

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.

§ 102. Agreements

(a) IN GENERAL.—In carrying out section 93(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 93(a)(4).

(Added Pub. L. 113–281, title II, §206(b), Dec. 18, 2014, 128 Stat. 3025.)

§ 103. 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.)

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.