

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.

(Added Pub. L. 115-282, title III, §304(a), Dec. 4, 2018, 132 Stat. 4244.)

REFERENCES IN TEXT

Section 331 of the FAA Modernization and Reform Act of 2012, referred to in subsec. (b), is section 331 of Pub. L. 112-95, title III, Feb. 14, 2012, 126 Stat. 72, which is set out in a note under section 44802 of Title 49, Transportation.

PRIOR PROVISIONS

For redesignation of prior sections 321 to 500 not listed below as having been previously repealed or renumbered, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

A prior section 356, act Aug. 4, 1949, ch. 393, 63 Stat. 521, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See sections 1204 and 1376 of Title 10, Armed Forces.

A prior section 358, act Aug. 4, 1949, ch. 393, §1, 63 Stat. 522, limited number of retirements in a calendar year of enlisted men who had completed 20 years of service, to not more than the whole number nearest 1 percent of the total enlisted force on the active list, and any men so authorized to be retired annually who were not so retired, could be retired during any subsequent year providing the total retired in that year did not exceed 3 percent of the total enlisted force, prior to repeal by Pub. L. 88-114, §1(2), Sept. 6, 1963, 77 Stat. 144.

Prior sections 363 and 364 were repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 363, act Aug. 4, 1949, ch. 393, 63 Stat. 523, related to retiring or dropping for disabilities not incident to service. See section 1207 of Title 10, Armed Forces.

Section 364, act Aug. 4, 1949, ch. 393, 63 Stat. 523, related to dropping for disabilities due to vicious habits. See section 1207 of Title 10, Armed Forces.

A prior section 368, act Aug. 4, 1949, ch. 393, 63 Stat. 524, related to discharge in case of under-age enlistment, prior to repeal by Pub. L. 97-322, title I, §115(b)(1), Oct. 15, 1982, 96 Stat. 1585.

A prior section 425, act Aug. 4, 1949, ch. 393, 63 Stat. 525, related to retiring boards, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 1216 of Title 10, Armed Forces.

Prior sections 431, 433, and 434 were repealed by Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549, which provided in part that such repeal did not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun under those sections before Nov. 10, 1986.

Section 431, acts Aug. 4, 1949, ch. 393, 63 Stat. 526; Aug. 3, 1950, ch. 536, §24, 64 Stat. 407, related to personnel of former Life Saving Service.

Section 433, acts Aug. 4, 1949, ch. 393, 63 Stat. 528; Sept. 27, 1949, ch. 586, 63 Stat. 698; Sept. 24, 1963, Pub. L. 88-130, §1(11), 77 Stat. 190; Oct. 12, 1982, Pub. L. 97-295, §2(11), (14), 96 Stat. 1302, related to personnel of former Bureau of Marine Inspection and Navigation and Bureau of Customs.

Section 434, added act Sept. 23, 1950, ch. 996, 64 Stat. 978; amended Oct. 12, 1982, Pub. L. 97-295, §2(14), 96 Stat. 1302, related to personnel appointed as constructors.

Prior sections 435 to 437 were repealed by Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192.

Section 435, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 620, related to temporary appointments in time of war or national emergency.

Section 436, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 621, related to temporary promotions in time of war or national emergency.

Section 437, acts Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 622; June 28, 1962, Pub. L. 87-509, §4(b), 76 Stat. 121, related to discharge during war or emergency of officers having less than 20 years of service for unsatisfactory performance of duty.

A prior section 438, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 623; amended June 9, 1966, Pub. L.

89-444, §1(21), 80 Stat. 197; Dec. 12, 1980, Pub. L. 96-513, title V, §505(b), 94 Stat. 2918, related to laws not applicable to warrant officers of former Life Saving Service, Lighthouse Service, Bureau of Marine Inspection and Navigation, and Bureau of Customs, prior to repeal by Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549, which provided in part that such repeal did not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun under that section before Nov. 10, 1986.

Prior sections 439 and 440 were repealed by Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192.

Section 439, added act July 20, 1956, ch. 647, §3(a), 70 Stat. 588, related to oath of office.

Section 440, added Pub. L. 85-861, §33(b)(1), Sept. 2, 1958, 72 Stat. 1567, related to temporary promotion of warrant officers.

A prior section 462, acts Aug. 4, 1949, ch. 393, 63 Stat. 530; May 14, 1960, Pub. L. 86-474, §1(19), 74 Stat. 146, related to pay and allowances of rear admirals, prior to repeal by Pub. L. 87-649, §§14d(1), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962. See section 202 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 462a, added act Aug. 10, 1956, ch. 1041, §10(a), 70A Stat. 623; amended Sept. 7, 1962, Pub. L. 87-649, §7(b), 76 Stat. 495, related to retired pay after two years of active duty for retired rear admirals, prior to repeal by Pub. L. 97-417, §2(11), Jan. 4, 1983, 96 Stat. 2086.

A prior section 463, act Aug. 4, 1949, ch. 393, 63 Stat. 530, related to continuation of additional pay, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Prior sections 464 and 465 were repealed by Pub. L. 87-649, §§14d(2), (3), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962.

Section 464, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to allotments of pay. See section 703 of Title 37, Pay and Allowances of the Uniformed Services.

Section 465, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to advances to officers ordered to and from sea or shore duty beyond the seas. See section 1006 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 466, act Aug. 4, 1949, ch. 393, 63 Stat. 531, provided for settlement of accounts of deceased officers and men, prior to repeal by act July 12, 1955, ch. 328, §5(3), 69 Stat. 296. See section 2771 of Title 10, Armed Forces, and section 714 of Title 32, National Guard.

A prior section 471a, added act Aug. 10, 1956, ch. 1041, §11(a), 70A Stat. 624, authorized transportation of motor vehicles on permanent change of station, prior to repeal by Pub. L. 87-651, title III, §307B, Sept. 7, 1962, 76 Stat. 526.

A prior section 472, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to travel allowance to enlisted men on discharge, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408. See section 474 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 473, act Aug. 4, 1949, ch. 393, 63 Stat. 532, authorized Secretary to discharge underage Coast Guard enlisted personnel with appropriate pay and allowances, such persons to be given subsistence and transportation in kind to their homes, prior to repeal by Pub. L. 97-295, §2(15)(A), Oct. 12, 1982, 96 Stat. 1302.

A prior section 474, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to compensation for travel tolls and fares, prior to repeal by act Sept. 1, 1954, ch. 1211, §5, 68 Stat. 1130. See section 478 of Title 37, Pay and Allowances of the Uniformed Services.

A prior section 489, act Aug. 4, 1949, ch. 393, 63 Stat. 534, provided for payment of a death gratuity to survivors of officers and enlisted men of Regular Coast Guard, prior to repeal by act Aug. 1, 1956, ch. 837, title V, §502(8)(A), 70 Stat. 886. See sections 1475 to 1480 of Title 10, Armed Forces.

A prior section 490, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 534; Aug. 3, 1950, ch. 536, §26, 64 Stat. 407; Aug. 23, 1958, Pub. L. 85-738, §1, 72 Stat. 832; Sept. 15, 1965, Pub. L. 89-185, §2, 79 Stat. 789, provided for settlement of claims of military and civilian personnel, prior to re-

peal by Pub. L. 88-558, §7, Aug. 31, 1964, 78 Stat. 768, effective two years from Aug. 31, 1964. See section 3721 of Title 31, Money and Finance. Pub. L. 89-185 and Pub. L. 88-558 were repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068.

A prior section 492a was renumbered section 492b of this title and subsequently renumbered section 2738 of this title.

A prior section 495, act Aug. 4, 1949, ch. 393, 63 Stat. 535, related to additional pay for holders of medals, prior to repeal by Pub. L. 87-526, §1(3), July 10, 1962, 76 Stat. 141, and by Pub. L. 87-649, §§14d(5), 15, Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962.

CHAPTER 5—FUNCTIONS AND POWERS

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PRIOR PROVISIONS

A prior analysis for chapter 5 “FUNCTIONS AND POWERS” consisted of items 81 “Aids to navigation authorized”, 83 “Unauthorized aids to maritime navigation; penalty”, 84 “Interference with aids to navigation; penalty”, 85 “Aids to maritime navigation; penalty”, 86 “Marking of obstructions”, 87 “Icebreaking in polar regions”, 88 “Saving life and property”, 89 “Law enforcement”, 90 “Arctic maritime transportation”, 91 “Safety of naval vessels”, 92 “Secretary; general powers”, 93 “Commandant; general powers”, 94 “Oceanographic research”, 95 “Special agents of the Coast Guard Investigative Service law enforcement authority”, 96 “Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards”, 97 “Procurement of buoy chain”, 98 “National Coast Guard Museum”, 99 “Enforcement authority”, 100 “Enforcement of coastwise trade laws”, 101 “Appeals and waivers”, 102 “Agreements”, 103 “Notification of certain determinations”, and 104 “Protecting against un-

manned aircraft”, prior to repeal by Pub. L. 115-282, title I, §105(a), Dec. 4, 2018, 132 Stat. 4199.

AMENDMENTS

2018—Pub. L. 115-282, title I, §105(a), title III, §§305(b), 318(b), Dec. 4, 2018, 132 Stat. 4200, 4246, 4252, inserted chapter 5 designation and heading and added items 501 to 563.

SUBCHAPTER I—GENERAL POWERS

AMENDMENTS

2018—Pub. L. 115-282, title I, §105(c)(1), Dec. 4, 2018, 132 Stat. 4202, inserted subchapter I designation and heading.

§ 501. 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, aircraft, and systems, 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) 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;

(f) 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;

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

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

(Aug. 4, 1949, ch. 393, 63 Stat. 503, §92; 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; Pub. L. 115-232, div. C, title XXXV, §3533(a), Aug. 13, 2018, 132 Stat. 2321; renumbered §501 and amended Pub. L. 115-282, title I, §105(b), title III, §311(a), Dec. 4, 2018, 132 Stat. 4200, 4248.)

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.