

(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

(c) FUNDING PLAN.—Before the date on which the Commandant establishes a National Coast Guard 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, non-appropriated, 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 National 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, §98; amended Pub. L. 114-120, title II, §219, Feb. 8, 2016, 130 Stat. 48; renumbered §316 and amended Pub. L. 115-282, title I, §104(b), title III, §303, Dec. 4, 2018, 132 Stat. 4196, 4243.)

AMENDMENTS

2018—Pub. L. 115-282, §303, amended section generally. Prior to amendment, section related to National Coast Guard Museum.

Pub. L. 115-282, §104(b), renumbered section 98 of this title as this section.

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.”

§ 317. United States Coast Guard Band; composition; director

(a) The United States Coast Guard Band shall be composed of a director and other personnel in such numbers and grades as the Secretary determines to be necessary.

(b) The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications. Upon the recommendation of the Secretary, an individual so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Coast Guard.

(c) The initial appointment to a commissioned grade of an individual designated as director of the Coast Guard Band shall be in the grade determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.

(d) An individual who is designated and commissioned under this section shall not be in-

cluded on the active duty promotion list. He shall be promoted under section 2126 of this title. However, the grade of the director may not be higher than captain.

(e) The Secretary may revoke any designation as director of the Coast Guard Band. When an individual's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

(1) to be discharged from the Coast Guard; or

(2) to revert to the grade and status he held at the time of his designation as director.

(Added Pub. L. 89-189, §1(1), Sept. 17, 1965, 79 Stat. 820, §336; amended Pub. L. 102-587, title V, §5201, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 107-295, title III, §311, Nov. 25, 2002, 116 Stat. 2102; Pub. L. 109-241, title II, §204(a), July 11, 2006, 120 Stat. 520; renumbered §317 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

AMENDMENTS

2018—Pub. L. 115-282, §104(b), renumbered section 336 of this title as this section.

Subsec. (d). Pub. L. 115-282, §123(b)(2), substituted “section 2126” for “section 276”.

2006—Subsec. (b). Pub. L. 109-241, §204(a)(1), in first sentence, substituted “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.” for “The Secretary shall designate the director from among qualified members of the Coast Guard.”, and, in second sentence, substituted “an individual so designated” for “a member so designated”.

Subsec. (c). Pub. L. 109-241, §204(a)(2), substituted “of an individual” for “of a member” and “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual” for “of lieutenant (junior grade) or lieutenant”.

Subsec. (d). Pub. L. 109-241, §204(a)(3), substituted “An individual” for “A member”.

Subsec. (e). Pub. L. 109-241, §204(a)(4), substituted “When an individual's designation is revoked,” for “When a member's designation is revoked,” and “option—” for “option:”.

2002—Subsec. (d). Pub. L. 107-295 substituted “captain” for “commander”.

1992—Subsec. (d). Pub. L. 102-587 substituted “commander” for “lieutenant commander”.

CURRENT DIRECTOR

Pub. L. 109-241, title II, §204(b), July 11, 2006, 120 Stat. 520, provided that: “The individual serving as Coast Guard band director on the date of enactment of this Act [July 11, 2006] may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.”

§ 318. Environmental Compliance and Restoration Program

(a) DEFINITIONS.—For the purposes of this section—

(1) “environment”, “facility”, “person”, “release”, “removal”, “remedial”, and “response” have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

(2) “hazardous substance” has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except

that it also includes the meaning given “oil” in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(3) “pollutant” has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(b) PROGRAM.—

(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

(2) Program goals include:

(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

(iii) on each vessel the Coast Guard owns or operates.

(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary’s responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary’s responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast Guard

shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor’s reasonable, potential, long-term liability.

(c) AMOUNTS RECOVERED FOR RESPONSE ACTIONS.—

(1) All sums appropriated to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law shall be credited or transferred to an appropriate Coast Guard account, as determined by the Commandant and remain available until expended.

(2) Funds may be obligated or expended from such account to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law.

(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard’s environmental compliance and restoration activities under this section or another law.

(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary’s response actions at current and former Coast Guard facilities shall be credited to an appropriate Coast Guard account, as determined by the Commandant.

(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.

(Added Pub. L. 115–282, title I, §104(c)(1)(B), Dec. 4, 2018, 132 Stat. 4198.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in text, probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

§ 319. Land-based unmanned aircraft system program

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft system program under the control of the Commandant.

(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term “unmanned aircraft system” has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).¹

¹ See References in Text note below.