

capacity comparable to the Coast Guard Cutter *Healy* (WAGB 20), for the purposes of hydrographic, bathymetric, oceanographic, weather, atmospheric, climate, fisheries, marine mammals, genetic and other data related to the Arctic, and other research as the Under Secretary determines appropriate.

“(d) OPERATIONS AND AGREEMENTS.—

“(1) COAST GUARD.—With respect to any available icebreaker acquired or procured under subsection (a), the Secretary shall be responsible for any acquisition, retrofitting, operation, and maintenance costs necessary to achieve full operational capability, including testing, installation, and acquisition, including for the suite of hull-mounted, ship-provided scientific instrumentation and equipment for data collection.

“(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Under Secretary shall not be responsible for the costs of retrofitting any available icebreaker acquired or procured under subsection (a), including costs relating to—

“(A) vessel maintenance, construction, operations, and crewing other than the science party; and

“(B) making such icebreaker capable of conducting the research described in subsection (c), including design, procurement of laboratory space and equipment, and modification of living quarters.

“(3) RESPONSIBILITY OF UNDER SECRETARY.—The Under Secretary shall be responsible for costs related to—

“(A) the science party;

“(B) the scientific mission; and

“(C) other scientific assets and equipment that augment such icebreaker beyond full operational capacity as determined by the Under Secretary and Commandant.

“(4) MEMORANDUM OF AGREEMENT.—The Commandant and the Under Secretary shall enter into a memorandum of agreement to facilitate science activities, data collection, and other procedures necessary to meet the requirements of this section.

“(e) RESTRICTION AND BRIEFING.—Not later than 60 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant shall brief the appropriate congressional committees with respect to available icebreaker acquired or procured under subsection (a) on—

“(1) a proposed concept of operations of such icebreaker;

“(2) a detailed cost estimate for such icebreaker, including estimated costs for acquisition, modification, shoreside infrastructure, crewing, and maintaining such an icebreaker by year for the estimated service life of such icebreaker; and

“(3) the expected capabilities of such icebreaker as compared to the capabilities of a fully operational Coast Guard built Polar Security Cutter for each year in which such an icebreaker is anticipated to serve in lieu of such a cutter and the projected annual costs to achieve such anticipated capabilities.

“(f) INTERIM REPORT.—Not later than 30 days after the date of enactment of this Act, and not later than every 90 days thereafter until any available icebreaker acquired or procured under subsection (a) has reached full operational capability, the Commandant shall provide to the appropriate Committees of Congress an interim report of the status and progress of all elements under subsection (d).

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall effect acquisitions of vessels by the Under Secretary.

“(h) SAVINGS CLAUSE.—

“(1) IN GENERAL.—Any operations necessary for the saving of life or property at sea, response to environmental pollution, national security, defense readiness, or other missions as determined by the Commandant shall take priority over any scientific or economic missions under subsection (c).

“(2) AUGMENTATION.—Any available icebreaker acquired or procured under subsection (a) shall aug-

ment the Coast Guard mission in the Arctic, including by conducting operations and missions that are in addition to missions conducted by the Coast Guard Cutter *Healy* (WAGB 20) in the region.

“(i) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

“(2) ARCTIC.—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).

“(3) AVAILABLE ICEBREAKER.—The term ‘available icebreaker’ means a vessel that—

“(A) is capable of—

“(i) supplementing United States Coast Guard polar icebreaking capabilities in the Arctic region of the United States;

“(ii) projecting United States sovereignty;

“(iii) ensuring a continuous operational capability in the Arctic region of the United States;

“(iv) carrying out the primary duty of the Coast Guard described in section 103(7) of title 14, United States Code; and

“(v) collecting hydrographic, environmental, and climate data; and

“(B) is documented with a coastwise endorsement under chapter 121 of title 46, United States Code.

“(4) UNDER SECRETARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.

“(j) SUNSET.—The authority under subsections (a) through (c) shall expire on the date that is 3 years after the date of enactment of this Act.”

[For definitions of “Commandant” and “Secretary” as used in section 11223 of Pub. L. 117-263, set out above, see section 11002 of Pub. L. 117-263, set out as a note under section 106 of this title.]

## § 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.)

### Editorial Notes

#### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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.