

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5406 of this title.

§ 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 1241a of title 46, Appendix, that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 1158 or 1160(i) of title 46, Appendix, 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 shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section.

(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 1158 or 1160(i) of title 46, Appendix, 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 of all vessels described in paragraph (2)—

(A) by September 30, 2006;

(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 1158 and 1160(i) of title 46, Appendix.

(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, 1997, 111 Stat. 1878; Pub. L. 106-398, § 1 [div. C, title XXXV, § 3502(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-490.)

AMENDMENTS

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 Sec-

retary 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, 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 Acquisi-

tion 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) LIMITATION ON SCRAPPING BEFORE PROGRAM.—

“(1) IN GENERAL.—Until the report required by subsection (d)(1) is transmitted to the congressional committees referred to in that subsection, the Secretary may not proceed with the scrapping of any vessel in the National Defense Reserve Fleet except the following:

- “(A) DONNER.
- “(B) EXPORT COMMERCE.
- “(C) BUILDER.
- “(D) ALBERT E. WATTS.
- “(E) WAYNE VICTORY.
- “(F) MORMACDAWN.
- “(G) MORMACMOON.
- “(H) SANTA ELENA.
- “(I) SANTA ISABEL.
- “(J) SANTA CRUZ.
- “(K) PROTECTOR.
- “(L) LAUDERDALE.
- “(N) [(M)] PVT. FRED C. MURPHY.
- “(M) [(N)] BEAUJOLAIS.
- “(O) MEACHAM.
- “(P) NEACO.
- “(Q) WABASH.
- “(R) NEMASKET.
- “(S) MIRFAK.
- “(T) GEN. ALEX M. PATCH.
- “(U) ARTHUR M. HUDDPELL.
- “(V) WASHINGTON.
- “(W) SUFFOLK COUNTY.
- “(X) CRANDALL.
- “(Y) CRILLEY.
- “(Z) RIGEL.
- “(AA) VEGA.
- “(BB) COMPASS ISLAND.
- “(CC) EXPORT CHALLENGER.
- “(DD) PRESERVER.
- “(EE) MARINE FIDDLER.
- “(FF) WOOD COUNTY.
- “(GG) CATAWBA VICTORY.
- “(HH) GEN. NELSON M. WALKER.
- “(II) LORAIN COUNTY.
- “(JJ) LYNCH.
- “(KK) MISSION SANTA YNEZ.
- “(LL) CALOOSAHATCHEE.
- “(MM) CANISTEO.

“(2) PRIORITIZATION.—The Secretary shall exercise discretion to prioritize for scrapping those vessels identified in paragraph (1) that pose the most immediate threat to the environment.

“(d) SCRAPPING PROGRAM FOR OBSOLETE NATIONAL DEFENSE RESERVE FLEET VESSELS.—

“(1) DEVELOPMENT OF PROGRAM; REPORT.—The Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, shall within 6 months after the date of the enactment of this Act [Oct. 30, 2000]—

- “(A) develop a program for the scrapping of obsolete National Defense Reserve Fleet vessels; and
- “(B) submit a report on the program to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate.

“(2) CONTENTS OF REPORT.—The report shall include information concerning the initial determination of

scrapping capacity, both domestically and abroad, appropriate proposed regulations to implement the program, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and longterm cost estimates for the program.

“(3) ALTERNATIVES.—In developing the program, the Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, shall consider all alternatives and available information, including—

- “(A) alternative scrapping sites;
- “(B) vessel donations;
- “(C) sinking of vessels in deep water;
- “(D) sinking vessels for development of artificial reefs;

“(E) sales of vessels before they become obsolete;

“(F) results from the Navy Ship Disposal Program under section 8124 of the Department of Defense Appropriations Act, 1999 [Pub. L. 105-262, 10 U.S.C. 7291 note]; and

“(G) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April 1998.

“(e) REPORT.—Not later than 1 year after the date of the enactment of this Act [Oct. 30, 2000], 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 and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate on the progress of the vessel scrapping program developed under subsection (d)(1) and on the progress of any other scrapping of obsolete Government-owned vessels.

“(f) PRESIDENTIAL RECOMMENDATION.—The President shall transmit with the report required by subsection (d)(1) a recommendation on—

- “(1) whether it is necessary to amend the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other environmental statute or regulatory requirements relevant to the disposal of vessels described in section 6(c)(2) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(2)) by September 30, 2006; and
- “(2) any proposed changes to those requirements to carry out such disposals.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5403 of this title.

§ 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.