

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

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§ 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 substantially 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 non-governmental 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

Pub. L. 103-451, §1, Nov. 2, 1994, 108 Stat. 4769, 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 adminis-

tered 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 Service 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 out³ 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 fa-

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

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

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

cilitate 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 Committee⁴ 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 Secretary 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

⁴So in original. Probably should be "National Maritime Heritage Grants Advisory Committee".

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 knowl-

edgeable and experienced in maritime heritage and preservation;

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

(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 Govern-

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