

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—

- (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.)

§ 98. 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) Except as provided in paragraph (2), the Secretary shall not expend any appropriated Federal funds for the engineering, design, or construction of any museum established under this section.

(2) The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts.

(c) FUNDING PLAN.—Before the date on which the Commandant establishes a 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 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.)

§ 99. 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.)

§ 100. 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.)

§ 101. Appeals and waivers

Except for the Commandant of the Coast Guard, 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.)

AMENDMENTS

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.

**CHAPTER 7—COOPERATION WITH OTHER
AGENCIES**

- Sec.
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.

HISTORICAL AND REVISION NOTES

In connection with its maritime police, promoting safety of life and property at sea, and aiding navigation functions, the Coast Guard frequently finds it advisable to utilize the services of other agencies and correlatively, frequently finds its facilities useful to other agencies. This high degree of cooperation, a natural attribute of a producing and servicing agency, is important not only because it greatly promotes the quantity and quality of the services performed, but because the concentration of these functions in one agency results in savings to the Government of man-power, funds, and equipment. In the belief that legislative recognition of and specific power to continue this needed cooperation are desirable, Chapter 7 of this title contains a group of sections on cooperation with designated agencies. This is not meant to be a complete listing of cooperating agencies, but rather the designation of the principal ones. In addition, the first section of the chapter deals with availability of Coast Guard personnel and facilities to other agencies and the availability of other agency personnel and facilities to the Coast Guard. 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281, title II, §201(b), title IX, §903(b)(1), Oct. 15, 2010, 124 Stat. 2909, 3011, inserted period at end of item 149 and added item 153.

2006—Pub. L. 109-241, title II, §202(b), July 11, 2006, 120 Stat. 520, substituted "Assistance to foreign governments and maritime authorities" for "Detail of members to assist foreign governments." in item 149.

2004—Pub. L. 108-293, title II, §202(b), Aug. 9, 2004, 118 Stat. 1032, added item 152.

1996—Pub. L. 104-324, title IV, §405(b), Oct. 19, 1996, 110 Stat. 3924, substituted "Cooperation with other agencies, States, territories, and political subdivisions" for "General" in item 141.

1984—Pub. L. 98-557, §15(a)(4)(A)(ii), Oct. 30, 1984, 98 Stat. 2865, substituted "members" for "officers and men" in item 149.

1982—Pub. L. 97-295, §2(6)(B), Oct. 12, 1982, 96 Stat. 1301, added item 147a.

1976—Pub. L. 94-546, §1(12), Oct. 18, 1976, 90 Stat. 2519, substituted "United States Postal Service" for "Post Office Department" in item 146.

§ 141. 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 23) 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; Pub. L. 104-324, title IV, §405(a), Oct. 19, 1996, 110 Stat. 3924.)

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.

AMENDMENTS

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.

**MEDICAL EMERGENCY HELICOPTER TRANSPORTATION
SERVICES TO CIVILIANS; AUTHORIZATION TO COAST
GUARD COMMANDANT**

Pub. L. 95-61, §8, July 1, 1977, 91 Stat. 260, which authorized Coast Guard to assist Department of Health, Education, and Welfare in providing medical emergency helicopter services to civilians, if assistance was provided in areas of regular Coast Guard unit assignment, did not interfere with Coast Guard mission, or increase required Coast Guard operating funds, and further providing that no individual (or his estate) operating within scope of his duties under this section's program would be civilly liable for damage caused incident thereto, was repealed and reenacted as section 147a of this title by Pub. L. 97-295, §§2(6)(A), 6(b), Oct. 12, 1982, 96 Stat. 1301, 1314.

§ 142. 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