

Pub. L. 104-324, title II, §213(b), Oct. 19, 1996, 110 Stat. 3915.

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."

**§ 89. 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; Aug. 3, 1950, ch. 536, §1, 64 Stat. 406.)

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

1950—Subsec. (a). Act Aug. 3, 1950, struck out "to" before "examine" in second sentence.

ANNUAL REPORT ON DRUG INTERDICTION

Pub. L. 104-324, title I, §103, Oct. 19, 1996, 110 Stat. 3905, as amended by Pub. L. 109-241, title IX, §901(p)(1), July 11, 2006, 120 Stat. 565, provided that: "Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating 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 all expenditures related to drug interdiction activities of the Coast Guard on an annual basis."

ENHANCED DRUG-INTERDICTION ASSISTANCE

Pub. L. 99-145, title XIV, §1421, Nov. 8, 1985, 99 Stat. 750, required assignment of a member of the Coast Guard to each surface naval vessel at sea in a drug-interdiction area to perform law enforcement functions, prior to repeal by Pub. L. 99-570, title III, §3053(b)(3), Oct. 27, 1986, 100 Stat. 3207-76. See section 379 of Title 10, Armed Forces.

**[§ 90. Repealed. Pub. L. 112-213, title II, §216(c), Dec. 20, 2012, 126 Stat. 1555]**

Section, 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.

**§ 91. Safety of naval vessels**

(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 United States naval vessel 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 naval 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 United States naval vessel 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 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 503; 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.)

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

Presidential Proclamation No. 5928, referred to in subsec. (d), is set out under section 1331 of Title 43, Public Lands.

## AMENDMENTS

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."

**§ 92. 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, 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) Repealed. Oct. 31, 1951, ch. 654, §1(32), 65 Stat. 702.]

(f) 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;

(g) 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;

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

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

(Aug. 4, 1949, ch. 393, 63 Stat. 503; 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.)

## 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.