

(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; Pub. L. 112-213, title II, §217(2), Dec. 20, 2012, 126 Stat. 1557.)

#### AMENDMENTS

2012—Subsec. (c). Pub. L. 112-213 struck out “of Homeland Security” after “Secretary”.

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—

(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 funds appropriated to the Coast Guard on 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, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

(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; amended Pub. L. 114-120, title II, §219, Feb. 8, 2016, 130 Stat. 48.)

#### AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114-120, §219(1), substituted “any funds appropriated to the Coast Guard on” for “any appropriated Federal funds for”.

Subsec. (b)(2). Pub. L. 114-120, §219(2), substituted “artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.” for “artifacts.”

### § 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

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141.	Cooperation with other agencies, States, territories, and political subdivisions.
142.	State Department.
143.	Treasury Department.
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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.
154.	Arctic maritime domain awareness.

#### 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.