

(3) The priority for the use of funds appropriated to the Coast Guard shall be to preserve, protect, and display historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

(c) FUNDING PLAN.—Not later than 2 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and at least 90 days before the date on which the Commandant accepts the Museum under subsection (f), the Commandant shall submit 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 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;

(3) an explanation of any environmental remediation issues related to the land associated with the Museum; and

(4) 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) CONSTRUCTION.—

(1) The Association may construct the Museum described in subsection (a).

(2) The Museum shall be designed and constructed in compliance with the International Building Code 2018, and construction performed on Federal land under this section shall be exempt from State and local requirements for building or demolition permits.

(e) AGREEMENTS.—Under such terms and conditions as the Commandant considers appropriate, notwithstanding section 504, and until the Commandant accepts the Museum under subsection (f), the Commandant may—

(1) license Federal land to the Association for the purpose of constructing the Museum described in subsection (a); and

(2)(A) at a nominal charge, lease the Museum from the Association for activities and operations related to the Museum; and

(B) authorize the Association to generate revenue from the use of the Museum.

(f) ACCEPTANCE.—Not earlier than 90 days after the Commandant submits the plan under subsection (c), the Commandant shall accept the Museum from the Association and all right, title, and interest in and to the Museum shall vest in the United States when—

(1) the Association demonstrates, in a manner acceptable to the Commandant, that the Museum meets the design and construction requirements of subsection (d); and

(2) all financial obligations of the Association incident to the National Coast Guard Museum have been satisfied.

(g) SERVICES.—The Commandant may solicit from the Association and accept services from nonprofit entities, including services related to activities for construction of the Museum.

(h) AUTHORITY.—The Commandant may not establish a Museum except as set forth in this section.

(i) DEFINITIONS.—In this section:

(1) MUSEUM.—The term “Museum” means the National Coast Guard Museum.

(2) ASSOCIATION.—The term “Association” means the National Coast Guard Museum Association.

(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; Pub. L. 116–283, div. G, title LVXXXIV [LXXXIV], §8439(a), Jan. 1, 2021, 134 Stat. 4737.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (c), is the date of enactment of div. G of Pub. L. 116–283, which was approved Jan. 1, 2021.

##### AMENDMENTS

2021—Pub. L. 116–283 amended section generally. Prior to amendment, section related to National Coast Guard Museum.

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 included 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.)

### Editorial Notes

#### 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”.

### Statutory Notes and Related Subsidiaries

#### 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