

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. | |
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| 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. |
| 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.