

2073, 2302, and 2752 of Title 33, Navigation and Navigable Waters, and sections 2110, 2302, 4508, 7302, 8701, and 13110 of Title 46, Shipping, and enacting provisions set out as notes under sections 88 and 92 of this title and section 1113 of Title 33] may be cited as the ‘Coast Guard Personnel and Maritime Safety Act of 2002.’”

Pub. L. 107-295, title IV, § 401, Nov. 25, 2002, 116 Stat. 2113, provided that: “This title [see Tables for classification] may be cited as the ‘Omnibus Maritime and Coast Guard Improvements Act of 2002.’”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Coast Guard transferred to Department of Transportation and all functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 931. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of this title. See section 108 of Title 49, Transportation.

§ 2. Primary duties

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall, pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities..¹

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Pub. L. 87-396, § 1, Oct. 5, 1961, 75 Stat. 827; Pub. L. 91-278, § 1(1), June 12, 1970, 84 Stat. 304; Pub. L. 93-519, Dec. 13, 1974, 88 Stat. 1659; Pub. L. 99-640, § 6, Nov. 10, 1986, 100 Stat. 3547; Pub. L. 100-448, § 17, Sept. 28, 1988, 102 Stat. 1845; Pub. L. 100-690, title VII, § 7403, Nov. 18, 1988, 102 Stat. 4484.)

¹ So in original.

HISTORICAL AND REVISION NOTES

This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from title 14, U.S.C., 1946 ed., §§ 45, 50k-50o, 51, 52, 53, 55, 60, 61, 62, 63, 98a, 104, 261, 301, title 33, U.S.C., 1946 ed., §§ 720, 720a, 740, 740a, 740b, title 46, U.S.C., 1946 ed., § 1 (footnote), 2 (R.S. 1536, 2747, 2758, 2759, 4249; June 23, 1874, ch. 455, § 1, 18 Stat. 220; June 18, 1878, ch. 265, § 4, 20 Stat. 163; July 5, 1884, ch. 221, § 2, 23 Stat. 118; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 19, 1906, ch. 1640, §§ 1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 17, 1910, ch. 301, §§ 6, 7, 36 Stat. 538; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 24, 1914, ch. 124, 38 Stat. 387; Mar. 3, 1915, ch. 81, § 5, 38 Stat. 927; Aug. 29, 1916, ch. 417, 39 Stat. 1820; May 22, 1926, ch. 371, § 6, 44 Stat. 626; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Aug. 16, 1937, ch. 665, § 3, 50 Stat. 667; Feb. 19, 1941, ch. 8, §§ 2, 201, 55 Stat. 9, 11; July 11, 1941, ch. 290, § 7, 55 Stat. 585; Nov. 23, 1942, ch. 639, § 2(2), 56 Stat. 102; Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759; June 22, 1948, ch. 600, 62 Stat. 574; June 26, 1948, ch. 672, 62 Stat. 1050).

This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all Federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, and readiness to function with the Navy. Having been created in 1915 by the consolidation of the Revenue Cutter Service and the Life Saving Service, the Coast Guard has gradually been given additional duties and responsibilities, such as the assignment of law enforcement powers on the high seas and navigable waters in 1936, the transfer of the Lighthouse Service in 1939, and the transfer of the Bureau of Marine Inspection and Navigation in 1942. Existing along with these other duties has been that of maintaining a state of readiness as a specialized service prepared for active participation with the Navy in time of war. These various interdependent functions of the Service have not been expressed collectively in any statute heretofore, but it is believed desirable to do so in this revision in order to have outlined in general terms in one section the broad scope of the functions of the Coast Guard. 81st Congress, House Report No. 557.

AMENDMENTS

1988—Pub. L. 100-690 substituted “United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States; shall administer” for first reference to “United States;”.

Pub. L. 100-448 substituted “Federal laws on, under, and over” for “Federal laws on and under”.

1986—Pub. L. 99-640 inserted “, including the fulfillment of Maritime Defense Zone command responsibilities.”

1974—Pub. L. 93-519 inserted provision requiring Coast Guard to develop, establish, maintain and operate, pursuant to international agreements, icebreaking facilities in waters other than those subject to the jurisdiction of the United States.

1970—Pub. L. 91-278 improved and clarified text, substituting “on and under” for “upon” in clause preceding first semicolon; inserting “and under” after “life and property on” and striking out “on” after “the high seas and” in clause preceding second semicolon; and substituting “icebreaking” for “ice-breaking” and inserting “, under,” after “promotion of safety on” in clause preceding third semicolon, respectively.

1961—Pub. L. 87-396 required Coast Guard to engage in oceanographic research on high seas and in waters subject to jurisdiction of the United States.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security,

and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES

Pub. L. 107-295, title IV, § 426, Nov. 25, 2002, 116 Stat. 2126, provided that: "Not later than February 15 each year, the Secretary of the department in which the Coast Guard is operating 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 report, prepared in conjunction with the Commandant of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fulfill its national defense responsibilities."

§ 3. Relationship to Navy Department

Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations.

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Pub. L. 94-546, §1(2), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-241, title II, § 211, July 11, 2006, 120 Stat. 523.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to when the Coast Guard operates as a service in the Navy are in this section. The provisions relating to the establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to appropriations are placed in section 4 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

2006—Pub. L. 109-241 inserted "if Congress so directs in the declaration" after "Upon the declaration of war".

2002—Pub. L. 107-296 substituted "Department of Homeland Security" for "Department of Transportation".

1976—Pub. L. 94-546 substituted "Executive" for "executive" and "Department of Transportation" for "Treasury Department".

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.

§ 4. Operation as a service in the Navy

Whenever the Coast Guard operates as a service in the Navy:

(a) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

(b) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

(c) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

(d) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

(e) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

(Aug. 4, 1949, ch. 393, 63 Stat. 497; May 5, 1950, ch. 169, § 14(u), 64 Stat. 148; Pub. L. 89-444, § 1(1), June 9, 1966, 80 Stat. 195.)

HISTORICAL AND REVISION NOTES

Subsections (a) and (b) are based on title 14, U.S.C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to appropriations are in this section. The provisions relating to establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to when the Coast Guard operates as a service in the Navy are placed in section 3 of this title.

The substantive changes relating to the availability of appropriations when the Coast Guard is transferred to the Navy were suggested by the Bureau of the Budget (July 11, 1941, ch. 290, § 6 (a), 55 Stat. 585).

Subsection (c) is based on title 14, U.S.C., 1946 ed., § 7 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Subsection (d) is derived from title 34, U.S.C., 1946 ed., §§ 355 to 356b (Feb. 4, 1919, ch. 14, §§ 2-5, 40 Stat. 1056; Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743).

Said sections authorized medals for presentation ". . . to any person who, while serving in any capacity with the Navy of the United States . . ."; inasmuch as this language includes the Coast Guard when it is operating under the Navy, this subsection entails no change in existing law.

Subsection (e) is based on title 34, U.S.C., 1946 ed., § 228 (R.S. 1442; Feb. 28, 1942, ch. 11, 59 Stat. 9).

Inasmuch as R.S. 1442 cited above applies to the Navy and Marine Corps as well as the Coast Guard it is not scheduled for repeal but is being amended by section 6 of this act to eliminate reference to the Coast Guard.

Subsection (f) is based on title 14, U.S.C., 1946 ed., § 3 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Said section has been divided. The provisions concerning applicability of Navy laws to Coast Guard personnel are placed in this section. The provisions of the provisions of title 14, U.S.C., 1946 ed., § 3 are placed in section 571 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1966—Pub. L. 89-444 made technical changes in subsecs. (d) and (e) by inserting "and" at end of subsec. (d) and substituting a period for "; and" at end of subsec. (e).

1950—Act May 5, 1950, repealed subsec. (f) which provided that personnel of the Coast Guard should be subject to the laws for the government of the Navy.

EFFECTIVE DATE OF 1950 AMENDMENT

Section 5 of act May 5, 1950, provided that the amendment made by that section is effective May 31, 1951.