

“(2) a department or agency interpretation with respect to title 14, United States Code; or

“(3) a judicial interpretation with respect to title 14, United States Code.”

LEGISLATIVE CONSTRUCTION OF 1949 ENACTMENT OF TITLE 14

Act Aug. 4, 1949, ch. 393, §3, 63 Stat. 557, provided that: “No inference of a legislative construction is to be drawn by reason of the chapter in Title 14, Coast Guard, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catch lines used in such title.”

SEPARABILITY

Act Aug. 4, 1949, ch. 393, §2, 63 Stat. 557, provided that: “If any part of Title 14, United States Code, as enacted by section 1 of this Act, shall be held invalid the remainder of such title shall not be affected thereby.”

REFERENCES TO SECTIONS OF TITLE 14 AS REDESIGNATED BY PUB. L. 115-282

Pub. L. 115-282, title I, §123(a), (b)(1), Dec. 4, 2018, 132 Stat. 4240, provided that:

“(a) DEFINITIONS.—In this section [see Tables for classification], the following definitions apply:

“(1) REDESIGNATED SECTION.—The term ‘redesignated section’ means a section of title 14, United States Code, that is redesignated by this title [see Tables for classification], as that section is so redesignated.

“(2) SOURCE SECTION.—The term ‘source section’ means a section of title 14, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

“(b) REFERENCE TO SOURCE SECTION.—

“(1) TREATMENT OF REFERENCE.—A reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.”

ORDERS, RULES, AND REGULATIONS

Act Aug. 4, 1949, ch. 393, §4, 63 Stat. 558, provided that: “All orders, rules, and regulations of the Coast Guard in effect under provisions of law superseded or amended by this Act shall, to the extent they would have been authorized under this Act, remain in force and effect as the regulations and orders under the provisions of this Act and shall be administered and enforced under this Act as nearly as may be until specifically repealed, amended, or revised.”

REDUCTION IN GRADE, RANK, PAY, ALLOWANCES, AND BENEFITS

Act Aug. 4, 1949, ch. 393, §5, 63 Stat. 558, provided that: “Nothing contained in this Act shall operate to abolish or reduce the grade, rank, rating, pay, allowances, or other benefits to which any person in the Coast Guard is entitled on the effective date of this Act.”

SUBTITLE I—ESTABLISHMENT, POWERS, DUTIES, AND ADMINISTRATION

Table with 2 columns: Chap. and Sec. listing sections 1 through 11: Establishment and Duties (101), Composition and Organization (301), Functions and Powers (501), Cooperation (701), Administration (901), Acquisitions (1101).

PRIOR PROVISIONS

A prior analysis for part I of this title “REGULAR COAST GUARD” preceded prior section 1 and consisted

of items for chapter 1 “Establishment and Duties” beginning with section 1, chapter 3 “Composition and Organization” beginning with section 41, chapter 5 “Functions and Powers” beginning with section 81, chapter 7 “Cooperation With Other Agencies” beginning with section 141, chapter 9 “Coast Guard Academy” beginning with section 181, chapter 11 “Personnel” beginning with section 211, chapter 13 “Pay, Allowances, Awards, and Other Rights and Benefits” beginning with section 461, chapter 14 “Coast Guard Family Support and Child Care” beginning with section 531, chapter 15 “Acquisitions” beginning with section 561, chapter 17 “Administration” beginning with section 631, chapter 18 “Coast Guard Housing Authorities” beginning with section 680, and chapter 19 “Environmental Compliance and Restoration Program” beginning with section 690, prior to repeal by Pub. L. 115-282, title I, §102, Dec. 4, 2018, 132 Stat. 4195.

AMENDMENTS

2018—Pub. L. 115-282, title I, §102, Dec. 4, 2018, 132 Stat. 4195, inserted subtitle I designation and heading and added items for chapters 1 to 11.

CHAPTER 1—ESTABLISHMENT AND DUTIES

- Sec. 101. Establishment of Coast Guard.
102. Primary duties.
103. Department in which the Coast Guard operates.
104. Removing restrictions.
105. Secretary defined.
106. Commandant defined.

PRIOR PROVISIONS

A prior analysis for chapter 1 “ESTABLISHMENT AND DUTIES” consisted of items 1 “Establishment of Coast Guard”, 2 “Primary duties”, 3 “Department in which the Coast Guard operates”, 4 “Secretary defined”, and 5 “Commandant defined”, prior to repeal by Pub. L. 115-282, title I, §103(a), Dec. 4, 2018, 132 Stat. 4195.

AMENDMENTS

2018—Pub. L. 115-282, title I, §103(a), Dec. 4, 2018, 132 Stat. 4195, inserted chapter 1 designation and heading and added items 101 to 106.

§ 101. Establishment of Coast Guard

The Coast Guard, established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times.

(Aug. 4, 1949, ch. 393, 63 Stat. 496, §1; Pub. L. 94-546, §1(1), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1555; renumbered §101, Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §1 (Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 11, 1941, ch. 290, §§5, 6(a), 55 Stat. 585).

Said section has been divided. Provisions relating to operation under the Navy in time of war are placed in sections 3 and 4 of this title, and the remainder is in this section.

This section continues the Coast Guard as a military service and branch of the armed forces of the United States at all times. By the act of July 11, 1941, 55 Stat. 585 (title 14, U.S.C., 1946 ed., §1), the Coast Guard was constituted a branch of the land and naval forces of the United States at all times. This section therefore merely continues an existing agency and codifies existing law on the military status of the Coast Guard, sub-

stituting “armed forces” for “land and naval forces” because of the recent establishment of the Department of the Air Force as an “armed force” rather than as a part of the “land and naval forces”. The Coast Guard is designated a service in the Treasury Department except when operating as a service in the Navy. This is a better definition of the status of the Coast Guard than one which defines it as a service under the Treasury Department in time of peace, because the President is authorized to place the Coast Guard under the Navy in time of emergency, which could be in time of peace.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 101 was renumbered section 562 of this title.

For redesignation of prior sections 1 to 100 not listed below as having been previously repealed or omitted, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding this section.

A prior section 5, act Aug. 4, 1949, ch. 393, 63 Stat. 497, which defined the term “Secretary” for purposes of this title, was omitted in the general amendment of this chapter by Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1555. See section 105 of this title.

A prior section 43, act Aug. 4, 1949, ch. 393, 63 Stat. 498, provided for relative rank of commissioned officers with respect to Army and Navy officers, prior to repeal by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641. See section 741 of Title 10, Armed Forces.

A prior section 45, act Aug. 4, 1949, ch. 393, 63 Stat. 498, related to permanent grade of Commandant on expiration of term, prior to repeal by Pub. L. 86-474, §1(4), May 14, 1960, 74 Stat. 144.

Prior sections 48 and 49 were repealed by Pub. L. 86-474, §1(7), May 14, 1960, 74 Stat. 145.

Section 48, act Aug. 4, 1949, ch. 393, 63 Stat. 499, related to permanent grade of that Assistant Commandant and Engineer in Chief on expiration of term.

Section 49, act Aug. 4, 1949, ch. 393, 63 Stat. 499, related to grade and retired pay upon retirement of Assistant Commandant or Engineer in Chief.

A prior section 50a, added Pub. L. 103-206, title II, §205(b)(1), Dec. 20, 1993, 107 Stat. 2422, related to appointment and grade of Chief of Staff of the Coast Guard, prior to repeal by Pub. L. 111-281, title V, §511(b), Oct. 15, 2010, 124 Stat. 2952.

A prior section 55, added Pub. L. 111-281, title II, §214(a), Oct. 15, 2010, 124 Stat. 2915, related to appointment and functions of District Ombudsman, prior to repeal by Pub. L. 112-213, title II, §216(a), Dec. 20, 2012, 126 Stat. 1555.

A prior section 82, act Aug. 4, 1949, ch. 393, 63 Stat. 500; Sept. 3, 1954, ch. 1263, §31, 68 Stat. 1237; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89-662, §2, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94-546, §1(4), (5), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-295, §2(3), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-640, §10(a)(3), Nov. 10, 1986, 100 Stat. 3549; Pub. L. 103-272, §5(d), July 5, 1994, 108 Stat. 1373; Pub. L. 104-201, div. A, title XI, §1122(c), Sept. 23, 1996, 110 Stat. 2687, related to cooperation with Administrator of the Federal Aviation Administration with respect to aids to air navigation, prior to repeal by Pub. L. 112-213, title II, §216(b), Dec. 20, 2012, 126 Stat. 1555.

A prior section 87, act Aug. 4, 1949, ch. 393, §1, 63 Stat. 501, related to color and numbering of buoys along coast, or in bays, harbors, sounds, or channels, as indicating whether such buoys were to be passed on the starboard or port hand and prescribed the coloring for buoys in channel ways, prior to repeal by Pub. L. 94-546, §1(6), (7), Oct. 18, 1976, 90 Stat. 2519.

A prior section 90, act Aug. 4, 1949, ch. 393, 63 Stat. 502; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 94-546, §1(8), Oct. 18, 1976, 90 Stat. 2519, authorized the Coast Guard to operate and maintain floating ocean stations, prior to repeal by Pub. L. 112-213, title II, §216(c), Dec. 20, 2012, 126 Stat. 1555.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 1 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.”

2002—Pub. L. 107-296 substituted “Department of Homeland Security” for “Department of Transportation”.

1976—Pub. L. 94-546 substituted “Department of Transportation” for “Treasury Department”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-265, title III, §301, Oct. 11, 2018, 132 Stat. 3752, provided that: “This title [enacting provisions set out as a note under section 58 of this title] may be cited as the ‘Coast Guard Blue Technology Center of Expertise Act’.”

#### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-281, §1, Dec. 18, 2014, 128 Stat. 3022, provided that: “This Act [see Tables for classification] may be cited as the ‘Howard Coble Coast Guard and Maritime Transportation Act of 2014’.”

#### SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-213, §1(a), Dec. 20, 2012, 126 Stat. 1540, provided that: “This Act [see Tables for classification] may be cited as the ‘Coast Guard and Maritime Transportation Act of 2012’.”

#### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-281, title V, §501, Oct. 15, 2010, 124 Stat. 2951, provided that: “This title [enacting sections 57 to 59, 102, and 200 of this title and section 2116 of Title 46, Shipping, amending sections 47, 50, 51, 52, 93, and 290 of this title and section 3309 of Title 46, repealing section 50a of this title, and enacting provisions set out as a note under section 50 of this title] may be cited as the ‘Coast Guard Modernization Act of 2010’.”

#### SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-241, §1, July 11, 2006, 120 Stat. 516, provided that: “This Act [see Tables for classification] may be cited as the ‘Coast Guard and Maritime Transportation Act of 2006’.”

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-293, §1, Aug. 9, 2004, 118 Stat. 1028, provided that: “This Act [see Tables for classification] may be referred to as the ‘Coast Guard and Maritime Transportation Act of 2004’.”

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-295, title III, §301, Nov. 25, 2002, 116 Stat. 2102, provided that: “This title [amending sections 259, 260, 271, 336, and 511 of this title, sections 1203, 1231a, 2073, 2302, and 2752 of Title 33, Navigation and Navigable Waters, and sections 2110, 2302, 4508, 7302, 8701, and 13110 of Title 46, Shipping, and enacting provisions set out as notes under sections 88 and 92 of this title and section 1113 of Title 33] may be cited as the ‘Coast Guard Personnel and Maritime Safety Act of 2002’.”

Pub. L. 107-295, title IV, §401, Nov. 25, 2002, 116 Stat. 2113, provided that: “This title [see Tables for classification] may be cited as the ‘Omnibus Maritime and Coast Guard Improvements Act of 2002’.”

## 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.

Coast Guard transferred to Department of Transportation and all functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 931. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of this title. See section 108 of Title 49, Transportation.

## DESIGNATION OF COAST GUARD HEADQUARTERS BUILDING

Pub. L. 113-31, Aug. 9, 2013, 127 Stat. 511, provided that:

## “SECTION 1. DESIGNATION.

“The headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia shall be known and designated as the ‘Douglas A. Munro Coast Guard Headquarters Building’.

## “SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ‘Douglas A. Munro Coast Guard Headquarters Building’.”

**§ 102. Primary duties**

The Coast Guard shall—

(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States, covering all matters not specifically delegated by law to some other executive department;

(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

(7) maintain a state of readiness to assist in the defense of the United States, including when functioning as a specialized service in the Navy pursuant to section 103.

(Aug. 4, 1949, ch. 393, 63 Stat. 496, §2; Pub. L. 87-396, §1, Oct. 5, 1961, 75 Stat. 827; Pub. L. 91-278, §1(1), June 12, 1970, 84 Stat. 304; Pub. L. 93-519, Dec. 13, 1974, 88 Stat. 1659; Pub. L. 99-640, §6, Nov. 10, 1986, 100 Stat. 3547; Pub. L. 100-448, §17, Sept. 28, 1988, 102 Stat. 1845; Pub. L. 100-690, title VII, §7403, Nov. 18, 1988, 102 Stat. 4484; Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1556; renumbered §102 and amended Pub. L. 115-282, title I, §103(b), title III, §302, Dec. 4, 2018, 132 Stat. 4195, 4243.)

## HISTORICAL AND REVISION NOTES

This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from title 14, U.S.C., 1946 ed., §§45, 50k-50o, 51, 52, 53, 55, 60, 61, 62, 63, 98a, 104, 261, 301, title 33, U.S.C., 1946 ed., §§720, 720a, 740, 740a, 740b, title 46, U.S.C., 1946 ed., §1 (footnote), 2 (R.S. 1536, 2747, 2758, 2759, 4249; June 23, 1874, ch. 455, §1, 18 Stat. 220; June 18, 1878, ch. 265, §4, 20 Stat. 163; July 5, 1884, ch. 221, §2, 23 Stat. 118; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; Apr. 19, 1906, ch. 1640, §§1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 17, 1910, ch. 301, §§6, 7, 36 Stat. 538; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; June 24, 1914, ch. 124, 38 Stat. 387; Mar. 3, 1915, ch. 81, §5, 38 Stat. 927; Aug. 29, 1916, ch. 417, 39 Stat. 1820; May 22, 1926, ch. 371, §6, 44 Stat. 626; June 30, 1932, ch. 314, §501, 47 Stat. 415; May 27, 1936, ch. 463, §1, 49 Stat. 1380; Aug. 16, 1937, ch. 665, §3, 50 Stat. 667; Feb. 19, 1941, ch. 8, §§2, 201, 55 Stat. 9, 11; July 11, 1941, ch. 290, §7, 55 Stat. 585; Nov. 23, 1942, ch. 639, §2(2), 56 Stat. 102; Sept. 30, 1944, ch. 453, §1, 58 Stat. 759; June 22, 1948, ch. 600, 62 Stat. 574; June 26, 1948, ch. 672, 62 Stat. 1050).

This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all Federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, and readiness to function with the Navy. Having been created in 1915 by the consolidation of the Revenue Cutter Service and the Life Saving Service, the Coast Guard has gradually been given additional duties and responsibilities, such as the assignment of law enforcement powers on the high seas and navigable waters in 1936, the transfer of the Lighthouse Service in 1939, and the transfer of the Bureau of Marine Inspection and Navigation in 1942. Existing along with these other duties has been that of maintaining a state of readiness as a specialized service prepared for active participation with the Navy in time of war. These various interdependent functions of the Service have not been expressed collectively in any statute heretofore, but it is believed desirable to do so in this revision in order to have outlined in general terms in one section the broad scope of the functions of the Coast Guard. 81st Congress, House Report No. 557.

## PRIOR PROVISIONS

A prior section 102 was renumbered section 717 of this title.

## AMENDMENTS

2018—Pub. L. 115-282, §103(b), renumbered section 2 of this title as this section.

Par. (7). Pub. L. 115-282, §302, amended par. (7) generally. Prior to amendment, par. (7) read as follows: “maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.”

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section related to primary duties of the Coast Guard.

1988—Pub. L. 100-690 substituted “United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States; shall administer” for first reference to “United States;”.

Pub. L. 100-448 substituted “Federal laws on, under, and over” for “Federal laws on and under”.

1986—Pub. L. 99-640 inserted “, including the fulfillment of Maritime Defense Zone command responsibilities.”

1974—Pub. L. 93-519 inserted provision requiring Coast Guard to develop, establish, maintain and operate, pursuant to international agreements, icebreaking facilities in waters other than those subject to the jurisdiction of the United States.

1970—Pub. L. 91-278 improved and clarified text, substituting “on and under” for “upon” in clause preceding first semicolon; inserting “and under” after “life and property on” and striking out “on” after “the high seas and” in clause preceding second semicolon; and substituting “icebreaking” for “ice-breaking” and inserting “, under,” after “promotion of safety on” in clause preceding third semicolon, respectively.

1961—Pub. L. 87-396 required Coast Guard to engage in oceanographic research on high seas and in waters subject to jurisdiction of the United States.

#### 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.

### § 103. Department in which the Coast Guard operates

(a) IN GENERAL.—The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

(b) TRANSFERS.—Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

(c) OPERATION AS A SERVICE IN THE NAVY.—Whenever the Coast Guard operates as a service in the Navy—

(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to

which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

(Aug. 4, 1949, ch. 393, 63 Stat. 496, §3; Pub. L. 94-546, §1(2), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-241, title II, §211, July 11, 2006, 120 Stat. 523; Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1556; renumbered §103, Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §1 (Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 11, 1941, ch. 290, §§5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to when the Coast Guard operates as a service in the Navy are in this section. The provisions relating to the establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to appropriations are placed in section 4 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 103 was renumbered section 563 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 3 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations.”

2006—Pub. L. 109-241 inserted “if Congress so directs in the declaration” after “Upon the declaration of war”.

2002—Pub. L. 107-296 substituted “Department of Homeland Security” for “Department of Transportation”.

1976—Pub. L. 94-546 substituted “Executive” for “executive” and “Department of Transportation” for “Treasury Department”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

### § 104. Removing restrictions

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, §652; renumbered §104, Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

## HISTORICAL AND REVISION NOTES

This section is new and provides that any law removing for the duration of a war or national emergency any restriction contained in any then-existing law as applied to the Navy shall operate in the same manner to remove such restrictions as applied to the Coast Guard. Included are restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel. This provision is designed to enable the Coast Guard to operate as efficiently as the Navy Department in time of war or during a national emergency and would permit the Coast Guard more effectively to maintain itself in a state of military readiness during periods of emergency. Since the Coast Guard operates as part of the Navy in time of war, it is essential that its operations be as flexible and as efficient as those of the Department of which it is to be a part. This section would prevent inadvertent failures specifically to mention the Coast Guard in legislation of the type described in this section from hindering service operations. 81st Congress, House Report No. 557.

## PRIOR PROVISIONS

A prior section 104 was renumbered section 528 of this title.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 652 of this title as this section.

**§ 105. Secretary defined**

In this title, the term “Secretary” means the Secretary of the respective department in which the Coast Guard is operating.

(Aug. 4, 1949, ch. 393, 63 Stat. 497, § 4; May 5, 1950, ch. 169, § 14(u), 64 Stat. 148; Pub. L. 89-444, § 1(1), June 9, 1966, 80 Stat. 195; Pub. L. 112-213, title II, § 217(1), Dec. 20, 2012, 126 Stat. 1557; renumbered § 105, Pub. L. 115-282, title I, § 103(b), Dec. 4, 2018, 132 Stat. 4195.)

## HISTORICAL AND REVISION NOTES

Subsections (a) and (b) are based on title 14, U.S.C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to appropriations are in this section. The provisions relating to establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to when the Coast Guard operates as a service in the Navy are placed in section 3 of this title.

The substantive changes relating to the availability of appropriations when the Coast Guard is transferred to the Navy were suggested by the Bureau of the Budget (July 11, 1941, ch. 290, § 6 (a), 55 Stat. 585).

Subsection (c) is based on title 14, U.S.C., 1946 ed., § 7 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Subsection (d) is derived from title 34, U.S.C., 1946 ed., §§ 355 to 356b (Feb. 4, 1919, ch. 14, §§ 2-5, 40 Stat. 1056; Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743).

Said sections authorized medals for presentation “. . . to any person who, while serving in any capacity with the Navy of the United States . . .”; inasmuch as this language includes the Coast Guard when it is operating under the Navy, this subsection entails no change in existing law.

Subsection (e) is based on title 34, U.S.C., 1946 ed., § 228 (R.S. 1442; Feb. 28, 1942, ch. 11, 59 Stat. 9).

Inasmuch as R.S. 1442 cited above applies to the Navy and Marine Corps as well as the Coast Guard it is not scheduled for repeal but is being amended by section 6 of this act to eliminate reference to the Coast Guard.

Subsection (f) is based on title 14, U.S.C., 1946 ed., § 3 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Said section has been divided. The provisions concerning applicability of Navy laws to Coast Guard per-

sonnel are placed in this section. The provisions of the provisos of title 14, U.S.C., 1946 ed., § 3 are placed in section 571 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 4 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section related to operation of Coast Guard as a service in the Navy.

1966—Pub. L. 89-444 made technical changes in subsecs. (d) and (e) by inserting “and” at end of subsec. (d) and substituting a period for “; and” at end of subsec. (e).

1950—Act May 5, 1950, repealed subsec. (f) which provided that personnel of the Coast Guard should be subject to the laws for the government of the Navy.

## EFFECTIVE DATE OF 1950 AMENDMENT

Act May 5, 1950, ch. 169, § 5, 64 Stat. 145, provided that the amendment made by that section is effective May 31, 1951.

**§ 106. Commandant defined**

In this title, the term “Commandant” means the Commandant of the Coast Guard.

(Added Pub. L. 115-232, div. C, title XXXV, § 3531(a), Aug. 13, 2018, 132 Stat. 2320, § 5; renumbered § 106, Pub. L. 115-282, title I, § 103(b), Dec. 4, 2018, 132 Stat. 4195.)

## PRIOR PROVISIONS

For redesignation of prior sections 141 to 296 not listed below as having been previously repealed or renumbered, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

A prior section 182, Aug. 4, 1949, ch. 393, 63 Stat. 508; Pub. L. 88-276, § 5(b), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-444, § 1(8), June 9, 1966, 80 Stat. 195; Pub. L. 91-278, § 1(4), June 12, 1970, 84 Stat. 304; Pub. L. 94-572, § 1, Oct. 21, 1976, 90 Stat. 2708; Pub. L. 97-295, § 2(8), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 100-448, § 12, Sept. 28, 1988, 102 Stat. 1843; Pub. L. 109-163, div. A, title VI, § 687(d), Jan. 6, 2006, 119 Stat. 3336; Pub. L. 111-281, title IX, § 903(b)(4), Oct. 15, 2010, 124 Stat. 3011; Pub. L. 115-91, div. A, title VI, § 618(a)(2), Dec. 12, 2017, 131 Stat. 1426, related to cadets' appointment to the Academy and agreement to serve, prior to repeal by Pub. L. 115-282, title I, § 110(c)(2), Dec. 4, 2018, 132 Stat. 4215.

A prior section 193, act Aug. 4, 1949, ch. 393, 63 Stat. 510; Pub. L. 94-546, § 1(16), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 97-322, title I, § 118(b), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 100-448, § 9, Sept. 28, 1988, 102 Stat. 1842; Pub. L. 102-241, § 15, Dec. 19, 1991, 105 Stat. 2213, provided for an Advisory Committee to the Academy, prior to repeal by Pub. L. 112-213, title II, § 216(e), Dec. 20, 2012, 126 Stat. 1555.

A prior section 198, added Pub. L. 109-241, title II, § 209(a), July 11, 2006, 120 Stat. 522, provided for fellowships in Coast Guard history, prior to repeal by Pub. L. 112-213, title II, § 216(f), Dec. 20, 2012, 126 Stat. 1555.

A prior section 200 was renumbered section 199 of this title and subsequently renumbered section 1948 of this title.

Prior sections 212 and 213 were repealed by Pub. L. 103-337, div. A, title V, § 541(f)(5)(A), (h), Oct. 5, 1994, 108 Stat. 2767, effective on the first day of the fourth month beginning after Oct. 5, 1994.

Section 212, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 177; amended Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent commissioned warrant officers in Coast Guard. See section 571 et seq. of Title 10, Armed Forces.

Section 213, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 178; amended Pub. L. 98-557, § 15(a)(3)(B),

Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent warrant officers (W-1) in Coast Guard. See section 571 et seq. of Title 10.

A prior section 216, added Pub. L. 109-241, title II, §215(a), July 11, 2006, 120 Stat. 525, provided that the initial appointment of the Director of the Boating Safety Office would be in the grade of Captain, prior to repeal by Pub. L. 111-281, title II, § 209, Oct. 15, 2010, 124 Stat. 2912.

Prior sections 221 to 248 were repealed by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

Section 221, act Aug. 4, 1949, ch. 393, 63 Stat. 512, authorized filling of vacancies in active list of regular commissioned officers.

Section 222, acts Aug. 4, 1949, ch. 393, 63 Stat. 512; May 14, 1960, Pub. L. 86-474, §1(16), 74 Stat. 146, related to promotion to flag rank.

Section 223, act Aug. 4, 1949, ch. 393, 63 Stat. 512, related to methods and criteria used in filling of vacancies by promotion.

Section 224, act Aug. 4, 1949, ch. 393, 63 Stat. 512, authorized filling of vacancies by appointment.

Section 225, act Aug. 4, 1949, ch. 393, 63 Stat. 513, authorized President to make permanent appointments. See section 571 et seq. of Title 10, Armed Forces.

Section 226, act Aug. 4, 1949, ch. 393, 63 Stat. 513, authorized appointment of temporary commissioned officers.

Section 227, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; May 5, 1950, ch. 169, §15, 64 Stat. 148, related to promotion and discharge of temporary commissioned officers.

Section 228, act Aug. 4, 1949, ch. 393, 63 Stat. 514, authorized appointment of commissioned warrant officers. See section 571 et seq. of Title 10, Armed Forces.

Section 229, act Aug. 4, 1949, ch. 393, 63 Stat. 514, related to revocation of commissions during first three years of service.

Section 230, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; May 29, 1954, ch. 249, §19(h), 68 Stat. 167, related to compulsory retirement of commissioned officers, with exception of commissioned warrant officers, at age 62.

Section 231, act Aug. 4, 1949, ch. 393, 63 Stat. 514, related to voluntary retirement after 30 years service.

Section 232, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; Aug. 4, 1955, ch. 553, §2, 69 Stat. 493, related to voluntary retirement after 20 years service.

Section 233, act Aug. 4, 1949, ch. 393, 63 Stat. 515, related to retirement for disabilities incident to service. See sections 1204 and 1376 of Title 10, Armed Forces. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 234, acts Aug. 4, 1949, ch. 393, 63 Stat. 515; Aug. 3, 1950, ch. 536, §5, 64 Stat. 406, related to retirement for failure in physical examination for promotion.

Section 235, act Aug. 4, 1949, ch. 393, 63 Stat. 515, related to designation and assembly of a personnel board, its procedure and its recommendations.

Section 236, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to involuntary retirement after 30 years' service.

Section 237, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to involuntary retirement after 10 years' service.

Section 238, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to voluntary retirement when out of line of promotion.

Section 239, acts Aug. 4, 1949, ch. 393, 63 Stat. 516; Aug. 3, 1950, ch. 536, §6, 64 Stat. 406, authorized advancement to a higher grade upon retirement in case of special commendation. Section had previously been repealed by Pub. L. 86-155, §10(a)(1), (b), Aug. 11, 1959, 73 Stat. 338, effective Nov. 1, 1959.

Section 240, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §7, 64 Stat. 407, authorized recall of retired officers in time of war or national emergency.

Section 241, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §8, 64 Stat. 407, related to recall to active duty with the consent of the officer.

Section 242, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §9, 64 Stat. 407, related to relief of retired officers promoted while on active duty.

Section 243, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §10, 64 Stat. 407; Aug. 14, 1957, Pub. L. 85-144, §1, 71 Stat. 366, related to retirement in cases where a higher grade has been held.

Section 244, act Aug. 4, 1949, ch. 393, 63 Stat. 517, related to resignation when out of line of promotion.

Section 245, act Aug. 4, 1949, ch. 393, 63 Stat. 517, related to retiring or dropping for disabilities not incident to service. See section 1207 of Title 10, Armed Forces. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 246, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to dropping for disabilities due to vicious habits. See section 1207 of Title 10. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 247, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620; amended May 14, 1960, Pub. L. 86-474, §1(17), 74 Stat. 146, related to involuntary retirement of rear admirals and to their retention on active list.

Section 248, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620, related to involuntary retirement of captains and to their retention on active list.

A prior section 277, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, provided that warrant officers could be temporarily promoted to higher warrant officer grades under regulations prescribed by Secretary, prior to repeal by Pub. L. 104-324, title II, §210(a), Oct. 19, 1996, 110 Stat. 3915, with such repeal not to be construed to affect the status of any warrant officer then serving under a temporary promotion.

A prior section 293, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700, mandated retirement of any regular commissioned officer, except a commissioned warrant officer, at age 62, prior to repeal by Pub. L. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 5 of this title as this section.

### CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec. 301.	Grades and ratings.
302.	Commandant; appointment.
303.	Retirement of Commandant or Vice Commandant.
304.	Vice Commandant; appointment.
305.	Vice admirals.
306.	Retirement.
307.	Vice admirals and admiral, continuity of grade.
308.	Chief Acquisition Officer.
309.	Office of the Coast Guard Reserve; Director.
310.	Chief of Staff to President; appointment.
311.	Captains of the port.
312.	Prevention and response workforces.
313.	Centers of expertise for Coast Guard prevention and response.
314.	Marine industry training program.
315.	Training course on workings of Congress.
316.	National Coast Guard Museum.
317.	United States Coast Guard Band; composition; director.
318.	Environmental Compliance and Restoration Program.
319.	Land-based unmanned aircraft system program.
320.	Coast Guard Junior Reserve Officers' Training Corps.

#### PRIOR PROVISIONS

A prior analysis for chapter 3 "COMPOSITION AND ORGANIZATION" consisted of items 41 "Grades and ratings", 41a "Active duty promotion list", 42 "Number and distribution of commissioned officers on active

duty promotion list”, 44 “Commandant; appointment”, 46 “Retirement of Commandant or Vice Commandant”, 47 “Vice Commandant; appointment”, 50 “Vice admirals”, 51 “Retirement”, 52 “Vice admirals and admiral, continuity of grade”, 53 “Office of the Coast Guard Reserve; Director”, 54 “Chief of Staff to President: appointment”, 56 “Chief Acquisition Officer”, 57 “Prevention and response workforces”, 58 “Centers of expertise for Coast Guard prevention and response”, 59 “Marine industry training programs”, and 60 “Training course on workings of Congress”, prior to repeal by Pub. L. 115-282, title I, §104(a), Dec. 4, 2018, 132 Stat. 4196.

AMENDMENTS

2019—Pub. L. 116-92, div. A, title V, §519(b), Dec. 20, 2019, 133 Stat. 1351, added item 320.

2018—Pub. L. 115-282, title I, §104(a), title III, §304(c)(1), Dec. 4, 2018, 132 Stat. 4196, 4245, inserted chapter 3 designation and heading and added items 301 to 319.

§ 301. Grades and ratings

In the Coast Guard there shall be admirals (two); vice admirals; rear admirals; rear admirals (lower half); captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers; cadets; warrant officers; and enlisted members. Enlisted members shall be distributed in ratings established by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 497, §41; Aug. 10, 1956, ch. 1041, §§6, 53, 70A Stat. 620, 679; Pub. L. 86-474, §1(1), May 14, 1960, 74 Stat. 144; Pub. L. 92-451, §1(1), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-417, §2(1), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 98-557, §15(a)(3)(B), (C), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-145, title V, §514(a)(2), Nov. 8, 1985, 99 Stat. 628; Pub. L. 103-337, div. A, title V, §541(f)(4), Oct. 5, 1994, 108 Stat. 2766; Pub. L. 114-120, title II, §201(a), Feb. 8, 2016, 130 Stat. 33; renumbered §301, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

HISTORICAL AND REVISION NOTES

1949 ACT

Based on title 14, U.S.C., 1946 ed., §§5, 9, 21 (Apr. 12, 1902, ch. 501, §1, 32 Stat. 100; Jan. 28, 1915, ch. 20, §2, 38 Stat. 801; May 18, 1920, ch. 190, §8, 41 Stat. 603; June 5, 1920, ch. 235, §1, 41 Stat. 879; Jan. 12, 1923, ch. 25, §§1, 2, 42 Stat. 1130; July 3, 1926, ch. 742, §§3, 9, 10, 44 Stat. 815, 817).

The grades of vice admiral and rear admiral are added to make provision for the commissioned officer personnel structure of the service as provided for in this revision. The entire rating structure for enlisted men is left to the administrative discretion of the Secretary, as in the past, for reasons of flexibility.

The last two paragraphs of said section 5 are obsolete and have been omitted.

Changes were made in phraseology. 81st Congress, House Report No. 557.

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
41 .....	14:41. 34:135a(a) (less last sentence, as applicable to temporary appointments).	Aug. 4, 1949, ch. 393, §1(41), 63 Stat. 497. May 29, 1954, ch. 249, §3(a) (less 3d and last sentences, as applicable to temporary appointments), 68 Stat. 157.

PRIOR PROVISIONS

A prior section 301, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to permanent appointment of warrant officers,

prior to repeal by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See section 571 et seq. of Title 10, Armed Forces.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 41 of this title as this section.

2016—Pub. L. 114-120 substituted “admirals (two);” for “an admiral,”.

1994—Pub. L. 103-337 substituted “chief warrant officers; cadets; warrant officers;” for “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;”.

1985—Pub. L. 99-145 substituted “rear admirals (lower half)” for “commodores”.

1984—Pub. L. 98-557 substituted “members” for “men” in two places.

1983—Pub. L. 97-417 inserted “commodores;” after “rear admirals;”.

1972—Pub. L. 92-451 substituted “vice admirals” for “a vice admiral”.

1960—Pub. L. 86-474 inserted the grade of admiral.

1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby substituting “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2” for “commissioned warrant officers”, and “warrant officers, W-1” for “warrant officers”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103-337, set out as a note under section 571 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

§ 302. Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The term of an appointment, and any reappointment, shall begin on June 1 of the appropriate year and end on May 31 of the appropriate year, except that, in the event of death, retirement, resignation, or reassignment, or when the needs of the Service demand, the Secretary may alter the date on which a term begins or ends if the alteration does not result in the term exceeding a period of 4 years. The Commandant shall be appointed from the officers on the active duty promotion list serving above the grade of captain who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 498, §44; Pub. L. 86-474, §1(3), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(3), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(3), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(3), Oct. 2, 1972, 86 Stat. 755; Pub. L. 113-281, title II, §202, Dec. 18, 2014, 128 Stat. 3024; renumbered §302, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §11 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1, 38

Stat. 800; Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; Apr. 23, 1930, ch. 211, 46 Stat. 253; June 9, 1937, ch. 309, § 1, 50 Stat. 252; June 6, 1940, ch. 257, § 1(a), 54 Stat. 246).

Said section has been divided. The provisions of the first proviso are placed in section 45 of this title, and the remainder is placed in this section.

The grade of the Commandant is fixed as vice admiral rather than that prescribed for Bureau Chiefs of the Navy. The additional qualifications that an officer appointed Commandant must have at least 10 years commissioned service in the Coast Guard has been inserted. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 302, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to temporary appointments of warrant officers, prior to repeal by Pub. L. 88-130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 44 of this title as this section.

2014—Pub. L. 113-281 inserted after first sentence “The term of an appointment, and any reappointment, shall begin on June 1 of the appropriate year and end on May 31 of the appropriate year, except that, in the event of death, retirement, resignation, or reassignment, or when the needs of the Service demand, the Secretary may alter the date on which a term begins or ends if the alteration does not result in the term exceeding a period of 4 years.”

1972—Pub. L. 92-451 substituted “above the grade of captain” for “in the grade of captain or above” in second sentence.

1966—Pub. L. 89-444 struck out provision that the position of an officer appointed Commandant be filled by promotion according to law.

1963—Pub. L. 88-130 substituted “officers on the active duty promotion list serving in the grade of” for “active list of officers who hold a permanent commission as”, required qualifying period of 10 years commissioned service to be “active” service, and struck out “, pay, and allowances” before “of admiral”.

1960—Pub. L. 86-474 substituted “active list of officers” for “active list of line officers”, “captain or above” for “commander or above”, and “allowances of admiral” for “allowances of vice admiral”.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

Pub. L. 86-474, § 2, May 14, 1960, 74 Stat. 146, provided that: “The increased grade of admiral for the Commandant and vice admiral for the Assistant Commandant [now Vice Commandant], including the pay and allowances applicable to such grades, shall be effective on the first day of the month following enactment of this Act [May 14, 1960].”

#### SAVINGS PROVISION

Pub. L. 86-474, § 3, May 14, 1960, 74 Stat. 146, provided that: “Except as provided by section 2 [set out as a note under this section], the amendments by section 1 [amending sections 41, 42, 44, 46, 47, 186 to 191, 222, 247(c), 365, and 462 of this title, and repealing sections 45, 48, and 49 of this title] shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant [now Vice Commandant], and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act [May 14, 1960], nor to divest them of their offices for the terms appointed.”

### § 303. Retirement of Commandant or Vice Commandant

(a)(1) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d) of this title.

(2) A Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d).

(b) A Commandant or Vice Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.

(c) An officer who is retired prior to the expiration of the officer’s term, while serving as Commandant or Vice Commandant, may, in the discretion of the President, be retired with the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, § 46; Pub. L. 86-474, § 1(5), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, § 1(4), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, § 1(4), (5), June 9, 1966, 80 Stat. 195; Pub. L. 97-295, § 2(1), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, § 205(b)(1), July 1, 1986, 100 Stat. 699; Pub. L. 103-206, title II, § 204(a), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 114-120, title II, § 209(2), Feb. 8, 2016, 130 Stat. 40; Pub. L. 115-232, div. C, title XXXV, § 3528(a), Aug. 13, 2018, 132 Stat. 2318; renumbered § 303 and amended Pub. L. 115-282, title I, §§ 104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 161 (Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; June 25, 1936, ch. 808, 49 Stat. 1924; June 9, 1937, ch. 309, § 1, 50 Stat. 252; June 6, 1940, ch. 257, § 1(a), 54 Stat. 246).

Provision is added for retirement of the Commandant with the grade and pay of vice admiral after 3 years service, in the discretion of the President, regardless of total length of service. Provision is also added for retirement with the grade and pay of vice admiral in case of physical disability. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 303, act Aug. 4, 1949, ch. 393, 63 Stat. 518, required compulsory retirement of warrant officers reaching age of sixty-two years, with retired pay of grade with which retired, prior to repeal by act May 29, 1954, ch. 249, § 20(o), 68 Stat. 167, and by Pub. L. 88-130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282, § 104(b), renumbered section 46 of this title as this section.

Pub. L. 115-232, § 3528(a)(1), inserted “or Vice Commandant” after “Commandant” in section catchline.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted “section 306(d)” for “section 51(d)” in pars. (1) and (2).

Pub. L. 115-232, § 3528(a)(2), (3), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 115-232, § 3528(a)(4), inserted “or Vice Commandant” after “Commandant”.

Subsec. (c). Pub. L. 115-232, § 3528(a)(4), (5), inserted “or Vice Commandant” after “Commandant” and substituted “the officer’s” for “his”.

2016—Subsec. (a). Pub. L. 114-120 substituted “section” for “subsection”.

1993—Subsec. (a). Pub. L. 103-206 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade of admiral.”



1986—Pub. L. 99-348 struck out “and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant” after “admiral” in subsecs. (a) to (c).

1982—Subsec. (a). Pub. L. 97-295 substituted “Commandant” for “commandant”.

1966—Subsec. (c). Pub. L. 89-444, §1(4), removed requirement that the Commandant serve 2½ years as Commandant before being eligible for retirement with the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant.

Subsec. (d). Pub. L. 89-444, §1(5), repealed subsec. (d) which provided that a Commandant who retired within 2½ years of the date of his original appointment as Commandant would retire in his permanent grade and with the retired pay of that grade.

1963—Subsecs. (a) to (c). Pub. L. 88-130 substituted “of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant” for “and retired pay of admiral”.

1960—Pub. L. 86-474 authorized any Commandant who is not reappointed at the expiration of his term to be retired with the grade and retired pay of admiral, directed placement on the retired list with the grade and retired pay of admiral for a Commandant who is retired for physical disability, reduced from three to two and one-half years the period that the Commandant must serve before he may voluntarily apply retirement without regard to total length of service, and provided that any Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade.

### § 304. Vice Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of admiral with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 306(d) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, §47; Pub. L. 86-474, §1(6), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(5), (6), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(6), (7), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(4), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-295, §2(2), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, §205(b)(2), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §204(b)(1), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, §511(f)(1), (g), Oct. 15, 2010, 124 Stat. 2952, 2953; Pub. L. 114-120, title II, §§201(b), 209(3), Feb. 8, 2016, 130 Stat. 33, 40; renumbered §304 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§11a, 12 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1,

38 Stat. 800; Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; May 24, 1939, ch. 148, §§2, 3, 53 Stat. 757; June 6, 1940, ch. 257, §§1(b), 3, 54 Stat. 246; July 23, 1947, ch. 301, §2, 61 Stat. 410; May 19, 1948, ch. 305, 62 Stat. 239).

Said sections have been divided. The provisions of the proviso of title 14, U.S.C., 1946 ed., §11a, and the first proviso of title 14, U.S.C., 1946 ed., §12, are placed in section 48 of this title and the remainder is placed in this section.

The provisions regarding appointment of the Assistant Commandant and Engineer in Chief are coordinated, inasmuch as these positions are about equal in the Coast Guard organization. The qualification that the Engineer in Chief be appointed from the active list of engineering officers is changed to the active list of officers who have qualified for engineering duty, because there is no longer any provision for a corps of engineering officers. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 304, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement of warrant officers after thirty years' service, with retired pay of grade with which retired, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 306(d)” for “section 51(d)”.

Pub. L. 115-282, §104(b), renumbered section 47 of this title as this section.

2016—Pub. L. 114-120, §209(3), substituted “Commandant” for “commandant” in section catchline.

Pub. L. 114-120, §201(b), substituted “grade of admiral” for “grade of vice admiral”.

2010—Pub. L. 111-281 substituted “Vice commandant; appointment” for “Vice Commandant; assignment” in section catchline and “section 51(d)” for “subsection 51(d)” in text.

1993—Pub. L. 103-206 struck out “; retirement” after “assignment” in section catchline, struck out “(a)” before “The President may appoint”, substituted “The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.” for “The appointment of a Vice Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.”, and struck out subsecs. (b) to (d) which read as follows:

“(b) A Vice Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

“(c) An officer who is retired while serving as Vice Commandant, or who, after serving at least two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of vice admiral.

“(d) An officer who, after serving less than two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade.”

1986—Subsecs. (b), (c). Pub. L. 99-348, §205(b)(2)(A), struck out “and retired pay” after “with the grade”.

Subsec. (d). Pub. L. 99-348, §205(b)(2)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

1982—Subsec. (a). Pub. L. 97-295 substituted “a” for “an” before “Vice Commandant”.

1972—Subsec. (a). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” in four places, and “above the grade of captain” for “in the grade of captain or above” in second sentence.

Subsec. (b). Pub. L. 92-451 substituted “A Vice Commandant” for “An Assistant Commandant”.

Subsecs. (c), (d). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” wherever appearing.

1966—Subsec. (c). Pub. L. 89-444, §1(6), struck out requirement that Assistant Commandant serve 2½ years as Assistant Commandant before becoming eligible for retirement with the grade and pay of vice admiral.

Subsec. (d). Pub. L. 89-444, §1(7), struck out provision that section 334 of this title, which covers cases of retirement when a higher grade has been held, shall not apply to an officer retiring within 2½ years of the date of his original assignment as Assistant Commandant.

1963—Subsec. (a). Pub. L. 88-130, §1(5), substituted “officers on the active duty promotion list serving in the grade of captain or above” for “active list of officers who hold a permanent commission as captain or above”.

Subsec. (d). Pub. L. 88-130, §1(6), substituted “section 334” for “section 243”.

1960—Pub. L. 86-474 amended section generally, and, among other changes, required Assistant Commandant to be appointed from the active list of officers who hold a permanent commission as captain or above, raised grade of Assistant Commandant from rear admiral to vice admiral, increased his pay and allowances from that of a rear admiral (upper half) to that of a vice admiral, struck out provisions which related to an Engineer in Chief, and added subsecs. (b) to (d).

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

The increased grade of vice admiral for the Vice Commandant, including the pay and allowances applicable to such grade, effective on the first day of the month following May 14, 1960, see section 2 of Pub. L. 86-474, set out as a note under section 302 of this title.

### § 305. Vice admirals

(a)(1) The President may—

(A) designate, within the Coast Guard, no more than five positions of importance and responsibility that shall be held by officers who, while so serving—

(i) shall have the grade of vice admiral, with the pay and allowances of that grade; and

(ii) shall perform such duties as the Commandant may prescribe, except that if the President designates five such positions, one position shall be the Chief of Staff of the Coast Guard; and

(B) designate, within the executive branch, other than within the Coast Guard or the National Oceanic and Atmospheric Administration, positions of importance and responsibility that shall be held by officers who, while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade.

(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

(3)(A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1)(A) must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent

technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions and shall serve as the principal advisor to the Commandant on these issues.

(B) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 306(d) of this title, shall terminate on the date the officer is detached from that duty.

(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days;

(C) at the discretion of the Secretary, while awaiting orders after being relieved from the position, beginning on the day the officer is relieved from the position, but not for more than 60 days; and

(D) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §50; amended Pub. L. 103-206, title II, §204(c), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, §511(a), Oct. 15, 2010, 124 Stat. 2951; Pub. L. 111-330, §1(5), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 114-120, title II, §202, Feb. 8, 2016, 130 Stat. 33; renumbered §305 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### PRIOR PROVISIONS

A prior section 305, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement after twenty years' service, with retired pay of grade with which re-

tired, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282, §104(b), renumbered section 50 of this title as this section.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 306(d)” for “section 51(d)”.

2016—Subsec. (a)(1). Pub. L. 114-120, §202(1)(A), added par. (1) and struck out former par. (1) which read as follows: “The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform such duties as the Commandant may prescribe.”

Subsec. (a)(3)(A). Pub. L. 114-120, §202(1)(B), substituted “under paragraph (1)(A)” for “under paragraph (1)”.

Subsec. (b)(2)(C), (D). Pub. L. 114-120, §202(2), added subpar. (C) and redesignated former subpar. (C) as (D).

2010—Pub. L. 111-281, §511(a), as amended by Pub. L. 111-330, amended section generally. Prior to amendment, section provided for the appointment of a Commander, Atlantic Area, and a Commander, Pacific Area, each having the grade of vice admiral with pay and allowances of that grade.

1993—Subsec. (b). Pub. L. 103-206 substituted “The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.” for “The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.”

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(5) is effective with the enactment of Pub. L. 111-281.

#### EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 2151 of this title.

#### TREATMENT OF INCUMBENTS; TRANSITION

Pub. L. 111-281, title V, §511(h)(1), Oct. 15, 2010, 124 Stat. 2953, provided that:

“Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act [Oct. 15, 2010], is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

“(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

“(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer’s former position and any other such duties that the Commandant prescribes.”

### § 306. Retirement

(a) An officer, other than the Commandant or Vice Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

(b) An officer, other than the Commandant or Vice Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

(c) An officer, other than the Commandant or Vice Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, or Vice Admiral and ending on the day before the officer’s retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §51; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422; Pub. L. 111-281, title V, §511(c), Oct. 15, 2010, 124 Stat. 2952; Pub. L. 114-120, title II, §201(c), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115-232, div. C, title XXXV, §3528(b), Aug. 13, 2018, 132 Stat. 2318; renumbered §306, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 306, act Aug. 4, 1949, ch. 393, 63 Stat. 519, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See sections 1204 and 1376 of Title 10, Armed Forces.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 51 of this title as this section.

Subsecs. (a) to (c). Pub. L. 115-232 substituted “other than the Commandant or Vice Commandant,” for “other than the Commandant,”.

2016—Subsecs. (a) to (c). Pub. L. 114-120 inserted “admiral or” before “vice admiral,” wherever appearing.

2010—Subsecs. (a) to (c). Pub. L. 111-281, §511(c)(1), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which read as follows:

“(a) An officer who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

“(b) An officer who is retired while serving in the grade of vice admiral, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade of vice admiral.

“(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”

Subsec. (d)(2). Pub. L. 111-281, §511(c)(2), substituted “or Vice Admiral” for “Area Commander, or Chief of Staff”.

1993—Subsec. (a). Pub. L. 103-206, §205(c)(1), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (b). Pub. L. 103-206, §205(c)(2), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (d). Pub. L. 103-206, §204(d), added subsec. (d). 1986—Subsecs. (a), (b). Pub. L. 99-348, §205(b)(3)(A), struck out “and retired pay” after “with the grade”.

Subsec. (c). Pub. L. 99-348, §205(b)(3)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

#### EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 2151 of this title.

### § 307. Vice admirals and admiral, continuity of grade

The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral or admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral or admiral.

(Added Pub. L. 97-322, title I, §115(a)(1), Oct. 15, 1982, 96 Stat. 1585, §52; amended Pub. L. 101-225, title II, §203(1), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 111-281, title V, §511(d), (f)(2), Oct. 15, 2010, 124 Stat. 2952, 2953; renumbered §307, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 307, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for compulsory retirement of warrant officers after thirty years' service, upon recommendation of a personnel board, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 52 of this title as this section.

2010—Pub. L. 111-281 substituted “Vice admirals and admiral, continuity of grade” for “Vice admirals, continuity of grade” in section catchline and inserted “or admiral” after “allowances as a vice admiral” in text.

1989—Pub. L. 101-225 inserted “or admiral” after “position as a vice admiral”.

### § 308. Chief Acquisition Officer

(a) IN GENERAL.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

(b) QUALIFICATIONS.—

(1) The Chief Acquisition Officer and any flag officer serving in the Acquisition Directorate shall be an acquisition professional with a Level III acquisition management certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

(A) the program executive officer;

(B) the program manager of a Level 1 or Level 2 acquisition project or program;

(C) the deputy program manager of a Level 1 or Level 2 acquisition;

(D) the project manager of a Level 1 or Level 2 acquisition; or

(E) any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

(2) The Commandant shall periodically publish a list of the positions designated under paragraph (1).

(3) In this subsection each of the terms “Level 1 acquisition” and “Level 2 acquisition” has the meaning that term has in chapter 11 of this title.

(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer include—

(1) monitoring the performance of acquisition projects and programs on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

(4) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

(8) developing strategies and specific plans for hiring, training, and professional development;

(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability; and

(10)(A) keeping the Commandant informed of the progress of major acquisition programs (as that term is defined in section 1171);

(B) informing the Commandant on a continuing basis of any developments on such programs that may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

(i) significant cost growth or schedule slippage; and

(ii) requirements creep (as that term is defined in section 2547(c)(1) of title 10); and

(C) ensuring that the views of the Commandant regarding such programs on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.

(Added Pub. L. 111–281, title IV, §401(a), Oct. 15, 2010, 124 Stat. 2929, §56; amended Pub. L. 114–328, div. A, title VIII, §899(a), Dec. 23, 2016, 130 Stat. 2332; renumbered §308 and amended Pub. L. 115–282, title I, §§104(b), 123(b)(2), (c)(4), Dec. 4, 2018, 132 Stat. 4196, 4240, 4241.)

#### PRIOR PROVISIONS

A prior section 308, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for retired pay of warrant officers involuntarily retired under section 307, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115–282, §104(b), renumbered section 56 of this title as this section.

Subsec. (b)(3). Pub. L. 115–282, §123(c)(4), substituted “chapter 11” for “chapter 15”.

Subsec. (c)(10)(A). Pub. L. 115–282, §123(b)(2), substituted “section 1171” for “section 581”.

2016—Subsec. (c)(10). Pub. L. 114–328 added par. (10).

#### SELECTION DEADLINE

Pub. L. 111–281, title IV, §401(c), Oct. 15, 2010, 124 Stat. 2930, provided that: “As soon as practicable after the date of enactment of this Act [Oct. 15, 2010], but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition Officer under section 56 [now 308] of title 14, United States Code, as amended by this section.”

#### SPECIAL RATE SUPPLEMENTS

Pub. L. 111–281, title IV, §401(d), Oct. 15, 2010, 124 Stat. 2930, as amended by Pub. L. 111–330, §1(3), Dec. 22, 2010, 124 Stat. 3569, provided that:

“(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act [Oct. 15, 2010] and in accordance with section 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section [enacting this section].

“(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.”

#### ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER

Pub. L. 111–281, title IV, §401(e), Oct. 15, 2010, 124 Stat. 2931, provided that: “If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding Level 1 or Level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale un-

derlying the decision taken by the Chief Acquisition Officer to resolve the issue.”

### § 309. Office of the Coast Guard Reserve; Director

(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard who—

(1) have had at least 10 years of commissioned service;

(2) are in a grade above captain; and

(3) have been recommended by the Secretary of Homeland Security.

(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer’s permanent grade.

(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Homeland Security and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Homeland Security and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.

(Added Pub. L. 106–65, div. A, title V, §557(a), Oct. 5, 1999, 113 Stat. 619, §53; amended Pub. L. 107–296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; renumbered §309, Pub. L. 115–282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 309, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, §11, 64 Stat. 407, authorized retirement of warrant officers with grade of commissioned warrant officer in case of special commendation, prior to repeal by Pub. L. 86–155, §10(a)(1), (b), Aug. 11, 1959, 73 Stat. 338, effective Nov. 1, 1959, and by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 53 of this title as this section.

2002—Subsecs. (b)(3), (d), (e). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

**§ 310. Chief of Staff to President: appointment**

The President, by and with the advice and consent of the Senate, may appoint a flag officer of the Coast Guard as the Chief of Staff to the President.

(Added Pub. L. 109–163, div. A, title V, § 597(a), Jan. 6, 2006, 119 Stat. 3283, § 54; renumbered § 310, Pub. L. 115–282, title I, § 104(b), Dec. 4, 2018, 132 Stat. 4196.)

## PRIOR PROVISIONS

A prior section 310, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, § 12, 64 Stat. 407, related to recall to active duty during war or national emergency of warrant officers, prior to repeal by Pub. L. 88–130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 54 of this title as this section.

**§ 311. Captains of the port**

Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.

(Added Pub. L. 115–282, title I, § 104(c)(1)(A), Dec. 4, 2018, 132 Stat. 4198.)

## PRIOR PROVISIONS

A prior section 311, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, § 13, 64 Stat. 407, related to recall of warrant officers to active duty with consent of the officer, prior to repeal by Pub. L. 88–130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

**§ 312. Prevention and response workforces**

(a) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

(b) QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.—An officer, member, or civilian employee of the Coast Guard assigned as a—

- (1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;
- (2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human

factors, and documentation using best investigation practices by Federal and non-Federal entities;

(3) marine safety engineer shall have knowledge, skill, and practical experience in—

- (A) the construction and operation of commercial vessels;
- (B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or
- (C) the qualifications and training of vessel personnel;

(4) waterways operations manager shall have knowledge, skill, and practical experience with respect to marine transportation system management; or

(5) port and facility safety and security specialist shall have knowledge, skill, and practical experience with respect to the safety, security, and environmental protection responsibilities associated with maritime ports and facilities.

(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on persons serving in those workforces:

- (1) Qualifications, assignment history, and tenure in assignments.
- (2) Promotion rates for military and civilian personnel.

(e) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS–13 of the General Schedule, and who shall be a—

- (1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and
- (2) qualified marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist.

(f) SIGNATORIES OF LETTER OF QUALIFICATION FOR CERTAIN PREVENTION PERSONNEL.—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

(g) SECTOR CHIEF OF RESPONSE.—There shall be in each Coast Guard sector a Chief of Response who shall be at least a Lieutenant Commander or civilian employee within the grade GS–13 of

the General Schedule in each Coast Guard sector.

(Added Pub. L. 111–281, title V, §521(a), Oct. 15, 2010, 124 Stat. 2953, §57; amended Pub. L. 113–281, title II, §§203, 221(b)(1)(B), Dec. 18, 2014, 128 Stat. 3024, 3038; renumbered §312, Pub. L. 115–282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 312, acts Aug. 4, 1949, ch. 393, 63 Stat. 520; Aug. 3, 1950, ch. 536, §14, 64 Stat. 407, related to relief of retired warrant officer promoted while on active duty, prior to repeal by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 57 of this title as this section.

2014—Subsec. (b)(4), (5). Pub. L. 113–281, §203(1), added pars. (4) and (5).

Subsec. (c). Pub. L. 113–281, §203(2), substituted “marine safety engineer, waterways operations manager, or port and facility safety and security specialist” for “or marine safety engineer”.

Subsec. (e). Pub. L. 113–281, §221(b)(1)(B), redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to assessment of adequacy of marine safety workforce.

Subsec. (f). Pub. L. 113–281, §221(b)(1)(B)(ii), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2). Pub. L. 113–281, §203(3), substituted “investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist” for “investigator or marine safety engineer”.

Subsecs. (g), (h). Pub. L. 113–281, §221(b)(1)(B)(ii), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

### § 313. Centers of expertise for Coast Guard prevention and response

(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a “center”).

(b) MISSIONS.—Any center established under subsection (a) shall—

- (1) promote, facilitate, and conduct—
  - (A) education;
  - (B) training; and
  - (C) activities authorized under section 504(a)(4);

(2) be a repository of information on operations, practices, and resources related to the mission for which the center was established; and

(3) perform and support the mission for which the center was established.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

- (1) provide for joint operation of a center; and
- (2) provide necessary administrative services for a center, including administration and allocation of funds.

(d) ACCEPTANCE OF DONATIONS.—

(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a cen-

ter, donations to be used to defray the costs of the center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

(Added Pub. L. 111–281, title V, §521(a), Oct. 15, 2010, 124 Stat. 2955, §58; amended Pub. L. 113–281, title II, §204, Dec. 18, 2014, 128 Stat. 3025; Pub. L. 115–232, div. C, title XXXV, §3531(c)(1), Aug. 13, 2018, 132 Stat. 2320; renumbered §313 and amended Pub. L. 115–282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### PRIOR PROVISIONS

A prior section 313, acts Aug. 4, 1949, ch. 393, 63 Stat. 520; Aug. 3, 1950, ch. 536, §15, 64 Stat. 407, provided that any warrant officer who was retired under sections 303 to 305 or 307 of this title should be retired from active service with the highest grade held by him in which his performance of duty was satisfactory, but not lower than his permanent grade, with retired pay of the grade with which retired, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

A prior section 313a, added Pub. L. 85–144, §2(a), Aug. 14, 1957, 71 Stat. 367, related to retirement of warrant officers in cases where higher grade has been held, prior to repeal by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115–282, §104(b), renumbered section 58 of this title as this section.

Subsec. (a). Pub. L. 115–232 substituted “Commandant” for “Commandant of the Coast Guard”.

Subsec. (b)(1)(C). Pub. L. 115–282, §123(b)(2), substituted “section 504(a)(4)” for “section 93(a)(4)”.

2014—Subsec. (b). Pub. L. 113–281 amended subsec. (b) generally. Prior to amendment, text read as follows: “Each center shall—

“(1) promote and facilitate education, training, and research;

“(2) develop a repository of information on its missions and specialties; and

“(3) perform any other missions as the Commandant may specify.”

#### CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE

Pub. L. 115–282, title VIII, §807, Dec. 4, 2018, 132 Stat. 4301, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Com-

mandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the ‘Center of Expertise’) in accordance with section 313 of title 14, United States Code, as amended by this Act.

“(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

“(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

“(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

“(c) FUNCTIONS.—The Center of Expertise shall—

“(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

“(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

“(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

“(4) educate and train Federal, State, and local first responders located in Coast Guard District 9 in—

“(A) the incident command system structure;

“(B) Great Lakes oil spill response techniques and strategies; and

“(C) public affairs; and

“(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

“(d) DEFINITION.—In this section, the term ‘Great Lakes’ means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.”

#### COAST GUARD BLUE TECHNOLOGY CENTER OF EXPERTISE

Pub. L. 115-265, title III, §302, Oct. 11, 2018, 132 Stat. 3752, provided that:

“(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018] and subject to the availability of appropriations, the Commandant may establish under section 58 [now 313] of title 14, United States Code, a Blue Technology center of expertise.

“(b) MISSIONS.—In addition to the missions listed in section 58(b) [now 313(b)] of title 14, United States Code, the Center may—

“(1) promote awareness within the Coast Guard of the range and diversity of Blue Technologies and their potential to enhance Coast Guard mission readiness, operational performance, and regulation of such technologies;

“(2) function as an interactive conduit to enable the sharing and dissemination of Blue Technology information between the Coast Guard and representatives from the private sector, academia, nonprofit organizations, and other Federal agencies;

“(3) increase awareness among Blue Technology manufacturers, entrepreneurs, and vendors of Coast Guard acquisition policies, procedures, and business practices;

“(4) provide technical support, coordination, and assistance to Coast Guard districts and the Coast Guard Research and Development Center, as appropriate; and

“(5) subject to the requirements of the Coast Guard Academy, coordinate with the Academy to develop appropriate curricula regarding Blue Technology to be offered in professional courses of study to give Coast Guard cadets and officer candidates a greater background and understanding of Blue Technologies.

“(c) BLUE TECHNOLOGY EXPOSITION; BRIEFING.—Not later than 6 months after the date of the enactment of this Act [Oct. 11, 2018], the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the costs and benefits of hosting a biennial Coast Guard Blue Technology exposition to further interactions between representatives from the private sector, academia, and nonprofit organizations, and the Coast Guard and examine emerging technologies and Coast Guard mission demands.

“(d) DEFINITIONS.—In this section:

“(1) CENTER.—The term ‘Center’ means the Blue Technology center of expertise established under this section.

“(2) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(3) BLUE TECHNOLOGY.—The term ‘Blue Technology’ means any technology, system, or platform that—

“(A) is designed for use or application above, on, or below the sea surface or that is otherwise applicable to Coast Guard operational needs, including such a technology, system, or platform that provides continuous or persistent coverage; and

“(B) supports or facilitates—

“(i) maritime domain awareness, including—

“(I) surveillance and monitoring;

“(II) observation, measurement, and modeling;[:]; or

“(III) information technology and communications;

“(ii) search and rescue;

“(iii) emergency response;

“(iv) maritime law enforcement;

“(v) marine inspections and investigations; or

“(vi) protection and conservation of the marine environment.”

#### § 314. Marine industry training program

The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

(A) the duration and termination of assignments;

(B) reimbursements; and

(C) status, entitlements, benefits, and obligations of program participants; and

(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

(Added Pub. L. 111-281, title V, §521(a), Oct. 15, 2010, 124 Stat. 2956, § 59; amended Pub. L. 113-281, title II, § 221(a)(1), Dec. 18, 2014, 128 Stat. 3037; renumbered § 314, Pub. L. 115-282, title I, § 104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 314, act Aug. 4, 1949, ch. 393, 63 Stat. 520, related to retiring or dropping for disabilities not



incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 1207 of Title 10, Armed Forces.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 59 of this title as this section.

2014—Pub. L. 113-281 struck out subsec. (a) designation and heading before “The Commandant” and struck out subsec. (b). Text of subsec. (b) read as follows: “Not later than the date of the submission each year of the President’s budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and

“(2) the specific benefit that accrues to the Coast Guard for each assignment.”

### § 315. Training course on workings of Congress

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2016, the Commandant, in consultation with the Superintendent of the Coast Guard Academy and such other individuals and organizations as the Commandant considers appropriate, shall develop a training course on the workings of the Congress and offer that training course at least once each year.

(b) COURSE SUBJECT MATTER.—The training course required by this section shall provide an overview and introduction to the Congress and the Federal legislative process, including—

(1) the history and structure of the Congress and the committee systems of the House of Representatives and the Senate, including the functions and responsibilities of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(2) the documents produced by the Congress, including bills, resolutions, committee reports, and conference reports, and the purposes and functions of those documents;

(3) the legislative processes and rules of the House of Representatives and the Senate, including similarities and differences between the two processes and rules, including—

- (A) the congressional budget process;
- (B) the congressional authorization and appropriation processes;
- (C) the Senate advice and consent process for Presidential nominees;
- (D) the Senate advice and consent process for treaty ratification;

(4) the roles of Members of Congress and congressional staff in the legislative process; and

(5) the concept and underlying purposes of congressional oversight within our governance framework of separation of powers.

(c) LECTURERS AND PANELISTS.—

(1) OUTSIDE EXPERTS.—The Commandant shall ensure that not less than 60 percent of the lecturers, panelists, and other individuals providing education and instruction as part of the training course required by this section are experts on the Congress and the Federal

legislative process who are not employed by the executive branch of the Federal Government.

(2) AUTHORITY TO ACCEPT PRO BONO SERVICES.—In satisfying the requirement under paragraph (1), the Commandant shall seek, and may accept, educational and instructional services of lecturers, panelists, and other individuals and organizations provided to the Coast Guard on a pro bono basis.

(d) COMPLETION OF REQUIRED TRAINING.—A Coast Guard flag officer who is newly appointed or assigned to a billet in the National Capital Region, and a Coast Guard Senior Executive Service employee who is newly employed in the National Capital Region, shall complete a training course that meets the requirements of this section not later than 60 days after reporting for duty.

(Added Pub. L. 114-120, title II, §214(b)(1), Feb. 8, 2016, 130 Stat. 43, §60; amended Pub. L. 114-328, div. C, title XXXV, §3503(a), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-232, div. C, title XXXV, §3532, Aug. 13, 2018, 132 Stat. 2321; renumbered §315, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsec. (a), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

#### PRIOR PROVISIONS

A prior section 315, act Aug. 4, 1949, ch. 393, 63 Stat. 520, related to dropping for disabilities due to vicious habits, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 1207 of Title 10.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 60 of this title as this section.

Subsec. (d). Pub. L. 115-232 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to completion of required training for then current and newly appointed flag officers and employees.

2016—Subsec. (a). Pub. L. 114-328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

#### EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. C, title XXXV, §3503(e), Dec. 23, 2016, 130 Stat. 2775, provided that: “The amendments made by this section [amending this section, sections 429, 676a, and 2702 of this title, sections 3104, 4503, and 7510 of Title 46, Shipping, and provisions set out as a note under section 1151 of Title 16, Conservation] shall take effect as if included in the enactment of Public Law 114-120 [Feb. 8, 2016].”

### § 316. National Coast Guard Museum

(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

(b) LIMITATION ON EXPENDITURES.—

(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

(2) The Secretary shall fund the National Coast Guard Museum with nonappropriated

and non-Federal funds to the maximum extent practicable. The priority use of Federal funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

(c) **FUNDING PLAN.**—Before the date on which the Commandant establishes a National Coast Guard Museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and

(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

(d) **AUTHORITY.**—The Commandant may not establish a National Coast Guard museum except as set forth in this section.

(Added Pub. L. 108–293, title II, §213(a), Aug. 9, 2004, 118 Stat. 1037, §98; amended Pub. L. 114–120, title II, §219, Feb. 8, 2016, 130 Stat. 48; renumbered §316 and amended Pub. L. 115–282, title I, §104(b), title III, §303, Dec. 4, 2018, 132 Stat. 4196, 4243.)

#### AMENDMENTS

2018—Pub. L. 115–282, §303, amended section generally. Prior to amendment, section related to National Coast Guard Museum.

Pub. L. 115–282, §104(b), renumbered section 98 of this title as this section.

2016—Subsec. (b)(1). Pub. L. 114–120, §219(1), substituted “any funds appropriated to the Coast Guard on” for “any appropriated Federal funds for”.

Subsec. (b)(2). Pub. L. 114–120, §219(2), substituted “artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.” for “artifacts.”

### § 317. United States Coast Guard Band; composition; director

(a) The United States Coast Guard Band shall be composed of a director and other personnel in such numbers and grades as the Secretary determines to be necessary.

(b) The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications. Upon the recommendation of the Secretary, an individual so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Coast Guard.

(c) The initial appointment to a commissioned grade of an individual designated as director of

the Coast Guard Band shall be in the grade determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.

(d) An individual who is designated and commissioned under this section shall not be included on the active duty promotion list. He shall be promoted under section 2126 of this title. However, the grade of the director may not be higher than captain.

(e) The Secretary may revoke any designation as director of the Coast Guard Band. When an individual’s designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

(1) to be discharged from the Coast Guard; or

(2) to revert to the grade and status he held at the time of his designation as director.

(Added Pub. L. 89–189, §1(1), Sept. 17, 1965, 79 Stat. 820, §336; amended Pub. L. 102–587, title V, §5201, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 107–295, title III, §311, Nov. 25, 2002, 116 Stat. 2102; Pub. L. 109–241, title II, §204(a), July 11, 2006, 120 Stat. 520; renumbered §317 and amended Pub. L. 115–282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### AMENDMENTS

2018—Pub. L. 115–282, §104(b), renumbered section 336 of this title as this section.

Subsec. (d). Pub. L. 115–282, §123(b)(2), substituted “section 2126” for “section 276”.

2006—Subsec. (b). Pub. L. 109–241, §204(a)(1), in first sentence, substituted “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.” for “The Secretary shall designate the director from among qualified members of the Coast Guard.”; and, in second sentence, substituted “an individual so designated” for “a member so designated”.

Subsec. (c). Pub. L. 109–241, §204(a)(2), substituted “of an individual” for “of a member” and “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual” for “of lieutenant (junior grade) or lieutenant”.

Subsec. (d). Pub. L. 109–241, §204(a)(3), substituted “An individual” for “A member”.

Subsec. (e). Pub. L. 109–241, §204(a)(4), substituted “When an individual’s designation is revoked,” for “When a member’s designation is revoked,” and “option—” for “option:”.

2002—Subsec. (d). Pub. L. 107–295 substituted “captain” for “commander”.

1992—Subsec. (d). Pub. L. 102–587 substituted “commander” for “lieutenant commander”.

#### CURRENT DIRECTOR

Pub. L. 109–241, title II, §204(b), July 11, 2006, 120 Stat. 520, provided that: “The individual serving as Coast Guard band director on the date of enactment of this Act [July 11, 2006] may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.”

### § 318. Environmental Compliance and Restoration Program

(a) **DEFINITIONS.**—For the purposes of this section—

(1) “environment”, “facility”, “person”, “release”, “removal”, “remedial”, and “response” have the same meaning they have in section 101 of the Comprehensive Environ-

mental Response, Compensation, and Liability Act (42 U.S.C. 9601);

(2) “hazardous substance” has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given “oil” in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(3) “pollutant” has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(b) PROGRAM.—

(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

(2) Program goals include:

(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

(iii) on each vessel the Coast Guard owns or operates.

(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary’s responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary’s responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor’s reasonable, potential, long-term liability.

(c) AMOUNTS RECOVERED FOR RESPONSE ACTIONS.—

(1) All sums appropriated to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law shall be credited or transferred to an appropriate Coast Guard account, as determined by the Commandant and remain available until expended.

(2) Funds may be obligated or expended from such account to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law.

(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard’s environmental compliance and restoration activities under this section or another law.

(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary’s response actions at current and former Coast Guard facilities shall be credited to an appropriate Coast Guard account, as determined by the Commandant.

(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.

(Added Pub. L. 115–282, title I, §104(c)(1)(B), Dec. 4, 2018, 132 Stat. 4198.)

#### REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in text, probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

#### § 319. Land-based unmanned aircraft system program

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft system program under the control of the Commandant.

(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term “unmanned aircraft sys-

tem” has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).<sup>1</sup>

(Added Pub. L. 115-282, title III, §304(a), Dec. 4, 2018, 132 Stat. 4244.)

#### REFERENCES IN TEXT

Section 331 of the FAA Modernization and Reform Act of 2012, referred to in subsec. (b), is section 331 of Pub. L. 112-95, title III, Feb. 14, 2012, 126 Stat. 72, which is set out in a note under section 44802 of Title 49, Transportation.

#### PRIOR PROVISIONS

For redesignation of prior sections 321 to 500 not listed below as having been previously repealed or renumbered, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

A prior section 356, act Aug. 4, 1949, ch. 393, 63 Stat. 521, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See sections 1204 and 1376 of Title 10, Armed Forces.

A prior section 358, act Aug. 4, 1949, ch. 393, §1, 63 Stat. 522, limited number of retirements in a calendar year of enlisted men who had completed 20 years of service, to not more than the whole number nearest 1 percent of the total enlisted force on the active list, and any men so authorized to be retired annually who were not so retired, could be retired during any subsequent year providing the total retired in that year did not exceed 3 percent of the total enlisted force, prior to repeal by Pub. L. 88-114, §1(2), Sept. 6, 1963, 77 Stat. 144.

Prior sections 363 and 364 were repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 363, act Aug. 4, 1949, ch. 393, 63 Stat. 523, related to retiring or dropping for disabilities not incident to service. See section 1207 of Title 10, Armed Forces.

Section 364, act Aug. 4, 1949, ch. 393, 63 Stat. 523, related to dropping for disabilities due to vicious habits. See section 1207 of Title 10, Armed Forces.

A prior section 368, act Aug. 4, 1949, ch. 393, 63 Stat. 524, related to discharge in case of under-age enlistment, prior to repeal by Pub. L. 97-322, title I, §115(b)(1), Oct. 15, 1982, 96 Stat. 1585.

A prior section 425, act Aug. 4, 1949, ch. 393, 63 Stat. 525, related to retiring boards, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 1216 of Title 10, Armed Forces.

Prior sections 431, 433, and 434 were repealed by Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549, which provided in part that such repeal did not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun under those sections before Nov. 10, 1986.

Section 431, acts Aug. 4, 1949, ch. 393, 63 Stat. 526; Aug. 3, 1950, ch. 536, §24, 64 Stat. 407, related to personnel of former Life Saving Service.

Section 433, acts Aug. 4, 1949, ch. 393, 63 Stat. 528; Sept. 27, 1949, ch. 586, 63 Stat. 698; Sept. 24, 1963, Pub. L. 88-130, §1(11), 77 Stat. 190; Oct. 12, 1982, Pub. L. 97-295, §2(11), (14), 96 Stat. 1302, related to personnel of former Bureau of Marine Inspection and Navigation and Bureau of Customs.

Section 434, added act Sept. 23, 1950, ch. 996, 64 Stat. 978; amended Oct. 12, 1982, Pub. L. 97-295, §2(14), 96 Stat. 1302, related to personnel appointed as constructors.

Prior sections 435 to 437 were repealed by Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192.

Section 435, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 620, related to temporary appointments in time of war or national emergency.

Section 436, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 621, related to temporary promotions in time of war or national emergency.

Section 437, acts Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 622; June 28, 1962, Pub. L. 87-509, §4(b), 76 Stat. 121, related to discharge during war or emergency of officers having less than 20 years of service for unsatisfactory performance of duty.

A prior section 438, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 623; amended June 9, 1966, Pub. L. 89-444, §1(21), 80 Stat. 197; Dec. 12, 1980, Pub. L. 96-513, title V, §505(b), 94 Stat. 2918, related to laws not applicable to warrant officers of former Life Saving Service, Lighthouse Service, Bureau of Marine Inspection and Navigation, and Bureau of Customs, prior to repeal by Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549, which provided in part that such repeal did not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun under that section before Nov. 10, 1986.

Prior sections 439 and 440 were repealed by Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192.

Section 439, added act July 20, 1956, ch. 647, §3(a), 70 Stat. 588, related to oath of office.

Section 440, added Pub. L. 85-861, §33(b)(1), Sept. 2, 1958, 72 Stat. 1567, related to temporary promotion of warrant officers.

A prior section 462, acts Aug. 4, 1949, ch. 393, 63 Stat. 530; May 14, 1960, Pub. L. 86-474, §1(19), 74 Stat. 146, related to pay and allowances of rear admirals, prior to repeal by Pub. L. 87-649, §§14d(1), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962. See section 202 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 462a, added act Aug. 10, 1956, ch. 1041, §10(a), 70A Stat. 623; amended Sept. 7, 1962, Pub. L. 87-649, §7(b), 76 Stat. 495, related to retired pay after two years of active duty for retired rear admirals, prior to repeal by Pub. L. 97-417, §2(11), Jan. 4, 1983, 96 Stat. 2086.

A prior section 463, act Aug. 4, 1949, ch. 393, 63 Stat. 530, related to continuation of additional pay, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Prior sections 464 and 465 were repealed by Pub. L. 87-649, §§14d(2), (3), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962.

Section 464, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to allotments of pay. See section 703 of Title 37, Pay and Allowances of the Uniformed Services.

Section 465, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to advances to officers ordered to and from sea or shore duty beyond the seas. See section 1006 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 466, act Aug. 4, 1949, ch. 393, 63 Stat. 531, provided for settlement of accounts of deceased officers and men, prior to repeal by act July 12, 1955, ch. 328, §5(3), 69 Stat. 296. See section 2771 of Title 10, Armed Forces, and section 714 of Title 32, National Guard.

A prior section 471a, added act Aug. 10, 1956, ch. 1041, §11(a), 70A Stat. 624, authorized transportation of motor vehicles on permanent change of station, prior to repeal by Pub. L. 87-651, title III, §307B, Sept. 7, 1962, 76 Stat. 526.

A prior section 472, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to travel allowance to enlisted men on discharge, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 474 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 473, act Aug. 4, 1949, ch. 393, 63 Stat. 532, authorized Secretary to discharge underage Coast Guard enlisted personnel with appropriate pay and allowances, such persons to be given subsistence and transportation in kind to their homes, prior to repeal by Pub. L. 97-295, §2(15)(A), Oct. 12, 1982, 96 Stat. 1302.

A prior section 474, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to compensation for travel tolls and fares, prior to repeal by act Sept. 1, 1954, ch. 1211, §5, 68 Stat. 1130. See section 478 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 489, act Aug. 4, 1949, ch. 393, 63 Stat. 534, provided for payment of a death gratuity to survivors of officers and enlisted men of Regular Coast Guard, prior to repeal by act Aug. 1, 1956, ch. 837, title

<sup>1</sup> See References in Text note below.

V, §502(8)(A), 70 Stat. 886. See sections 1475 to 1480 of Title 10, Armed Forces.

A prior section 490, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 534; Aug. 3, 1950, ch. 536, §26, 64 Stat. 407; Aug. 23, 1958, Pub. L. 85-738, §1, 72 Stat. 832; Sept. 15, 1965, Pub. L. 89-185, §2, 79 Stat. 789, provided for settlement of claims of military and civilian personnel, prior to repeal by Pub. L. 88-558, §7, Aug. 31, 1964, 78 Stat. 768, effective two years from Aug. 31, 1964. See section 3721 of Title 31, Money and Finance. Pub. L. 89-185 and Pub. L. 88-558 were repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068.

A prior section 492a was renumbered section 492b of this title and subsequently renumbered section 2738 of this title.

A prior section 495, act Aug. 4, 1949, ch. 393, 63 Stat. 535, related to additional pay for holders of medals, prior to repeal by Pub. L. 87-526, §1(3), July 10, 1962, 76 Stat. 141, and by Pub. L. 87-649, §§14d(5), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962.

### § 320. Coast Guard Junior Reserve Officers' Training Corps

(a) ESTABLISHMENT.—The Secretary of the department in which the Coast Guard is operating may establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions.

(b) APPLICABILITY.—Except as provided in subsection (c), the provisions of chapter 102 of title 10 shall apply to a Junior Reserve Officers' Training Corps established and maintained under this section in the same manner that such provisions apply to the Junior Reserve Officers' Training Corps of each military department. For purposes of the application of such provisions to this section—

(1) any reference in such provisions to a “military department” shall be treated as a reference to the department in which the Coast Guard is operating; and

(2) any reference in such provisions to a “Secretary of a military department”, a “Secretary concerned”, or the “Secretary of Defense” shall be treated as a reference to the Secretary of the department in which the Coast Guard is operating.

(c) EXCEPTION.—The requirements of chapter 102 of title 10 shall not apply to a unit of the Junior Reserve Officers' Training Corps established by the Secretary of the department in which the Coast Guard is operating before the date of the enactment of this section unless the Secretary determines it is appropriate to apply such requirements to such unit.

(Added Pub. L. 116-92, div. A, title V, §519(a), Dec. 20, 2019, 133 Stat. 1350.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

## CHAPTER 5—FUNCTIONS AND POWERS

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#### PRIOR PROVISIONS

A prior analysis for chapter 5 “FUNCTIONS AND POWERS” consisted of items 81 “Aids to navigation authorized”, 83 “Unauthorized aids to maritime navigation; penalty”, 84 “Interference with aids to navigation; penalty”, 85 “Aids to maritime navigation; penalty”, 86 “Marking of obstructions”, 87 “Icebreaking in polar regions”, 88 “Saving life and property”, 89 “Law enforcement”, 90 “Arctic maritime transportation”, 91 “Safety of naval vessels”, 92 “Secretary; general powers”, 93 “Commandant; general powers”, 94 “Oceanographic research”, 95 “Special agents of the Coast Guard Investigative Service law enforcement authority”, 96 “Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards”, 97 “Procurement of buoy chain”, 98 “National Coast Guard Museum”, 99 “Enforcement authority”, 100 “Enforcement of coastwise trade laws”, 101 “Appeals and waivers”, 102 “Agreements”, 103 “Notification of certain determinations”, and 104 “Protecting against unmanned aircraft”, prior to repeal by Pub. L. 115-282, title I, §105(a), Dec. 4, 2018, 132 Stat. 4199.

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §105(a), title III, §§305(b), 318(b), Dec. 4, 2018, 132 Stat. 4200, 4246, 4252, inserted chapter 5 designation and heading and added items 501 to 563.

### SUBCHAPTER I—GENERAL POWERS

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §105(c)(1), Dec. 4, 2018, 132 Stat. 4202, inserted subchapter I designation and heading.

### § 501. Secretary; general powers

For the purpose of executing the duties and functions of the Coast Guard the Secretary may within the limits of appropriations made therefor:

(a) establish, change the limits of, consolidate, discontinue, and re-establish Coast Guard districts;

(b) arrange with the Secretaries of the Army, Navy and Air Force to assign members of the Coast Guard to any school maintained by the Army, Navy, and Air Force, for instruction and training, including aviation schools;

(c) construct, or cause to be constructed, Coast Guard shore establishments;

(d) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire vessels, aircraft, and systems, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

(e) acquire land or interests in land, including acceptance of gifts thereof, where required for the purpose of carrying out any project or purpose for which an appropriation has been made;

(f) exchange land or interests in land in part or in full payment for such other land or interests in land as may be necessary or desirable, the balance of such part payment to be defrayable in accordance with other provisions of this section;

(g) exercise any of the powers vested by this title in the Commandant in any case in which the Secretary deems it appropriate; and

(h) do any and all things necessary to carry out the purposes of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 503, §92; Oct. 31, 1951, ch. 654, §§1(32), 2(9), 3(3), 65 Stat. 702, 707, 708; Pub. L. 97-295, §2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 107-217, §3(c)(1), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 111-350, §5(c)(1), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 115-232, div. C, title XXXV, §3533(a), Aug. 13, 2018, 132 Stat. 2321; renumbered §501 and amended Pub. L. 115-282, title I, §105(b), title III, §311(a), Dec. 4, 2018, 132 Stat. 4200, 4248.)

#### HISTORICAL AND REVISION NOTES

This section grants broad general powers concerning policy matters to the Secretary. Many of the powers are contained in existing law but some are enlarged and some additional powers are added as explained following.

Subsection (a) is based on title 14, U.S.C., 1946 ed., §95 (Aug. 29, 1916, ch. 417, 39 Stat. 601). Said section has been divided. The provision authorizing the Secretary to man stations seems more appropriately given to the operational head of the Service, the Commandant, and for that reason is incorporated in section 93(c) of this title.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §§28, 42 (Aug. 16, 1916, ch. 417, 39 Stat. 601; July 3, 1926, ch. 742, §11, 44 Stat. 817). These sections were rewritten in order to broaden existing authority in regard to the training of Coast Guard personnel at schools of the other armed forces, thus approaching a practice of war time, and making for economy in the training of Service personnel; such training would be on a basis mutually satisfactory to the Secretaries involved.

Subsection (c) is based on R.S. 4242 and on title 14, U.S.C., 1946 ed., §§29, 93, 94, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §2, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; June 6, 1940, ch. 257, §4, 54 Stat. 247; Aug. 6, 1947, ch. 502, 61 Stat. 786). This subsection broadens existing law in that it provides general legislative authority for the construction and disposal of shore establishments of all types including aviation stations.

Subsection (d) is based in part on title 14, U.S.C., 1946 ed., §§55, 57, 69, 109, and in part on title 31, U.S.C., 1946

ed., §§487, 720, (R.S. 2748, 3618, 3692; June 18, 1878, ch. 265, §3, 20 Stat. 163; Aug. 29, 1916, ch. 417, 39 Stat. 601). This subsection broadens existing law in that it provides general legislative authority for the design, construction, acquisition by other means, and disposal of vessels.

Subsection (e) is new. It is derived from title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, §602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]) which provides for the exchange of vehicles, planes, and engines; similar authority in relation to vessels, is granted to the Secretary by this subsection and should prove advantageous to the Government.

Subsection (f) is based on title 14, U.S.C., 1946 ed., §96 and on title 33, U.S.C., 1946 ed., §§729, 730, 731 (Mar. 3, 1875, ch. 130, §1, 18 Stat. 372; Mar. 4, 1909, ch. 299, 35 Stat. 972; June 17, 1910, ch. 301, §9, 36 Stat. 538; Mar. 4, 1913, ch. 168, 37 Stat. 1018). This subsection broadens the power of the Secretary to receive as a gift or purchase sites for stations, to include the acquisition of land by any means provided it is for the purpose of executing duties and functions of the Coast Guard.

Subsection (g) is based in part on title 33, U.S.C., 1946 ed., §732 (Aug. 28, 1916, ch. 414, §2, 39 Stat. 538; July 11, 1941, ch. 290, §1, 55 Stat. 584) and grants authority to the Secretary to exchange interests in land as payment or part payment for other interests in land for the purpose of executing the duties and functions of the Coast Guard; this authority, on the basis of past experience, will prove advantageous to the Government.

Subsection (h) is new and merely insures that the Secretary may exercise any of the powers granted to the Commandant in this title.

Subsection (i) is based in part on title 14, U.S.C., 1946 ed., §§51, 131 (R.S. 2756, 2758) and insures that the Secretary may do anything necessary to carry out the purposes of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 501 was renumbered section 2745 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282, §105(b), renumbered section 92 of this title as this section.

Subsec. (d). Pub. L. 115-282, §311(a), inserted "aircraft, and systems," after "vessels,".

Subsecs. (e) to (i). Pub. L. 115-232 redesignated subsecs. (f) to (i) as (e) to (h), respectively.

2011—Subsec. (d). Pub. L. 111-350 substituted "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" for "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)".

2002—Subsec. (d). Pub. L. 107-217 inserted "subtitle I of title 40 and title III of" before "the Federal Property and Administrative Services Act of 1949" and substituted "(41 U.S.C. 251 et seq.)" for "(40 U.S.C. 471 et seq.)".

1984—Subsec. (b). Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men.

1982—Subsec. (d). Pub. L. 97-295 substituted "(40 U.S.C. 471 et seq.)" for "as amended," after "Act of 1949".

1951—Subsec. (c). Act Oct. 31, 1951, §3(3), struck out provision relating to sale or other disposition of unsuitable or unseviceable shore establishments, and disposition of the net monies received therefrom.

Subsec. (d). Act Oct. 31, 1951, §2(9), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out requirement that net monies received from the disposition of vessels be covered into the Treasury.

Subsec. (e). Act Oct. 31, 1951, §1(32), repealed subsec. (e) which empowered the Secretary to exchange vessels and parts thereof in part payment for new vessels.

## 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.

## CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES

Pub. L. 111-281, title IX, §914, Oct. 15, 2010, 124 Stat. 3018, provided that:

“(a) IN GENERAL.—Whenever the transfer of ownership of a Coast Guard vessel or aircraft to an eligible entity for use for educational, cultural, historical, charitable, recreational, or other public purposes is authorized by law or declared excess by the Commandant, the Coast Guard shall transfer the vessel or aircraft to the General Services Administration for conveyance to the eligible entity.

“(b) CONDITIONS OF CONVEYANCE.—The General Services Administration may not convey a vessel or aircraft to an eligible entity as authorized by law unless the eligible entity agrees—

“(1) to provide the documentation needed by the General Services Administration to process a request for aircraft or vessels under section 102.37.225 of title 41, Code of Federal Regulations;

“(2) to comply with the special terms, conditions, and restrictions imposed on aircraft and vessels under section 102.37.460 of such title;

“(3) to make the vessel available to the United States Government if it is needed for use by the Commandant of the Coast Guard in time of war or a national emergency; and

“(4) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, that occurs after conveyance of the vessel, except for claims arising from use of the vessel by the United States Government under paragraph (3).

“(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects any obligation of the Coast Guard or any other person under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law regarding use or disposal of hazardous materials including asbestos and polychlorinated biphenyls.

“(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.”

## IMPLEMENTATION OF INTERNATIONAL AGREEMENTS

Pub. L. 109-241, title VIII, §801, July 11, 2006, 120 Stat. 562, provided that: “In consultation with appropriate Federal agencies, the Secretary of the department in which the Coast Guard is operating shall work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization by flag States on whom such agreements are binding, including implementation of—

“(1) a code outlining flag State responsibilities and obligations;

“(2) an audit regime for evaluating flag State performance;

“(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

“(4) cooperative arrangements to improve enforcement on a bilateral, regional, or international basis.”

## VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS

Pub. L. 109-241, title VIII, §802, July 11, 2006, 120 Stat. 563, provided that: “In consultation with appropriate Federal, State, and local government agencies, the Secretary of the department in which the Coast Guard is operating shall undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines and support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.”

## GREAT LAKES LIGHTHOUSES

Pub. L. 107-295, title III, §345, Nov. 25, 2002, 116 Stat. 2106, provided that:

“(a) FINDINGS.—The Congress finds the following:

“(1) The Great Lakes are home to more than 400 lighthouses. One hundred and twenty of these maritime landmarks are in the State of Michigan.

“(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region’s political, economic, and social history.

“(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

“(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

“(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

“(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

“(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of the department in which the Coast Guard is operating, may—

“(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

“(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as excess to the needs of the Coast Guard, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties.”

## VHF COMMUNICATIONS SERVICES

Pub. L. 107-295, title IV, §406, Nov. 25, 2002, 116 Stat. 2116, provided that:

“(a) The Secretary of the department in which the Coast Guard is operating may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard.

“(b) Commercial VHF communication equipment placed on real property under the administrative control of the Coast Guard under this section shall not interfere in any manner with any current or future Coast Guard communication equipment.

“(c) Nothing in this section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 [Pub. L. 104-104] (47 U.S.C. 332 note) with respect to the availability of property or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.”

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS; NOTICE TO RECIPIENTS OF ASSISTANCE

Pub. L. 104-324, title XI, §1127, Oct. 19, 1996, 110 Stat. 3983, provided that:

“(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act [see Tables for classification] should be American-made.

“(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.”

COAST GUARD VESSEL DESIGN

Pub. L. 101-380, title IV, §4203, Aug. 18, 1990, 104 Stat. 532, provided that: “The Secretary shall ensure that vessels designed and constructed to replace Coast Guard buoy tenders are equipped with oil skimming systems that are readily available and operable, and that complement the primary mission of servicing aids to navigation.”

AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM

Pub. L. 101-225, title II, §204, Dec. 12, 1989, 103 Stat. 1911, provided that:

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the ‘Secretary’) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade County, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the ‘Academy’).

“(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section—

“(1) shall be known as the ‘Claude Pepper Junior Reserve Officers Training Program’, and

“(2) shall provide to students at the Academy—

“(A) instruction in subject areas relating to operations of the Coast Guard; and

“(B) training in skills which are useful and appropriate for a career in the Coast Guard.

“(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to the Academy—

“(1) assistance in course development, instruction, and other support activities;

“(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

“(3) necessary and appropriate course materials, equipment, and uniforms.

“(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

“(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

“(2) AUTHORIZED PAY.—(A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an

additional amount of not more than the difference between—

“(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

“(ii) the amount of retired pay the individual is entitled to receive during that period.

“(B) The Secretary shall pay to the Academy an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

“(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.”

CONSIDERATION OF MARITIME ADMINISTRATION VESSELS

Pub. L. 101-225, title II, §213, Dec. 12, 1989, 103 Stat. 1914, provided that: “Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 ([former] 46 App. U.S.C. 1271-1279c) [see 46 U.S.C. 53701 et seq.], to determine whether any of those vessels are suitable for use by the Coast Guard.”

LIFESAVING EQUIPMENT ON PASSENGER FERRIES

Pub. L. 98-557, §10, Oct. 30, 1984, 98 Stat. 2863, provided that: “The Secretary of the department in which the Coast Guard is operating shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries.”

AIRCRAFT

Provisions specifying the maximum number of aircraft on hand at any one time, exclusive of planes and parts stored to meet future attrition, were contained in the following appropriation acts:

Pub. L. 105-66, title I, Oct. 27, 1997, 111 Stat. 1426.

Pub. L. 104-205, title I, Sept. 30, 1996, 110 Stat. 2953.

Pub. L. 104-50, title I, Nov. 15, 1995, 109 Stat. 438.

Pub. L. 103-331, title I, Sept. 30, 1994, 108 Stat. 2473.

Pub. L. 103-122, title I, Oct. 27, 1993, 107 Stat. 1201.

Pub. L. 102-388, title I, Oct. 6, 1992, 106 Stat. 1523.

Pub. L. 102-143, title I, Oct. 28, 1991, 105 Stat. 920.

Pub. L. 101-516, title I, Nov. 5, 1990, 104 Stat. 2158.

Pub. L. 101-164, title I, Nov. 21, 1989, 103 Stat. 1071.

Pub. L. 100-457, title I, Sept. 30, 1988, 102 Stat. 2126.

Pub. L. 100-202, §101(l) [title I], Dec. 22, 1987, 101 Stat. 1329-358, 1329-359.

Pub. L. 99-500, §101(l) [H.R. 5205, title I], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, §101(l), Oct. 30, 1986, 100 Stat. 3341-308.

Pub. L. 99-190, §101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1269.

Pub. L. 98-473, title I, §101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1945.

Pub. L. 98-78, title I, Aug. 15, 1983, 97 Stat. 454.

Pub. L. 97-369, title I, Dec. 18, 1982, 96 Stat. 1766.

Pub. L. 97-102, title I, Dec. 23, 1981, 95 Stat. 1443.

Pub. L. 96-400, title I, Oct. 9, 1980, 94 Stat. 1681.

Pub. L. 96-131, title I, Nov. 30, 1979, 93 Stat. 1023.

Pub. L. 95-335, title I, Aug. 4, 1978, 92 Stat. 435.

Pub. L. 95-85, title I, Aug. 2, 1977, 91 Stat. 402.

Pub. L. 94-387, title I, Aug. 14, 1976, 90 Stat. 1172.

Pub. L. 94-134, title I, Nov. 24, 1975, 89 Stat. 696.

Pub. L. 93-391, title I, Aug. 28, 1974, 88 Stat. 769.

Pub. L. 93-98, title I, Aug. 16, 1973, 87 Stat. 330.

Pub. L. 92-398, title I, Aug. 22, 1972, 86 Stat. 581.

Pub. L. 92-74, title I, Aug. 10, 1971, 85 Stat. 202.

Pub. L. 91-168, title I, Dec. 26, 1969, 83 Stat. 454.

Pub. L. 90-464, title I, Aug. 8, 1968, 82 Stat. 654.

Pub. L. 90-112, title II, Oct. 23, 1967, 81 Stat. 312.

Pub. L. 89-474, title I, June 29, 1966, 80 Stat. 223.

Pub. L. 89-57, title I, June 30, 1965, 79 Stat. 197.

Pub. L. 88-392, title I, Aug. 1, 1964, 78 Stat. 369.



Pub. L. 88-39, title I, June 13, 1963, 77 Stat. 59.  
 Pub. L. 87-575, title I, Aug. 6, 1962, 76 Stat. 311.  
 Pub. L. 87-159, title I, Aug. 21, 1961, 75 Stat. 395.  
 Pub. L. 86-561, title I, June 30, 1960, 74 Stat. 285.  
 Pub. L. 86-39, title I, June 11, 1959, 73 Stat. 67.  
 Pub. L. 85-354, title I, Mar. 28, 1958, 72 Stat. 62.  
 Pub. L. 85-37, title I, May 27, 1957, 71 Stat. 37.  
 Apr. 2, 1956, ch. 161, title I, 70 Stat. 93.  
 June 1, 1955, ch. 113, title I, 69 Stat. 74.  
 May 28, 1954, ch. 242, title I, 68 Stat. 146.  
 June 18, 1953, ch. 132, title I, 67 Stat. 69.  
 June 30, 1952, ch. 523, title I, 66 Stat. 291.  
 Aug. 11, 1951, ch. 301, title I, 65 Stat. 185.  
 Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 639.  
 June 30, 1949, ch. 286, title I, 63 Stat. 367.  
 June 19, 1948, ch. 558, title I, 62 Stat. 563.  
 July 1, 1947, ch. 186, title I, 61 Stat. 227.  
 July 12, 1946, ch. 569, § 1, 60 Stat. 531.

### § 502. Delegation of powers by the Secretary

The Secretary is authorized to confer or impose upon the Commandant any of the rights, privileges, powers, or duties, in respect to the administration of the Coast Guard, vested in or imposed upon the Secretary by this title or other provisions of law.

(Aug. 4, 1949, ch. 393, 63 Stat. 544, § 631; Pub. L. 94-546, § 1(33), Oct. 18, 1976, 90 Stat. 2521; renumbered § 502, Pub. L. 115-282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

This section authorizes the Secretary to delegate to the Commandant any of the authority granted to him in respect to the administration of the Coast Guard. Such power to delegate is granted by other statutes to the heads of many of the executive departments. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 502 was renumbered section 2746 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 631 of this title as this section.

1976—Pub. L. 94-546 substituted “Secretary” for “Secretary of the Treasury” wherever appearing and substituted “Commandant” for “Commandant of the Coast Guard”.

#### ADMINISTRATIVE ADVISORY COMMITTEES; SOLICITATION OF NOMINATIONS FOR MEMBERSHIP; PUBLICATION IN FEDERAL REGISTER; DISCLOSURES TO CONGRESS; COMPENSATION AND TRAVEL EXPENSES

Pub. L. 97-322, title I, § 118(e), Oct. 15, 1982, 96 Stat. 1587, provided that:

“(1) The Secretary of the department in which the Coast Guard is operating shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on any advisory committee established administratively for the purpose of giving advice and recommendations to such Secretary or the Commandant of the Coast Guard with respect to functions of the Coast Guard.

“(2) Any advisory committee described in paragraph (1) of this subsection is authorized to make available to Congress any information, advice, and recommendations which the committee is authorized to give to the Secretary of the department in which the Coast Guard is operating or the Commandant of the Coast Guard.

“(3) Members of any advisory committee described in paragraph (1) of this subsection who are not officers or employees of the United States shall serve without pay and members of any such committee who are officers or employees of the United States shall receive no addi-

tional pay on account of their service on such committee. While away from their homes or regular places of business, members of any such committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”

### § 503. Regulations

In addition to the authority conferred by other provisions of this title the Secretary may promulgate such regulations and orders as he deems appropriate to carry out the provisions of this title or any other law applicable to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 545, § 633; renumbered § 503, Pub. L. 115-282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 92, 185e (June 20, 1874, ch. 344, § 8, 18 Stat. 127; May 26, 1906, ch. 2556, § 1, 34 Stat. 200; May 24, 1939, ch. 146, § 6, 53 Stat. 756).

This section enlarges said sections to prescribe what is generally understood in a military organization, that the promulgation of regulations is a function of the head of the Department.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 503 was renumbered section 2747 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 633 of this title as this section.

### § 504. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) maintain water, land, and air patrols, and ice-breaking facilities;

(2) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(3) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(4) conduct experiments and investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function, including research, development, test, or evaluation related to intelligence systems and capabilities;

(5) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(6) collect, publish, and distribute information concerning Coast Guard operations;

(7) conduct or make available to personnel of the Coast Guard, and to eligible spouses as defined under section 2904, such specialized training and courses of instruction, including correspondence courses and the textbooks, manuals, and other materials required as part of such training or course of instruction, as

may be necessary or desirable for the good of the service;

(8) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

(9) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(10) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

(11) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(12) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(13) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in the fund established under section 2946;

(14) grant, under such terms and conditions as are deemed advisable, permits, licenses, easements, and rights-of-way over, across, in, and upon lands under the control of the Coast Guard when in the public interest and without substantially injuring the interests of the United States in the property thereby affected;

(15) establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration, and acquire such real property rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment;

(16) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations;

(17) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities;

(18) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform community service under the order of a Federal, State, or municipal court;

(19) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

(A) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

(B) a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims;

(20) enter into cooperative agreements with other Government agencies and the National Academy of Sciences;

(21) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(b)(7) of title 49, may receive that information, and upon receipt, shall make the information available to the individual;

(22) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and non-profit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation);

(23) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery;

(24) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate; and

(25) enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities, to develop a positioning, navigation, and timing system to provide redundant capability in the event Global Positioning System signals are disrupted,

which may consist of an enhanced LORAN system.

(b)(1) Notwithstanding subsection (a)(13), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

(2) A lease referred to in paragraph (1) is a lease—

(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

(B) to an entity with which the Commandant has a cooperative agreement under section 4(e)<sup>1</sup> of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.

(c) MARINE SAFETY RESPONSIBILITIES.—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 305(a)(3) shall serve as the principal advisor to the Commandant regarding—

(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

(2) approval of materials, equipment, appliances, and associated equipment;

(3) the reporting and investigation of marine casualties and accidents;

(4) the licensing, certification, documentation, protection and relief of merchant seamen;

(5) suspension and revocation of licenses and certificates;

(6) enforcement of manning requirements, citizenship requirements, control of log books;

(7) documentation and numbering of vessels;

(8) State boating safety programs;

(9) commercial instruments and maritime liens;

(10) the administration of bridge safety;

(11) administration of the navigation rules;

(12) the prevention of pollution from vessels;

(13) ports and waterways safety;

(14) waterways management; including regulation for regattas and marine parades;

(15) aids to navigation; and

(16) other duties and powers of the Secretary related to marine safety and stewardship.

(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (c) affects—

(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 522 of this title; or

(2) the exercise of authority under section 527 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.

(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall

be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.

(f) LEASING OF TIDELANDS AND SUBMERGED LANDS.—

(1) AUTHORITY.—The Commandant may lease under subsection (a)(13) submerged lands and tidelands under the control of the Coast Guard without regard to the limitation under that subsection with respect to lease duration.

(2) LIMITATION.—The Commandant may lease submerged lands and tidelands under paragraph (1) only if—

(A) the lease is for cash exclusively;

(B) the lease amount is equal to the fair market value of the use of the leased submerged lands or tidelands for the period during which such lands are leased, as determined by the Commandant;

(C) the lease does not provide authority to or commit the Coast Guard to use or support any improvements to such submerged lands and tidelands, or obtain goods and services from the lessee; and

(D) proceeds from the lease are deposited in the Coast Guard Housing Fund established under section 2946.

(Aug. 4, 1949, ch. 393, 63 Stat. 504, §93; Aug. 3, 1950, ch. 536, §2, 64 Stat. 406; Oct. 31, 1951, ch. 654, §§1(33), 2(10), 4(1), 65 Stat. 702, 707, 709; Pub. L. 94-546, §1(9), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-136, §6(d), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-276, §143, Oct. 2, 1982, 96 Stat. 1199; Pub. L. 97-295, §2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 97-322, title I, §115(c), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 102-241, §7, Dec. 19, 1991, 105 Stat. 2212; Pub. L. 103-206, title II, §202, title III, §316, Dec. 20, 1993, 107 Stat. 2420, 2426; Pub. L. 104-324, title II, §207(a), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105-383, title II, §§202, 203, Nov. 13, 1998, 112 Stat. 3414, 3415; Pub. L. 107-217, §3(c)(2), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 108-293, title II, §§201, 217, Aug. 9, 2004, 118 Stat. 1031, 1038; Pub. L. 109-241, title IX, §901(a), (c), July 11, 2006, 120 Stat. 564; Pub. L. 111-259, title IV, §442(1), Oct. 7, 2010, 124 Stat. 2733; Pub. L. 111-281, title V, §523, Oct. 15, 2010, 124 Stat. 2958; Pub. L. 111-350, §5(c)(2), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 112-213, title II, §202, Dec. 20, 2012, 126 Stat. 1543; Pub. L. 113-281, title II, §§206(a), 207, 208(a), 209, 214(c), 222(1), Dec. 18, 2014, 128 Stat. 3025, 3026, 3034, 3038; Pub. L. 114-120, title II, §209(4), title VI, §610(b), Feb. 8, 2016, 130 Stat. 40, 85; Pub. L. 115-232, div. C, title XXXV, §3533(b), Aug. 13, 2018, 132 Stat. 2321; renumbered §504 and amended Pub. L. 115-282, title I, §§105(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4200, 4240.)

#### HISTORICAL AND REVISION NOTES

This section grants powers to the Commandant concerning, in general, operations within the Service and the internal functioning of the Service. Many of the powers are contained in existing law, but some are enlarged, and some additional powers are added as explained following.

Subsection (a) is derived from title 14, U.S.C., 1946 ed., §53, and title 34, U.S.C., 1946 ed., §471 (R.S. 1536). The authority to order vessels to cruise along the coasts should be in the operational head of the Service, and not in the President. This section is changed to cover adequately the necessary present day cruising and patrolling.

<sup>1</sup> See References in Text note below.

Subsection (b) is derived from R.S. 4242 and title 14, U.S.C., 1946 ed., §§29, 93, 94, 95, 97, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §2, 3, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786; June 6, 1940, ch. 257, §4, 54 Stat. 247), and specifically grants to the Commandant authority in regard to the establishment, discontinuance, and change of Coast Guard shore establishments other than Coast Guard districts. This power must exist inherently in order for the Service to function efficiently.

Subsection (c) is derived from title 14, U.S.C., 1946 ed., §§54, 97, 112 (May 4, 1882, ch. 117, §3, 22 Stat. 56; May 30, 1908, ch. 231, 35 Stat. 553; Apr. 21, 1910, ch. 182, §2, 36 Stat. 326), and specifically grants to the Commandant authority in regard to the assignment of vessels, vehicles, aids to navigation, and other equipment. This power is inherent to the proper functioning of any Service.

Subsection (d) is based on title 14, U.S.C., 1946 ed., §91 (June 18, 1878, ch. 265, §7, 20 Stat. 164; June 10, 1921, ch. 18, §304, 42 Stat. 24; July 3, 1926, ch. 742, §9, 44 Stat. 817). Said section has been divided. The part dealing with investigation of plans and inventions is covered in this subsection in broader terms, and the other parts are covered in general terms in section 632 of this title.

Subsection (e) is based on title 14, U.S.C., 1946 ed., §111 (June 18, 1878, ch. 265, §9, 20 Stat. 164). This section has been rewritten to broaden the authority to include any investigation or study that may be of assistance to the Coast Guard, the limitation as to investigation of shipwrecks having been eliminated.

Subsection (f) is new and is intended to give legislative recognition to the importance of disseminating information by the Coast Guard for the promotion of safety at sea, life-saving techniques, and other Coast Guard activities.

Subsection (g) is new and provides for the training of Coast Guard personnel at other than schools or institutions of the other armed forces. Such training is essential and has been carried on under the authority of appropriation acts for many years.

Subsection (h) is based in part on title 14, U.S.C., 1946 ed., §§69, 108, 109, (R.S. 2748; June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163), and is intended to complement the authority granted to the Secretary in sec. 92(d) of this title granting similar authority to the Commandant as to smaller craft.

Subsection (i) is based in part on title 14, U.S.C., §§108, 109, and on title 33, U.S.C., 1946 ed., §752 (June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163; Mar. 4, 1913, ch. 168, 37 Stat. 10183, and grants power to the Commandant to acquire and dispose of various equipment and supplies. The authority with respect to the acceptance of such equipment as a gift is new.

Subsection (j) is new and grants power to the Commandant to operate and maintain shore establishments; previously such authority has been inferred from statutes providing for the establishment of shore stations; again such authority is inherent to the functioning of any Service, and this section will provide no greater authority than has been exercised in the past.

Subsection (k) is based on title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, §602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]). The primary authority is granted to the Commandant as well as to the Secretary inasmuch as such exchange seems to be an operational matter and the items which may be exchanged have been enlarged by the addition of aids to navigation, appliances, equipment, and supplies.

Inasmuch as the act cited above applies to the Navy as well as the Coast Guard it is not scheduled for repeal but is being amended by section 13 of this act to eliminate reference to the Coast Guard.

Subsection (l) is new and is deemed desirable in order to give legislative authority for existing yards, and for the procurement of needed equipment and material in case such is not normally or economically obtainable from private contractors.

Subsection (m) is based on title 14, U.S.C., 1946 ed., §§110, 192 (June 20, 1874, ch. 344, §6, 18 Stat. 127; June 18, 1878, ch. 265, §10, 20 Stat. 165; July 3, 1926, ch. 742, §9, 44 Stat. 817). The power to accept volunteer services is enlarged to include all services offered in time of emergency, to save life or protect property, and the restrictive provisions relating to lifeboat stations only have been eliminated.

Subsection (n) is new and grants authority to the Commandant to lease real property under the control of the Coast Guard, when not immediately needed in Coast Guard operations. Such authority will be advantageous to the Government, on the basis of past experience.

Subsection (o) is new and is supplementary to subsection (n) of this section. It grants further authority to the Commandant permitting him to grant minor interests in land which is under control of the Coast Guard. This will avoid the necessity of special acts of Congress in each of such instances.

Subsection (p) is new and is necessary to give proper authority for the maintenance of networks of wires and cables, in some cases over or along private property or public highways. These networks are in existence at the present time and are essential for the Service to carry out its functions.

Subsection (q) is new and is necessary in order to provide clear authority for the maintenance of radio stations which are essential to Coast Guard functions.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### REFERENCES IN TEXT

Section 4(e) of the Ports and Waterways Safety Act, referred to in subsec. (b)(2)(B), is section 4(e) of Pub. L. 92-340, which was classified to section 1223(e) of Title 33, Navigation and Navigable Waters, prior to repeal by Pub. L. 115-282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264. See Transitional and Savings Provisions note preceding section 101 of Title 46, Shipping, and section 70001 of Title 46.

The date of enactment of this paragraph, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

#### PRIOR PROVISIONS

A prior section 504 was renumbered section 2733 of this title.

Another prior section 504, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to disposition of the remains of deceased Coast Guard personnel, prior to repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

#### AMENDMENTS

2018—Pub. L. 115-282, §105(b)(2), renumbered section 93 of this title as this section.

Subsec. (a)(7). Pub. L. 115-282, §123(b)(2), substituted “section 2904” for “section 542”.

Subsec. (a)(13). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

Subsec. (a)(21). Pub. L. 115-282 substituted “section 30305(b)(7)” for “section 30305(a)”.

Subsec. (c). Pub. L. 115-282, §123(b)(2), substituted “section 305(a)(3)” for “section 50(a)(3)” in introductory provisions.

Subsec. (d)(1). Pub. L. 115-282, §123(b)(2), substituted “section 522” for “section 89”.

Subsec. (d)(2). Pub. L. 115-282, §123(b)(2), substituted “section 527” for “section 91”.

Subsec. (f)(2)(D). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

2016—Subsec. (a)(25). Pub. L. 114-120, §610(b), added par. (25).

Subsec. (f)(2). Pub. L. 114-120, §209(4), added par. (2) and struck out former par. (2) which related to limitation on leasing of tidelands and submerged lands.

2014—Subsec. (a)(4). Pub. L. 113–281, §206(a), substituted “and investigate” for “, investigate” and struck out “, and cooperate and coordinate such activities with other Government agencies and with private agencies” before semicolon at end.

Subsec. (a)(7). Pub. L. 113–281, §214(c), inserted “, and to eligible spouses as defined under section 542,” after “Coast Guard”.

Pub. L. 113–281, §207, inserted “and the textbooks, manuals, and other materials required as part of such training or course of instruction” after “correspondence courses”.

Subsec. (a)(13). Pub. L. 113–281, §208(a), substituted “the fund established under section 687” for “the Treasury”.

Subsec. (b)(1). Pub. L. 113–281, §222(1), substituted “(a)(13)” for “(a)(14)”.

Subsec. (f). Pub. L. 113–281, §209, added subsec. (f).

2012—Subsec. (e). Pub. L. 112–213 added subsec. (e).

2011—Subsec. (a)(8). Pub. L. 111–350, which directed amendment of subsec. (h) by substituting “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”, was executed by making the substitution in subsec. (a)(8) to reflect the probable intent of Congress and the amendment by Pub. L. 108–293, §201. See 2004 Amendment note below.

2010—Subsec. (a)(4). Pub. L. 111–259 substituted “function, including research, development, test, or evaluation related to intelligence systems and capabilities,” for “function”.

Subsecs. (c), (d). Pub. L. 111–281 added subsecs. (c) and (d).

2006—Subsec. (a)(19). Pub. L. 109–241, §901(a), redesignated subpars. (1) and (2) as (A) and (B), respectively.

Subsec. (a)(24). Pub. L. 109–241, §901(c), redesignated par. (y) as (24).

2004—Pub. L. 108–293, §201, designated existing provisions as subsec. (a), redesignated former subsecs. (a) to (j) and (l) to (w) as pars. (1) to (23), respectively, of subsec. (a), substituted semicolon for comma at end of par. (18), and added subsec. (b).

Pub. L. 108–293, §217, which directed amendment of this section by striking out “and” after semicolon at end of “paragraph (w)”, substituting “; and” for period at end of “paragraph (x)”, and adding a paragraph designated “(y)” at the end, was executed to this section prior to the amendment by Pub. L. 108–293, §201, to reflect the probable intent of Congress. See above.

2002—Subsec. (h). Pub. L. 107–217 inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

1998—Subsec. (w). Pub. L. 105–383, §202, added subsec. (w).

Subsec. (x). Pub. L. 105–383, §203, added subsec. (x).

1996—Subsec. (v). Pub. L. 104–324 added subsec. (v).

1993—Subsec. (t). Pub. L. 103–206, §202, added subsec. (t).

Subsec. (u). Pub. L. 103–206, §316, added subsec. (u).

1991—Subsec. (s). Pub. L. 102–241 added subsec. (s).

1982—Subsec. (h). Pub. L. 97–295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

Subsec. (r). Pub. L. 97–276 and Pub. L. 97–322 made identical amendments adding subsec. (r) relating to medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.

1981—Subsec. (p). Pub. L. 97–136, inserted “including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration,” after “of such lines and cables.”.

1976—Subsec. (n). Pub. L. 94–546 substituted “to be deposited in the Treasury” for “to be covered into the Treasury”.

1951—Subsec. (h). Act Oct. 31, 1951, §2(10), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out the requirement that net monies received from the disposition of patrol boats, etc., be covered into the Treasury.

Subsec. (i). Act Oct. 31, 1951, §4(1), inserted provision permitting discontinuance of aids to navigation, etc., and struck out provision permitting discontinuance or other disposition of obsolete, unsuitable, or unserviceable aids to navigation, etc., and the requirement that the net monies received from such disposition be covered into the Treasury.

Subsec. (k). Act Oct. 31, 1951, §1(33), repealed subsec. (k) which empowered the Commandant to exchange aircraft, vehicles, and parts thereof, and obsolete, unsuitable, or unserviceable machines, tools, aids to navigation, appliances, equipment, and supplies in part payment for new items of the same or similar character.

1950—Subsec. (o). Act Aug. 3, 1950, struck out “and” after the semicolon.

Subsec. (p). Act Aug. 3, 1950, substituted “; and” for the period at end.

#### 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.

#### ELECTRONIC HEALTH RECORDS

Pub. L. 115–282, title III, §305(c), Dec. 4, 2018, 132 Stat. 4246, provided that:

“(1) SYSTEM.—The Commandant of the Coast Guard is authorized to procure for the Coast Guard an electronic health record system that—

“(A) has been competitively awarded by the Department of Defense; and

“(B) ensures full integration with the Department of Defense electronic health record systems.

“(2) SUPPORT SERVICES.—

“(A) IN GENERAL.—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

“(B) SCOPE.—Support services procured pursuant to this paragraph may include services for the following:

“(i) System integration support.

“(ii) Hosting support.

“(iii) Training, testing, technical, and data migration support.

“(iv) Hardware support.

“(v) Any other support the Commandant considers appropriate.

“(3) AUTHORIZED PROCUREMENT ACTIONS.—The Commandant is authorized to procure an electronic health record system under this subsection through the following:

“(A) A task order under the Department of Defense electronic health record contract.

“(B) A sole source contract award.

“(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.

“(D) A contract or other procurement vehicle otherwise authorized.

“(4) COMPETITION IN CONTRACTING; EXEMPTION.—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code.”

#### TRAINING OF COAST GUARD PERSONNEL

Pub. L. 115–265, title II, §210, Oct. 11, 2018, 132 Stat. 3748, provided that:

“(a) PROSPECTIVE SECTOR COMMANDER TRAINING.—Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall implement an Officer in Charge, Marine Inspections segment to the sector commander indoctrination course for prospective sector commanders without a Coast Guard prevention ashore officer specialty code.

“(b) STEAMSHIP INSPECTIONS.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement steam plant inspection training for Coast Guard marine inspectors and, subject to availability, recognized organizations to which authority is delegated under section 3316 of title 46, United States Code.

“(c) ADVANCED JOURNEYMAN INSPECTOR TRAINING.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall establish advanced training to provide instruction on the oversight of recognized organizations to which authority is delegated under section 3316 of title 46, United States Code, auditing responsibilities, and the inspection of unique vessel types.

“(2) RECIPIENTS.—The Commandant shall—

“(A) require that such training be completed by senior Coast Guard marine inspectors; and

“(B) subject to availability of training capacity, make such training available to recognized organization surveyors authorized by the Coast Guard to conduct inspections.

“(d) COAST GUARD INSPECTIONS STAFF; BRIEFING.—Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing detailing—

“(1) the estimated time and funding necessary to triple the current size of the Coast Guard’s traveling inspector staff; and

“(2) other options available to the Coast Guard to enhance and maintain marine safety knowledge, including discussion of increased reliance on—

“(A) civilian marine inspectors;

“(B) experienced licensed mariners;

“(C) retired members of the Coast Guard;

“(D) arranging for Coast Guard inspectors to ride onboard commercial oceangoing vessels documented under chapter 121 of title 46, United States Code, to gain experience and insight; and

“(E) extending tour-lengths for Coast Guard marine safety officers assigned to inspection billets.

“(e) AUDITS; COAST GUARD ATTENDANCE AND PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

“(1) update Coast Guard policy to utilize risk analysis to target the attendance of Coast Guard personnel during external safety management certificate and document of compliance audits; and

“(2) perform a quality assurance audit of recognized organization representation and performance regarding United States-flagged vessels.”

[For definition of “recognized organizations” as used in section 210 of Pub. L. 115–265, set out above, see section 203 of Pub. L. 115–265, set out as a note under section 2101 of Title 46, Shipping.]

#### DAYS AWAY FROM HOMEPORT

Pub. L. 114–120, title II, § 204(c), Feb. 8, 2016, 130 Stat. 35, as amended by Pub. L. 115–282, title VIII, § 818(b)(2), Dec. 4, 2018, 132 Stat. 4308, provided that: “Not later than 1 year after the date of the enactment of this Act [Feb. 8, 2016], the Commandant of the Coast Guard shall—

“(1) Repealed. Pub. L. 115–282, title VIII, § 818(b)(2), Dec. 4, 2018, 132 Stat. 4308.]

“(2) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the standard implemented under paragraph (1).”

#### REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD

Pub. L. 111–281, title II, § 217, Oct. 15, 2010, 124 Stat. 2917, as amended by Pub. L. 115–232, div. C, title XXXV, § 3521(a)(2), Aug. 13, 2018, 132 Stat. 2314, provided that:

“(a) IN GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults and incidents of sexual harassment involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) CONTENTS.—The report required under subsection (a) shall contain the following:

“(1) The number of sexual assaults and incidents of sexual harassment against members of the Coast Guard, and the number of sexual assaults and incidents of sexual harassment by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

“(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

“(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault and sexual harassment involving members of the Coast Guard concerned.

“(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault and sexual harassment involving members of the Coast Guard concerned.”

#### MARINE VESSEL AND COLD WATER SAFETY EDUCATION

Pub. L. 109–241, title IV, § 405, July 11, 2006, 120 Stat. 535, provided that: “The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act [July 11, 2006] that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.”

#### REDISTRICTING NOTIFICATION REQUIREMENT

Pub. L. 108–293, title II, § 215, Aug. 9, 2004, 118 Stat. 1038, provided that: “The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before—

“(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

“(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.”

#### INNOVATIVE CONSTRUCTION ALTERNATIVES

Pub. L. 108–293, title II, § 222, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.”

#### ICEBREAKING SERVICES

Pub. L. 109–241, title II, § 210, July 11, 2006, 120 Stat. 523, provided that:

“(a) OPERATION AND MAINTENANCE PLAN.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan—

“(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

“(2) for the long-term recapitalization of these assets.

“(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

“(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).”

Pub. L. 107–295, title IV, § 429, Nov. 25, 2002, 116 Stat. 2127, provided that: “The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.”

#### FISHING VESSEL SAFETY TRAINING

Pub. L. 107–295, title IV, § 430, Nov. 25, 2002, 116 Stat. 2128, provided that:

“(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training, including—

“(1) assistance in developing training curricula;

“(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

“(3) sharing of appropriate Coast Guard informational and safety publications; and

“(4) participation on applicable fishing vessel safety training advisory panels.

“(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.”

#### CONVEYANCE OF LIGHTHOUSES; NOTIFICATION

Pub. L. 105–383, title IV, § 416(d), Nov. 13, 1998, 112 Stat. 3437, provided that: “Not less than 1 year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 ([former] 16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.] and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in

that State, that such property is excess to the needs of the Coast Guard.”

### § 505. Functions and powers vested in the Commandant

All powers and functions conferred upon the Coast Guard, or the Commandant, by or pursuant to this title or any other law shall, unless otherwise specifically stated, be executed by the Commandant subject to the general supervision of the Secretary. In order to execute the powers and functions vested in him, the Commandant may assign personnel of the Coast Guard to duty in the District of Columbia, elsewhere in the United States, in any territory of the United States, and in any foreign country, but such personnel shall not be assigned to duties in any foreign country without the consent of the government of that country; assign to such personnel such duties and authority as he deems necessary; and issue rules, orders, and instructions, not inconsistent with law, relating to the organization, internal administration, and personnel of the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 545, § 632; renumbered § 505, Pub. L. 115–282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 5, U.S.C., 1946 ed., § 41, and on title 14, U.S.C., 1946 ed. §§ 22, 58, 91, 99, 103 (R.S. 2749; June 18, 1878, ch. 265, §§ 7, 8, 22 Stat. 164; May 4, 1882, ch. 117, § 5, 22 Stat. 57; Mar. 4, 1907, ch. 2918, 34 Stat. 1309; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Aug. 29, 1916, ch. 417, 39 Stat. 601; June 10, 1921, ch. 18, § 304, 42 Stat. 23; July 3, 1926, ch. 742, § 9, 44 Stat. 817).

Said section 91 has been divided. That part dealing with investigation of plans and inventions is covered in section 93(d) of this title. The remainder is covered in general terms. It has been rewritten in broad terms, making clear that the Commandant is granted the necessary authority to administer the Coast Guard under the Secretary, including authority to issue rules, orders, and instructions.

This section is primarily a consolidation of existing functions rather than a codification of existing laws. It does not, for the most part, grant new authority to the Coast Guard as an organization. It merely clarifies the method by which Coast Guard functions shall be administered. Under existing statutes, functions relating to the Coast Guard have been conferred upon the President, the Secretary of the Treasury, and the Commandant, and sometimes upon the Secretary of the Treasury in times of peace and the Secretary of the Navy in times of war. This revision confers some functions directly upon the Coast Guard, and this section provides for the execution of those functions by the Commandant, the military head of the organization, thereby making for consistency and uniformity. The functions are to be executed “subject to the general supervision of the Secretary”. Title 14, U.S.C., 1946 ed., § 91 now grants authority to the Commandant to prescribe regulations; this is changed to the issuance of rules, orders, and instructions as the promulgation of regulations in a military organization is properly a function of the Secretary.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 505 was renumbered section 2734 of this title.

Another prior section 505, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to escorts to the place of burial for the bodies of deceased Coast Guard personnel, prior to

repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 632 of this title as this section.

**§ 506. Prospective payment of funds necessary to provide medical care**

(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

(2) for which a reimbursement would otherwise be made under section 1085.

(b) AMOUNT.—The amount of the prospective payment under subsection (a) shall be—

(1) in the case of treatment or care to be provided to members of the Coast Guard and their dependents, derived from amounts appropriated for the operating expenses of the Coast Guard;

(2) in the case of treatment or care to be provided former members of the Coast Guard and their dependents, derived from amounts appropriated for retired pay;

(3) determined under procedures established by the Secretary of Defense;

(4) paid during the fiscal year in which treatment or care is provided; and

(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

(d) RELATIONSHIP TO TRICARE.—This section shall not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.

(Added Pub. L. 114-328, div. A, title VII, §722(a), Dec. 23, 2016, 130 Stat. 2228, §520; renumbered §506, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

PRIOR PROVISIONS

A prior section 506, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to the issue of the national flag to be used

for draping the coffin of any deceased member of the Coast Guard, prior to repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 520 of this title as this section.

**§ 507. Appointment of judges**

The Secretary may appoint civilian employees of the department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.

(Added Pub. L. 111-281, title II, §201(a), Oct. 15, 2010, 124 Stat. 2909, §153; renumbered §507, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

PRIOR PROVISIONS

A prior section 507 was renumbered section 2710 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 153 of this title as this section.

**§ 508. Coast Guard health-care professionals; licensure portability**

(a) IN GENERAL.—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient is located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

(b) DESCRIBED INDIVIDUALS.—A health-care professional described in this subsection is an individual—

(1) who is—

(A) a member of the Coast Guard;

(B) a civilian employee of the Coast Guard;

(C) a member of the Public Health Service who is assigned to the Coast Guard; or

(D) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

(2) who—

(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

(B) is performing authorized duties for the Coast Guard.

(c) DEFINITIONS.—In this section, the terms “license” and “health-care professional” have the meanings given those terms in section 1094(e) of title 10.

(Added Pub. L. 115-282, title III, §305(a), Dec. 4, 2018, 132 Stat. 4245.)



## PRIOR PROVISIONS

A prior section 508 was renumbered section 2711 of this title.

For redesignation of prior sections 509 to 520, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

## SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

## AMENDMENTS

2018—Pub. L. 115-282, title I, §105(c)(2), Dec. 4, 2018, 132 Stat. 4202, inserted subchapter II designation and heading.

**§ 521. Saving life and property**

(a) In order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:

(1) perform any and all acts necessary to rescue and aid persons and protect and save property;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the Coast Guard; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b)(1) Subject to paragraph (2), the Coast Guard may render aid to persons and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized.

(2) The Commandant shall make full use of all available and qualified resources, including the Coast Guard Auxiliary and individuals licensed by the Secretary pursuant to section 8904(b) of title 46, United States Code, in rendering aid under this subsection in nonemergency cases.

(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

(1) guilty of a class D felony;

(2) subject to a civil penalty of not more than \$10,000; and

(3) liable for all costs the Coast Guard incurs as a result of the individual's action.

(d) The Secretary shall establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills, which may include rescue diver training.

(e) An individual who knowingly and willfully operates a device with the intention of interfering with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted,

retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

(1) guilty of a class E felony; and

(2) subject to a civil penalty of not more than \$1,000 per day for each violation.

(Aug. 4, 1949, ch. 393, 63 Stat. 501, §88; Pub. L. 91-278, §1(3), June 12, 1970, 84 Stat. 304; Pub. L. 100-448, §30(a), Sept. 28, 1988, 102 Stat. 1849; Pub. L. 101-595, title IV, §401, Nov. 16, 1990, 104 Stat. 2989; Pub. L. 104-324, title II, §213(a), Oct. 19, 1996, 110 Stat. 3915; Pub. L. 112-213, title II, §201, Dec. 20, 2012, 126 Stat. 1543; Pub. L. 113-281, title II, §205(a)(4), Dec. 18, 2014, 128 Stat. 3025; renumbered §521, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

## HISTORICAL AND REVISION NOTES

Derived from title 14, U.S.C., 1946 ed., §§29, 53, 55, 60, 61, 62, 63, 104, and title 34, U.S.C., 1946 ed., §471 (R.S. 1536, R.S. 2759; June 18, 1878, ch. 265, §4, 20 Stat. 163; Apr. 19, 1906, ch. 1640, §§1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 24, 1914, ch. 124, 38 Stat. 387; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786).

This section broadens existing law in that it authorizes the Coast Guard to engage in saving life and property in the broadest possible terms, without limitation as to place. This section reflects existing sentiment as to Coast Guard functions in relation to saving life and property. There is no intention to supersede or conflict with the present authority of the Civil Aeronautics Board to investigate certain aircraft wrecks. 81st Congress, House Report No. 557.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 88 of this title as this section.

2014—Subsec. (c)(2). Pub. L. 113-281 substituted “\$10,000” for “\$5,000”.

2012—Subsec. (e). Pub. L. 112-213 added subsec. (e).

1996—Subsec. (d). Pub. L. 104-324 added subsec. (d).

1990—Subsec. (c). Pub. L. 101-595 added subsec. (c).

1988—Subsec. (b). Pub. L. 100-448 designated existing provisions as par. (1), substituted “Subject to paragraph (2), the Coast Guard” for “The Coast Guard”, and added par. (2).

1970—Subsec. (a). Pub. L. 91-278 substituted “on and under the high seas and on and under the waters” for “on the high seas and on waters” in introductory text.

## 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.

## SURVIVAL AND LOCATING EQUIPMENT

Pub. L. 115-265, title II, §209, Oct. 11, 2018, 132 Stat. 3747, provided that: “Not later than 2 years after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall, subject to the availability of appropriations, identify and procure equipment that will provide search-and-rescue units the ability to attach a radio or Automated Identification System strobe or beacon to an object that is not immediately retrievable.”

COAST GUARD POLICIES AND PROCEDURES FOR TOWING AND SALVAGE OF DISABLED VESSELS FOR MINIMIZATION OF COAST GUARD COMPETITION OR INTERFERENCE WITH COMMERCIAL ENTERPRISE

Pub. L. 97-322, title I, §113, Oct. 15, 1982, 96 Stat. 1585, as amended by Pub. L. 100-448, §30(b), Sept. 28, 1988, 102

Stat. 1850, provided that: “The Commandant of the Coast Guard shall review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference (other than by the Coast Guard Auxiliary) with private towing activities or other commercial enterprise.”

### § 522. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship’s documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

(Aug. 4, 1949, ch. 393, 63 Stat. 502, § 89; Aug. 3, 1950, ch. 536, § 1, 64 Stat. 406; renumbered § 522, Pub. L. 115–282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 45–47, 51, 52, 66, 67, 104, and on title 33, U.S.C., 1946 ed., § 755 (R.S. 2747, 2758, 2760, 2762; June 18, 1878, ch. 265, § 4, 20 Stat. 163; June 16, 1880, ch. 235, 21 Stat. 263; June 22, 1936, ch. 705, §§ 1–3, 49 Stat. 1820; July 11, 1941, ch. 290, § 7, 55 Stat. 585).

The words “or such merchandise” are inserted in the last clause of subsection (a) in order to provide for situations where it may be desirable to seize merchandise without seizing the vessel.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 89 of this title as this section.

1950—Subsec. (a). Act Aug. 3, 1950, struck out “to” before “examine” in second sentence.

#### CURRENCY DETECTION CANINE TEAM PROGRAM

Pub. L. 115–282, title VIII, § 806, Dec. 4, 2018, 132 Stat. 4300, provided that:

“(a) DEFINITIONS.—In this section:

“(1) CANINE CURRENCY DETECTION TEAM.—The term ‘canine currency detection team’ means a canine and a canine handler that are trained to detect currency.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.

“(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement, including underway vessel boardings.

“(c) OPERATION.—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).”

### § 523. Enforcement authority

Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

(1) carry a firearm; and

(2) while at a facility (as defined in section 70101 of title 46)—

(A) make an arrest without warrant for any offense against the United States committed in their presence; and

(B) seize property as otherwise provided by law.

(Added Pub. L. 111–281, title II, § 208(a), Oct. 15, 2010, 124 Stat. 2912, § 99; renumbered § 523, Pub. L. 115–282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 99 of this title as this section.

### § 524. Enforcement of coastwise trade laws

Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter.

(Added Pub. L. 111–281, title II, § 216(a), Oct. 15, 2010, 124 Stat. 2917, § 100; renumbered § 524, Pub. L. 115–282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 100 of this title as this section.

### § 525. Special agents of the Coast Guard Investigative Service law enforcement authority

(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

(A) To carry firearms.

(B) To execute and serve any warrant or other process issued under the authority of the United States.

(C) To make arrests without warrant for—

(i) any offense against the United States committed in the agent's presence; or

(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary or the Attorney General.

(Added Pub. L. 100-448, §10(a), Sept. 28, 1988, 102 Stat. 1842, §95; amended Pub. L. 105-383, title II, §205(a), Nov. 13, 1998, 112 Stat. 3415; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(2), Dec. 20, 2012, 126 Stat. 1557; renumbered §525, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 95 of this title as this section.

2012—Subsec. (c). Pub. L. 112-213 struck out “of Homeland Security” after “Secretary”.

2002—Subsec. (c). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1998—Pub. L. 105-383 substituted “Special agents of the Coast Guard Investigative Service law enforcement authority” for “Civilian agents authorized to carry firearms” as section catchline and amended text generally. Prior to amendment, text read as follows: “Under regulations prescribed by the Secretary with the approval of the Attorney General, civilian special agents of the Coast Guard may carry firearms or other appropriate weapons while assigned to official investigative or law enforcement duties.”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

### § 526. Stopping vessels; indemnity for firing at or into vessel

(a)(1) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, subject to paragraph (2), fire at or into the vessel which does not stop.

(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or

in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.

(b) The person in command of an authorized vessel or authorized aircraft and all persons acting under that person's direction shall be indemnified from any penalties or actions for damages for firing at or into a vessel pursuant to subsection (a). If any person is killed or wounded by the firing, and the person in command of the authorized vessel or authorized aircraft or any person acting pursuant to their orders is prosecuted or arrested therefor, they shall be forthwith admitted to bail.

(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

(1) it is a Coast Guard vessel or aircraft;

(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10;<sup>1</sup> or

(3) it is any other vessel or aircraft on government noncommercial service when—

(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.

(Aug. 4, 1949, ch. 393, 63 Stat. 546, §637; Pub. L. 100-690, title VII, §7401(a), Nov. 18, 1988, 102 Stat. 4483; Pub. L. 106-65, div. A, title X, §1022, Oct. 5, 1999, 113 Stat. 746; Pub. L. 108-293, title II, §205(a)-(c), (e)(1), Aug. 9, 2004, 118 Stat. 1032, 1033; Pub. L. 111-281, title II, §213(a), Oct. 15, 2010, 124 Stat. 2915; Pub. L. 114-120, title II, §209(9), Feb. 8, 2016, 130 Stat. 41; renumbered §526, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §68 (R.S. 2765).

Aircraft are included within the protective terms of this section which permits aircraft to stop vessels but makes no provision for stopping aircraft.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### REFERENCES IN TEXT

Section 379 of title 10, referred to in subsec. (c)(2), was renumbered section 279 of title 10 by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 637 of this title as this section.

2016—Subsec. (c)(3). Pub. L. 114-120 inserted “it is” before “any” in introductory provisions.

2010—Subsec. (c)(3). Pub. L. 111-281 added par. (3).

2004—Pub. L. 108-293, §205(e)(1), substituted “indemnity” for “immunity” in section catchline.

Subsec. (a). Pub. L. 108-293, §205(a), designated existing provisions as par. (1), substituted “subject to paragraph (2),” for “after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal,” and added par. (2).

Subsec. (c). Pub. L. 108-293, §205(b), inserted “or” after the semicolon at end of par. (1), inserted “or mili-

<sup>1</sup> See References in Text note below.

tary aircraft” after “surface naval vessel” and substituted a period for “; or” in par. (2), and struck out par. (3) which read as follows: “subject to subsection (d), it is a naval aircraft that has one or more members of the Coast Guard on board and is operating from a surface naval vessel described in paragraph (2).”

Subsec. (d). Pub. L. 108-293, §205(c), struck out subsec. (d) which related to inclusion of naval aircraft as authorized aircraft for purposes of this section.

1999—Subsec. (c)(3). Pub. L. 106-65, §1022(a), added par. (3).

Subsec. (d). Pub. L. 106-65, §1022(b), added subsec. (d). 1988—Pub. L. 100-690 substituted “immunity for firing at or into vessel” for “immunity of Coast Guard officer” in section catchline, and amended text generally. Prior to amendment, text read as follows:

“(a) Whenever any vessel liable to seizure or examination does not bring-to, on being ordered to do so or on being chased by any Coast Guard vessel or aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for vessels or aircraft of the Coast Guard, the person in command or in charge of such Coast Guard vessel or such Coast Guard aircraft may, after a gun has been fired by the Coast Guard vessel or aircraft as a warning signal, fire at or into such vessel which does not bring-to.

“(b) The person in command of such Coast Guard vessel or such Coast Guard aircraft and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the person in command of the Coast Guard vessel or aircraft or any person acting pursuant to his orders is prosecuted or arrested therefor, he shall be forthwith admitted to bail.”

#### § 527. Safety of vessels of the Armed Forces

(a) The Secretary may control the anchorage and movement of any vessel in the navigable waters of the United States to ensure the safety or security of any vessel of the Armed Forces in those waters.

(b) If the Secretary does not exercise the authority in subsection (a) of this section and immediate action is required, the senior officer present in command may control the anchorage or movement of any vessel in the navigable waters of the United States to ensure the safety and security of any vessel of the Armed Forces under the officer’s command.

(c) If a person violates, or a vessel is operated in violation of, this section or a regulation or order issued under this section, the person or vessel is subject to the enforcement provisions in section 13<sup>1</sup> of the Ports and Waterways Safety Act (33 U.S.C. 1232).

(d) As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(e) For purposes of this title, the term “vessel of the Armed Forces” means—

(1) any vessel owned or operated by the Department of Defense or the Coast Guard, other than a time- or voyage-chartered vessel; and

(2) any vessel owned and operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in paragraph (1).

(Aug. 4, 1949, ch. 393, 63 Stat. 503, §91; Pub. L. 99-640, §10(a)(4), Nov. 10, 1986, 100 Stat. 3549; Pub.

L. 109-241, title II, §201, July 11, 2006, 120 Stat. 519; renumbered §527 and amended Pub. L. 115-282, title I, §105(b), title III, §318(a), Dec. 4, 2018, 132 Stat. 4200, 4251.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §48a (Nov. 15, 1941, ch. 471, §1, 55 Stat. 763).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### REFERENCES IN TEXT

Section 13 of the Ports and Waterways Safety Act, referred to in subsec. (c), was repealed by Pub. L. 115-282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264. See Transitional and Savings Provisions note preceding section 101 of Title 46, Shipping, and section 70036 of Title 46.

Presidential Proclamation No. 5928, referred to in subsec. (d), is set out under section 1331 of Title 43, Public Lands.

#### AMENDMENTS

2018—Pub. L. 115-282, §318(a)(1), substituted “vessels of the Armed Forces” for “naval vessels” in section catchline.

Pub. L. 115-282, §105(b), renumbered section 91 of this title as this section.

Subsec. (a). Pub. L. 115-282, §318(a)(2), substituted “vessel of the Armed Forces” for “United States naval vessel”.

Subsec. (b). Pub. L. 115-282, §318(a)(3), substituted “senior officer present in command” for “senior naval officer present in command” and “vessel of the Armed Forces” for “United States naval vessel”.

Subsec. (e). Pub. L. 115-282, §318(a)(4), added subsec. (e).

2006—Subsec. (d). Pub. L. 109-241 added subsec. (d).

1986—Pub. L. 99-640 amended section generally. Prior to amendment, section read as follows: “The captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command.”

#### § 528. Protecting against unmanned aircraft

For the purposes of section 210G(k)(3)(C)(iv) of the Homeland Security Act of 2002, the missions authorized to be performed by the United States Coast Guard shall be those related to—

(1) functions of the U.S. Coast Guard relating to security or protection of facilities and assets assessed to be high-risk and a potential target for unlawful unmanned aircraft activity, including the security and protection of—

(A) a facility, including a facility that is under the administrative control of the Commandant; and

(B) a vessel (whether moored or underway) or an aircraft, including a vessel or aircraft—

(i) that is operated by the Coast Guard, or that the Coast Guard is assisting or escorting; and

<sup>1</sup> See References in Text note below.

(ii) that is directly involved in a mission of the Coast Guard pertaining to—

(I) assisting or escorting a vessel of the Department of Defense;

(II) assisting or escorting a vessel of national security significance, a high interest vessel, a high capacity passenger vessel, or a high value unit, as those terms are defined by the Secretary;

(III) section 527(a) of this title;

(IV) assistance in protecting the President or the Vice President (or other officer next in order of succession to the Office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

(V) protection of a National Special Security Event and Special Event Assessment Rating events;

(VI) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system; or

(VII) a search and rescue operation; and

(2) missions directed by the Secretary pursuant to 210G(k)(3)(C)(iii)<sup>1</sup> of the Homeland Security Act of 2002.

(Added Pub. L. 115–254, div. H, §1603(a), Oct. 5, 2018, 132 Stat. 3529, §104; renumbered §528 and amended Pub. L. 115–282, title I, §§105(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4200, 4240.)

#### REFERENCES IN TEXT

Section 210G(k)(3)(C)(iii), (iv) of the Homeland Security Act of 2002, referred to in text, is classified to section 124n(k)(3)(C)(iii), (iv) of Title 6, Domestic Security.

The Presidential Protection Assistance Act of 1976, referred to in par. (1)(B)(ii)(IV), is Pub. L. 94–524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### PRIOR PROVISIONS

Prior sections 531 and 532 were redesignated sections 2901 and 2902 of this title, respectively.

#### AMENDMENTS

2018—Pub. L. 115–282, §105(b), renumbered section 104 of this title as this section.

Par. (1)(B)(ii)(III). Pub. L. 115–282, §123(b)(2), substituted “section 527(a)” for “section 91(a)”.

### SUBCHAPTER III—AIDS TO NAVIGATION

#### AMENDMENTS

2018—Pub. L. 115–282, title I, §105(c)(3), Dec. 4, 2018, 132 Stat. 4202, inserted subchapter III designation and heading.

#### § 541. Aids to navigation authorized

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the armed forces of the United

States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense and as required by any of those officials; and

(3) electronic aids to navigation systems (a) required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or any department within the Department of Defense; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as requested by the Administrator of the Federal Aviation Administration.

These aids to navigation other than electronic aids to navigation systems shall be established and operated only within the United States, the waters above the Continental Shelf, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located. The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality.

(Aug. 4, 1949, ch. 393, 63 Stat. 500, §81; June 22, 1951, ch. 150, 65 Stat. 89; Sept. 3, 1954, ch. 1263, §30, 68 Stat. 1237; Pub. L. 85–726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89–662, §1, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94–546, §1(3), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97–322, title I, §105(a), Oct. 15, 1982, 96 Stat. 1582; renumbered §541, Pub. L. 115–282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed.; §§50m, 50o, and on title 33, U.S.C., 1946 ed., §§720, 720a, 739, 740, 740a, 740b, 769 (R.S. 4668; June 23, 1874, ch. 455, §1, 18 Stat. 220; June 17, 1910, ch. 301, §7, 36 Stat. 538; Mar. 3, 1915, ch. 81, §5, 38 Stat. 927; Aug. 28, 1916, ch. 414, §3, 39 Stat. 538; May 22, 1926, ch. 371, §6, 44 Stat. 626; Feb. 25, 1925, ch. 313, §3, 45 Stat. 1262; Aug. 16, 1937, ch. 665, §3, 50 Stat. 667; June 26, 1948, ch. 672, §§1, 3, 62 Stat. 1050).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 541 was renumbered section 2903 of this title.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 81 of this title as this section.

1982—Pub. L. 97–322 authorized the Coast Guard to contractually establish, maintain, and operate aids to maritime navigation.

1976—Pub. L. 94–546 substituted “Federal Aviation Administration” for “Federal Aviation Agency” in cl. (3)(c).

1966—Pub. L. 89–662 expanded authorization for establishment, maintenance, and operation of aids to air navigation and electronic aids to navigation systems required to serve the needs of the armed forces to include needs peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense, substituted “electronic aids to navigation systems” for “Loran stations”, and altered the

<sup>1</sup> So in original. Probably should be preceded by “section”.

list of locations where aids to navigation other than electronic aids to navigation could be located by adding the waters above the Continental Shelf and by striking out places where such aids to navigation had been established prior to June 26, 1948.

1958—Pub. L. 85-726 substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics”.

1954—Act Sept. 3, 1954, substituted “Department of Defense” for “National Military Establishment”.

1951—Act June 22, 1951, extended Coast Guard’s authority to include the Trust Territory of the Pacific Islands.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-726, title XV, § 1505(2), Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency [Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office on Oct. 31, 1958.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### DISCONTINUANCE OF AN AID TO NAVIGATION

Pub. L. 114-120, title II, § 210, Feb. 8, 2016, 130 Stat. 41, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall establish a process for the discontinuance of an aid to navigation (other than a seasonal or temporary aid) established, maintained, or operated by the Coast Guard.

“(b) REQUIREMENT.—The process established under subsection (a) shall include procedures to notify the public of any discontinuance of an aid to navigation described in that subsection.

“(c) CONSULTATION.—In establishing a process under subsection (a), the Secretary shall consult with and consider any recommendations of the Navigation Safety Advisory Council.

“(d) NOTIFICATION.—Not later than 30 days after establishing a process under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the process established.”

#### IMPROVED SAFETY INFORMATION FOR VESSELS

Pub. L. 113-281, title II, § 228, Dec. 18, 2014, 128 Stat. 3040, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 18, 2014], the Secretary of the department in which the Coast Guard is operating shall establish a process that allows an operator of a marine exchange or other non-Federal vessel traffic information service to use the automatic identification system to transmit weather, ice, and other important navigation safety information to vessels.”

#### AIDS TO NAVIGATION REPORT

Pub. L. 105-383, title II, § 208, Nov. 13, 1998, 112 Stat. 3416, provided that not later than 18 months after Nov. 13, 1998, the Commandant of the Coast Guard was to submit to Congress a report on the use of the Coast Guard’s aids to navigation system, including an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State gov-

ernment for public safety, defense, and other similar purposes.

#### REPORT TO CONGRESS; CONTRACTUAL AUTHORITY; INCREASE IN RATIO OF CIVILIAN TO MILITARY EMPLOYEES

Pub. L. 97-322, title I, § 105(b), Oct. 15, 1982, 96 Stat. 1582, provided that: “Not later than one year after the date of enactment of this title [Oct. 15, 1982], the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating—

“(1) the exercise by contract of the authority of the Coast Guard under section 81 [now 541] of title 14, United States Code, to establish, maintain, and operate aids to navigation, including a discussion of any problems involved in exercising such authority by contract, the reasons for exercising or failing to exercise such authority by contract in particular areas, and the feasibility of expanding the exercise of such authority by contract; and

“(2) the advantages and disadvantages of increasing the ratio of civilian to military employees assigned to the establishment, maintenance, and operation of aids to navigation on the inland waterways of the United States.”

#### CONTRACTUAL AUTHORITY DEPENDENT UPON AVAILABILITY OF APPROPRIATED FUNDS

Pub. L. 97-322, title I, § 105(c), Oct. 15, 1982, 96 Stat. 1582, provided that: “Any authority to enter into contracts provided in this section [amending this section and enacting provision set out as Report to Congress; Contractual Authority; Increase in Ratio of Civilian to Military Employees note under this section] shall be available only to the extent that appropriated funds are available for that purpose.”

#### EX. ORD. NO. 7521. USE OF VESSELS FOR ICE-BREAKING OPERATIONS IN CHANNELS AND HARBORS

Ex. Ord. No. 7521, Dec. 21, 1936, 1 F.R. 2527, provided:

1. The Coast Guard, operating under the direction of the Secretary of the Treasury, is hereby directed to assist in keeping open to navigation by means of ice-breaking operations, in so far as practicable and as the exigencies may require, channels and harbors in accordance with the reasonable demands of commerce; and to use for that purpose such vessels subject to its control and jurisdiction or which may be made available to it under paragraph 2 hereof as are necessary and are reasonably suitable for such operations.

2. The Secretary of War [Army], the Secretary of the Navy, and the Secretary of Commerce are hereby directed to cooperate with the Coast Guard in such ice-breaking operations, and to furnish the Coast Guard, upon the request of the Commandant thereof, for this service such vessels under their jurisdiction and control as in the opinion of the Commandant, with the concurrence of the head of the Department concerned, are available and are, or may readily be made, suitable for this service.

#### § 542. Unauthorized aids to maritime navigation; penalty

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the

Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than \$1,500 for each offense. Each day during which such violation continues shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500, §83; Pub. L. 93-283, §1(1), May 14, 1974, 88 Stat. 139; Pub. L. 113-281, title II, §205(a)(1), Dec. 18, 2014, 128 Stat. 3025; renumbered §542, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §759 (June 20, 1906, ch. 3447, §3, 34 Stat. 324; June 17, 1910, ch. 301, §6, 36 Stat. 538; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 542 was renumbered section 2904 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 83 of this title as this section.

2014—Pub. L. 113-281 substituted “\$1,500” for “\$100”.

1974—Pub. L. 93-283 substituted “maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority” for “maritime navigation without first obtaining authority”.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### § 543. Interference with aids to navigation; penalty

It shall be unlawful for any person, or public body, or instrumentality, excluding the armed forces, to remove, change the location of, obstruct, wilfully damage, make fast to, or interfere with any aid to navigation established, installed, operated, or maintained by the Coast Guard pursuant to section 541 of this title, or with any aid to navigation lawfully maintained under authority granted by the Coast Guard pursuant to section 542 of this title, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$1,500 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500, §84; Pub. L. 113-281, title II, §205(a)(2), Dec. 18, 2014, 128 Stat. 3025; renumbered §543 and amended Pub. L. 115-282, title I, §§105(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4200, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §§761, 762 (May 14, 1908, ch. 168, §6, 35 Stat. 162; June 17, 1910, ch. 301, §6, 36 Stat. 538; Mar. 3, 1915, ch. 81, §8, 38 Stat. 928; 1939

Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 543 was renumbered section 2905 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 541” for “section 81” and “section 542” for “section 83”.

Pub. L. 115-282, §105(b), renumbered section 84 of this title as this section.

2014—Pub. L. 113-281 substituted “\$1,500” for “\$500”.

### § 544. Aids to maritime navigation; penalty

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States. Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding \$1,500 for each day which such violation continues.

(Aug. 4, 1949, ch. 393, 63 Stat. 501, §85; June 4, 1956, ch. 351, §1, 70 Stat. 226; Pub. L. 93-283, §1(2), May 14, 1974, 88 Stat. 139; Pub. L. 113-281, title II, §205(a)(3), Dec. 18, 2014, 128 Stat. 3025; renumbered §544, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §760 (May 14, 1908, ch. 168, §5, 35 Stat. 162).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 544 was renumbered section 2906 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 85 of this title as this section.

2014—Pub. L. 113-281 substituted “\$1,500” for “\$100”.

1974—Pub. L. 93-283 struck out “on fixed structures” after “maritime navigation” in section catchline and in text substituted “fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States” for “fixed structures in or over navigable waters of the United States”.

1956—Act June 4, 1956, amended section generally, vesting in Secretary rule-making authority, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed structures in or over navigable waters of the United States, and excluding agencies of United States from its provisions.

### § 545. Marking of obstructions

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on the navigable waters or waters

above the continental shelf of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 501, §86; Pub. L. 89-191, Sept. 17, 1965, 79 Stat. 822; Pub. L. 93-283, §1(3), May 14, 1974, 88 Stat. 139; renumbered §545, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §736 (R.S. 4676; June 17, 1910, ch. 301, §6, 36 Stat. 538; Aug. 16, 1937, ch. 665, §1, 50 Stat. 666; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 86 of this title as this section.

1974—Pub. L. 93-283 substituted “the navigable waters or waters above the continental shelf of the United States” for “any navigable waters of the United States”.

1965—Pub. L. 89-191 vested sole responsibility for wreck marking in the Coast Guard by giving the Secretary discretionary authority to mark wrecks or other similar obstructions for as long as in his judgment the needs of maritime navigation may require, by removing reference to responsibility of the Department of the Army to mark wrecks, after abandonment and before removal, and by giving the Secretary the authority to terminate an owner’s liability to pay the cost of marking a wreck.

### § 546. Deposit of damage payments

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Coast Guard for the cost of repair or replacement of such property, the Commandant may accept and deposit such payments, through proper officers of the Fiscal Service, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or replacements concerned. In the event that repair or replacement of the damaged property is effected by the Coast Guard, the appropriations bearing the cost thereof and current at the time collection is made shall be reimbursed from the special deposit account.

(Aug. 4, 1949, ch. 393, 63 Stat. 547, §642; renumbered §546, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §721a (Aug. 16, 1937, ch. 665, §2, 50 Stat. 667).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 642 of this title as this section.

### § 547. Rewards for apprehension of persons interfering with aids to navigation

The Coast Guard may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering in violation of law with aids to navigation maintained by the Coast Guard; or for information leading to the discovery of missing Coast Guard property or to recovery thereof.

(Aug. 4, 1949, ch. 393, 63 Stat. 547, §643; renumbered §547, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §50c (Aug. 2, 1946, ch. 756, §32, 60 Stat. 857).

Section is enlarged to provide for payment of rewards for information leading to the discovery or recovery of missing Coast Guard property. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

Prior sections 551 to 555 were renumbered sections 2921 to 2925 of this title, respectively.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 643 of this title as this section.

## SUBCHAPTER IV—MISCELLANEOUS

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §105(c)(4), Dec. 4, 2018, 132 Stat. 4202, inserted subchapter IV designation and heading.

### § 561. Icebreaking in polar regions

The President shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers as needed to support the statutory missions of the Coast Guard in the polar regions by allocating all funds to support icebreaking operations in such regions, except for recurring incremental costs associated with specific projects, to the Coast Guard.

(Added Pub. L. 113-281, title V, §506(a), Dec. 18, 2014, 128 Stat. 3060, §87; renumbered §561, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### PRIOR PROVISIONS

A prior section 561 was renumbered section 1101 of this title.

Another prior section 561, act Aug. 4, 1949, ch. 393, 63 Stat. 538, related to limitations on punishment by commanding officer, prior to repeal by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 87 of this title as this section.

### § 562. Appeals and waivers

Except for the Commandant, any individual adjudicating an appeal or waiver of a decision



regarding marine safety, including inspection or manning and threats to the environment, shall—

(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

(2) have a senior staff member who—

(A) meets the requirements of paragraph (1);

(B) actively advises the individual adjudicating the appeal; and

(C) concurs in writing on the decision on appeal.

(Added Pub. L. 111-281, title V, §524(a), Oct. 15, 2010, 124 Stat. 2958, §102; renumbered §101, Pub. L. 111-330, §1(6)(A), Dec. 22, 2010, 124 Stat. 3569; amended Pub. L. 115-232, div. C, title XXXV, §3531(c)(2), Aug. 13, 2018, 132 Stat. 2320; renumbered §562, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### PRIOR PROVISIONS

A prior section 562 was renumbered section 1102 of this title.

Another prior section 562, act Aug. 4, 1949, ch. 393, 63 Stat. 539; Aug. 3, 1950, ch. 536, §27, 64 Stat. 407, related to deck courts, prior to repeal by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 101 of this title as this section.

Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

2010—Pub. L. 111-330 renumbered section 102 of this title as this section.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(6)(A) is effective with the enactment of Pub. L. 111-281.

### § 563. Notification of certain determinations

(a) IN GENERAL.—At least 90 days prior to making a final determination that a waterway, or a portion thereof, is navigable for purposes of the jurisdiction of the Coast Guard, the Commandant shall provide notification regarding the proposed determination to—

(1) the Governor of each State in which such waterway, or portion thereof, is located;

(2) the public; and

(3) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENT REQUIREMENT.—Each notification provided under subsection (a) to an entity specified in paragraph (3) of that subsection shall include—

(1) an analysis of whether vessels operating on the waterway, or portion thereof, subject to the proposed determination are subject to inspection or similar regulation by State or local officials;

(2) an analysis of whether operators of commercial vessels on such waterway, or portion thereof, are subject to licensing or similar regulation by State or local officials; and

(3) an estimate of the annual costs that the Coast Guard may incur in conducting operations on such waterway, or portion thereof.

(Added Pub. L. 113-281, title II, §210(a), Dec. 18, 2014, 128 Stat. 3027, §103; renumbered §563, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### PRIOR PROVISIONS

For redesignation of prior sections 563 to 688 not listed below as having been previously repealed or renumbered, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

Prior sections 563 to 567 were repealed by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

Section 563, act Aug. 4, 1949, ch. 393, 63 Stat. 539; Aug. 3, 1950, ch. 536, §28, 64 Stat. 407, related to summary courts-martial.

Section 564, act Aug. 4, 1949, ch. 393, 63 Stat. 540; Aug. 3, 1950, ch. 536, §29, 64 Stat. 407, related to general courts-martial.

Section 565, act Aug. 4, 1949, ch. 393, 63 Stat. 540, related to Public Health Service officers as court members.

Section 566, act Aug. 4, 1949, ch. 393, 63 Stat. 541, related to reviewing authorities.

Section 567, act Aug. 4, 1949, ch. 393, 63 Stat. 541, related to jurisdiction of offenses.

A prior section 568, added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2940; amended Pub. L. 111-330, §1(4), Dec. 22, 2010, 124 Stat. 3569, related to guidance on excessive pass-through charges, prior to repeal by Pub. L. 115-232, div. C, title XXXV, §3535, Aug. 13, 2018, 132 Stat. 2322.

Another prior section 568, act Aug. 4, 1949, ch. 393, 63 Stat. 542, related to time limitations between offense and prosecution, prior to repeal by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

A prior section 569, act Aug. 4, 1949, ch. 393, 63 Stat. 542, related to trial by civil authorities for offenses against United States, prior to repeal by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

A prior section 569a was renumbered section 2903 of this title and subsequently renumbered section 5103 of this title.

Prior sections 570 to 576 were repealed by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

Section 570, act Aug. 4, 1949, ch. 393, 63 Stat. 542, related to designation of any Federal prison for execution of sentence.

Section 571, act Aug. 4, 1949, ch. 393, 63 Stat. 542, related to Treasury and Navy Department jurisdiction.

Section 572, act Aug. 4, 1949, ch. 393, 63 Stat. 543, related to courts of inquiry.

Section 573, act Aug. 4, 1949, ch. 393, 63 Stat. 543, related to contempt of court.

Section 574, act Aug. 4, 1949, ch. 393, 63 Stat. 543, related to issuance of and penalties for failure to comply with subpoenas.

Section 575, act Aug. 4, 1949, ch. 393, 63 Stat. 543, related to arrest of deserters.

Section 576, act Aug. 4, 1949, ch. 393, 63 Stat. 544, related to allowances to and transportation of prisoners.

Section 634, act Aug. 4, 1949, ch. 393, 63 Stat. 545; Pub. L. 86-70, §11, June 25, 1959, 73 Stat. 143; Pub. L. 97-295, §2(18), Oct. 12, 1982, 96 Stat. 1302, related to officers designated as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, or appointed as United States Deputy Marshals in Alaska, prior to repeal by Pub. L. 115-282, title I, §104(c)(2), Dec. 4, 2018, 132 Stat. 4199.

A prior section 640, acts Aug. 4, 1949, ch. 393, 63 Stat. 546; June 15, 1955, ch. 142, 69 Stat. 134, related to interchange of supplies between armed forces, prior to repeal by Pub. L. 85-861, §36A, C(1), Sept. 2, 1958, 72 Stat. 1569, 1571. See section 2571 of Title 10, Armed Forces.

A prior section 645, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 547; Sept. 3, 1954, ch. 1263, §34, 68 Stat. 1239; Aug. 23, 1958, Pub. L. 85-738, §§4, 5, 72 Stat. 833, provided for settlement of claims incident to activities of Coast Guard, prior to repeal by Pub. L. 90-525, §2, Sept. 26, 1968, 82 Stat. 877, effective two years after Sept. 26, 1968. See section 2733 of Title 10, Armed Forces.

A prior section 651, act Aug. 4, 1949, ch. 393, 63 Stat. 550; Pub. L. 94-546, §1(36), Oct. 18, 1976, 90 Stat. 2522; Pub. L. 99-509, title V, §5102(a)(2), Oct. 21, 1986, 100 Stat. 1926, related to annual report on operations and expenditures of the Coast Guard during the preceding fiscal year, prior to repeal by Pub. L. 113-281, title II, §221(a)(2), Dec. 18, 2014, 128 Stat. 3037.

A prior section 657 was renumbered section 544 of this title and subsequently renumbered section 2906 of this title.

A prior section 659, added Pub. L. 95-61, §4(1), July 1, 1977, 91 Stat. 259; amended Pub. L. 97-258, §3(d), Sept. 13, 1982, 96 Stat. 1064, directed the merger of obligated balances with current appropriations, prior to repeal by Pub. L. 97-295, §2(19)(A), Oct. 12, 1982, 96 Stat. 1302.

Prior sections 661, 662, 662a, 663, and 674 were renumbered sections 2703, 2701, 2901, 2902, and 675 of this title, respectively, and subsequently renumbered sections 4903, 4901, 5101, 5102, and 910 of this title, respectively.

Prior sections 682 to 684 were repealed by Pub. L. 111-281, title II, §221(a)(3), Oct. 15, 2010, 124 Stat. 2919.

Section 682, added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910; amended Pub. L. 108-293, title II, §207(b), Aug. 9, 2004, 118 Stat. 1034, related to direct loans and loan guarantees.

Section 683, added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910, related to leasing of housing to be constructed.

Section 684, added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911; amended Pub. L. 108-293, title II, §207(c), Aug. 9, 2004, 118 Stat. 1034, related to limited partnerships with eligible entities.

A prior section 686, added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912; amended Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293, related to assignment of members of the armed forces to housing units, prior to repeal by Pub. L. 111-281, title II, §221(a)(5), Oct. 15, 2010, 124 Stat. 2919.

A prior section 687a, added Pub. L. 108-293, title II, §207(e), Aug. 9, 2004, 118 Stat. 1035, related to differential lease payments, prior to repeal by Pub. L. 111-281, title II, §221(a)(7), Oct. 15, 2010, 124 Stat. 2920.

A prior section 689, added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3913; amended Pub. L. 107-295, title IV, §402(d), Nov. 25, 2002, 116 Stat. 2114, provided that the authority to enter into a transaction under former chapter 18 of this title expired Oct. 1, 2007, prior to repeal by Pub. L. 111-281, title II, §221(a)(9), Oct. 15, 2010, 124 Stat. 2920.

Prior sections 690 to 693 were repealed by Pub. L. 115-282, title I, §104(c)(2), Dec. 4, 2018, 132 Stat. 4199.

Section 690, added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1917, defined terms for purposes of former sections 690 to 693 of this title.

Section 691, added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1917; amended Pub. L. 114-120, title II, §209(11), Feb. 8, 2016, 130 Stat. 41, related to a program of environmental compliance and restoration at current and former Coast Guard facilities.

Section 692, added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1918, related to the Coast Guard Environmental Compliance and Restoration Account.

Section 693, added Pub. L. 101-225, title II, §222(a), Dec. 12, 1989, 103 Stat. 1918; amended Pub. L. 112-213, title II, §213(b), Dec. 20, 2012, 126 Stat. 1553; Pub. L. 115-232, div. C, title XXXV, §3531(c)(3), Aug. 13, 2018, 132 Stat. 2320, required the Commandant to submit a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 103 of this title as this section.

## CHAPTER 7—COOPERATION

Sec.	
701.	Cooperation with other agencies, States, territories, and political subdivisions.
702.	State Department.
703.	Treasury Department.
704.	Department of the Army and Department of the Air Force.
705.	Navy Department.
706.	United States Postal Service.
707.	Department of Commerce.
708.	Department of Health and Human Services.
709.	Maritime instruction.
710.	Assistance to foreign governments and maritime authorities.
711.	Coast Guard officers as attachés to missions.
712.	Contracts with Government-owned establishments for work and material.
713.	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.
714.	Arctic maritime domain awareness.
715.	Oceanographic research.
716.	Arctic maritime transportation.
717.	Agreements.
718.	Training; emergency response providers.

#### PRIOR PROVISIONS

A prior analysis for part II of this title “COAST GUARD RESERVE AND AUXILIARY” preceded prior section 701 and consisted of items for chapter 21 “Coast Guard Reserve” beginning with section 701, chapter 23 “Coast Guard Auxiliary” beginning with section 821, and chapter 25 “General Provisions for Coast Guard Reserve and Auxiliary” beginning with section 891, prior to repeal by Pub. L. 115-282, title I, §111, Dec. 4, 2018, 132 Stat. 4215.

A prior analysis for chapter 7 “COOPERATION WITH OTHER AGENCIES” consisted of items 141 “Cooperation with other agencies, States, territories, and political subdivisions”, 142 “State Department”, 143 “Treasury Department”, 144 “Department of the Army and Department of the Air Force”, 145 “Navy Department”, 146 “United States Postal Service”, 147 “Department of Commerce”, 147a “Department of Health and Human Services”, 148 “Maritime instruction”, 149 “Assistance to foreign governments and maritime authorities”, 150 “Coast Guard officers as attachés to missions”, 151 “Contracts with Government-owned establishments for work and material”, 152 “Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services”, 153 “Appointment of judges”, and 154 “Arctic maritime domain awareness”, prior to repeal by Pub. L. 115-282, title I, §106(a), Dec. 4, 2018, 132 Stat. 4202.

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §106(a), title III, §306(b), Dec. 4, 2018, 132 Stat. 4202, 4247, inserted chapter 7 designation and heading and added items 701 to 718.

### § 701. Cooperation with other agencies, States, territories, and political subdivisions

(a) The Coast Guard may, when so requested by proper authority, utilize its personnel and facilities (including members of the Auxiliary and facilities governed under chapter 39) to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified. The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.

(b) The Coast Guard, with the consent of the head of the agency concerned, may avail itself of such officers and employees, advice, information, and facilities of any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia as may be helpful in the performance of its duties. In connection with the utilization of personal services of employees of state or local governments, the Coast Guard may make payments for necessary traveling and per diem expenses as prescribed for Federal employees by the standardized Government travel regulations.

(Aug. 4, 1949, ch. 393, 63 Stat. 505, §141; Pub. L. 104-324, title IV, §405(a), Oct. 19, 1996, 110 Stat. 3924; renumbered §701 and amended Pub. L. 115-282, title I, §§106(b), 123(c)(6), Dec. 4, 2018, 132 Stat. 4203, 4241.)

#### HISTORICAL AND REVISION NOTES

This section is based in part on title 33, U.S.C., 1946 ed., §756 (Mar. 3, 1915, ch. 81, §6, 38 Stat. 928), and authorizes the Coast Guard to use its personnel and facilities to assist other Government agencies when requested and, correlatively, authorizes the Coast Guard to utilize the personnel and facilities of other agencies. It is believed desirable to have this authority spelled out by statute because in times of emergency, for example floods, it sometimes becomes most advantageous to cooperate in this manner. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 701 was renumbered section 3701 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282, §106(b), renumbered section 141 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(c)(6), substituted “chapter 39” for “chapter 23”.

1996—Pub. L. 104-324, §405(a)(1), amended section catchline generally, substituting “Cooperation with other agencies, States, territories, and political subdivisions” for “General”.

Subsec. (a). Pub. L. 104-324, §405(a)(2), (3), inserted “(including members of the Auxiliary and facilities governed under chapter 23)” after “personnel and facilities” and “The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.” at end.

### § 702. State Department

The Coast Guard, through the Secretary, may exchange information, through the Secretary of State, with foreign governments and suggest to the Secretary of State international collaboration and conferences on all matters dealing with the safety of life and property at sea, other than radio communication.

(Aug. 4, 1949, ch. 393, 63 Stat. 505, §142; renumbered §702, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Because of the numerous situations in which it is necessary for the Coast Guard to deal with foreign governments, particularly in the field of safety of life and property at sea, the Coast Guard and the State Department agree that a provision such as this is desirable.

The international character of many Coast Guard functions makes it more and more necessary for the Service to be an initiating or participating agency in

international collaboration. Examples of international meetings concerned with matters affecting the Coast Guard include those which dealt with the International Rules of the Road, international load lines, the International Code of Signals, safety at sea, and international telecommunications. It is highly desirable that there be a clear-cut legislative expression of Coast Guard cooperation with the State Department on proposed international conferences dealing with various phases of Coast Guard activities, such as aids to navigation, life-saving equipment, navigation and communication equipment other than radio communication, regulation of dangerous cargoes, international rules of the road, safety requirements and equipment of transoceanic aircraft and vessels, and safe manning standards and efficiency of personnel employed on transoceanic aircraft and vessels. Provisions for similar relationship between the Civil Aeronautical Board and the State Department appear in the act of June 23, 1938, as amended, 52 Stat. 984 (title 49, U.S.C., 1946 ed., §§425(c), 602). 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 702 was renumbered section 3702 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 142 of this title as this section.

### § 703. Treasury Department

Commissioned, warrant, and petty officers of the Coast Guard are deemed to be officers of the customs and when so acting shall, insofar as performance of the duties relating to customs laws are concerned, be subject to regulations issued by the Secretary of the Treasury governing officers of the customs.

(Aug. 4, 1949, ch. 393, 63 Stat. 506, §143; renumbered §703, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Based on title 19, U.S.C., 1946 ed., §§1401(l), 1709(b) (Aug. 5, 1935, ch. 435, title II, §201, 49 Stat. 521; Aug. 5, 1935, ch. 438, title IV, §401, 49 Stat. 529).

This section will not repeal the sections cited above, but makes further provision that Coast Guard personnel when acting as officers of the customs shall, insofar as enforcing customs laws are concerned, be subject to regulations governing regular officers of the customs. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 703 was renumbered section 3703 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 143 of this title as this section.

### § 704. Department of the Army and Department of the Air Force

(a) The Secretary of the Army or the Secretary of the Air Force at the request of the Secretary may, with or without reimbursement for the cost thereof, as agreed, receive members of the Coast Guard for instruction in any school, including any aviation school, maintained by the Army or the Air Force, and such members shall be subject to the regulations governing such schools.

(b) Officers and enlisted members of the Coast Guard shall be permitted to purchase quarter-

master supplies from the Army at the same price as is charged the officers and enlisted members of the Army.

(c) Articles of ordnance property may be sold by the Secretary of the Army to officers of the Coast Guard for their use in the public service in the same manner as these articles are sold to officers of the Army.

(Aug. 4, 1949, ch. 393, 63 Stat. 506, §144; Pub. L. 94-546, §1(10), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 115-232, div. C, title XXXV, §3533(c)(1), Aug. 13, 2018, 132 Stat. 2321; renumbered §704, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §28 (Aug. 29, 1916, ch. 417, 39 Stat. 601). Section has been enlarged to include the Air Force as well as the Army, and to include all schools maintained by the Army or Air Force, rather than aviation schools only. Reimbursement is made optional depending upon agreement of the Secretaries.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §31 (Mar. 6, 1920, ch. 94, §1, 41 Stat. 506).

Subsection (c) is based on title 14, U.S.C., 1946 ed., §31a (Mar. 3, 1909, ch. 252, 35 Stat. 751; Apr. 15, 1937, ch. 101, 50 Stat. 65).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 704 was renumbered section 3704 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 144 of this title as this section.

Subsec. (b). Pub. L. 115-232 substituted “enlisted members” for “enlisted men” in two places.

1984—Subsec. (a). Pub. L. 98-557 substituted “members” for “officers and enlisted men” in two places.

1976—Subsec. (a). Pub. L. 94-546, §1(10)(a), substituted “at the request of the Secretary” for “at the request of the Secretary of the Treasury”.

Subsec. (c). Pub. L. 94-546, §1(10)(b), substituted “Secretary of the Army” for “Chief of Ordnance”.

### § 705. Navy Department

(a) The Secretary of the Navy, at the request of the Secretary may, with or without reimbursement for the cost thereof, as agreed:

(1) build any vessel for the Coast Guard at such Navy yards as the Secretary of the Navy may designate;

(2) receive members of the Coast Guard for instruction in any school, including any aviation school maintained by the Navy, and such members shall be subject to the regulations governing such schools;

(3) permit personnel of the Coast Guard and their dependents to occupy any public quarters maintained by the Navy and available for the purpose; and

(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.

(b) Officers and enlisted members of the Coast Guard shall be permitted to purchase quartermaster supplies from the Navy and the Marine Corps at the same price as is charged the officers and enlisted members of the Navy and Marine Corps.

(c) When the Coast Guard is operating in the Department of Homeland Security, the Secretary shall provide for such peacetime training and planning of reserve strength and facilities as is necessary to insure an organized, manned, and equipped Coast Guard when it is required for wartime operation in the Navy. To this end, the Secretary of the Navy for the Navy, and the Secretary of Homeland Security, for the Coast Guard, may from time to time exchange such information, make available to each other such personnel, vessels, facilities, and equipment, and agree to undertake such assignments and functions for each other as they may agree are necessary and advisable.

(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

(2) In this subsection, the term “support services” include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

(3) In this subsection, the term “dependents” has the same meaning as defined in section 1072(2) of title 10.

(Aug. 4, 1949, ch. 393, 63 Stat. 506, §145; Aug. 3, 1950, ch. 536, §3, 64 Stat. 406; Pub. L. 94-546, §1(11), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 111-281, title II, §223, Oct. 15, 2010, 124 Stat. 2921; Pub. L. 115-232, div. C, title XXXV, §3533(c)(2), Aug. 13, 2018, 132 Stat. 2321; renumbered §705, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §§28, 42, 57 (Aug. 29, 1916, ch. 417, 39 Stat. 601; July 3, 1926, ch. 742, §11, 44 Stat. 817.) Subsection is enlarged to make reimbursement for the building of ships or the training of personnel dependent on agreement of the Secretaries, and to include all schools operated by the Navy, rather than aviation schools only.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §31 (Mar. 6, 1920, ch. 94, §1, 41 Stat. 506).

Subsection (c) is new. This subsection enacts what has been the practice of the Navy and Coast Guard in keeping the Coast Guard trained to “come on board with some muscle” in time of emergency.

Section 3 of this title deals with the relationship of the Coast Guard to the Navy Department. This section deals with cooperation with the Navy. Whereas the status of the Coast Guard in time of war was treated in chapter 1 of this title, this section has application in time of peace when the Coast Guard is not under the Navy Department.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 705 was renumbered section 3705 of this title.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 145 of this title as this section.

Subsec. (b). Pub. L. 115-232 substituted “enlisted members” for “enlisted men” in two places.

2010—Subsec. (a)(4). Pub. L. 111-281, § 223(1), added par. (4).

Subsec. (d). Pub. L. 111-281, § 223(2), added subsec. (d).  
2002—Subsec. (c). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” in two places.

1984—Subsec. (a)(2). Pub. L. 98-557 substituted “members” for “officers and enlisted men” in two places.

1976—Subsec. (a). Pub. L. 94-546, § 1(11)(a), substituted “at the request of the Secretary” for “at the request of the Secretary of the Treasury”.

Subsec. (c). Pub. L. 94-546, § 1(11)(b), substituted in first sentence “Department of Transportation” for “Treasury Department” and in second sentence “Secretary of Transportation” for “Secretary of the Treasury”.

1950—Subsec. (a)(3). Act Aug. 3, 1950, added par. (3).

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

**§ 706. United States Postal Service**

Coast Guard facilities and personnel may be utilized for the transportation and delivery of mail matter during emergency conditions or at isolated locations under such arrangements as may be satisfactory to the Secretary and the United States Postal Service.

(Aug. 4, 1949, ch. 393, 63 Stat. 506, § 146; Pub. L. 94-546, § 1(12), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 99-640, § 10(a)(5), Nov. 10, 1986, 100 Stat. 3549; renumbered § 706, Pub. L. 115-282, title I, § 106(b), Dec. 4, 2018, 132 Stat. 4203.)

## HISTORICAL AND REVISION NOTES

This section provides generally for what has been the practice between the Coast Guard and the Post Office Department in Alaska for years. The authorization is limited to emergency conditions or isolated locations. 81st Congress, House Report No. 557.

## PRIOR PROVISIONS

A prior section 706 was renumbered section 3706 of this title.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 146 of this title as this section.

1986—Pub. L. 99-640 substituted “United States Postal Service” for “Postmaster General”.

1976—Pub. L. 94-546 substituted “United States Postal Service” for “Post Office Department” in section catchline.

**§ 707. Department of Commerce**

In order to promote the safety of life and property on and over the high seas and waters over which the United States has jurisdiction, and to facilitate the preparation and dissemination by the National Oceanic and Atmospheric Administration of the weather reports, forecasts, and warnings essential to the safe and efficient conduct of domestic and international commerce on and over such seas and waters, the Commandant may cooperate with the Administrator, National

Oceanic and Atmospheric Administration by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts and warnings, the mutually satisfactory terms of such cooperation in weather service to be agreed upon and arranged between the Commandant and the Administrator, National Oceanic and Atmospheric Administration.

(Aug. 4, 1949, ch. 393, 63 Stat. 507, § 147; Pub. L. 94-546, § 1(13), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 97-295, § 2(5), Oct. 12, 1982, 96 Stat. 1301; renumbered § 707, Pub. L. 115-282, title I, § 106(b), Dec. 4, 2018, 132 Stat. 4203.)

## HISTORICAL AND REVISION NOTES

This section outlines the sphere of cooperation between the Weather Bureau and the Coast Guard. It would not permit any cooperation that has not been carried on in the past.

Although the Coast Guard has always cooperated closely with the Weather Bureau, positive recognition of this has never appeared in the statutes. In its patrol, its aiding navigation, and its life saving activities, the Coast Guard finds it important to make, receive and transmit weather observations and measurements. Furthermore, with the advent of war, weather reporting, particularly mid-Atlantic weather patrol work, assumed increasing importance, and this extensive weather station manning in cooperation with the Weather Bureau must be provided for in the postwar period. This section providing for such close cooperation with the Weather Bureau in weather reporting would crystallize the cooperative practices of the two agencies as they have operated for years. 81st Congress, House Report No. 557.

## PRIOR PROVISIONS

A prior section 707 was renumbered section 3707 of this title.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 147 of this title as this section.

1982—Pub. L. 97-295 substituted “Administration” for “Administration” after “Atmospheric”.

1976—Pub. L. 94-546 substituted references to the National Oceanic and Atmospheric Administration and to the Administrator, National Oceanic and Atmospheric Administration for references to the Weather Bureau and to the Chief of the Weather Bureau.

**§ 708. Department of Health and Human Services**

(a) The Commandant may assist the Secretary of Health and Human Services in providing medical emergency helicopter transportation services to civilians. The Commandant may prescribe conditions, including reimbursement, under which resources may be provided under this section. The following specific limitations apply to assistance provided under this section:

(1) Assistance may be provided only in areas where Coast Guard units able to provide the assistance are regularly assigned. Coast Guard units may not be transferred from one area to another to provide the assistance.

(2) Assistance may be provided only to the extent it does not interfere with the performance of the Coast Guard mission.

(3) Providing assistance may not cause an increase in amounts required for the operation of the Coast Guard.

(b) An individual (or the estate of that individual) who is authorized by the Coast Guard to

provide a service under a program established under subsection (a) and who is acting within the scope of that individual's duties is not liable for injury to, or loss of, property or personal injury or death that may be caused incident to providing the service.

(Added Pub. L. 97-295, §2(6)(A), Oct. 12, 1982, 96 Stat. 1301, §147a; renumbered §708, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
147a .....	14:141 (note).	July 1, 1977, Pub. L. 95-61, §8, 91 Stat. 260.

In subsection (a), the words "Secretary of Health and Human Services" are substituted for "Department of Health, Education, and Welfare" because of 20:3508(b) and because the responsibility is in the head of the Department. The word "may" is substituted for "is authorized to" for clarity. The word "conditions" is substituted for "terms and conditions" because it is inclusive. The words "deems appropriate" are omitted as unnecessary. The words "The following . . . limitations apply" are substituted for "shall be subject to the following . . . limitations" for clarity.

PRIOR PROVISIONS

A prior section 708 was renumbered section 3708 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 147a of this title as this section.

SIMILAR PROVISIONS

Similar provisions were contained in section 8 of Pub. L. 95-61 which was formerly set out as a note under section 141 (now 701) of this title.

**§ 709. Maritime instruction**

The Coast Guard may, when so requested by proper authority, detail members for duty in connection with maritime instruction and training by the several States, Territories, the District of Columbia, and Puerto Rico, and when requested by the Maritime Administrator, detail persons in the Coast Guard for duty in connection with maritime instruction and training by the United States. The service rendered by any person so detailed shall be considered Coast Guard duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 507, §148; Pub. L. 97-31, §12(4), Aug. 6, 1981, 95 Stat. 154; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; renumbered §709, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §49 (Aug. 4, 1939, ch. 416, 53 Stat. 1181).

Changes were made in phraseology. 81st Congress, House Report No. 557.

PRIOR PROVISIONS

A prior section 709 was renumbered section 3709 of this title.

A prior section 709a was renumbered section 3710 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 148 of this title as this section.

1984—Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men.

1981—Pub. L. 97-31 substituted "Maritime Administrator" for "United States Maritime Commission".

**§ 710. Assistance to foreign governments and maritime authorities**

(a) **DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.**—The President may upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, detail members of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance.

(b) **TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.**—The Commandant, in coordination with the Secretary of State, may provide, in conjunction with regular Coast Guard operations, technical assistance (including law enforcement and maritime safety and security training) to foreign navies, coast guards, and other maritime authorities.

(c) **GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.**—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, environmental protection, classification, and port state or flag state law enforcement or oversight.

(d) **AUTHORIZED ACTIVITIES.**—

(1) The Commandant may use funds for—

(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

(B) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

(C) seminars and conferences involving members of maritime authorities of foreign governments;

(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.

(3) The amount of funds used under this subsection may not exceed \$100,000 in any fiscal year.

(Aug. 4, 1949, ch. 393, 63 Stat. 507, §149; Pub. L. 98-557, §15(a)(3)(D), (E), (4)(A)(i), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 109-241, title II, §202(a), July 11, 2006, 120 Stat. 520; Pub. L. 111-281, title II, §§206, 220, Oct. 15, 2010, 124 Stat. 2911, 2918; Pub. L. 112-213, title II, §§203, 216(d), Dec. 20, 2012, 126

Stat. 1543, 1555; renumbered § 710, Pub. L. 115-282, title I, § 106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 441a (May 19, 1926, ch. 334, 44 Stat. 565; May 14, 1935, ch. 109, 49 Stat. 218; Oct. 1, 1942, ch. 571, 56 Stat. 763; 1946 Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352).

Experience has indicated that it will be advantageous for the Government to include the Coast Guard along with the other armed forces for the purpose of detailing personnel for service with foreign governments.

It seems probable that the increased collaboration with foreign governments after the war and the vital nature of the Coast Guard's activities in relation to such collaboration will result in requests from time to time by foreign governments for assistance which the Coast Guard is in the best position to render. This section, which confers broad authority in the President to detail Coast Guard officers and enlisted men to assist foreign governments, is patterned after the act of October 1, 1942, 56 Stat. 763 (title 34, U.S.C., 1946 ed., § 441-a), which authorizes the President to detail Army, Navy, and Marine Corps officers and men to certain foreign governments and, in times of war or national emergency, to any foreign government in the interests of national defense. 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 710 was renumbered section 3711 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 149 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213, § 216(d), struck out at end “Members so detailed may accept, from the government to which detailed, offices and such compensation and emoluments thereunder appertaining as may be first approved by the Secretary. While so detailed such members shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the Coast Guard.”

Subsec. (d)(3). Pub. L. 112-213, § 203, added par. (3).

2010—Subsec. (c). Pub. L. 111-281, § 206, added subsec. (c).

Subsec. (d). Pub. L. 111-281, § 220, added subsec. (d).

2006—Pub. L. 109-241 substituted “Assistance to foreign governments and maritime authorities” for “Detail of members to assist foreign governments” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1984—Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men in three places in text, and in catchline substituted “members” for “officers and men”.

#### DELEGATION OF AUTHORITY

Authority of President under this section as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, delegated to Secretary of Homeland Security by section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

### § 711. Coast Guard officers as attachés to missions

Commissioned officers may, with the consent of the Secretary of State, be regularly and officially attached to the diplomatic missions of the United States in those nations with which the United States is extensively engaged in maritime commerce. Expenses for the maintenance of such Coast Guard attachés abroad, including

office rental and pay of employees and allowances for living quarters, including heat, fuel, and light, may be defrayed by the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 507, § 150; renumbered § 711, Pub. L. 115-282, title I, § 106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### HISTORICAL AND REVISION NOTES

Experience since the war has indicated the necessity for making provision for the assignment of Coast Guard officers to diplomatic missions in those foreign countries which are extensively engaged in maritime commerce with the United States. This is largely the result of duties in connection with inspection of merchant vessels.

This section authorizes the designation, with the consent of the State Department, of Coast Guard officers to be officially attached to diplomatic missions of the United States. Although Coast Guard advice on Coast Guard matters is always available to our diplomatic missions, in those locations where such advice and information are frequently sought, it is felt that the most effective utilization of Coast Guard services would be achieved by having Coast Guard officers attached to such missions. Provision for customs officers to be attached to diplomatic missions is contained in the act of March 4, 1923, as amended, 42 Stat. 1453 (title 19, U.S.C., 1946 ed., § 6). Before the transfer in 1939 of the Foreign Agriculture Service to the State Department, representatives of the Bureau of Agricultural Economics of the Department of Agriculture stationed abroad were agricultural attachés. Act of June 5, 1930, 46 Stat. 498 (title 7, U.S.C., 1946 ed., § 542(a)). 81st Congress, House Report No. 557.

#### PRIOR PROVISIONS

A prior section 711 was renumbered section 3712 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 150 of this title as this section.

#### OFFICIAL REPRESENTATION ITEMS IN SUPPORT OF THE COAST GUARD ATTACHÉ PROGRAM

Pub. L. 113-126, title III, § 312, July 7, 2014, 128 Stat. 1399, provided that: “Notwithstanding any other limitation on the amount of funds that may be used for official representation items, the Secretary of Homeland Security may use funds made available to the Secretary through the National Intelligence Program for necessary expenses for intelligence analysis and operations coordination activities for official representation items in support of the Coast Guard Attaché Program.”

### § 712. Contracts with Government-owned establishments for work and material

(a) IN GENERAL.—All orders or contracts for work or material, under authorization of law, placed with Government-owned establishments by the Coast Guard, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors.

(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders from and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.

(Aug. 4, 1949, ch. 393, 63 Stat. 507, §151; Pub. L. 111-281, title II, §202, Oct. 15, 2010, 124 Stat. 2909; renumbered §712, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §31c (June 6, 1942, ch. 384, 56 Stat. 328). 81st Congress, House Report No. 557.

PRIOR PROVISIONS

A prior section 712 was renumbered section 3713 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 151 of this title as this section.

2010—Pub. L. 111-281 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**§ 713. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services**

The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.

(Added Pub. L. 108-293, title II, §202(a), Aug. 9, 2004, 118 Stat. 1031, §152; renumbered §713, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

PRIOR PROVISIONS

A prior section 713 was renumbered section 3714 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 152 of this title as this section.

**§ 714. Arctic maritime domain awareness**

(a) IN GENERAL.—The Commandant shall improve maritime domain awareness in the Arctic—

- (1) by promoting interagency cooperation and coordination;
- (2) by employing joint, interagency, and international capabilities; and
- (3) by facilitating the sharing of information, intelligence, and data related to the Arctic maritime domain between the Coast Guard and departments and agencies listed in subsection (b).

(b) COORDINATION.—The Commandant shall seek to coordinate the collection, sharing, and use of information, intelligence, and data related to the Arctic maritime domain between the Coast Guard and the following:

- (1) The Department of Homeland Security.
- (2) The Department of Defense.
- (3) The Department of Transportation.
- (4) The Department of State.
- (5) The Department of the Interior.
- (6) The National Aeronautics and Space Administration.

(7) The National Oceanic and Atmospheric Administration.

(8) The Environmental Protection Agency.

(9) The National Science Foundation.

(10) The Arctic Research Commission.

(11) Any Federal agency or commission or State the Commandant determines is appropriate.

(c) COOPERATION.—The Commandant and the head of a department or agency listed in subsection (b) may by agreement, on a reimbursable basis or otherwise, share personnel, services, equipment, and facilities to carry out the requirements of this section.

(d) 5-YEAR STRATEGIC PLAN.—Not later than January 1, 2016 and every 5 years thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a 5-year strategic plan to guide interagency and international intergovernmental cooperation and coordination for the purpose of improving maritime domain awareness in the Arctic.

(e) DEFINITIONS.—In this section the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(Added Pub. L. 113-281, title V, §502(a), Dec. 18, 2014, 128 Stat. 3057, §154; renumbered §714, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 154 of this title as this section.

**§ 715. Oceanographic research**

The Coast Guard shall conduct such oceanographic research, use such equipment or instruments, and collect and analyze such oceanographic data, in cooperation with other agencies of the Government, or not, as may be in the national interest.

(Added Pub. L. 87-396, §1, Oct. 5, 1961, 75 Stat. 827, §94; renumbered §715, Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 94 of this title as this section.

**§ 716. Arctic maritime transportation**

(a) PURPOSE.—The purpose of this section is to ensure safe and secure maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary is encouraged to enter into negotiations through the International Maritime Organization to conclude and execute agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

- (1) placement and maintenance of aids to navigation;



- (2) appropriate marine safety, tug, and salvage capabilities;
- (3) oil spill prevention and response capability;
- (4) maritime domain awareness, including long-range vessel tracking; and
- (5) search and rescue.

(c) **COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.**—The Committee on the Maritime Transportation System established under section 55501 of title 46, United States Code, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

(d) **AGREEMENTS AND CONTRACTS.**—The Secretary may, subject to the availability of appropriations, enter into cooperative agreements, contracts, or other agreements with, or make grants to, individuals and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) **ICEBREAKING.**—The Secretary shall promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective to carry out the purposes of this section.

(f) **ARCTIC DEFINITION.**—In this section, the term “Arctic” has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(Added Pub. L. 113–281, title V, §501(a), Dec. 18, 2014, 128 Stat. 3056, §90; amended Pub. L. 115–232, div. C, title XXXV, §3533(d), Aug. 13, 2018, 132 Stat. 2321; renumbered §716, Pub. L. 115–282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 90 of this title as this section.

Subsec. (f). Pub. L. 115–232 struck out question mark after “the term ‘Arctic’”.

#### § 717. Agreements

(a) **IN GENERAL.**—In carrying out section 504(a)(4), the Commandant may—

- (1) enter into cooperative agreements, contracts, and other agreements with—
  - (A) Federal entities;
  - (B) other public or private entities in the United States, including academic entities; and
  - (C) foreign governments with the concurrence of the Secretary of State; and
- (2) impose on and collect from an entity subject to an agreement or contract under paragraph (1) a fee to assist with expenses incurred in carrying out such section.

(b) **DEPOSIT AND USE OF FEES.**—Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out activities under section 504(a)(4).

(Added Pub. L. 113–281, title II, §206(b), Dec. 18, 2014, 128 Stat. 3025, §102; renumbered §717 and amended Pub. L. 115–282, title I, §§106(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4203, 4240.)

#### AMENDMENTS

2018—Pub. L. 115–282, §106(b), renumbered section 102 of this title as this section.

Subsec. (a). Pub. L. 115–282, §123(b)(2), substituted “section 504(a)(4)” for “section 93(a)(4)” in introductory provisions.

Subsec. (b). Pub. L. 115–282, §123(b)(2), substituted “section 504(a)(4)” for “section 93(a)(4)”.

#### § 718. Training; emergency response providers

(a) **IN GENERAL.**—The Commandant may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

- (1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;
- (2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and
- (3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

(b) **EMERGENCY RESPONSE PROVIDERS DEFINED.**—In this section, the term “emergency response providers” has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(c) **TREATMENT OF REIMBURSEMENT.**—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

(d) **STATUS; LIMITATION ON LIABILITY.**—

(1) **STATUS.**—Any individual to whom, as an emergency response provider, training is made available under this section, who is not otherwise a Federal employee, shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

(2) **LIMITATION ON LIABILITY.**—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.

(Added Pub. L. 115–282, title III, §306(a), Dec. 4, 2018, 132 Stat. 4247.)

#### PRIOR PROVISIONS

For redesignation of prior sections 720 to 894 not listed below as having been previously repealed or omitted, see Table Showing Redesignations Made by Title I of Pub. L. 115–282 preceding section 101 of this title.

A prior section 751, acts Aug. 4, 1949, ch. 393, 63 Stat. 551; Aug. 3, 1950, ch. 536, §31, 64 Stat. 408, related to the purpose and administration of the Reserve, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

A prior section 751a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 624, provided for the organization of the Coast Guard Reserve and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96–322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 752, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to eligibility, prior to repeal by act July 9,

1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

A prior section 752a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 625, related to the authorized strength of the Coast Guard Reserve and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 753, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to term of appointment, duty, and training, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

Prior sections 753a to 757 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 753a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 625, related to the Coast Guard Reserve Policy Board.

Section 754, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to grades and ratings and military authority.

Section 755, acts Aug. 4, 1949, ch. 393, 63 Stat. 551; Aug. 3, 1950, ch. 536, §32, 64 Stat. 408; Aug. 16, 1957, Pub. L. 85-149, 71 Stat. 369; Sept. 7, 1962, Pub. L. 87-649, §7(a), 76 Stat. 495; Sept. 25, 1965, Pub. L. 89-200, 79 Stat. 834; June 9, 1966, Pub. L. 89-444, §1(23), 80 Stat. 197; Dec. 5, 1973, Pub. L. 93-174, §2(1), 87 Stat. 692, related to benefits.

Section 756, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to temporary membership.

Section 757, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to exemption from military training and the draft.

A prior section 758, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to discipline, prior to repeal by act May 5, 1950, ch. 169, §14(u), 64 Stat. 148. See the Uniform Code of Military Justice, section 801 et seq. of Title 10, Armed Forces.

A prior section 758a, added act Aug. 10, 1956, ch. 1041, §16(a), 70A Stat. 625; amended Sept. 7, 1962, Pub. L. 87-649, §14d(6), 76 Stat. 502, related to reserve student aviation pilots and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 759, act Aug. 4, 1949, ch. 393, 63 Stat. 553, related to uniform allowance, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

Prior sections 759a to 761 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 759a, added act Aug. 10, 1956, ch. 1041, §16(a), 70A Stat. 626; amended Sept. 24, 1963, Pub. L. 88-130, §1(12), 77 Stat. 190, related to wartime appointments and promotions.

Section 760, acts Aug. 4, 1949, ch. 393, 63 Stat. 553; Oct. 31, 1951, ch. 655, §15, 65 Stat. 715; Aug. 3, 1956, ch. 926, §2(a), 70 Stat. 981; May 14, 1974, Pub. L. 93-283, §1(12), 88 Stat. 141, related to disability or death benefits for temporary members.

Section 761, act Aug. 4, 1949, ch. 393, 63 Stat. 554, related to members of the Reserve engaging in civil occupations.

A prior section 762, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 554; Aug. 10, 1956, ch. 1041, §17, 70A Stat. 626; Sept. 18, 1970, Pub. L. 91-402, §1(1), 84 Stat. 838, related to Women's Reserve, prior to repeal by Pub. L. 93-174, §2(2), Dec. 5, 1973, 87 Stat. 692.

Prior sections 763 to 765 and 770 to 798 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 763, added Pub. L. 87-704, §1(a), Sept. 27, 1962, 76 Stat. 632, related to a certificate of honorable service of temporary members.

Section 764, added Pub. L. 92-479, §1, Oct. 9, 1972, 86 Stat. 794, related to active duty for emergency augmentation of regular forces.

Section 765, added Pub. L. 93-283, §1(13), May 14, 1974, 88 Stat. 141, related to enlistment of members engaged in schooling.

Section 770, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1547; amended Pub. L. 91-402, §1(2), Sept. 18, 1970, 84 Stat. 839, defined terms.

Section 771, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 89-444, §1(24), June 9, 1966, 80 Stat. 197; Pub. L. 93-174, §2(3), Dec. 5, 1973, 87 Stat. 692, related to applicability of sections 770 to 798 of this title.

Section 772, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(1), June 30, 1960, 74 Stat. 280; Pub. L. 91-402, §1(3), Sept. 18, 1970, 84 Stat. 839, related to authorized number of officers.

Section 773, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(2), June 30, 1960, 74 Stat. 281, related to constructive credit upon initial appointment.

Section 774, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(4), Sept. 18, 1970, 84 Stat. 839, related to eligibility for promotion and retention in active status.

Section 775, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(5), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(4), Dec. 5, 1973, 87 Stat. 692, related to appointment of selection boards.

Section 776, added Pub. L. 85-861, §1, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to Reserve officer's grade on entry upon active duty.

Section 777, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to recommendations for promotion of officers previously removed from active status.

Section 778, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to suspension of sections 770 to 798 of this title in war or national emergency.

Section 779, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to sea or foreign service requirements.

Section 780, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550; amended Pub. L. 91-402, §1(6), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(5), (6), Dec. 5, 1973, 87 Stat. 692, related to recommendations of selection boards.

Section 781, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(7), Sept. 18, 1970, 84 Stat. 840, related to precedence in grades of officers.

Section 782, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(8), Sept. 18, 1970, 84 Stat. 840, related to running mates.

Section 783, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to promotion zones.

Section 784, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(9), Sept. 18, 1970, 84 Stat. 841, related to date of rank upon promotion.

Section 785, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to limitations on consideration for promotion.

Section 786, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to qualifications for promotion.

Section 787, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(10), Sept. 18, 1970, 84 Stat. 841; Pub. L. 93-174, §2(7), Dec. 5, 1973, 87 Stat. 692, related to failure of selection and elimination.

Section 787a, added Pub. L. 86-559, §2(3), June 30, 1960, 74 Stat. 281, provided for elimination from active status of excessive numbers to provide a flow of promotions.

Section 788, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to effect of removal by President or failure of consent of Senate.

Section 789, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to maximum ages for retention in active status.

Section 790, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 91-402, §1(11), Sept. 18, 1970, 84 Stat. 841, related to types of promotion.

Section 791, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 88-130, §1(13), Sept. 24, 1963, 77 Stat. 190; Pub. L. 91-402, §1(12), Sept. 18, 1970, 84

Stat. 842, related to promotion of officers on active duty.

Section 792, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to appointment of former Navy and Coast Guard officers.

Section 793, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to grades upon relief of retired officers.

Section 794, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, authorized Secretary to promulgate regulations.

Section 795, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1555, related to effect of sections 770 to 798 of this title on retirements and retired pay.

Section 796, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842; amended Pub. L. 93-174, §2(8), Dec. 5, 1973, 87 Stat. 692, related to failure of selection for promotion.

Section 797, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842, related to acceptance of promotion and oath of office.

Section 798, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 843, related to maximum service in grade of rear admiral.

## CHAPTER 9—ADMINISTRATION

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### PRIOR PROVISIONS

A prior analysis for chapter 9 "COAST GUARD ACADEMY" consisted of items 181 "Administration of Academy", 181a "Cadet applicants; preappointment travel to Academy", 182 "Cadets; number, appointment, obligation to serve", 183 "Cadets; initial clothing allowance", 184 "Cadets; degree of bachelor of science", 185 "Cadets; appointment as ensign", 186 "Civilian teaching staff", 187 "Permanent commissioned teaching staff; composition", 188 "Appointment of permanent commissioned teaching staff", 189 "Grade of permanent commissioned teaching staff", 190 "Retirement of permanent commissioned teaching staff", 191 "Credit for service as member of civilian teaching staff", 192 "Assignment of personnel as instructors", 194 "Annual Board of Visitors", 195 "Admission of foreign nationals for instruction; restrictions; conditions", 196 "Participation in Federal, State, or other educational research grants", 197 "Cadets: charges and fees for attendance; limitation", 199 "Marine safety curriculum", and 200 "Policy on sexual harassment and sexual violence", prior to repeal by Pub. L. 115-282, title I, §107(a), Dec. 4, 2018, 132 Stat. 4204.

### AMENDMENTS

Pub. L. 115-282, title I, §107(a), title III, §310(b), Dec. 4, 2018, 132 Stat. 4204, 4248, inserted chapter 9 designation and heading and added items 901 to 952.

### SUBCHAPTER I—REAL AND PERSONAL PROPERTY

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §107(c)(1), Dec. 4, 2018, 132 Stat. 4207, inserted subchapter I designation and heading.

## § 901. Disposal of certain material

(a) The Commandant subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 may dispose of, with or without charge, to the Coast Guard Auxiliary, including any incorporated unit thereof, to the sea-scout service of the Boy Scouts of America, and to any public body or private organization not organized for profit having an interest therein for historical or other special reasons, such obsolete or other material as may not be needed for the Coast Guard.

(b) The Commandant may, under regulations prescribed by the Secretary, sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The money received from such sale shall be deposited in the Treasury to the credit of the current appropriation from which purchase of similar apparatus or equipment is authorized.

(c)(1) The Commandant may—

(A) provide for the sale of recyclable materials that the Coast Guard holds;

(B) provide for the operation of recycling programs at Coast Guard installations; and

(C) designate Coast Guard installations that have qualified recycling programs for the purposes of subsection (d)(2).

(2) Recyclable materials shall be sold in accordance with sections 541-555 of title 40, except that the Commandant may conduct sales of ma-

materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant.

(d)(1) Proceeds from the sale of recyclable materials at a Coast Guard installation shall be credited to funds available for operations and maintenance at that installation in amounts sufficient to cover operations, maintenance, recycling equipment, and overhead costs for processing recyclable materials at the installation.

(2) If, after funds are credited, a balance remains available to a Coast Guard installation and the installation has a qualified recycling program, not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. The cost of the project may not be greater than 50 percent of the amount permissible for a minor construction project.

(3) The remaining balance available to a Coast Guard installation may be transferred to the Coast Guard Morale, Welfare, and Recreation Program.

(e) If the balance available to the Coast Guard installation under this section at the end of a fiscal year is in excess of \$200,000, the amount of that excess shall be deposited in the general fund of the Treasury as offsetting receipts of the Department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(Aug. 4, 1949, ch. 393, 63 Stat. 547, §641; Oct. 31, 1951, ch. 654, §2(11), 65 Stat. 707; Pub. L. 97-295, §2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 102-587, title V, §5202, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 104-324, title IV, §408, title XI, §1119, Oct. 19, 1996, 110 Stat. 3925, 3973; Pub. L. 107-217, §3(c)(3), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 111-350, §5(c)(3), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 114-120, title II, §209(10), Feb. 8, 2016, 130 Stat. 41; renumbered §901, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §43a (Apr. 10, 1936, ch. 179, 49 Stat. 1195). The authorization is enlarged to include any public body or private organization not organized for profit, and the authority to make disposal is placed in the Commandant rather than in the Secretary.

Subsection (b) is based on title 33, U.S.C., 1946 ed., §752a (May 22, 1926, ch. 371, §5, 44 Stat. 626).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 641 of this title as this section.

2016—Subsec. (d)(3). Pub. L. 114-120 substituted “Guard installation” for “Guard, installation”.

2011—Subsec. (a). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2002—Subsec. (a). Pub. L. 107-217, §3(c)(3)(A), inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (c)(2). Pub. L. 107-217, §3(c)(3)(B), substituted “sections 541-555 of title 40” for “section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)”.

1996—Subsec. (a). Pub. L. 104-324, §408, inserted “to the Coast Guard Auxiliary, including any incorporated unit thereof,” after “with or without charge,” and struck out “to any incorporated unit of the Coast Guard Auxiliary,” after “Boy Scouts of America.”

Subsec. (c)(2). Pub. L. 104-324, §1119, inserted “, except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant” before period at end.

1992—Subsecs. (c) to (e). Pub. L. 102-587 added subsecs. (c) to (e).

1982—Subsec. (a). Pub. L. 97-295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

1951—Subsec. (a). Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and substituted “incorporated” for “regularly organized flotilla or other organized”.

### § 902. Employment of draftsmen and engineers

The Coast Guard may employ temporarily, at the seat of government, draftsmen and engineers for the preparation of plans and specifications for vessels, lighthouses, aids to navigation, and other projects for the Coast Guard that may be authorized or appropriated for by Congress, to be paid from the appropriations applicable to such projects.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, §653; renumbered §902, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §716 (June 17, 1910, ch. 301, §9, 36 Stat. 538; July 27, 1939, ch. 388, §1, 53 Stat. 1130).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 653 of this title as this section.

### § 903. Use of certain appropriated funds

(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities, for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.

(b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

(c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than \$200,000 for any one project.

(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

(1) IN GENERAL.—Subject to the reporting requirements set forth in paragraph (2), each fiscal year the Secretary may expend from amounts made available for the operating expenses of the Coast Guard not more than

\$1,500,000 for minor construction and improvement projects at any location.

(2) REPORT.—Not later than the date on which the President submits to Congress a budget under section 1105 of title 31 each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing each project carried out under paragraph (1), in the most recently concluded fiscal year, for which the amount expended under such paragraph for such project was more than \$1,000,000. If no such project was carried out during a fiscal year, no report under this paragraph shall be required with respect to that fiscal year.

(Added Pub. L. 88-45, §2, June 21, 1963, 77 Stat. 68, §656; amended Pub. L. 93-283, §1(9), May 14, 1974, 88 Stat. 140; Pub. L. 112-213, title II, §212(a), (b)(1), Dec. 20, 2012, 126 Stat. 1552; Pub. L. 113-281, title II, §221(b)(2), Dec. 18, 2014, 128 Stat. 3038; renumbered §903, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 656 of this title as this section.

2014—Subsec. (d)(2). Pub. L. 113-281 amended par. (2) generally. Prior to amendment, text read as follows: “Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on each project undertaken during the course of the preceding fiscal year for which the amount expended under paragraph (1) exceeded \$500,000.”

2012—Pub. L. 112-213, §212(b)(1), substituted “Use of certain appropriated funds” for “Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” in section catchline.

Subsec. (d). Pub. L. 112-213, §212(a), added subsec. (d). 1974—Pub. L. 93-283, §1(9)(A), substituted “Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” for “Use of appropriations to restore, replace, establish, or develop facilities” in section catchline.

Pub. L. 93-283, §1(9)(B), (C), added subsec. (a) and redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

#### § 904. Local hire

(a) Notwithstanding any other law, each contract awarded by the Coast Guard for construction or services to be performed in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of the department in which the Coast Guard is operating may waive the requirements of this subsection in the interest of national security or economic efficiency.

(b) LOCAL RESIDENT DEFINED.—As used in this section, “local resident” means a resident of, or an individual who commutes daily to, a State described in subsection (a).

(Added Pub. L. 101-225, title II, §206(a), Dec. 12, 1989, 103 Stat. 1912, §666; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(10), Dec. 20, 2012, 126 Stat. 1558; renumbered §904, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 666 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213 substituted “of the department in which the Coast Guard is operating” for “of Homeland Security”.

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### § 905. Procurement authority for family housing

(a) The Secretary is authorized—

(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and

(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

(b)(1) For the purposes of this section, a multi-year contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.

(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—

(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and

(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and nonrecurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

(Added Pub. L. 103-206, title III, §302(a), Dec. 20, 1993, 107 Stat. 2423, §670; renumbered §905, Pub.

L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 670 of this title as this section.

**§ 906. Air Station Cape Cod Improvements**

The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.

(Added Pub. L. 103-206, title III, §303(a), Dec. 20, 1993, 107 Stat. 2423, §671; renumbered §906, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 671 of this title as this section.

**§ 907. Long-term lease of special purpose facilities**

(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for special purpose facilities, including, aids to navigation (hereafter in this section referred to as “ATON”) sites, vessel traffic service (hereafter in this section referred to as “VTS”) sensor sites, or National Distress System (hereafter in this section referred to as “NDS”) high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

(b) For purposes of this section, the term “special purpose facilities” means any facilities used to carry out Coast Guard aviation, maritime, or navigation missions other than general purpose office and storage space facilities.

(c) In the case of ATON, VTS, or NDS sites, the Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.

(Added Pub. L. 103-206, title III, §304(a), Dec. 20, 1993, 107 Stat. 2424, §672; amended Pub. L. 104-324, title VII, §746(d), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 108-293, title II, §212(a), Aug. 9, 2004, 118 Stat. 1036; renumbered §907, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 672 of this title as this section.

2004—Pub. L. 108-293, §212(a)(1), added section catchline and struck out former section catchline which read as follows: “Long-term lease authority for navigation and communications systems sites”.

Subsec. (a). Pub. L. 108-293, §212(a)(2), inserted “special purpose facilities, including,” after “automatic renewal clauses, for”.

Subsecs. (b), (c). Pub. L. 108-293, §212(a)(3), added subsec. (b), redesignated former subsec. (b) as (c), and substituted “In the case of ATON, VTS, or NDS sites, the” for “The” in introductory provisions.

1996—Pub. L. 104-324 added section catchline and struck out former section catchline.

**§ 908. Long-term lease authority for lighthouse property**

(a) The Commandant may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 1302 of title 40 shall not apply to leases issued by the Commandant under this section.

(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the fund established under section 2946.

(Added Pub. L. 107-295, title IV, §417(a), Nov. 25, 2002, 116 Stat. 2122, §672a; amended Pub. L. 113-281, title II, §208(b), Dec. 18, 2014, 128 Stat. 3026; Pub. L. 115-232, div. C, title XXXV, §§3531(c)(4), 3533(e), Aug. 13, 2018, 132 Stat. 2320, 2321; renumbered §908 and amended Pub. L. 115-282, title I, §§107(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4205, 4240.)

AMENDMENTS

2018—Pub. L. 115-282, §107(b), renumbered section 672a of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” and “Section 1302 of title 40” for “Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

2014—Subsec. (b). Pub. L. 113-281 substituted “the fund established under section 687” for “the Treasury”.

**§ 909. Small boat station rescue capability**

The Secretary shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration pre-

vailing weather, marine conditions, and depositional geologic features such as sand bars.

(Added Pub. L. 104-324, title III, § 309(a), Oct. 19, 1996, 110 Stat. 3919, § 673; renumbered § 674, Pub. L. 107-295, title IV, § 405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, § 1704(a), (f)(1), Nov. 25, 2002, 116 Stat. 2314, 2316; Pub. L. 112-213, title II, § 217(12), Dec. 20, 2012, 126 Stat. 1558; renumbered § 909, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 674 of this title as this section.

2012—Pub. L. 112-213 struck out “of Homeland Security” after “Secretary”.

2002—Pub. L. 107-296, § 1704(f)(1), which directed renumbering of the section 673 of this title that was added by Pub. L. 104-324, § 309(a), as section 673a of this title, could not be executed because of the prior amendment by Pub. L. 107-295, see below.

Pub. L. 107-296, § 1704(a), which directed amendment of section 673a of this title by substituting “of Homeland Security” for “of Transportation”, was executed by making the substitution in this section, to reflect the probable intent of Congress.

Pub. L. 107-295 renumbered section 673 of this title, relating to small boat station rescue capability, as this section.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 1704(a) of Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

Amendment by section 1704(f)(1) of Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

### § 910. Small boat station closures

(a) CLOSURES.—The Secretary may not close a Coast Guard multimission small boat station or subunit unless the Secretary—

(1) determines that—

(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).

(Added Pub. L. 104-324, title III, § 309(a), Oct. 19, 1996, 110 Stat. 3919, § 674; renumbered § 675, Pub.

L. 107-295, title IV, § 405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, § 217(13), Dec. 20, 2012, 126 Stat. 1558; renumbered § 910, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 675 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213 substituted “Secretary may not” for “Secretary of Homeland Security may not” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-296, which directed amendment of section 674 of this title by substituting “of Homeland Security” for “of Transportation” in introductory provisions, was executed to this section, to reflect the probable intent of Congress and the renumbering of section 674 of this title as this section by Pub. L. 107-295, see below.

Pub. L. 107-295 renumbered section 674 of this title as this section.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

### § 911. Search and rescue center standards

(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

(1) The lighting, acoustics, and temperature in the facilities.

(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

(8) The acquisition and maintenance of interim search and rescue command center communications equipment.

(9) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should establish, implement, and maintain minimum standards necessary to ensure that an individual on duty or watch in a Coast Guard search and rescue command center facility does not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstances.

(c) DEFINITION.—For the purposes of this section, the term “search and rescue center facility” means a Coast Guard shore facility that maintains a search and rescue mission coordination and communications watch.

(Added Pub. L. 107–295, title IV, §405(a)(2), Nov. 25, 2002, 116 Stat. 2115, §676; amended Pub. L. 111–207, §4(a)(3), July 27, 2010, 124 Stat. 2251; renumbered §911, Pub. L. 115–282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 676 of this title as this section.

2010—Subsec. (d). Pub. L. 111–207 struck out subsec. (d). Text read as follows: “The Secretary shall provide a quarterly written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, describing the status of implementation of the standards described in subsection (b), including a list of the facilities at which such standards have or have not been implemented.”

#### PRESCRIPTION OF STANDARDS

Pub. L. 107–295, title IV, §405(b), Nov. 25, 2002, 116 Stat. 2116, provided that: “The Secretary shall prescribe the standards required under section 675(a) [probably means section 676(a), now 911(a)] of title 14, United States Code, as enacted by subsection (a) of this section, before January 1, 2003.”

### § 912. Air facility closures

#### (a) CLOSURES.—

(1) IN GENERAL.—Beginning on January 1, 2018, the Secretary may not close a Coast Guard air facility, except as specified by this section.

(2) DETERMINATIONS.—The Secretary may not propose closing or terminating operations at a Coast Guard air facility unless the Secretary determines that—

(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the air facility;

(B) regional or local prevailing weather and marine conditions, including water temperatures or unusual tide and current conditions, do not require continued operation of the air facility; and

(C) Coast Guard search and rescue standards related to search and response times are met.

#### (3) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

(B) PUBLIC MEETINGS.—Prior to convening a public meeting under subparagraph (A), the Secretary shall notify each congressional office representing any portion of the area of responsibility of the air station that is the subject to such public meeting of the schedule and location of such public meeting.

(4) NOTICE TO CONGRESS.—Prior to closure, cessation of operations, or any significant re-

duction in personnel and use of a Coast Guard air facility that is in operation on or after December 31, 2017, the Secretary shall—

(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 that includes—

(i) a discussion of the determination made by the Secretary pursuant to paragraph (2); and

(ii) a report summarizing the public comments received by the Secretary under paragraph (3)<sup>1</sup>

(B) not later than 7 days after the date a proposal for an air facility is submitted pursuant to subparagraph (A), provide written notice of such proposal to each of the following:

(i) Each member of the House of Representatives who represents a district in which the air facility is located.

(ii) Each member of the Senate who represents a State in which the air facility is located.

(iii) Each member of the House of Representatives who represents a district in which assets of the air facility conduct search and rescue operations.

(iv) Each member of the Senate who represents a State in which assets of the air facility conduct search and rescue operations.

(v) The Committee on Appropriations of the House of Representatives.

(vi) The Committee on Transportation and Infrastructure of the House of Representatives.

(vii) The Committee on Appropriations of the Senate.

(viii) The Committee on Commerce, Science, and Transportation of the Senate.

(5) CONGRESSIONAL REVIEW.—The Secretary may not close, cease operations, or significantly reduce personnel and use of a Coast Guard air facility for which a written notice is provided under paragraph (4)(A) until a period of 18 months beginning on the date on which such notice is provided has elapsed.

(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any reasonable management efficiencies within the air station and air facility network, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide.

(Added Pub. L. 114–120, title II, §208(a), Feb. 8, 2016, 130 Stat. 38, §676a; amended Pub. L. 114–328, div. C, title XXXV, §3503(a), Dec. 23, 2016, 130 Stat. 2775; renumbered §912 and amended Pub. L. 115–282, title I, §107(b), title III, §319, Dec. 4, 2018, 132 Stat. 4205, 4252.)

#### AMENDMENTS

2018—Pub. L. 115–282, §107(b), renumbered section 676a of this title as this section.

Subsec. (a). Pub. L. 115–282, §319(1), (2), redesignated subsec. (b) as (a) and struck out former subsec. (a)

<sup>1</sup> So in original. Probably should be followed by “; and”.



which prohibited the Coast Guard from closing certain air facilities or retiring, transferring, relocating, or deploying an aviation asset for the purpose of closing such facilities.

Subsec. (a)(3). Pub. L. 115-282, §319(3)(A), amended par. (3) generally. Prior to amendment, text read as follows: “Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.”

Subsec. (a)(4). Pub. L. 115-282, §319(3)(B)(i), substituted “2017” for “2015” in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 115-282, §319(3)(B)(ii), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 for the fiscal year in which the action will be carried out; and”.

Subsec. (a)(5). Pub. L. 115-282, §319(3)(C), added par. (5).

Subsecs. (b), (c). Pub. L. 115-282, §319(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

2016—Subsec. (a)(2)(B). Pub. L. 114-328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

#### EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of this title.

### § 913. Turnkey selection procedures

(a) **AUTHORITY TO USE.**—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

(b) **DEFINITIONS.**—In this section, the following definitions apply:

(1) The term “one-step turnkey selection procedures” means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

(2) The term “construction” includes the construction, procurement, development, conversion, or extension of any facility.

(3) The term “facility” means a building, structure, or other improvement to real property.

(Added Pub. L. 109-241, title II, §205(a), July 11, 2006, 120 Stat. 521, §677; renumbered §913, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 677 of this title as this section.

### § 914. Disposition of infrastructure related to E-LORAN

(a) **IN GENERAL.**—The Secretary may not carry out activities related to the dismantling or disposal of infrastructure comprising the LORAN-C system until the date on which the Secretary provides to the Committee on Transportation and Infrastructure and the Committee on Appropria-

tions of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate notice of a determination by the Secretary that such infrastructure is not required to provide a positioning, navigation, and timing system to provide redundant capability in the event the Global Positioning System signals are disrupted.

(b) **EXCEPTION.**—Subsection (a) does not apply to activities necessary for the safety of human life.

#### (c) DISPOSITION OF PROPERTY.—

(1) **IN GENERAL.**—On any date after the notification is made under subsection (a), the Administrator of General Services, acting on behalf of the Secretary, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the LORAN-C system, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

#### (2) AVAILABILITY OF PROCEEDS.—

(A) **AVAILABILITY OF PROCEEDS.**—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard “Environmental Compliance and Restoration” account and, without further appropriation, shall be available until expended for—

(i) environmental compliance and restoration purposes associated with the LORAN-C system;

(ii) the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement;

(iii) the demolition of improvements on such real property; and

(iv) the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration.

(B) **OTHER ENVIRONMENTAL COMPLIANCE AND RESTORATION ACTIVITIES.**—After the completion of activities described in subparagraph (A), the unexpended balances of such proceeds shall be available for any other environmental compliance and restoration activities of the Coast Guard.

(Added Pub. L. 114-120, title VI, §610(a)(1), Feb. 8, 2016, 130 Stat. 83, §681; renumbered §914, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 681 of this title, relating to disposition of infrastructure related to E-LORAN, as this section.

## SUBCHAPTER II—MISCELLANEOUS

#### AMENDMENTS

2018—Pub. L. 115-282, title I, §107(c)(2), Dec. 4, 2018, 132 Stat. 4207, inserted subchapter II designation and heading.

**§ 931. Oaths required for boards**

The members of a retiring board, selection board, examining board, and any other board authorized to be assembled pursuant to this title shall be sworn to discharge their duties honestly and impartially, the oath to be administered to the members by the President or other presiding officer of the board, and to him by the junior member or recorder.

(Aug. 4, 1949, ch. 393, 63 Stat. 545, §635; renumbered §931, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §170 (Apr. 12, 1902, ch. 501, §5, 32 Stat. 100).

Said section has been divided. That part relating to oaths is covered in this section. The remainder is covered in section 425 of this title.

Said section is enlarged to include the oaths required for all boards, rather than to cover retiring boards only. 81st Congress, House Report No. 557.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 635 of this title as this section.

**§ 932. Administration of oaths**

(a) Such commissioned and warrant officers of the Coast Guard as may be designated by the Commandant may, pursuant to rules prescribed by the Commandant, exercise the general powers of a notary public in the administration of oaths for the following purposes:

(1) execution, acknowledgment, and attestation of instruments and papers, oaths of allegiance in connection with recruiting, oaths in connection with courts and boards, and all other notarial acts in connection with the proper execution of Coast Guard functions;

(2) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in time of war or national emergency; and

(3) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in Alaska and places beyond the continental limits of the United States where the Coast Guard is serving.

(b) No fee of any character shall be charged by any commissioned or warrant officer for performing notarial acts. The signature and indication of grade of any commissioned or warrant officer performing any notarial act shall be prima facie evidence of his authority.

(Aug. 4, 1949, ch. 393, 63 Stat. 545, §636; renumbered §932, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§26, 27 (Apr. 16, 1908, ch. 145, §12, 35 Stat. 63; June 5, 1920, ch. 235, §1, 41 Stat. 880).

Said sections are rewritten, the provisions concerning oaths being broadened to conform more closely to law applicable to officers of the Navy (see title 34, U.S.C., 1946 ed., §217a). 81st Congress, House Report No. 557.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 636 of this title as this section.

**§ 933. Coast Guard ensigns and pennants**

(a) Vessels and aircraft authorized by the Secretary shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

(b) No vessel or aircraft without authority shall carry, hoist, or display any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft. Every person violating this subsection shall be fined not more than \$5,000, or imprisoned for not more than two years, or both.

(Aug. 4, 1949, ch. 393, 63 Stat. 546, §638; Pub. L. 111-281, title II, §213(b), Oct. 15, 2010, 124 Stat. 2915; renumbered §933, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §64 (R.S. 2764; Aug. 5, 1935, ch. 438, title III, §308, 49 Stat. 528).

Aircraft are included within the provisions of this section.

The Secretary rather than the President is given the authority to design ensigns and pennants.

Unauthorized display of such insignia is made illegal anywhere rather than only "within the jurisdiction of the United States".

The language is broadened to include "any person violating this section"; existing law applies to masters of offending vessels only. 81st Congress, House Report No. 557.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 638 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281 substituted "Vessels and aircraft authorized by the Secretary" for "Coast Guard vessels and aircraft".

**§ 934. Penalty for unauthorized use of words "Coast Guard"**

No individual, association, partnership, or corporation shall, without authority of the Commandant, use the combination of letters "USCG" or "USCGR", the words "Coast Guard," "United States Coast Guard," "Coast Guard Reserve," "United States Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," "Life Saving Service," or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with the Coast Guard. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than \$10,000, or imprisoned not more than one year, or both.

(Aug. 4, 1949, ch. 393, 63 Stat. 546, §639; Aug. 3, 1950, ch. 536, §30, 64 Stat. 408; Pub. L. 113-281, title II, §205(b), Dec. 18, 2014, 128 Stat. 3025; renumbered §934, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

This section makes the unauthorized use of the words “Coast Guard” or any derivative thereof, a crime. This is believed to be a desirable prohibition in view of the many commercial organizations which are manufacturing equipment approved by the Coast Guard and selling same to vessels in the United States. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 639 of this title as this section.

2014—Pub. L. 113-281 substituted “\$10,000” for “\$1,000”.

1950—Act Aug. 3, 1950, made it possible for Commandant to grant authority to private business organizations to use terms or designations otherwise prohibited by this section.

#### COAST GUARD CITY, USA

Pub. L. 105-383, title IV, §409, Nov. 13, 1998, 112 Stat. 3431, as amended by Pub. L. 114-120, title II, §206, Feb. 8, 2016, 130 Stat. 37, provided that: “The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as ‘Coast Guard City, USA’. If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 30 days prior to approving such recognition.”

#### § 935. Coast Guard band recordings for commercial sale

(a) The Coast Guard band may produce recordings for commercial sale.

(b) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Coast Guard for expenses of the Coast Guard band.

(c) The Secretary shall prescribe regulations governing the accounting of such proceeds.

(Added Pub. L. 101-510, div. A, title III, §327(d)(1), Nov. 5, 1990, 104 Stat. 1532, §640; renumbered §935, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 640 of this title as this section.

#### § 936. Confidentiality of medical quality assurance records; qualified immunity for participants

(a) In this section—

(1) “medical quality assurance program” means any activity carried out by or for the Coast Guard to assess the quality of medical care, including activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics) medical records, health re-

sources management review and identification and prevention of medical or dental incidents and risks.

(2) “medical quality assurance record” means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (1) and are produced or compiled by the Coast Guard as part of a medical quality assurance program.

(3) “health care provider” means any military or civilian health care professional who, under regulations prescribed by the Secretary, is granted clinical practice privileges to provide health care services in a military medical or dental treatment facility or who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

(b) Medical quality assurance records created by or for the Coast Guard as part of a medical quality assurance program are confidential and privileged. The records may not be disclosed to any person or entity except as provided in subsection (d).

(c)(1) Medical quality assurance records are not subject to discovery and may not be admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

(2) Except as provided in this section, an individual who reviews or creates medical quality assurance records for the Coast Guard or who participates in any proceeding that reviews or creates the records may not testify in any judicial or administrative proceeding with respect to the records or with respect to any finding, recommendation, evaluation, opinion, or action taken by that person in connection with the records.

(d)(1) Subject to paragraph (2), a medical quality assurance record may be disclosed, and an individual referred to in subsection (c) may testify in connection with a record only as follows:

(A) To a Federal executive agency or private organization, if necessary to license, accredit, or monitor Coast Guard health care facilities.

(B) To an administrative or judicial proceeding commenced by a present or former Coast Guard or Coast Guard assigned Public Health Service health care provider concerning the termination, suspension, or limitation of clinical privileges of the health care provider.

(C) To a governmental board or agency or to a professional health care society or organization, if necessary to perform licensing, or privileging, or to monitor professional standards for a health care provider who is or was a member or an employee of the Coast Guard or the Public Health Service assigned to the Coast Guard.

(D) To a hospital, medical center, or other institution that provides health care services, if necessary to assess the professional qualifications of any health care provider who is or was a member or employee of the Coast Guard or the Public Health Service assigned to the Coast Guard and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

(E) To an officer, member, employee, or contractor of the Coast Guard or the Public Health Service assigned to the Coast Guard if for official purposes.

(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the record or testimony be provided for a purpose authorized by law.

(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of the proceeding.

(2) Except in a quality assurance action, the identity of any individual receiving health care services from the Coast Guard or the identity of any other individual associated with the agency for the purposes of a medical quality assurance program that is disclosed in a medical quality assurance record shall be deleted from that record or document before any disclosure of the record is made outside the Coast Guard. This requirement does not apply to the release of information under section 552a of title 5.

(e) Except as provided in this section, a person having possession of or access to a record or testimony described by this section may not disclose the contents of the record or testimony.

(f) Medical quality assurance records may not be made available to any person under section 552 of title 5.

(g) An individual who participates in or provides information to an individual that reviews or creates medical quality assurance records is not civilly liable for participating or providing the information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

(h) Nothing in this section shall be construed as—

(1) authority to withhold from any person aggregate statistical information regarding the results of Coast Guard medical quality assurance programs;

(2) authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if the record pertains to any matter within their respective jurisdictions;

(3) limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

(i) Except as otherwise provided in this section, an individual who willfully discloses a medical quality assurance record knowing that the record is a medical quality assurance record, is liable to the United States Government for a civil penalty of not more than \$3,000 in the case of a first offense and not more than \$20,000 in the case of a subsequent offense.

(Added Pub. L. 102-587, title V, §5203(a), Nov. 4, 1992, 106 Stat. 5072, §645; amended Pub. L. 104-324, title VII, §746(b), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; renumbered §936, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 645 of this title as this section.

2004—Subsec. (h)(2). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1996—Subsecs. (d) to (h). Pub. L. 104-324 redesignated subsec. (d), relating to disclosure by person with access to a record or testimony, as (e) and redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

#### § 937. Admiralty claims against the United States

(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than \$100,000, an admiralty claim against the United States for—

(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

(c) If a claim under this section is settled or compromised for more than \$100,000, the Secretary shall certify it to Congress.

(Aug. 4, 1949, ch. 393, 63 Stat. 548, §646; Pub. L. 86-533, §1(3)(A), June 29, 1960, 74 Stat. 245; Pub. L. 92-417, §2(a), Aug. 29, 1972, 86 Stat. 655; renumbered §937, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §71 (June 15, 1936, ch. 550, 49 Stat. 1514; July 1, 1944, ch. 373, title VII, §711, 58 Stat. 714; Aug. 13, 1946, ch. 958, §5, 60 Stat. 1051).

This section closely parallels title 46, U.S.C., 1946 ed., §797, 798, which authorizes the Secretary of the Navy to negotiate amicable settlement of claims against the United States arising out of the operation of Naval vessels. It grants similar authority to the Secretary of the Treasury in relation to vessels in the Coast Guard service, and the limiting amount is reduced from \$1,000,000 to \$25,000. It is believed that this section will work to the benefit of the Government by reducing civil litigation and the number of claims which must presently be certified to Congress for appropriations in order to make settlement. It will greatly expedite the settlement of just claims and should result in a considerable overall savings to the Government. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 646 of this title as this section.

1972—Subsec. (a). Pub. L. 92-417 incorporated in part first sentence of former subsec. (a) in text preceding par. (1), substituted “Secretary” for “Secretary of the Treasury”, inserted provisions authorizing payments up to \$100,000, struck out second, third, and fourth sentences providing that provisions of this section were supplementary to other provisions, that claims in excess of \$3,000 accrued prior to Sept. 8, 1939, would not be considered, and that payments be made out of Coast Guard appropriations, and added pars. (1) to (3).

Subsec. (b). Pub. L. 92-417 incorporated in part first sentence of former subsec. (a).

Subsec. (c). Pub. L. 92-417 incorporated provisions of last sentence of former subsec. (a) and substituted “100,000” for “25,000”.

1960—Subsec. (b). Pub. L. 86-533 repealed subsec. (b) which required the Secretary of the Treasury to report to the Congress the payment of claims determined, compromised, settled, or paid.

### § 938. Claims for damage to property of the United States

The Secretary may consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such payments shall be deposited in the Treasury of the United States as miscellaneous receipts. The Secretary is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property hereinabove described. No settlement or compromise where there is involved a payment in the net amount of over \$100,000 is authorized by this section.

(Aug. 4, 1949, ch. 393, 63 Stat. 549, § 647; Pub. L. 86-533, § 1(3)(B), June 29, 1960, 74 Stat. 245; Pub. L. 94-546, § 1(34), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 98-557, § 17(b)(3)(A), Oct. 30, 1984, 98 Stat. 2868; renumbered § 938, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

This section closely parallels title 34, U.S.C., 1946 ed., §§ 600a, 600b, which authorize the Secretary of the Navy to negotiate amicable settlements of affirmative claims of the United States for damage to Government property. Experience gained by the Navy since enactment of title 34, U.S.C., 1946 ed., §§ 600a-600d, indicates that such amicable settlement reacts to the benefit of the Government in many cases. The provisions of this section would complement those of section 646 of this title and the two sections together would permit the Coast Guard to negotiate the settlement of claims arising out of Coast Guard floating operations, both for and

against the United States. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 647 of this title as this section.

1984—Pub. L. 98-557 substituted “\$100,000” for “\$25,000”.

1976—Pub. L. 94-546 struck out subsection designation “(a)” and substituted “Secretary” for “Secretary of the Treasury” wherever appearing, “deposited in the Treasury of the United States” for “covered into the Treasury of the United States”, and “authorized by this section” for “authorized by this title”.

1960—Pub. L. 86-533 repealed subsec. (b) which required the Secretary of the Treasury to report to Congress with respect to payments received by the United States in excess of \$3,000.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-557, § 17(b)(3)(B), Oct. 30, 1984, 98 Stat. 2868, provided that: “The amendment made by subparagraph (A) of this paragraph [amending this section] shall apply to all claims considered, ascertained, adjusted, determined, compromised or settled on or after the date of enactment of this Act [Oct. 30, 1984].”

### § 939. Accounting for industrial work

(a) IN GENERAL.—The Secretary may prescribe regulations governing accounting for industrial work, including charges for overhead for civilian labor and for maintenance of industrial plant and equipment, performed at the Coast Guard Yard or such similar Coast Guard industrial establishments as he may designate. Any orders placed for such industrial work shall be covered by a transfer or advance of funds to cover the estimated cost thereof, and shall be credited to such accounts as may be necessary and established by the Secretary to carry out the provisions of this section. Accounts so established shall be available for materials, supplies, or equipment, and civilian labor, including overhead and maintenance, required in performing the work ordered. Upon completion of an order an adjustment will be made to make the amount transferred or advanced equal to the actual cost as computed in accordance with the accounting regulations prescribed by the Secretary or in accordance with subsection (b).

(b) INCENTIVE CONTRACTS.—

(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast

Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.

(Aug. 4, 1949, ch. 393, 63 Stat. 549, § 648; renumbered § 939 and amended Pub. L. 115-282, title I, § 107(b), title III, § 307, Dec. 4, 2018, 132 Stat. 4205, 4247.)

#### HISTORICAL AND REVISION NOTES

This section is intended to eliminate a very cumbersome and inefficient method of accounting for industrial jobs at the Coast Guard Yard and other shore establishments where industrial work may be undertaken. Under existing law several accounts must be kept current for each job in progress. Under this statute the working fund would be available for all types of expenditures in connection with a job and the breakdown into separate accounts could be done after the job is complete. The other armed forces have provisions of law which permit a working fund similar to the one provided by this section. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282, § 307, designated existing provisions as subsec. (a) and inserted heading, substituted “Secretary or in accordance with subsection (b).” for “Secretary.”, and added subsec. (b).

Pub. L. 115-282, § 107(b), renumbered section 648 of this title as this section.

### § 940. Supplies and equipment from stock

Supplies and equipment for special work of the Coast Guard may be furnished from general stock and the applicable appropriation reimbursed therefor from the respective appropriations for such special work.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, § 649; renumbered § 940, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1934 ed., § 726 (Mar. 4, 1913, ch. 168, 37 Stat. 1018).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 649 of this title as this section.

### § 941. Coast Guard Supply Fund

(a) A Coast Guard Supply Fund is authorized. The Secretary may prescribe regulations for designating the classification of materials to be stocked. In these regulations, whenever the fund is extended to include items not previously stocked, or spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft, whether or not such parts were previously stocked, the Secretary may authorize an increase in the existing capital of the fund by the value of such usable materials transferred thereto from Coast Guard

inventories carried in other accounts. Except for the materials so transferred, the fund shall be charged with the cost of materials purchased or otherwise acquired. The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.

(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursement to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Office of Management and Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, § 650; Aug. 7, 1956, ch. 1023, § 1(a), 70 Stat. 1077; Pub. L. 91-278, § 1(13), June 12, 1970, 84 Stat. 306; Pub. L. 94-546, § 1(35), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-376, § 5, Oct. 3, 1980, 94 Stat. 1509; renumbered § 941, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

A Coast Guard supply fund was established by the Naval Appropriation Act for fiscal year 1943 approved February 7, 1942, 56 Stat. 73. Experience has clearly shown that it is advantageous to the Government to have permanent authorization for such a fund. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 650 of this title as this section.

1980—Subsec. (a). Pub. L. 96-376 substituted “these regulations” for “such regulations” and authorized an increase in the capital of the fund when the fund is extended to include spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft, whether or not such parts were previously stocked.

1976—Subsec. (b). Pub. L. 94-546 substituted “Office of Management and Budget” for “Bureau of the Budget”.

1970—Pub. L. 91-278 designated existing provisions as subsec. (a) and added subsec. (b).

1956—Act Aug. 7, 1956, substituted “Coast Guard Supply Fund” for “Coast Guard supply fund and supply account” in section catchline, struck out provisions calling for mandatory increase of the Fund by the value of commissary provisions and uniform clothing on hand on July 1, 1949, and inserted provisions permitting the Secretary to prescribe regulations for designating the classification of materials to be stocked and for increasing the existing capital of the Fund.

### § 942. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services

The Secretary under such regulations as he may prescribe, may sell to public and commercial vessels and other watercraft, such fuel, supplies and furnish such services as may be required to meet the necessities of the vessel or watercraft if such vessel or watercraft is unable—

(1) to procure the fuel, supplies, or services from other sources at its present location; and

(2) to proceed to the nearest port where they may be obtained without endangering the safety of the ship, the health and comfort of its personnel, or the safe condition of the property carried aboard.

Sales under this section shall be at such prices as the Secretary considers reasonable. Payment will be made on a cash basis or on such other basis as will reasonably assure prompt payment. Amounts received from such a sale shall, unless otherwise directed by another provision of law, be credited to the current appropriation concerned and are available for the same purposes as that appropriation.

(Added Pub. L. 86-159, §1, Aug. 14, 1959, 73 Stat. 357, §654; amended Pub. L. 89-444, §1(22), June 9, 1966, 80 Stat. 197; renumbered §942, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 654 of this title as this section.

1966—Pub. L. 89-444 inserted “Public and commercial vessels and other watercraft; sale of fuel, supplies, and services” in section catchline.

#### § 943. Arms and ammunition; immunity from taxation

No tax on the sale or transfer of firearms, pistols, revolvers, shells, or cartridges may be imposed on such articles when bought with funds appropriated for the Coast Guard.

(Added Pub. L. 87-526, §1(6), July 10, 1962, 76 Stat. 142, §655; amended Pub. L. 94-546, §1(37), Oct. 18, 1976, 90 Stat. 2522; renumbered §943, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 655 of this title as this section.

1976—Pub. L. 94-546 struck out “United States” before “Coast Guard”.

#### § 944. Confidential investigative expenses

Not more than \$250,000 each fiscal year appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

(Added Pub. L. 93-283, §1(10), May 14, 1974, 88 Stat. 140, §658; amended Pub. L. 108-293, title II, §221, Aug. 9, 2004, 118 Stat. 1040; renumbered §944 and amended Pub. L. 115-282, title I, §107(b), title III, §308, Dec. 4, 2018, 132 Stat. 4205, 4248.)

#### AMENDMENTS

2018—Pub. L. 115-282, §308, substituted “\$250,000” for “\$45,000”.

Pub. L. 115-282, §107(b), renumbered section 658 of this title as this section.

2004—Pub. L. 108-293 substituted “\$45,000 each fiscal year” for “\$15,000 per annum”.

#### § 945. Assistance to film producers

(a) Notwithstanding any other provision of law, when the Secretary determines that it is appropriate, and that it will not interfere with Coast Guard missions, the Secretary may con-

duct operations with Coast Guard vessels, aircraft, facilities, or personnel, in such a way as to give assistance to film producers. As used in this section, “film producers” includes commercial or noncommercial producers of material for cinema, television, or videotape.

(b) The Secretary shall keep account of costs incurred as a result of providing assistance to film producers, not including costs which would otherwise be incurred in Coast Guard operations or training, or shall estimate such costs in advance, and such costs shall be paid to the Secretary by the film producers who request such assistance, on terms determined by the Secretary. The Secretary may waive costs not exceeding \$200 for one production, and may waive other costs related to noncommercial productions which the Secretary determines to be in the public interest. The Secretary shall reimburse the amounts collected under this section to the Coast Guard appropriation account under which the costs were incurred.

(Added Pub. L. 100-448, §29(a), Sept. 28, 1988, 102 Stat. 1849, §659; renumbered §945, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 659 of this title as this section.

#### § 946. User fees

(a) A fee or charge for a service or thing of value provided by the Coast Guard shall be prescribed as provided in section 9701 of title 31.

(b) Amounts collected by the Secretary for a service or thing of value provided by the Coast Guard shall be deposited in the general fund of the Treasury as proprietary receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(c) In addition to the collection of fees and charges established under this section, the Secretary may recover from the person liable for the fee or charge the costs of collecting delinquent payments of the fee or charge, and enforcement costs associated with delinquent payments of the fees and charges.

(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.

(2) A private enterprise or business employed by the Secretary to collect fees or charges—

(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

(B) shall provide appropriate accounting to the Secretary; and

(C) may not institute litigation as part of that collection.

(e)(1) In addition to the collection of fees and charges established under this section, in the provision of a service or thing of value by the Coast Guard the Secretary may accept in-kind transportation, travel, and subsistence.

(2) The value of in-kind transportation, travel, and subsistence accepted under this paragraph may not exceed applicable per diem rates set forth in regulations prescribed under section 464 of title 37.

(f) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, subject to the availability of appropriations, and the costs shall be credited to the account from which expended.

(g) Before January 1 of each year, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes—

(1) a verification of each activity for which a fee or charge is collected under any law stating—

(A) the amount collected in the prior fiscal year; and

(B) that the amount spent on that activity in that fiscal year is not less than the amount collected; and

(2) the amount expected to be collected under any law in the current fiscal year for each activity for which a fee or charge is expected to be collected.

(h) In this section the term “costs of collecting a fee or charge” includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.

(Added Pub. L. 99-509, title V, § 5102(a)(3), Oct. 21, 1986, 100 Stat. 1926, § 664; amended Pub. L. 101-225, title II, § 211, Dec. 12, 1989, 103 Stat. 1914; Pub. L. 107-295, title IV, § 408(a)(3), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 108-293, title II, § 206, Aug. 9, 2004, 118 Stat. 1033; Pub. L. 113-281, title III, § 311(b), Dec. 18, 2014, 128 Stat. 3048; renumbered § 946, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 664 of this title as this section.

2014—Subsecs. (e) to (h). Pub. L. 113-281 added subsec. (e) and redesignated former subsecs. (e) to (g) as (f) to (h), respectively.

2004—Subsecs. (c) to (g). Pub. L. 108-293 added subsecs. (c) to (e) and (g) and redesignated former subsec. (c) as (f).

2002—Subsec. (c). Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries” in introductory provisions.

1989—Subsec. (c). Pub. L. 101-225 inserted “under any law” after first reference to “collected” in pars. (1) and (2).

#### TOWING SAFETY MANAGEMENT SYSTEM FEES

Pub. L. 115-282, title VIII, § 815, Dec. 4, 2018, 132 Stat. 4305, provided that:

“(a) REVIEW.—The Commandant of the Coast Guard shall—

“(1) review and compare the costs to the Government of—

“(A) towing vessel inspections performed by the Coast Guard; and

“(B) such inspections performed by a third party; and

“(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

“(b) REVISION OF FEES.—If the Commandant determines under subsection (a) that the costs to the Gov-

ernment of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.”

#### LIMITATION

Pub. L. 113-281, title III, § 311(c), Dec. 18, 2014, 128 Stat. 3048, provided that: “The Secretary of the Department in which the Coast Guard is operating may not accept in-kind transportation, travel, or subsistence under section 664(e) [now 946(e)] of title 14, United States Code, or section 2110(d)(4) of title 46, United States Code, as amended by this section, until the Commandant of the Coast Guard—

“(1) amends the Standards of Ethical Conduct for members and employees of the Coast Guard to include regulations governing the acceptance of in-kind reimbursements; and

“(2) notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the amendments made under paragraph (1).”

#### § 947. Vessel construction bonding requirements

The Secretary or the Commandant may require bid, payment, performance, payment and performance, or completion bonds or other financial instruments from contractors for construction, alteration, repair, or maintenance of Coast Guard vessels if—

(1) the bond is required by law; or

(2) the Secretary or Commandant determines after investigation that the amount of the bond in excess of 20 percent of the value of the base contract quantity excluding options, would not prevent a responsible bidder or offeror from competing for award of the contract.

(Added Pub. L. 101-595, title III, § 306(a), Nov. 16, 1990, 104 Stat. 2985, § 667; renumbered § 947, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 667 of this title as this section.

#### § 948. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care

(a) The Secretary may contract for the delivery of health care to which covered beneficiaries are entitled under chapter 55 of title 10. The Secretary may enter into a contract under this section with any of the following:

(1) Health maintenance organizations.

(2) Preferred provider organizations.

(3) Individual providers, individual medical facilities, or insurers.

(4) Consortiums of these providers, facilities, or insurers.

(b) A contract entered into under this section may provide for the delivery of—

(1) selected health care services;

(2) total health care services for selected covered beneficiaries; or

(3) total health care services for all covered beneficiaries who reside in a geographic area designated by the Secretary.



(c) The Secretary may prescribe a premium, deductible, copayment, or other change for health care provided under this section.

(Added Pub. L. 101–595, title III, § 319(a), Nov. 16, 1990, 104 Stat. 2989, § 668; renumbered § 948, Pub. L. 115–282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 668 of this title as this section.

### § 949. Telephone installation and charges

Under regulations prescribed by the Secretary, amounts appropriated to the Department of Homeland Security are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes in other private residences.

(Added Pub. L. 102–587, title V, § 5204(a), Nov. 4, 1992, 106 Stat. 5074, § 669; amended Pub. L. 107–296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; renumbered § 949, Pub. L. 115–282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 669 of this title as this section.

2002—Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

### § 950. Designation, powers, and accountability of deputy disbursing officials

(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

(A) to make payments as the agent of the disbursing official;

(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

(C) to carry out other duties required under law.

(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary.

(b)(1) If a disbursing official of the Coast Guard dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the second month after the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

(2) The deputy disbursing official, and not the former disbursing official or the estate of the

former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.

(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard when section 2773 of title 10 applies to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

(2) A designation of a deputy disbursing official under subsection (a) that is made while the Coast Guard is not operating as a service in the Navy continues in effect for purposes of section 2773 of title 10 while the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or an official authorized to approve such a designation under subsection (a)(3) of such section.

(Added Pub. L. 104–201, div. A, title X, § 1009(a)(2)(A), Sept. 23, 1996, 110 Stat. 2634, § 673; amended Pub. L. 107–296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112–213, title II, § 217(11), Dec. 20, 2012, 126 Stat. 1558; renumbered § 950, Pub. L. 115–282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 673 of this title as this section.

2012—Subsec. (a)(3). Pub. L. 112–213 struck out “of Homeland Security (when the Coast Guard is not operating as a service in the Navy)” after “Secretary”.

2002—Subsec. (a)(3). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

### § 951. Aircraft accident investigations

(a) IN GENERAL.—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—

(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

(B) that release of such tapes, reports, or other information—

(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

(ii) would not compromise national security.

(3) RESTRICTION.—A disclosure under paragraph (1) may not be made by or through offi-

cial with responsibility for, or who are conducting, a safety investigation with respect to the accident.

(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

(d) USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

(e) DEFINITIONS.—For purposes of this section—

(1) the term “accident investigation” means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

(2) the term “safety investigation” means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

(Added Pub. L. 112–213, title II, §214(a), Dec. 20, 2012, 126 Stat. 1553, §678; amended Pub. L. 115–232, div. C, title XXXV, §3531(c)(5), Aug. 13, 2018, 132 Stat. 2320; renumbered §951, Pub. L. 115–282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 678 of this title as this section.

Subsec. (a). Pub. L. 115–232 substituted “Commandant conducts” for “Commandant of the Coast Guard conducts”.

**§ 952. Construction of Coast Guard vessels and assignment of vessel projects**

The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.

(Added Pub. L. 115–282, title III, §310(a), Dec. 4, 2018, 132 Stat. 4248.)

**CHAPTER 11—ACQUISITIONS**

SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 1101. Acquisition directorate.
- 1102. Improvements in Coast Guard acquisition management.
- 1103. Role of Vice Commandant in major acquisition programs.
- 1104. Recognition of Coast Guard personnel for excellence in acquisition.
- 1105. Prohibition on use of lead systems integrators.
- 1106. Required contract terms.
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- 1108. Department of Defense consultation.
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- 1110. Mission need statement.

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

- 1131. Identification of major system acquisitions.
- 1132. Acquisition.
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SUBCHAPTER III—PROCUREMENT

- 1151. Restriction on construction of vessels in foreign shipyards.
- 1152. Advance procurement funding.
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- 1154. Procurement of buoy chain.
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- 1171. Definitions.

PRIOR PROVISIONS

A prior analysis for chapter 11 “PERSONNEL” consisted of items 211 “Original appointment of permanent commissioned officers”, 214 “Appointment of temporary officers”, 215 “Rank of warrant officers”, 251 “Selection boards; convening of boards”, 252 “Selection boards; composition of boards”, 253 “Selection boards; notice of convening; communication with board”, 254 “Selection boards; oath of members”, 255 “Number of officers to be selected for promotion”, 256 “Promotion zones”, 256a “Promotion year; defined”, 257 “Eligibility of officers for consideration for promotion”, 258 “Selection boards; information to be furnished boards”, 259 “Officers to be recommended for promotion”, 260 “Selection boards; reports”, 261 “Selection boards; submission of reports”, 262 “Failure of selection for promotion”, 263 “Special selection boards; correction of errors”, 271 “Promotions; appointments”, 272 “Removal of officer from list of selectees for promotion”, 273 “Promotions; acceptance; oath of office”, 274 “Promotions; pay and allowances”, 275 “Wartime temporary service promotions”, 276 “Promotion of officers not included on active duty promotion list”, 281 “Revocation of commissions during first five years of commissioned service”, 282 “Regular lieutenants (junior grade); separation for failure of selection for promotion”, 283 “Regular lieutenants; separation for failure of selection for promotion; continuation”, 284 “Regular Coast Guard; officers serving under temporary appointments”, 285 “Regular lieutenant commanders and commanders; retirement for failure of selection for promotion”, 286 “Discharge in lieu of retirement; separation pay”, 286a “Regular warrant officers; separation pay”, 287 “Separation for failure of selection for promotion or continu-

ation; time of”, 288 “Regular captains; retirement”, 289 “Captains; continuation on active duty; involuntary retirement”, 290 “Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement”, 291 “Voluntary retirement after twenty years’ service”, 292 “Voluntary retirement after thirty years’ service”, 293 “Compulsory retirement”, 294 “Retirement for physical disability after selection for promotion; grade in which retired”, 295 “Deferment of retirement or separation for medical reasons”, 296 “Flag officers”, 321 “Review of records of officers”, 322 “Boards of inquiry”, 323 “Boards of review”, 324 “Composition of boards”, 325 “Rights and procedures”, 326 “Removal of officer from active duty; action by Secretary”, 327 “Officers considered for removal; retirement or discharge; separation benefits”, 331 “Recall to active duty during war or national emergency”, 332 “Recall to active duty with consent of officer”, 333 “Relief of retired officer promoted while on active duty”, 334 “Grade on retirement”, 335 “Physical fitness of officers”, 336 “United States Coast Guard Band; composition; director”, 350 “Recruiting campaigns”, 351 “Enlistments; term, grade”, 352 “Promotion”, 353 “Compulsory retirement at age of sixty-two”, 354 “Voluntary retirement after thirty years’ service”, 355 “Voluntary retirement after twenty years’ service”, 357 “Retirement of enlisted members: increase in retired pay”, 359 “Recall to active duty during war or national emergency”, 360 “Recall to active duty with consent of member”, 361 “Relief of retired enlisted member promoted while on active duty”, 362 “Retirement in cases where higher grade or rating has been held”, 365 “Extension of enlistments”, 366 “Retention beyond term of enlistment in case of disability”, 367 “Detention beyond term of enlistment”, 369 “Inclusion of certain conditions in enlistment contract”, 370 “Discharge within three months before expiration of enlistment”, 371 “Aviation cadets; procurement; transfer”, 372 “Aviation cadets; benefits”, 373 “Aviation cadets; appointment as Reserve officers”, 374 “Critical skill training bonus”, 421 “Retirement”, 422 “Status of recalled personnel”, 423 “Computation of retired pay”, 424 “Limitations on retirement and retired pay”, 424a “Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution”, 425 “Board for Correction of Military Records deadline”, 426 “Emergency leave retention authority”, 427 “Prohibition of certain involuntary administrative separations”, 428 “Sea service letters”, 429 “Multirater assessment of certain personnel”, 430 “Investigations of flag officers and Senior Executive Service employees”, 431 “Leave policies for the Coast Guard”, and 432 “Personnel of former Lighthouse Service”, prior to repeal by Pub. L. 115-282, title I, § 108(a), Dec. 4, 2018, 132 Stat. 4207.

#### AMENDMENTS

2018—Pub. L. 115-282, title I, § 108(a), title III, §§ 304(c)(2), 311(c), Dec. 4, 2018, 132 Stat. 4208, 4245, 4249, inserted chapter 11 designation and heading and added items 1101 to 1171.

### SUBCHAPTER I—GENERAL PROVISIONS

#### AMENDMENTS

2018—Pub. L. 115-282, title I, § 108(c)(2), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter I designation and heading.

#### § 1101. Acquisition directorate

(a) ESTABLISHMENT.—The Commandant shall establish an acquisition directorate to provide guidance and oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

(b) MISSION.—The mission of the acquisition directorate is—

(1) to acquire and deliver assets and systems that increase operational readiness, enhance

mission performance, and create a safe working environment;

(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard’s missions and deliver the best-value products and services to the Nation; and

(3) to meet the needs of customers of major acquisition programs in the most cost-effective manner practicable.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2931, § 561; amended Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(A), Dec. 23, 2016, 130 Stat. 2333; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(6), Aug. 13, 2018, 132 Stat. 2320; renumbered § 1101, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 561 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard”.

2016—Subsec. (b)(3). Pub. L. 114-328 added par. (3).

#### REVIEW REQUIRED

Pub. L. 114-328, div. A, title VIII, § 899(c), Dec. 23, 2016, 130 Stat. 2335, provided that:

“(1) REQUIREMENT.—The Commandant of the Coast Guard shall conduct a review of—

“(A) the authorities provided to the Commandant in [former] chapter 15 of title 14, United States Code [see, now, chapter 11, 14 U.S.C. 1101 et seq.], and other relevant statutes and regulations related to Coast Guard acquisitions, including developing recommendations to ensure that the Commandant plays an appropriate role in the development of requirements, acquisition processes, and the associated budget practices;

“(B) implementation of the strategy prepared in accordance with section 562(b)(2) [now 1102(b)(2)] of title 14, United States Code, as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2017 [Pub. L. 114-328, see Tables for classification]; and

“(C) acquisition policies, directives, and regulations of the Coast Guard to ensure such policies, directives, and regulations establish a customer-oriented acquisition system.

“(2) REPORT.—Not later than March 1, 2017, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing, at a minimum, the following:

“(A) The recommendations developed by the Commandant under paragraph (1) and other results of the review conducted under such paragraph.

“(B) The actions the Commandant is taking, if any, within the Commandant’s existing authority to implement such recommendations.

“(3) MODIFICATION OF POLICIES, DIRECTIVES, AND REGULATIONS.—Not later than one year after the date of the enactment of this Act [Dec. 23, 2016], the Commandant of the Coast Guard shall modify the acquisition policies, directives, and regulations of the Coast Guard as necessary to ensure the development and implementation of a customer-oriented acquisition system, pursuant to the review under paragraph (1)(C).”

#### § 1102. Improvements in Coast Guard acquisition management

(a) PROJECT OR PROGRAM MANAGERS.—

(1) LEVEL 1 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the

individual holds a Level III acquisition certification as a program manager.

(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(b) ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

- (A) Program management.
- (B) Systems planning, research, development, engineering, and testing.
- (C) Procurement, including contracting.
- (D) Industrial and contract property management.
- (E) Life-cycle logistics.
- (F) Quality control and assurance.
- (G) Manufacturing and production.
- (H) Business, cost estimating, financial management, and auditing.
- (I) Acquisition education, training, and career development.
- (J) Construction and facilities engineering.
- (K) Testing and evaluation.

(3) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(c) MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

- (A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.
- (B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(d) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

(e) CAREER PATHS.—

(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core

competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

(2) PROMOTION PARITY.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2931, §562; amended Pub. L. 111-330, §1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 112-213, title II, §210(c)(2)(A), Dec. 20, 2012, 126 Stat. 1551; Pub. L. 114-328, div. A, title VIII, §899(b)(1)(B), Dec. 23, 2016, 130 Stat. 2333; renumbered §1102, Pub. L. 115-282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### REFERENCES IN TEXT

The date of enactment of the Coast Guard Authorization Act of 2010 and the date of enactment of this section, referred to in subsec. (b)(1), (2)(A), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 562 of this title as this section.

2016—Subsecs. (b) to (g). Pub. L. 114-328 redesignated subsecs. (c), (d), (f), and (g) as (b), (c), (d), and (e), respectively, and struck out former subsec. (b) which related to guidance on tenure and accountability of program and project managers.

2012—Subsec. (e). Pub. L. 112-213 struck out subsec. (e) which related to annual report on adequacy of acquisition workforce.

2010—Pub. L. 111-330 amended Pub. L. 111-281, §402(a), which enacted this section.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

#### ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY

Pub. L. 111-281, title IV, §404, Oct. 15, 2010, 124 Stat. 2950, as amended by Pub. L. 112-213, title II, §218, Dec. 20, 2012, 126 Stat. 1558; Pub. L. 115-282, title VIII, §804, Dec. 4, 2018, 132 Stat. 4300, provided that:

“(a) IN GENERAL.—For purposes of section 3304 of title 5, United States Code, the Commandant of the Coast Guard may—

“(1) designate any category of acquisition positions within the Coast Guard as positions for which there exists a shortage of candidates or there is a critical hiring need; and

“(2) use the authorities in such sections [sic] to recruit and appoint highly qualified persons directly to positions so designated.

“(b) REPORTS.—The Commandant shall include in reports under section 569a of title 14, United States Code [now 14 U.S.C. 5103], information described in that section regarding positions designated under this section.”

**§ 1103. Role of Vice Commandant in major acquisition programs**

The Vice Commandant—

(1) shall represent the customer of a major acquisition program with regard to trade-offs made among cost, schedule, technical feasibility, and performance with respect to such program; and

(2) shall advise the Commandant in decisions regarding the balancing of resources against priorities, and associated trade-offs referred to in paragraph (1), on behalf of the customer of a major acquisition program.

(Added Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(E), Dec. 23, 2016, 130 Stat. 2334, § 578; renumbered § 1103, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 578 of this title as this section.

**§ 1104. Recognition of Coast Guard personnel for excellence in acquisition**

(a) IN GENERAL.—The Commandant shall maintain a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

(b) ELEMENTS.—The program shall include—

(1) specific award categories, criteria, and eligibility and manners of recognition;

(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2934, § 563; amended Pub. L. 111-330, § 1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(C), Dec. 23, 2016, 130 Stat. 2333; renumbered § 1104, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 563 of this title as this section.

2016—Subsec. (a). Pub. L. 114-328 substituted “The Commandant shall maintain” for “Not later than 180 days after the date of enactment of the Coast Guard Authorization Act of 2010, the Commandant shall commence implementation of”.

2010—Pub. L. 111-330 amended Pub. L. 111-281, § 402(a), which enacted this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, § 1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

**§ 1105. Prohibition on use of lead systems integrators**

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—The Commandant may not use a private sector entity as a lead systems integrator.

(2) FULL AND OPEN COMPETITION.—The Commandant shall use full and open competition for any acquisition contract unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) LIMITATION ON FINANCIAL INTEREST IN SUBCONTRACTORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

(2) the procurement was awarded by an entity performing lead systems integrator functions or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the entity performing lead systems integrator functions or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2935, § 564; amended Pub. L. 111-330, § 1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 112-213, title II, § 217(7), Dec. 20, 2012, 126 Stat. 1557; Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(D), Dec. 23, 2016, 130 Stat. 2333; renumbered § 1105 and amended Pub. L. 115-282, title I, § 108(b), title III, § 304(d), Dec. 4, 2018, 132 Stat. 4208, 4245.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a)(3), is Pub. L. 85-536, § 2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

AMENDMENTS

2018—Pub. L. 115-282, § 108(b), renumbered section 564 of this title as this section.

Subsec. (c). Pub. L. 115-282, § 304(d), struck out subsec. (c) which related to acquisition of unmanned aerial systems.

2016—Subsec. (c). Pub. L. 114-328 added subsec. (c).

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section related to prohibition on use of lead systems integrators and provided for certain exceptions to such prohibition.

2010—Pub. L. 111-330 amended Pub. L. 111-281, §402(a), which enacted this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

**§ 1106. Required contract terms**

(a) IN GENERAL.—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 or more years and with a total acquisition cost that is equal to or exceeds \$10,000,000—

(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

(2) provides that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) PROHIBITED PROVISIONS.—

(1) IN GENERAL.—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard does not include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

(2) EXTENSION OF PROGRAM.—A contract, contract modification, or award term extending a contract with a lead systems integrator—

(A) may not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

(B) shall be reviewed by an independent third party with expertise in acquisition management, and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

(c) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

(d) TECHNICAL AUTHORITY.—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 308 of this title.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2936, §565; amended Pub. L. 111-330, §1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 115-232, div. C, title XXXV, §3533(f), Aug. 13, 2018, 132 Stat. 2321; renumbered §1106 and amended Pub. L. 115-282, title I, §§108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

AMENDMENTS

2018—Pub. L. 115-282, §108(b), renumbered section 565 of this title as this section.

Subsec. (a). Pub. L. 115-232, §3533(f)(1), struck out “awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act of 2010” after “\$10,000,000” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-232, §3533(f)(2), struck out “after the date of enactment of the Coast Guard Authorization Act of 2010” after “Coast Guard”.

Subsec. (d). Pub. L. 115-282, §123(b)(2), substituted “section 308” for “section 56”.

2010—Pub. L. 111-330 amended Pub. L. 111-281, §402(a), which enacted this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

**§ 1107. Extension of major acquisition program contracts**

(a) IN GENERAL.—Notwithstanding section 1105(a)(2) of this title and section 2304 of title 10, and subject to subsections (b) and (c) of this section, the Secretary may acquire additional units procured under a Coast Guard major acquisition program contract, by extension of such contract without competition, if the Director of the Cost Analysis Division of the Department of Homeland Security determines that the costs that would be saved through award of a new contract in accordance with such sections would not exceed the costs of such an award.

(b) LIMITATION ON NUMBER OF ADDITIONAL UNITS.—The number of additional units acquired under a contract extension under this section may not exceed the number of additional units for which such determination is made.

(c) DETERMINATION OF COSTS UPON REQUEST.—The Director of the Cost Analysis Division of the Department of Homeland Security shall, at the request of the Secretary, determine for purposes of this section—

(1) the costs that would be saved through award of a new major acquisition program contract in accordance with section 1105(a)(2) for the acquisition of a number of additional units specified by the Secretary; and

(2) the costs of such award, including the costs that would be incurred due to acquisition schedule delays and asset design changes associated with such award.

(d) NUMBER OF EXTENSIONS.—A contract may be extended under this section more than once. (Added Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(E), Dec. 23, 2016, 130 Stat. 2334, § 579; renumbered § 1107 and amended Pub. L. 115-282, title I, §§ 108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

## AMENDMENTS

2018—Pub. L. 115-282, § 108(b), renumbered section 579 of this title as this section.

Subsecs. (a), (c)(1). Pub. L. 115-282, § 123(b)(2), substituted “section 1105(a)(2)” for “section 564(a)(2)”.

**§ 1108. Department of Defense consultation**

(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

(b) INTERSERVICE TECHNICAL ASSISTANCE.—The Commandant shall seek to maintain a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Command, with the oversight of Coast Guard major acquisition programs. The memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

(1) the exchange of technical assistance and support that the Assistant Commandants for Acquisition, Human Resources, Engineering, and Information technology may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Command, to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Chief Acquisition Officer shall adopt, to the extent practicable, procedures modeled after those used by the Navy Senior Acquisition Official to approve all technical requirements.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2937, § 566; amended Pub. L. 111-330, § 1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 115-232, div. C, title XXXV, § 3534, Aug. 13, 2018, 132 Stat. 2322; renumbered § 1108, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 566 of this title as this section.

Subsec. (b). Pub. L. 115-232, § 3534(1), substituted “maintain” for “enter into” in introductory provisions.

Subsec. (d). Pub. L. 115-232, § 3534(2), struck out subsec. (d) which related to report on assessment of Coast Guard acquisition and management capabilities.

2010—Subsec. (d). Pub. L. 111-330, which directed the amendment of Pub. L. 111-281, § 402(a), which enacted

this section, by substituting “Coast Guard Authorization Act of 2010” for “Coast Guard Authorization Act for Fiscal Years 2010 and 2011” wherever appearing, was executed in subsec. (d) of this section as added by section 402(a) by making the substitution for text which read “Coast Guard Authorization Act for fiscal years 2010 and 2011”, to reflect the probable intent of Congress.

## EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, § 1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

**§ 1109. Undefined contractual actions**

(a) IN GENERAL.—The Coast Guard may not enter into an undefined contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

(b) REQUESTS FOR UNDEFINITE CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefined contractual action shall include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

(c) REQUIREMENTS FOR UNDEFINITE CONTRACTUAL ACTIONS.—

(1) DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an undefined contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

(2) LIMITATION ON OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the contracting officer for an undefined contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefined contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

(B) operations to prevent or respond to a transportation security incident (as defined in section 70101(6)<sup>1</sup> of title 46);

(C) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(D) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) **LIMITATION ON APPLICATION.**—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

(d) **INCLUSION OF NONURGENT REQUIREMENTS.**—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

- (1) good business practice; and
- (2) in the best interests of the United States.

(e) **MODIFICATION OF SCOPE.**—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

- (1) good business practice; and
- (2) in the best interests of the United States.

(f) **ALLOWABLE PROFIT.**—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

- (1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and
- (2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

(g) **DEFINITIONS.**—In this section:

(1) **UNDEFINITIZED CONTRACTUAL ACTION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “undefinitized contractual action” means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

(B) **EXCLUSION.**—The term “undefinitized contractual action” does not include contractual actions with respect to—

- (i) foreign military sales;
- (ii) purchases in an amount not in excess of the amount of the simplified acquisition threshold; or
- (iii) special access programs.

(2) **QUALIFYING PROPOSAL.**—The term “qualifying proposal” means a proposal that con-

tains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

(Added Pub. L. 111–281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2938, § 567; renumbered § 1109, Pub. L. 115–282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### REFERENCES IN TEXT

Section 70101(6) of title 46, referred to in subsec. (c)(3)(B), was redesignated section 70101(7) of title 46 by Pub. L. 115–254, div. J, § 1805(b)(1), Oct. 5, 2018, 132 Stat. 3534.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(3)(D), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 567 of this title as this section.

### § 1110. Mission need statement

(a) **IN GENERAL.**—On the date on which the President submits to Congress a budget for fiscal year 2019 under section 1105 of title 31 and every 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an integrated major acquisition mission need statement.

(b) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **INTEGRATED MAJOR ACQUISITION MISSION NEED STATEMENT.**—The term “integrated major acquisition mission need statement” means a document that—

(A) identifies current and projected gaps in Coast Guard mission capabilities using mission hour targets;

(B) explains how each major acquisition program addresses gaps identified under subparagraph (A) if funded at the levels provided for such program in the most recently submitted capital investment plan; and

(C) describes the missions the Coast Guard will not be able to achieve, by fiscal year, for each gap identified under subparagraph (A).

(2) **MAJOR ACQUISITION PROGRAM.**—The term “major acquisition program” has the meaning given that term in section 5103.

(3) **CAPITAL INVESTMENT PLAN.**—The term “capital investment plan” means the plan required under section 5102(a)(1).

(Added Pub. L. 111–281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2940, § 569; amended Pub. L. 112–213, title II, § 217(8), Dec. 20, 2012, 126 Stat. 1558; Pub. L. 113–281, title II, § 215(a), Dec. 18, 2014, 128 Stat. 3034; Pub. L. 114–120, title I, § 102(f), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115–232, div. C, title XXXV, § 3536, Aug. 13, 2018, 132 Stat. 2322; renumbered § 1110 and amended Pub. L. 115–282, title I, §§ 108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

<sup>1</sup> See References in Text note below.



## AMENDMENTS

2018—Pub. L. 115–282, §108(b), renumbered section 569 of this title as this section.

Subsec. (a). Pub. L. 115–232 substituted “for fiscal year 2019” for “for fiscal year 2016” and struck out “, on the date on which the President submits to Congress a budget for fiscal year 2019 under such section,” after “section 1105 of title 31”.

Subsec. (b)(2). Pub. L. 115–282, §123(b)(2), substituted “section 5103” for “section 2903”.

Subsec. (b)(3). Pub. L. 115–282, §123(b)(2), substituted “section 5102(a)(1)” for “section 2902(a)(1)”.

2016—Subsec. (b)(2). Pub. L. 114–120, §102(f)(1), substituted “in section 2903” for “in section 569a(e)”.

Subsec. (b)(3). Pub. L. 114–120, §102(f)(2), substituted “under section 2902(a)(1)” for “under section 663(a)(1)”.

2014—Pub. L. 113–281 amended section generally. Prior to amendment, section related to submission of report, not later than Dec. 31, 2011, to appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period.

2012—Subsec. (a). Pub. L. 112–213 struck out “and annually thereafter,” after “December 31, 2011.”

## ADDITIONAL SUBMISSIONS

Pub. L. 114–120, title I, §101(f), Feb. 8, 2016, 130 Stat. 32, provided that: “The Commandant of the Coast Guard shall submit to the Committee on Homeland Security of the House of Representatives—

“(1) each plan required under section 2904 [now 5104] of title 14, United States Code, as added by subsection (a) of this section;

“(2) each plan required under section 2903(e) [now 5103(e)] of title 14, United States Code, as added by section 206 of this Act;

“(3) each plan required under section 2902 [now 5102] of title 14, United States Code, as redesignated by subsection (d) of this section; and

“(4) each mission need statement required under section 569 [now 1110] of title 14, United States Code.”

## SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

## AMENDMENTS

2018—Pub. L. 115–282, title I, §108(c)(3), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter II designation and heading.

**§ 1131. Identification of major system acquisitions**

(a) IN GENERAL.—

(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for all acquisitions.

(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

(A) completes a mission analysis that—

(i) identifies the specific capability gaps to be addressed by the project or program; and

(ii) develops a clear mission need to be addressed by the project or program; and

(B) prepares a preliminary affordability assessment for the project or program.

(b) ELEMENTS.—

(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure the im-

plementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall ensure the project or program is included in the Coast Guard Capital Investment Plan.

(2) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2)(B), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

(c) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, and identify preliminary training needs required to implement each Level 1 and Level 2 acquisition project and program.

(Added Pub. L. 111–281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2941, §571; renumbered §1131, Pub. L. 115–282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 571 of this title as this section.

**§ 1132. Acquisition**

(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program until the Commandant—

(1) clearly defines the operational requirements for the project or program;

(2) establishes the feasibility of alternatives;

(3) develops an acquisition project or program baseline;

(4) produces a life-cycle cost estimate; and

(5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

(b) SUBMISSION REQUIRED BEFORE PROCEEDING.—Any Coast Guard Level 1 or Level 2 acquisition project or program may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

(1) The key performance parameters, the key system attributes, and the operational performance attributes of the capability or asset to be acquired under the proposed acquisition project or program.

(2) A detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability.

(3) The anticipated acquisition project or program baseline and acquisition unit cost for the capability or asset to be acquired under the project or program.

(4) A detailed schedule for the acquisition process showing when all capability and asset

acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

(c) ANALYSIS OF ALTERNATIVES.—

(1) IN GENERAL.—The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition project or program, unless it has prepared an analysis of alternatives for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset.

(2) REQUIREMENTS.—The analysis of alternatives shall be prepared by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that has appropriate acquisition expertise and has no financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include—

(A) an assessment of the technical maturity of the capability or asset, and technical and other risks;

(B) an examination of capability, interoperability, and other advantages and disadvantages;

(C) an evaluation of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard's overall performance needs;

(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(E) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

(F) a calculation of life-cycle costs including—

(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(ii) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iv) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(v) such additional measures as the Commandant or the Secretary of the department in which the Coast Guard is operating determines to be necessary for appropriate evaluation of the capability or asset; and

(G) the business case for each viable alternative.

(d) TEST AND EVALUATION MASTER PLAN.—

(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer must approve a test and eval-

uation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the project or program.

(2) TEST AND EVALUATION STRATEGY.—The master plan shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and subsystem-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or subsystem of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (A) are performed to inform production decisions.

(3) OTHER COMPONENTS OF THE MASTER PLAN.—At a minimum, the master plan shall identify—

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

(B) the performance data to be used to determine whether the key performance parameters have been resolved;

(C) critical operational issues to be assessed in addition to the key performance parameters;

(D) the results during test and evaluation that will be required to demonstrate that a capability, asset, or subsystem meets performance requirements;

(E) specific development test and evaluation phases and the scope of each phase;

(F) modeling and simulation activities to be performed, if any, and the scope of such activities;

(G) early operational assessments to be performed, if any, and the scope of such assessments;

(H) operational test and evaluation phases; (I) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

(J) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

(4) UPDATE.—The Chief Acquisition Officer must approve an updated master plan whenever there is a revision to project or program test and evaluation strategy, scope, or phasing.

(5) LIMITATION.—The Coast Guard may not—

(A) proceed beyond that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the master plan is approved by the Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or subsystem for which a master plan is required under this subsection before the master plan is approved by the Chief Acquisition Officer.

## (e) LIFE-CYCLE COST ESTIMATES.—

(1) IN GENERAL.—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds \$10,000,000 and an expected service life of 10 or more years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

(2) TYPES OF ESTIMATES.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

(3) REQUIRED UPDATES.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

(Added Pub. L. 111–281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2942, §572; amended Pub. L. 114–120, title II, §204(a), Feb. 8, 2016, 130 Stat. 34; renumbered §1132, Pub. L. 115–282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 572 of this title as this section.

2016—Subsec. (d)(3)(B) to (J). Pub. L. 114–120 added subpars. (B) and (D) and redesignated former subpar. (B) as (C) and former subpars. (C) to (H) as (E) to (J), respectively.

**§ 1133. Preliminary development and demonstration**

(a) IN GENERAL.—The Commandant shall ensure that developmental test and evaluation, operational test and evaluation, life-cycle cost estimates, and the development and demonstration requirements applied by this chapter to acquisition projects and programs are met to confirm that the projects or programs meet the requirements identified in the mission-analysis and affordability assessment prepared under section 1131(a)(2), the operational requirements developed under section 1132(a)(1) and the following development and demonstration objectives:

(1) To demonstrate that the design, manufacturing, and production solution is based upon a stable, producible, and cost-effective product design.

(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements.

(3) To ensure that the product design is mature enough to commit to full production and deployment.

## (b) TESTS AND EVALUATIONS.—

(1) IN GENERAL.—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the subsystems of the capability or asset in accordance with the master plan prepared for the capability or asset under section 1132(d)(1).<sup>1</sup>

(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluating the capabilities or assets and the subsystems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a master plan.

(3) COMMUNICATION OF SAFETY CONCERNS.—The Commandant shall ensure that independent third parties and Government employees that identify safety concerns during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and subsystems of capabilities or assets to be acquired by the Coast Guard communicate such concerns as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

(4) REPORTING OF SAFETY CONCERNS.—The Commandant shall ensure that any safety concerns that have been communicated under paragraph (3) for an acquisition program or project are reported to the appropriate congressional committees at least 90 days before the award of any contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or unmitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of the capability or asset before the safety concerns are corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concerns, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concerns.

(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—The Commandant shall ensure that if an independent third party or a Government employee identifies a safety concern with a capability or asset or any subsystems of a capability or asset not previously identified during operational test and evaluation of a capability or asset already in low, initial, or full-rate production—

(A) the Commandant, through the Assistant Commandant for Capability, shall notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

(B) the Deputy Commandant for Mission Support shall notify the Commandant and the Deputy Commandant for Operations of the safety concern within 50 days after the notification required under subparagraph (A), and include in such notification—

<sup>1</sup> See References in Text note below.

(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems.

(c) TECHNICAL CERTIFICATION.—

(1) IN GENERAL.—The Commandant shall ensure that any Level 1 or Level 2 acquisition project or program is certified by the technical authority of the Coast Guard after review by an independent third party with capabilities in the mission area, asset, or particular asset component.

(2) TEMPEST TESTING.—The Commandant shall—

(A) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification to be tested in accordance with TEMPEST standards and communications security (comsec) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

(B) certify that the assets meet all applicable TEMPEST requirements.

(3) CUTTER CLASSIFICATION.—

(A) IN GENERAL.—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be classed by the American Bureau of Shipping before final acceptance.

[(B) Repealed. Pub. L. 112-213, title II, §210(c)(2)(B), Dec. 20, 2012, 126 Stat. 1551.]

(4) OTHER VESSELS.—The Commandant shall cause the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3, to be assessed by an independent third party with expertise in vessel design and construction certification.

(5) AIRCRAFT AIRWORTHINESS.—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification before final acceptance.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2944, §573; amended Pub. L. 112-213, title II, §210(c)(2)(B), Dec. 20, 2012, 126 Stat. 1551; Pub. L. 115-232, div. C, title XXXV, §3522, Aug. 13, 2018, 132 Stat. 2314; renumbered §1133 and amended Pub. L. 115-282, title I, §§108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

REFERENCES IN TEXT

Section 1132(d)(1), referred to in subsec. (b)(1), was, prior to amendment of this section by Pub. L. 115-282, a reference to section 572(d)(1) of this title, which was redesignated section 572(f)(1) of this title by Pub. L. 114-120, title II, §204(a)(1), Feb. 8, 2016, 130 Stat. 34. Section 572 of this title was renumbered section 1132 of this title by Pub. L. 115-282, title I, §108(b)(2), Dec. 4, 2018, 132 Stat. 4208.

The date of enactment of the Coast Guard Authorization Act of 2010, referred to in subsec. (c)(3)(A), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

AMENDMENTS

2018—Pub. L. 115-282, §108(b), renumbered section 573 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), in introductory provisions, substituted “section 1131(a)(2)” for “section 571(a)(2)” and “section 1132(a)(1)” for “section 572(a)(1)”.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 1132(d)(1)” for “section 572(d)(1)”.

Subsec. (b)(3). Pub. L. 115-232, §3522(1), substituted “ensure that independent third parties and Government employees that identify safety concerns” for “require that safety concerns identified” and “Coast Guard communicate such concerns as” for “Coast Guard shall be communicated as”.

Subsec. (b)(4). Pub. L. 115-232, §3522(2), substituted “The Commandant shall ensure that any safety concerns that have been communicated under paragraph (3) for an acquisition program or project are reported” for “Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant”.

Subsec. (b)(5). Pub. L. 115-232, §3522(3)(A), added introductory provisions and struck out former introductory provisions which read as follows: “If operational test and evaluation of a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any subsystems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—”.

Subsec. (b)(5)(A). Pub. L. 115-232, §3522(3)(B), inserted “the Commandant, through the Assistant Commandant for Capability, shall” before “notify”.

Subsec. (b)(5)(B). Pub. L. 115-232, §3522(3)(C), substituted “the Deputy Commandant for Mission Support shall notify the Commandant and the Deputy Commandant for Operations of the safety concern within 50 days after the notification required under subparagraph (A), and include in such notification” for “notify the Chief Acquisition Officer and include in such notification” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 115-232, §3522(4)(A), struck out “and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010” after “TEMPEST certification”.

Subsec. (c)(5). Pub. L. 115-232, §3522(4)(B), struck out “and delivered after the date of enactment of the Coast Guard Authorization Act of 2010” after “acquired by the Coast Guard”.

2012—Subsec. (c)(3)(B). Pub. L. 112-213 struck out subpar. (B). Text read as follows: “Not later than December 31, 2011, and biennially thereafter, the Commandant shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate identifying which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class and detailing the reasons why they have not been maintained in class.”

NATIONAL SECURITY CUTTERS

Pub. L. 115-282, title III, §311(f), Dec. 4, 2018, 132 Stat. 4249, provided that: “The Secretary of the department

in which the Coast Guard is operating is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.”

Pub. L. 115-282, title VIII, §818(a), Dec. 4, 2018, 132 Stat. 4307, provided that: “The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is away from its homeport for maintenance or repair; and

“(2) a report analyzing cost and performance for different approaches to achieving varied levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

“(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

“(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative measure of operational tempo for a National Security Cutter; and

“(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

“(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.”

#### § 1134. Acquisition, production, deployment, and support

(a) IN GENERAL.—The Commandant shall—

(1) ensure there is a stable and efficient production and support capability to develop an asset or capability for the Coast Guard;

(2) conduct follow-on testing to confirm and monitor performance and correct deficiencies; and

(3) conduct acceptance tests and trials prior to the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

(b) ELEMENTS.—The Commandant shall—

(1) execute production contracts;

(2) ensure that delivered assets and capabilities meet operational cost and schedules requirements established in the acquisition program baseline;

(3) validate manpower and training requirements to meet system needs to operate, maintain, support, and instruct the assets or capabilities; and

(4) prepare an acquisition project or program transition plan to enter into programmatic sustainment, operations, and support.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2947, §574; renumbered §1134, Pub. L. 115-282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 574 of this title as this section.

#### § 1135. Acquisition program baseline breach

(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional

committees and the Committee on Homeland Security of the House of Representatives as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

(1) a likely cost overrun greater than 15 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;

(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

(b) CONTENT.—The report submitted under subsection (a) shall include—

(1) a detailed description of the breach and an explanation of its cause;

(2) the projected impact to performance, cost, and schedule;

(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;

(4) the updated acquisition schedule and the complete history of changes to the original schedule;

(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

(6) a remediation plan identifying corrective actions and any resulting issues or risks; and

(7) a description of how progress in the remediation plan will be measured and monitored.

(c) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a written determination, with a supporting explanation, of whether—

(1) the capability or asset or capability or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;

(2) there are no alternatives to such capability or asset or capability or asset class that will provide equal or greater capability in both a more cost-effective and timely manner;

(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2947, §575; amended Pub. L. 115-232, div. C, title XXXV, §3533(g), Aug. 13, 2018, 132 Stat. 2321; renumbered §1135, Pub. L. 115-282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 575 of this title as this section.

Subsec. (c). Pub. L. 115-232, in introductory provisions, substituted “determination, with a supporting explanation, of whether” for “certification, with a supporting explanation, that”.

### § 1136. Acquisition approval authority

Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary’s designee, to—

(1) manage and administer department procurements, including procurements by department components, as required by section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341); or

(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program, as required by section 16<sup>1</sup> of the Office of Federal Procurement Policy Act (41 U.S.C. 414) and related implementing regulations and directives.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2948, § 576; renumbered § 1136, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### REFERENCES IN TEXT

Section 16 of the Office of Federal Procurement Policy Act, referred to in par. (2), is section 16 of Pub. L. 93-400, which was classified to section 414 of former Title 41, Public Contracts, and was repealed and reenacted as section 1702 of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 576 of this title as this section.

### § 1137. Contracting for major acquisitions programs

(a) IN GENERAL.—In carrying out authorities provided to the Secretary to design, construct, accept, or otherwise acquire assets and systems under section 501(d), the Secretary, acting through the Commandant or the head of an integrated program office established for a major acquisition program, may enter into contracts for a major acquisition program.

(b) AUTHORIZED METHODS.—Contracts entered into under subsection (a)—

- (1) may be block buy contracts;
- (2) may be incrementally funded;
- (3) may include combined purchases, also known as economic order quantity purchases, of—

- (A) materials and components; and
- (B) long lead time materials; and

(4) as provided in section 2306b of title 10, may be multiyear contracts.

(c) SUBJECT TO APPROPRIATIONS.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically pro-

vided in advance for that purpose in subsequent appropriations Acts.

(Added Pub. L. 115-282, title III, § 311(b), Dec. 4, 2018, 132 Stat. 4249.)

#### INTERNAL REGULATIONS AND POLICY

Pub. L. 115-282, title III, § 311(e), Dec. 4, 2018, 132 Stat. 4249, provided that: “Not later than 180 days after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall establish the internal regulations and policies necessary to exercise the authorities provided under this section [enacting this section, amending section 501 of this title, enacting provisions set out as a note under section 1133 of this title, amending provisions formerly set out as a note under former section 573 of this title, and repealing provisions set out as notes under former sections 87 and 577 of this title], including the amendments made in this section.”

### SUBCHAPTER III—PROCUREMENT

#### AMENDMENTS

2018—Pub. L. 115-282, title I, § 108(c)(4), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter III designation and heading.

### § 1151. Restriction on construction of vessels in foreign shipyards

(a) Except as provided in subsection (b), no Coast Guard vessel, and no major component of the hull or superstructure of a Coast Guard vessel, may be constructed in a foreign shipyard.

(b) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress.

(Added Pub. L. 100-448, § 26(a), Sept. 28, 1988, 102 Stat. 1847, § 665; renumbered § 1151, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 665 of this title as this section.

### § 1152. Advance procurement funding

(a) IN GENERAL.—With respect to any Coast Guard vessel for which amounts are appropriated and any amounts otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

- (1) materials, parts, components, and labor for the vessel;
- (2) the advance construction of parts or components for the vessel;
- (3) protection and storage of materials, parts, or components for the vessel; and
- (4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—

<sup>1</sup> See References in Text note below.

In entering into contracts and placing orders under subsection (a), the Commandant may give priority to persons that manufacture materials, parts, and components in the United States.

(Added Pub. L. 112-213, title II, § 211(a), Dec. 20, 2012, 126 Stat. 1551, § 577; amended Pub. L. 115-232, div. C, title XXXV, § 3531(c)(7), Aug. 13, 2018, 132 Stat. 2320; renumbered § 1152, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 577 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

#### LONG LEAD TIME MATERIALS AND VESSEL PRODUCTION; IMMEDIATE AVAILABILITY OF FUNDING

Pub. L. 113-6, div. D, title V, § 557, Mar. 26, 2013, 127 Stat. 377, provided that:

“(a) Notwithstanding Office of Management and Budget Circular A-11, funds made available in fiscal year 2013, or any fiscal year thereafter, under Department of Homeland Security, Coast Guard, ‘Acquisition, Construction, and Improvements’ for—

“(1) long lead time materials, components, and designs of a vessel of the Coast Guard shall be immediately available and allotted to make a contract award notwithstanding the availability of funds for production, outfitting, post-delivery activities, and spare or repair parts; and

“(2) production of a vessel of the Coast Guard shall be immediately available and allotted to make a contract award notwithstanding the availability of funds for outfitting, post-delivery activities, and spare or repair parts.

“(b) The Secretary of Homeland Security shall develop fiscal policy that prescribes Coast Guard budgetary policies, procedures and technical direction necessary to comply with subsection (a) of this section and consistent with the Department of Defense Financial Management Regulation (Volume 2A, Chapter 1 C. Procedures for Full Funding) to include the costs associated with outfitting and post-delivery activities; spare and repair parts; and long lead time materials. The requirement set forth in this section shall not preclude the immediate availability or allotment of funds for fiscal year 2013, pursuant to subsection (a).

“(c) In this section—

“(1) the term ‘long lead time items’ means components, parts, material, or effort which must be procured in advance of the production award in order to maintain the production schedule;

“(2) the term ‘outfitting’ means procurement or installation of onboard repair parts, other secondary items, equipment, and recreation items; precommissioning crew support; general use consumables furnished to the shipbuilder; the fitting out activity to fill a vessel’s initial allowances; and contractor-furnished spares; and

“(3) the term ‘post-delivery activities’ means design, planning, Government-furnished material, and related labor for non-production and non-long lead time items contract activities and other work, including certifications, full operational capability activities and other equipment installation; spares, logistics, technical analysis, and support; correction of Government-responsible defects and deficiencies identified during builders trials, acceptance trials, and testing during the post-delivery period; costs of all work required to correct defects or deficiencies identified during the post-delivery period; and costs of all work required to correct trial card deficiencies on a vessel of a particular class, as well as on subsequent vessels of that class (whether or not delivered) until the corrective action for that cutter class is completed.”

#### § 1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

A Coast Guard vessel the home port of which is in the United States or Guam may not be overhauled, repaired, or maintained in a shipyard outside the United States or Guam, other than in the case of voyage repairs.

(Added Pub. L. 104-324, title III, § 311(a), Oct. 19, 1996, 110 Stat. 3920, § 96; amended Pub. L. 111-281, title II, § 218, Oct. 15, 2010, 124 Stat. 2918; renumbered § 1153, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 96 of this title as this section.

2010—Pub. L. 111-281 substituted “in the United States or Guam” for “in a State of the United States” and inserted “or Guam” after “outside the United States”.

#### § 1154. Procurement of buoy chain

(a) Except as provided in subsection (b), the Coast Guard may not procure buoy chain—

(1) that is not manufactured in the United States; or

(2) substantially all of the components of which are not produced or manufactured in the United States.

(b) The Coast Guard may procure buoy chain that is not manufactured in the United States if the Secretary determines that—

(1) the price of buoy chain manufactured in the United States is unreasonable; or

(2) emergency circumstances exist.

(Added Pub. L. 104-324, title XI, § 1128(a), Oct. 19, 1996, 110 Stat. 3984, § 97; renumbered § 1154, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 97 of this title as this section.

#### § 1155. Contract termination

(a) IN GENERAL.—

(1) NOTIFICATION.—Before terminating a procurement or acquisition contract with a total value of more than \$1,000,000, the Commandant of the Coast Guard shall notify each vendor under such contract and require the vendor to maintain all work product related to the contract until the earlier of—

(A) not less than 1 year after the date of the notification; or

(B) the date the Commandant notifies the vendor that maintenance of such work product is no longer required.

(b) WORK PRODUCT DEFINED.—In this section the term “work product”—

(1) means tangible and intangible items and information produced or possessed as a result of a contract referred to in subsection (a); and

(2) includes—

(A) any completed end items;

(B) any uncompleted end items; and

(C) any property in the contractor’s possession in which the United States Government has an interest.

(c) **PENALTY.**—A vendor that fails to maintain work product as required under subsection (a) is liable to the United States for a civil penalty of not more than \$25,000 for each day on which such work product is unavailable.

(d) **REPORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 45 days after the end of each fiscal year the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(A) all Coast Guard contracts with a total value of more than \$1,000,000 that were terminated in the fiscal year;

(B) all vendors who were notified under subsection (a)(1) in the fiscal year, and the date of such notification;

(C) all criminal, administrative, and other investigations regarding any contract with a total value of more than \$1,000,000 that were initiated by the Coast Guard in the fiscal year;

(D) all criminal, administrative, and other investigations regarding contracts with a total value of more than \$1,000,000 that were completed by the Coast Guard in the fiscal year; and

(E) an estimate of costs incurred by the Coast Guard, including contract line items and termination costs, as a result of the requirements of this section.

(2) **LIMITATION.**—The Commandant is not required to provide a report under paragraph (1) for any fiscal year for which there is no responsive information as described in subparagraphs (A) through (E) of paragraph (1).

(Added Pub. L. 115-232, div. C, title XXXV, § 3523(a), Aug. 13, 2018, 132 Stat. 2315, § 657; renumbered § 1155, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 657 of this title as this section.

### § 1156. Limitation on unmanned aircraft systems

(a) **IN GENERAL.**—During any fiscal year for which funds are appropriated for the design or construction of an Offshore Patrol Cutter, the Commandant—

(1) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

(2) may lease, acquire, or acquire the services of an unmanned aircraft system only if such system—

(A) has been part of a program of record of, procured by, or used by a Federal entity (or funds for research, development, test, and evaluation have been received from a Federal entity with regard to such system) before the date on which the Commandant leases, acquires, or acquires the services of the system; and

(B) is leased, acquired, or utilized by the Commandant through an agreement with a Federal entity, unless such an agreement is

not practicable or would be less cost-effective than an independent contract action by the Coast Guard.

(b) **SMALL UNMANNED AIRCRAFT EXEMPTION.**—Subsection (a)(2) does not apply to small unmanned aircraft.

(c) **DEFINITIONS.**—In this section, the terms “small unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).<sup>1</sup>

(Added Pub. L. 115-282, title III, § 304(b), Dec. 4, 2018, 132 Stat. 4244.)

#### REFERENCES IN TEXT

Section 331 of the FAA Modernization and Reform Act of 2012, referred to in subsec. (c), is section 331 of Pub. L. 112-95, title III, Feb. 14, 2012, 126 Stat. 72, which is set out in a note under section 44802 of Title 49, Transportation.

### SUBCHAPTER IV—DEFINITIONS

#### AMENDMENTS

2018—Pub. L. 115-282, title I, § 108(c)(5), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter IV designation and heading.

### § 1171. Definitions

In this chapter:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **CHIEF ACQUISITION OFFICER.**—The term “Chief Acquisition Officer” means the officer appointed under section 308 of this title.

(3) **CUSTOMER OF A MAJOR ACQUISITION PROGRAM.**—The term “customer of a major acquisition program” means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program.

(4) **LEVEL 1 ACQUISITION.**—The term “Level 1 acquisition” means—

(A) an acquisition by the Coast Guard—

(i) the estimated life-cycle costs of which exceed \$1,000,000,000; or

(ii) the estimated total acquisition costs of which exceed \$300,000,000; or

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) due to—

(I) the experimental or technically immature nature of the asset;

(II) the technological complexity of the asset;

(III) the commitment of resources; or

(IV) the nature of the capability or set of capabilities to be achieved; or

(ii) because such acquisition is a joint acquisition.

(5) **LEVEL 2 ACQUISITION.**—The term “Level 2 acquisition” means an acquisition by the Coast Guard—

<sup>1</sup> See References in Text note below.



(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or

(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

(6) LIFE-CYCLE COST.—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

(7) MAJOR ACQUISITION PROGRAM.—The term “major acquisition program” means an on-going acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.

(8) PROJECT OR PROGRAM MANAGER DEFINED.—The term “project or program manager” means an individual designated—

(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

(B) to manage cost, schedule, and performance of the acquisition, project, or program.

(9) SAFETY CONCERN.—The term “safety concern” means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

(10) DEVELOPMENTAL TEST AND EVALUATION.—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

(B) the evaluation of the results of such testing.

(11) OPERATIONAL TEST AND EVALUATION.—The term “operational test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and

(B) the evaluation of the results of such testing.

(Added Pub. L. 111–281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2948, §581; amended Pub. L. 114–120, title II, §209(8), Feb. 8, 2016, 130 Stat. 41;

Pub. L. 114–328, div. A, title VIII, §899(b)(1)(F), Dec. 23, 2016, 130 Stat. 2334; Pub. L. 115–232, div. C, title XXXV, §3531(c)(8), Aug. 13, 2018, 132 Stat. 2320; renumbered §1171 and amended Pub. L. 115–282, title I, §§108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

AMENDMENTS

2018—Pub. L. 115–282, §108(b), renumbered section 581 of this title as this section.

Par. (2). Pub. L. 115–282, §123(b)(2), substituted “section 308” for “section 56”.

Pars. (4) to (12). Pub. L. 115–232 redesignated pars. (5) to (12) as (4) to (11), respectively, and struck out former par. (4) which defined “Commandant” as the Commandant of the Coast Guard.

2016—Par. (3). Pub. L. 114–328, §899(b)(1)(F)(ii), added par. (3). Former par. (3) redesignated (4).

Pars. (4), (5). Pub. L. 114–328, §899(b)(1)(F)(i), redesignated pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (5)(B). Pub. L. 114–120 substituted “\$300,000,000,” for “\$300,000,000.”

Pars. (6), (7). Pub. L. 114–328, §899(b)(1)(F)(i), redesignated pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (9).

Par. (8). Pub. L. 114–328, §899(b)(1)(F)(iii), added par. (8). Former par. (8) redesignated (10).

Pars. (9) to (12). Pub. L. 114–328, §899(b)(1)(F)(i), redesignated pars. (7) to (10) as (9) to (12), respectively.

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AMENDMENTS

2018—Pub. L. 115–282, title I, §109(a), Dec. 4, 2018, 132 Stat. 4211, inserted subtitle II designation and heading and added items for chapters 19 to 29.

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