. 594; Pub. L. 111–84, div. C, title XXXV, § 3509, Oct. 28, 2009, 123 Stat. 2721.)

REFERENCES IN TEXT

The Maritime Administration Authorization Act of 2010, referred to in subsec. (a)(1)(C), is the short title of S. 1308 of the 111th Congress, as introduced on June 19, 2009. No law has been enacted with that short title. Provisions identical to those contained in subsec. (a)(1)(C) of this section, as added by Pub. L. 111–84 which was approved Oct. 28, 2009, were contained in section 3 of S. 1308.

CODIFICATION

''Section 50301(a) of title 46'' substituted in subsec. (a)(1) for ''Act of June 2, 1951 (46 App. U.S.C. 1241a),'', ''section 57102, 57103, or 57104 of title 46'' substituted in subsec. (a)(1) for ''section 508 or 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158 or 1160(i))'' and in subsec. (b)(2) for ''section 508 or 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. 1158 or 1160(i))'', and ''sections 57102 to 57104 of title 46'' substituted in subsec. (c)(1)(C) for ''sections 508 and 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158, 1160(i))'', on authority of Pub. L. 109–304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted sections 50301 and 57102 to 57104 of Title 46, Shipping.

AMENDMENTS

2009—Subsec. (a)(1)(C). Pub. L. 111–84 added subpar. (C) and struck out former subpar. (C) which read as follows: ''The remainder shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section.''

2008—Subsec. (c)(1). Pub. L. 110–181, § 3514(1), inserted ''(either by sale or purchase of disposal services)'' after ''shall dispose'' in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 110–181, § 3514(2), added subpar. (A) and struck out former subpar. (A) which read as follows: ''by September 30, 2006;''.

2000—Subsec. (c)(1)(A). Pub. L. 106–398, § 1 [div. C, title XXXV, § 3502(a)(1)], substituted ''2006'' for ''2001''.

Subsec. (c)(1)(B). Pub. L. 106–398, § 1 [div. C, title XXXV, § 3502(a)(2)], added subpar. (B) and struck out former subpar. (B) which read as follows: ''in a manner that maximizes the return on the vessels to the United States; and''.

1997—Subsec. (a)(1). Pub. L. 105–85, § 1026(c)(1), inserted ''or 1160(i)'' after ''1158'' in introductory provisions.

Subsec. (b)(2). Pub. L. 105–85, § 1026(c)(1), (2), inserted ''or 1160(i)'' after ''1158'' and substituted ''first 8'' for ''first 6''.

Subsec. (c)(1)(A). Pub. L. 105–85, § 1026(c)(3), substituted ''2001'' for ''1999''.

PILOT PROGRAM ON EXPORT OF OBSOLETE VESSELS FOR DISMANTLEMENT AND RECYCLING

Pub. L. 107–314, div. C, title XXXV, § 3504(c), (d), Dec. 2, 2002, 116 Stat. 2755, 2756, provided that:

''(c) PILOT PROGRAM ON EXPORT OF OBSOLETE VESSELS FOR DISMANTLEMENT AND RECYCLING.—(1)(A) The Secretary of Transportation, Secretary of State, and Administrator of the Environmental Protection Agency shall jointly carry out one or more pilot programs through the Maritime Administration to explore the feasibility and advisability of various alternatives for exporting obsolete vessels in the National Defense Reserve Fleet for purposes of the dismantlement and recycling of such vessels.

''(B) The pilot programs shall be carried out in accordance with applicable provisions of law and regulations.

''(2)(A) The pilot programs under paragraph (1) shall be carried out during fiscal year 2003.

''(B) The pilot programs shall include a total of not more than four vessels.

''(C) The authority provided by this subsection is in addition to any other authority available to Maritime Administration for exporting obsolete vessels in the National Defense Reserve Fleet.

''(3) Activities under the pilot programs under paragraph (1) shall include the following:

''(A) Exploration of the feasibility and advisability of a variety of alternatives (developed for purposes of the pilot programs) for exporting obsolete vessels in the National Defense Reserve Fleet for purposes of the dismantlement and recycling of such vessels.

''(B) Response by the Maritime Administration to proposals from the international ship recycling industry for innovative and cost-effective disposal solutions for obsolete vessels in the National Defense Reserve Fleet, including an evaluation of the feasibility and advisability of such proposals.

''(C) Demonstration of the extent to which the cost-effective dismantlement or recycling of obsolete vessels in the National Defense Reserve Fleet can be accomplished abroad in [a] manner that appropriately addresses concerns regarding worker health and safety and the environment.

''(D) Opportunities to transfer abroad processes, methodologies, and technologies for ship dismantlement and recycling in order to support the pilot programs and to improve international practices and standards for ship dismantlement and recycling.

''(E) Exploration of cooperative efforts with foreign governments (under a global action program on ship recycling or other program) in order to foster economically and environmentally sound ship recycling abroad.

''(4) The Secretary of Transportation shall submit to Congress a report on the pilot programs under paragraph (1) through the existing ship disposal reporting requirements in section 3502 of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 [section 1 [div. C, title XXXV, § 3502] of Pub. L. 106–398, which amended this section and enacted provisions set out below]. The report shall include a description of the activities under the pilot programs, and such recommendations for further legislative or administrative action as the Secretary considers appropriate.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to establish a preference for the reefing or export of obsolete vessels in the National Defense Reserve Fleet over other alternatives available to the Secretary for the scrapping of such vessels under section 3502(d)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.''

SCRAPPING OF NATIONAL DEFENSE RESERVE FLEET VESSELS

Pub. L. 106–398, § 1 [div. C, title XXXV, § 3502(b)–(f)], Oct. 30, 2000, 114 Stat. 1654, 1654A–490 to 1654A–492, as amended by Pub. L. 109–163, div. C, title XXXV, § 3505(a), Jan. 6, 2006, 119 Stat. 3551, provided that:

''(b) SELECTION OF SCRAPPING FACILITIES.—The Secretary of Transportation may scrap obsolete vessels pursuant to section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) through qualified scrapping facilities, using the most expeditious scrapping methodology and location practicable. Scrapping facilities shall be selected under that section on a best value basis consistent with the Federal Acquisition Regulation, as in effect on the date of the enactment of this Act [Oct. 30, 2000], without any predisposition toward foreign or domestic facilities taking into consideration, among other things, the ability of facilities to scrap vessels—

''(1) at least cost to the Government;

''(2) in a timely manner;

''(3) giving consideration to worker safety and the environment; and

''(4) in a manner that minimizes the geographic distance that a vessel must be towed when towing a vessel poses a serious threat to the environment.

''(c) COMPREHENSIVE MANAGEMENT PLAN.—

''(1) REQUIREMENT TO DEVELOP PLAN.—The Secretary of Transportation shall prepare, publish, and submit to the Congress by not later than 180 days after the date of the enactment of this Act [probably should be ''this subsection'', Jan. 6, 2006] a comprehensive plan for management of the vessel disposal program of the Maritime Administration in accordance with the recommendations made in the Government Accountability Office in report number GAO–05–264, dated March 2005.

''(2) CONTENTS OF PLAN.—The plan shall—

''(A) include a strategy and implementation plan for disposal of obsolete National Defense Reserve Fleet vessels (including vessels added to the fleet after the enactment of this paragraph) in a timely manner, maximizing the use of all available disposal methods, including dismantling, use for artificial reefs, donation, and Navy training exercises;

''(B) identify and describe the funding and other resources necessary to implement the plan, and specific milestones for disposal of vessels under the plan;

''(C) establish performance measures to track progress toward achieving the goals of the program, including the expeditious disposal of ships commencing upon the date of the enactment of this paragraph;

''(D) develop a formal decisionmaking framework for the program; and

''(E) identify external factors that could impede successful implementation of the plan, and describe steps to be taken to mitigate the effects of such factors.

''(d) IMPLEMENTATION OF MANAGEMENT PLAN.—

''(1) REQUIREMENT TO IMPLEMENT.—Subject to the availability of appropriations, the Secretary shall implement the vessel disposal program of the Maritime Administration in accordance with—

''(A) the management plan submitted under subsection (c); and

''(B) the requirements set forth in paragraph (2).

''(2) UTILIZATION OF DOMESTIC SOURCES.—In the procurement of services under the vessel disposal program of the Maritime Administration, the Secretary shall—

''(A) use full and open competition; and

''(B) utilize domestic sources to the maximum extent practicable.

''(e) FAILURE TO SUBMIT PLAN.—

''(1) PRIVATE MANAGEMENT CONTRACT FOR DISPOSAL OF MARITIME ADMINISTRATION VESSELS.—The Secretary of Transportation, subject to the availability of appropriations, shall promptly award a contract using full and open competition to expeditiously implement all aspects of disposal of obsolete National Defense Reserve Fleet vessels.

''(2) APPLICATION.—This subsection shall apply beginning 180 days after the date of the enactment of this subsection [Jan. 6, 2006], unless the Secretary of Transportation has submitted to the Congress the comprehensive plan required under subsection (c).

''(f) REPORT.—No later than 1 year after the date of the enactment of this subsection [Jan. 6, 2006], and every 6 months thereafter, the Secretary of Transportation, in coordination with the Secretary of the Navy, shall report to the Committee on Transportation and Infrastructure, the Committee on Resources [now Committee on Natural Resources], and the Committee on Armed Services of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in implementing the vessel disposal plan developed under subsection (c). In particular, the report shall address the performance measures required to be established under subsection (c)(2)(C).''

§ 5406. Definitions

In this chapter:

(1) Committee

The term ''Committee'' means the Maritime Heritage Grants Advisory Committee established under section 5404 of this title.

(2) National Trust

The term ''National Trust'' means the National Trust for Historic Preservation created by section 468 of this title.

(3) Private nonprofit organization

The term ''private nonprofit organization'' means any person that is exempt from taxation under section 501(a) of title 26 and described in section 501(c)(3) of title 26.

(4) Program

The term ''Program'' means the National Maritime Heritage Grants Program established by section 5403(a) of this title.

(5) Secretary

The term ''Secretary'' means the Secretary of the Interior.

(6) State Historic Preservation Officer

The term ''State Historic Preservation Officer'' means a State Historic Preservation Officer appointed pursuant to paragraph (1)(A) of section 470a(b) of this title by the Governor of a State having a State Historic Preservation Program approved by the Secretary under that section.

(Pub. L. 103–451, § 7, Nov. 2, 1994, 108 Stat. 4777.)

§ 5407. Regulations

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall promulgate appropriate guidelines, procedures, and regulations within 1 year after November 2, 1994, to carry out the chapter, including regulations establishing terms of office for the initial membership of the Committee, direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and recordkeeping requirements, and any other requirements the Secretary considers appropriate.

(Pub. L. 103–451, § 8, Nov. 2, 1994, 108 Stat. 4778.)

§ 5408. Savings provision

The authorities contained in this chapter shall be in addition to, and shall not be construed to supercede or modify those contained in the National Historic Preservation Act (16 U.S.C. 470—470x–6).

(Pub. L. 103–451, § 9, Nov. 2, 1994, 108 Stat. 4778.)

REFERENCES IN TEXT

The National Historic Preservation Act, referred to in text, is Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§ 470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470 of this title and Tables.

§ 5409. Designation of America's National Maritime Museum

(a) In general

America's National Maritime Museum is comprised of those museums designated by law to be museums of America's National Maritime Museum on the basis that they—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) Initial designation of museums

The following museums (meeting the criteria specified in subsection (a) of this section) are hereby designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) Future designation of other museums not precluded

The designation of the museums referred to in subsection (b) of this section as museums of America's National Maritime Museum does not preclude the designation by law after October 17, 1998, of any other museum that meets the criteria specified in subsection (a) of this section as a museum of America's National Maritime Museum.

(d) Reference to museums

Any reference in any law, map, regulation, document, paper, or other record of the United States to a museum designated by law to be a museum of America's National Maritime Museum shall be deemed to be a reference to that museum as a museum of America's National Maritime Museum.

(Pub. L. 105–261, div. A, title X, § 1068, Oct. 17, 1998, 112 Stat. 2135.)

CODIFICATION

Section enacted as part of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, and not as part of the National Maritime Heritage Act of 1994 which comprises this chapter.

CHAPTER 75—HIGH SEAS FISHING COMPLIANCE

Sec.
5501. Purpose.
5502. Definitions.
5503. Permitting.
5504. Responsibilities of Secretary.
5505. Unlawful activities.
5506. Enforcement provisions.
5507. Civil penalties and permit sanctions.
5508. Criminal offenses.
5509. Forfeitures.

§ 5501. Purpose

It is the purpose of this chapter—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of permitting, reporting, and regulation for vessels of the United States fishing on the high seas.

(Pub. L. 104–43, title I, § 102, Nov. 3, 1995, 109 Stat. 367.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', and was translated as reading ''this title'', meaning title I of Pub. L. 104–43, to reflect the probable intent of Congress.

EFFECTIVE DATE

Section 111 of title I of Pub. L. 104–43 provided that: ''This title [enacting this chapter] shall take effect 120 days after the date of enactment of this Act [Nov. 3, 1995].''

SHORT TITLE

Section 1 of Pub. L. 104–43 provided that: ''This Act [enacting this chapter, chapters 76 (§ 5601 et seq.) and 77 (§ 5701 et seq.) of this title, sections 971j, 971k, and 1826d to 1826g of this title, and sections 1980a and 1980b of Title 22, Foreign Relations and Intercourse, amending sections 971, 971b, 971c to 971e, 971h, 971i, 973g, 1383a, and 5002 of this title and section 1977 of Title 22, enacting provisions set out as notes under this section, sections 971, 971c, 1383a, 1801, 1821, 1823, 1826d, 5601, and 5701 of this title, and section 1980a of Title 22, and amending provisions set out as a note under section 1823 of this title] may be cited as the 'Fisheries Act of 1995'.''

Section 101 of title I of Pub. L. 104–43 provided that: ''This title [enacting this chapter] may be cited as the 'High Seas Fishing Compliance Act of 1995'.''

§ 5502. Definitions

As used in this chapter—

(1) The term ''Agreement'' means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term ''FAO'' means the Food and Agriculture Organization of the United Nations.

(3) The term ''high seas'' means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term ''high seas fishing vessel'' means any vessel of the United States or subject to the jurisdiction of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term ''international conservation and management measures'' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United