

Permits for Intrusive Research

The SMCA authorizes the U.S. Navy to implement a permitting



program that enables controlled site disturbance for archaeological, historical, or educational purposes. Applications for permits are submitted to the NHHHC for review, and must meet all qualifying requirements found in federal regulations (32 CFR 767). For more information visit www.history.navy.mil/ua.

Violations and Enforcement

Unauthorized disturbance of sunken military craft can be penalized by fines of up to \$100,000 per violation/per day, liability for damages, and confiscation of vessels.

The law of finds does not apply to any U.S. sunken military craft or any foreign sunken military craft located in U.S. waters. No salvage rights shall be granted without the express permission of the sovereign state.

Enforcement of the rules and regulations of the SMCA is coordinated through national and international law enforcement and other government agencies.

The Sunken Military Craft Act Does Not Affect:

- Non-intrusive recreational diving
- Commercial fishing and laying of submarine cables
- Routine operation of ships
- Activities not directed at sunken military craft

FAQs

Is diving permitted on sunken military craft?

Recreational diving for the purpose of observing the craft and its debris field is allowed, but divers are prohibited from disturbing, injuring or removing the wreck or its associated contents.

What if I unintentionally disturb a sunken military craft or its contents?

Unintentional disturbance is not a violation under the SMCA but should be reported to NHHHC, the U.S. Coast Guard, and to the appropriate state historic preservation office as soon as possible.

What if I witness another person removing parts from a sunken military craft?

If you witness theft or disturbance of material from a sunken military craft, report it immediately to NHHHC, the U.S. Coast Guard, and to the appropriate state historic preservation office.

For more information please visit www.history.navy.mil/ua

Contact us at:

Underwater Archaeology Branch
Naval History & Heritage Command
805 Kidder Breese Street, SE
Washington Navy Yard, DC 20374
Phone: 202-433-2210

NHHCUnderwaterarchaeology@navy.mil



Sunken Military Craft Act



Sunken Military Craft Act (SMCA)
(Public Law 108-375, 10 U.S.C. 113
Note and 118 Stat. 2094-2098)

Introduction

The Sunken Military Craft Act (SMCA) was enacted on October 28, 2004. Its primary purpose is to preserve and protect from unauthorized disturbance all sunken military craft that are owned by the U.S. government, as well as foreign sunken military craft that lie within U.S. waters. Pursuant to the SMCA, the Navy's sunken military craft remain property of the U.S. government regardless of their location or the passage of time and may not be disturbed without permission from the U.S. Navy.

NHHC archaeologists dive on the preserved remains of a War of 1812 shipwreck in the Patuxent River, MD.



Definition of Sunken Military Craft

- Any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military non-commercial service when it sank.
- Any sunken military aircraft or military spacecraft that was owned or operated by a government when it sank.
- The associated contents of such sunken military craft, including equipment, cargo, as well as remains and personal effects of the crew and passengers within the craft and its debris field.

U.S. Navy Sunken Military Craft

The Naval History and Heritage Command's (NHHC) Underwater Archaeology Branch (UAB) manages sunken military craft on behalf of the Department of the Navy. These craft, and their associated contents, represent a collection of non-renewable resources that often have historical value, serve as war graves, carry unexploded ordnance, and, if disturbed, could become environmental hazards due to oil or other materials they contain.

Examples of sunken military craft:



Diver documenting the wrecksite of submarine USS Moray (SS-300) off California (Photo by the UB88 Project team).

Multi beam echo sounder data collected on a WWII landing craft during a survey off the coast of Normandy, France.



Human Losses and Maritime Graves

Sunken military craft serve as maritime grave sites for thousands of lost servicemen and women and these sites should be accorded the highest respect and protection.



War grave memorial for USS Arizona and the men lost during the attack on Pearl Harbor December 7, 1941.

Ordnance & Hazardous Materials

Sunken military craft frequently contain oil, ordnance, or other hazardous materials that require special handling as they may pose a danger to the environment and general public if disturbed. The SMCA mitigates against these potential hazards by requiring permits and approvals for site disturbance.



Civil War ordnance recovered from CSS Alabama.

Artifact Protection

Unauthorized artifact recovery is prohibited by the SMCA. This protection promotes the preservation of artifacts that can illuminate the most important moments of our country's maritime history.



Lantern (left), USN button (above), and sextant (right) from USS Tulip.

International Collaboration

The SMCA applies to all U.S. sunken military craft across the globe, as well as to foreign sunken military craft that rest in U.S. waters. International collaboration and reciprocity are essential to preserving these craft through joint research efforts, the application of legal mandates, and the enforcement of violations.