

ty, 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.”

#### LEASING OF EXISTING HOUSING FOR ASSIGNMENT AS PUBLIC QUARTERS TO MILITARY PERSONNEL AND DEPENDENTS

Pub. L. 89-381, §2, Mar. 30, 1966, 80 Stat. 97, during fiscal years 1967 through and including 1968, authorized the Secretary of the Department in which the Coast Guard was operating to lease existing housing facilities at or near Coast Guard installations in the United

States and Puerto Rico for assignment as public quarters to military personnel and their dependents.

#### 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. 93-398, 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.

#### APPROPRIATION AUTHORIZATION FOR CONSTRUCTION OF SHORE OR OFFSHORE ESTABLISHMENTS OR FOR PROCUREMENT OF VESSELS OR AIRCRAFT

Pub. L. 88-45, §1, June 21, 1963, 77 Stat. 68, provided that after fiscal year 1964, funds could not be appropriated to or for the use of the Coast Guard for the construction of shore or offshore establishments, or for the procurement of vessels or aircraft, unless the appropriation of such funds had been authorized by legislation enacted after Dec. 31, 1963, prior to repeal by Pub. L. 99-640, §10(a)(9), Nov. 10, 1986, 100 Stat. 3549.

#### § 93. 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, 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, and cooperate and coordinate such activities with other Government agencies and with private agencies;

(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 such specialized training and courses of instruction, including correspondence courses, 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 Treasury;

(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(a) of title 49, may receive that information, and upon re-

ceipt, shall make the information available to the individual;

(2) 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; and

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

(b)(1) Notwithstanding subsection (a)(14), 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) 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 50(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 89 of this title; or

(2) the exercise of authority under section 91 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 504; 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.)

#### 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.

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 is classified to section 1223(e) of Title 33, Navigation and Navigable Waters.

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.

#### AMENDMENTS

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 unseaworthy 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 unseaworthy 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.

#### REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD

Pub. L. 111–281, title II, §217, Oct. 15, 2010, 124 Stat. 2917, 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 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 against members of the Coast Guard, and the number of sexual assaults 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 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 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 reimburse-

ment, 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 (16 U.S.C. 470 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.”

#### SMALL WATERPLANE AREA TWIN HULL (SWATH) TECHNOLOGY

Pub. L. 105-383, title IV, §425(a), Nov. 13, 1998, 112 Stat. 3441, provided that: “The Commandant of the Coast Guard shall, within 18 months after the date of the enactment of this Act [Nov. 13, 1998], report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.”

### § 94. 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.)

### § 95. 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 of Homeland Security or the Attorney General.

(Added Pub. L. 100-448, §10(a), Sept. 28, 1988, 102 Stat. 1842; 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.)

#### AMENDMENTS

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.

### § 96. 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; amended Pub. L. 111-281, title II, §218, Oct. 15, 2010, 124 Stat. 2918.)

#### AMENDMENTS

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”.

### § 97. 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—