

(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer's retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §205(c)(1), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (b). Pub. L. 103-206, §205(c)(2), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (d). Pub. L. 103-206, §204(d), added subsec. (d). 1986—Subsecs. (a), (b). Pub. L. 99-348, §205(b)(3)(A), struck out “and retired pay” after “with the grade”.

Subsec. (c). Pub. L. 99-348, §205(b)(3)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 290 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46, 47, 50, 50a of this title.

§ 52. Vice admirals, continuity of grade

The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral or admiral.

(Added Pub. L. 97-322, title I, §115(a)(1), Oct. 15, 1982, 96 Stat. 1585; amended Pub. L. 101-225, title II, §203(1), Dec. 12, 1989, 103 Stat. 1911.)

AMENDMENTS

1989—Pub. L. 101-225 inserted “or admiral” after “position as a vice admiral”.

CHAPTER 5—FUNCTIONS AND POWERS

Sec.	
81.	Aids to navigation authorized.
82.	Cooperation with Administrator of the Federal Aviation Administration.
83.	Unauthorized aids to maritime navigation; penalty.
84.	Interference with aids to navigation; penalty.
85.	Aids to maritime navigation; penalty.
86.	Marking of obstructions.

Sec.	
[87.	Repealed.]
88.	Saving life and property.
89.	Law enforcement.
90.	Ocean stations.
91.	Safety of naval vessels.
92.	Secretary; general powers.
93.	Commandant; general powers.
94.	Oceanographic research.
95.	Civilian agents authorized to carry firearms.

AMENDMENTS

1988—Pub. L. 100-448, §10(b), Sept. 28, 1988, 102 Stat. 1842, added item 95.

1976—Pub. L. 94-546, §1(5), (7), Oct. 18, 1976, 90 Stat. 2519, substituted “Federal Aviation Administration” for “Federal Aviation Agency” in item 82, and struck out item 87.

1974—Pub. L. 93-283, §1(4), May 14, 1974, 88 Stat. 140, struck out “on fixed structures” after “maritime navigation” in item 85.

1961—Pub. L. 87-396, §2, Oct. 5, 1961, 75 Stat. 827, added item 94.

1958—Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808, substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics” in item 82.

1956—Act June 4, 1956, ch. 351, §3, 70 Stat. 227, substituted “Aids to maritime navigation on fixed structures” for “Failure to maintain lights” in item 85.

§ 81. Aids to navigation authorized

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense and as required by any of those officials; and

(3) electronic aids to navigation systems (a) required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or any department within the Department of Defense; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as requested by the Administrator of the Federal Aviation Administration.

These aids to navigation other than electronic aids to navigation systems shall be established and operated only within the United States, the waters above the Continental Shelf, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located. The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; June 22, 1951, ch. 150, 65 Stat. 89; Sept. 3, 1954, ch. 1263, §30, 68 Stat. 1237; Aug. 23, 1958, Pub. L. 85-726, title XIV,

§ 1404, 72 Stat. 808; Oct. 14, 1966, Pub. L. 89-662, § 1, 80 Stat. 912; Oct. 18, 1976, Pub. L. 94-546, § 1(3), 90 Stat. 2519; Oct. 15, 1982, Pub. L. 97-322, title I, § 105(a), 96 Stat. 1582.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed.; §§ 50m, 50o, and on title 33, U.S.C., 1946 ed., §§ 720, 720a, 739, 740, 740a, 740b, 769 (R.S. 4668; June 23, 1874, ch. 455, § 1, 18 Stat. 220; June 17, 1910, ch. 301, § 7, 36 Stat. 538; Mar. 3, 1915, ch. 81, § 5, 38 Stat. 927; Aug. 28, 1916, ch. 414, § 3, 39 Stat. 538; May 22, 1926, ch. 371, § 6, 44 Stat. 626; Feb. 25, 1925, ch. 313, § 3, 45 Stat. 1262; Aug. 16, 1937, ch. 665, § 3, 50 Stat. 667; June 26, 1948, ch. 672, §§ 1, 3, 62 Stat. 1050).

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

AMENDMENTS

1982—Pub. L. 97-322 authorized the Coast Guard to contractually establish, maintain, and operate aids to maritime navigation.

1976—Pub. L. 94-546 substituted "Federal Aviation Administration" for "Federal Aviation Agency" in cl. (3)(c).

1966—Pub. L. 89-662 expanded authorization for establishment, maintenance, and operation of aids to air navigation and electronic aids to navigation systems required to serve the needs of the armed forces to include needs peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense, substituted "electronic aids to navigation systems" for "Loran stations", and altered the list of locations where aids to navigation other than electronic aids to navigation could be located by adding the waters above the Continental Shelf and by striking out places where such aids to navigation had been established prior to June 26, 1948.

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics".

1954—Act Sept. 3, 1954, substituted "Department of Defense" for "National Military Establishment".

1951—Act June 22, 1951, extended Coast Guard's authority to include the Trust Territory of the Pacific Islands.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency [Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office on Oct. 31, 1958.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

REPORT TO CONGRESS; CONTRACTUAL AUTHORITY; INCREASE IN RATIO OF CIVILIAN TO MILITARY EMPLOYEES

Section 105(b) of Pub. L. 97-322 provided that: "Not later than one year after the date of enactment of this title [Oct. 15, 1982], the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating—

"(1) the exercise by contract of the authority of the Coast Guard under section 81 of title 14, United States Code, to establish, maintain, and operate aids to navigation, including a discussion of any problems involved in exercising such authority by contract, the reasons for exercising or failing to exercise such authority by contract in particular areas, and the

feasibility of expanding the exercise of such authority by contract; and

"(2) the advantages and disadvantages of increasing the ratio of civilian to military employees assigned to the establishment, maintenance, and operation of aids to navigation on the inland waterways of the United States."

CONTRACTUAL AUTHORITY DEPENDENT UPON AVAILABILITY OF APPROPRIATED FUNDS

Section 105(c) of Pub. L. 97-322 provided that: "Any authority to enter into contracts provided in this section [amending this section and enacting provision set out as Report to Congress note under this section] shall be available only to the extent that appropriated funds are available for that purpose."

EX. ORD. NO. 7521. USE OF VESSELS FOR ICE-BREAKING OPERATIONS IN CHANNELS AND HARBORS

Ex. Ord. No. 7521, Dec. 21, 1936, 1 F.R. 2527, provided: 1. The Coast Guard, operating under the direction of the Secretary of the Treasury, is hereby directed to assist in keeping open to navigation by means of ice-breaking operations, in so far as practicable and as the exigencies may require, channels and harbors in accordance with the reasonable demands of commerce; and to use for that purpose such vessels subject to its control and jurisdiction or which may be made available to it under paragraph 2 hereof as are necessary and are reasonably suitable for such operations.

2. The Secretary of War [Army], the Secretary of the Navy, and the Secretary of Commerce are hereby directed to cooperate with the Coast Guard in such ice-breaking operations, and to furnish the Coast Guard, upon the request of the Commandant thereof, for this service such vessels under their jurisdiction and control as in the opinion of the Commandant, with the concurrence of the head of the Department concerned, are available and are, or may readily be made, suitable for this service.

CROSS REFERENCES

Commandant, general powers, see section 93 of this title.

Development and operation of aids to navigation, see section 2 of this title.

Ice and derelict patrol, see section 738a of Title 46, Appendix, Shipping.

Inland Navigational Rules, see section 2001 et seq. of Title 33, Navigation and Navigable Waters.

Interference with aids to navigation; penalty, see section 84 of this title.

Unauthorized aids to maritime navigation; penalty, see section 83 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 84 of this title.

§ 82. Cooperation with Administrator of the Federal Aviation Administration

The Coast Guard, in establishing, maintaining, or operating any aids to air navigation herein provided, shall solicit the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit

the authority granted by chapter 167 of title 10 or part A of subtitle VII of title 49.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; Sept. 3, 1954, ch. 1263, § 31, 68 Stat. 1237; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1404, 72 Stat. 808; Oct. 14, 1966, Pub. L. 89-662, § 2, 80 Stat. 912; Oct. 18, 1976, Pub. L. 94-546, § 1(4), (5), 90 Stat. 2519; Oct. 12, 1982, Pub. L. 97-295, § 2(3), 96 Stat. 1301; Nov. 10, 1986, Pub. L. 99-640, § 10(a)(3), 100 Stat. 3549; July 5, 1994, Pub. L. 103-272, § 5(d), 108 Stat. 1373.)

HISTORICAL AND REVISION NOTES

1949 ACT

Based on title 14, U.S.C., 1946 ed., § 50n (June 26, 1948, ch. 672, § 2, 62 Stat. 1050). 81st Congress, House Report No. 557.

1982 ACT

The citation "(49 U.S.C. 1301 et seq.)" is substituted for "(ch. 20 of title 49)" for consistency in title 14. The words "chapter 167 of title 10" are substituted for "sections 7392 and 7394 of title 10" to reflect the replacement of those sections by chapter 167 of title 10 under section 1(50) of the bill.

AMENDMENTS

1994—Pub. L. 103-272 amended last sentence generally, substituting "chapter 167 of title 10 or part A of subtitle VII of title 49" for "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.), or by the provisions of chapter 167 of title 10".

1986—Pub. L. 99-640 substituted "(49 App. U.S.C. 1301 et seq.)" for "as amended (49 U.S.C. 1301 et seq.)".

1982—Pub. L. 97-295 substituted "(49 U.S.C. 1301 et seq.)" for "(ch. 20 of title 49)" and "chapter 167 of title 10" for "sections 7392 and 7394 of title 10".

1976—Pub. L. 94-546, § 1(5), substituted "Federal Aviation Administration" for "Federal Aviation Agency" in section catchline.

Pub. L. 94-546, § 1(4), substituted "Federal Aviation Administration" for "Federal Aviation Agency" wherever appearing in first sentence.

1966—Pub. L. 89-662 substituted "granted by the Federal Aviation Act of 1958, as amended (ch. 20 of title 49), or by the provisions of sections 7392 and 7394 of title 10" for "granted by the provisions of section 458 of Title 5, or by section 475(e) of Title 49 or subchapter III of chapter 9 of that title".

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics", and "Federal Aviation Agency" for "Civil Aeronautics Administration".

1954—Act Sept. 3, 1954, substituted "section 175(e) of Title 49 or subchapter III of chapter 9 of that title" for "sections 175(f) or 451 to 458 of Title 49".

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency [Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office on Oct. 31, 1958.

CROSS REFERENCES

Air navigational facilities on floating ocean stations, see section 90 of this title.

§ 83. Unauthorized aids to maritime navigation; penalty

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime naviga-

tion in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation continues shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; May 14, 1974, Pub. L. 93-283, § 1(1), 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., § 759 (June 20, 1906, ch. 3447, § 3, 34 Stat. 324; June 17, 1910, ch. 301, § 6, 36 Stat. 538; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

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

AMENDMENTS

1974—Pub. L. 93-283 substituted "maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority" for "maritime navigation without first obtaining authority".

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Aids to navigation—

Authorized, see section 81 of this title.

Damages for injuring or destroying, deposit of payments, see section 642 of this title.

Rewards for apprehension and conviction of persons interfering with, see section 643 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 84 of this title.

§ 84. Interference with aids to navigation; penalty

It shall be unlawful for any person, or public body, or instrumentality, excluding the armed forces, to remove, change the location of, obstruct, wilfully damage, make fast to, or interfere with any aid to navigation established, installed, operated, or maintained by the Coast Guard pursuant to section 81 of this title, or with any aid to navigation lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of this title, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946, ed., §§761, 762 (May 14, 1908, ch. 168, §6, 35 Stat. 162; June 17, 1910, ch. 301, §6, 36 Stat. 538; Mar. 3, 1915, ch. 81, §8, 38 Stat. 928; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

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

CROSS REFERENCES

Aids to navigation—

Damages for injuring or destroying, deposit of payments, see section 642 of this title.

Rewards for apprehension and conviction of persons interfering with, see section 643 of this title.

§ 85. Aids to maritime navigation; penalty

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of marine navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States. Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding \$100 for each day which such violation continues.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; June 4, 1956, ch. 351, §1, 70 Stat. 226; May 14, 1974, Pub. L. 93-283, §1(2), 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §760 (May 14, 1908, ch. 168, §5, 35 Stat. 162).

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

AMENDMENTS

1974—Pub. L. 93-283 struck out “on fixed structures” after “maritime navigation” in section catchline and in text substituted “fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States” for “fixed structures in or over navigable waters of the United States”.

1956—Act June 4, 1956, amended section generally, vesting in Secretary rule-making authority, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed structures in or over navigable waters of the United States, and excluding agencies of United States from its provisions.

§ 86. Marking of obstructions

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on the navigable waters or waters above the continental shelf of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or

until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; Sept. 17, 1965, Pub. L. 89-191, 79 Stat. 822; May 14, 1974, Pub. L. 93-283, §1(3), 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §736 (R.S. 4676; June 17, 1910, ch. 301, §6, 36 Stat. 538; Aug. 16, 1937, ch. 665, §1, 50 Stat. 666; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

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

AMENDMENTS

1974—Pub. L. 93-283 substituted “the navigable waters or waters above the continental shelf of the United States” for “any navigable waters of the United States”.

1965—Pub. L. 89-191 vested sole responsibility for wreck marking in the Coast Guard by giving the Secretary discretionary authority to mark wrecks or other similar obstructions for as long as in his judgment the needs of maritime navigation may require, by removing reference to responsibility of the Department of the Army to mark wrecks, after abandonment and before removal, and by giving the Secretary the authority to terminate an owner’s liability to pay the cost of marking a wreck.

§ 87. Repealed. Pub. L. 94-546, §1(6), (7), Oct. 18, 1976, 90 Stat. 2519]

Section, act Aug. 4, 1949, ch. 393, §1, 63 Stat. 501, related to color and numbering of buoys along coast, or in bays, harbors, sounds, or channels, as indicating whether such buoys were to be passed on the starboard or port hand and prescribed the coloring for buoys in channel ways.

§ 88. Saving life and property

(a) In order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:

(1) perform any and all acts necessary to rescue and aid persons and protect and save property;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the Coast Guard; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b)(1) Subject to paragraph (2), the Coast Guard may render aid to persons and protect

and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized.

(2) The Commandant shall make full use of all available and qualified resources, including the Coast Guard Auxiliary and individuals licensed by the Secretary pursuant to section 8904(b) of title 46, United States Code, in rendering aid under this subsection in nonemergency cases.

(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

- (1) guilty of a class D felony;
- (2) subject to a civil penalty of not more than \$5,000; and
- (3) liable for all costs the Coast Guard incurs as a result of the individual's action.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; June 12, 1970, Pub. L. 91-278, §1(3), 84 Stat. 304; Sept. 28, 1988, Pub. L. 100-448, §30(a), 102 Stat. 1849; Nov. 16, 1990, Pub. L. 101-595, title IV, §401, 104 Stat. 2989.)

HISTORICAL AND REVISION NOTES

Derived from title 14, U.S.C., 1946 ed., §§29, 53, 55, 60, 61, 62, 63, 104, and title 34, U.S.C., 1946 ed., §471 (R.S. 1536, R.S. 2759; June 18, 1878, ch. 265, §4, 20 Stat. 163; Apr. 19, 1906, ch. 1640, §§1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 24, 1914, ch. 124, 38 Stat. 387; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786).

This section broadens existing law in that it authorizes the Coast Guard to engage in saving life and property in the broadest possible terms, without limitation as to place. This section reflects existing sentiment as to Coast Guard functions in relation to saving life and property. There is no intention to supersede or conflict with the present authority of the Civil Aeronautics Board to investigate certain aircraft wrecks. 81st Congress, House Report No. 557.

AMENDMENTS

- 1990—Subsec. (c). Pub. L. 101-595 added subsec. (c).
 1988—Subsec. (b). Pub. L. 100-448 designated existing provisions as par. (1), substituted "Subject to paragraph (2), the Coast Guard" for "The Coast Guard", and added par. (2).
 1970—Subsec. (a). Pub. L. 91-278 substituted "on and under the high seas and on and under the waters" for "on the high seas and on waters" in introductory text.

HELICOPTER RESCUE SWIMMING PROGRAM

Pub. L. 98-557, §9, Oct. 30, 1984, 98 Stat. 2862, provided that: "The Secretary of the department in which the Coast Guard is operating shall use such sums as are necessary, from amounts appropriated for the operation and maintenance of the Coast Guard, to establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills."

COAST GUARD POLICIES AND PROCEDURES FOR TOWING AND SALVAGE OF DISABLED VESSELS FOR MINIMIZATION OF COAST GUARD COMPETITION OR INTERFERENCE WITH COMMERCIAL ENTERPRISE

Pub. L. 97-322, title I, §113, Oct. 15, 1982, 96 Stat. 1585, as amended by Pub. L. 100-448, §30(b), Sept. 28, 1988, 102 Stat. 1850, provided that: "The Commandant of the Coast Guard shall review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference (other than by the Coast Guard Auxiliary) with private towing activities or other commercial enterprise."

CROSS REFERENCES

Clothing for destitute shipwrecked persons, see section 486 of this title.

§ 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

- (1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and
- (2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

(Aug. 4, 1949, ch. 393, 63 Stat. 502; Aug. 3, 1950, ch. 536, §1, 64 Stat. 406.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§45-47, 51, 52, 66, 67, 104, and on title 33, U.S.C., 1946 ed., §755 (R.S. 2747, 2758, 2760, 2762; June 18, 1878, ch. 265, §4, 20 Stat. 163; June 16, 1880, ch. 235, 21 Stat. 263; June 22, 1936, ch. 705, §§1-3, 49 Stat. 1820; July 11, 1941, ch. 290, §7, 55 Stat. 585).

The words "or such merchandise" are inserted in the last clause of subsection (a) in order to provide for situations where it may be desirable to seize merchandise without seizing the vessel.

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

AMENDMENTS

1950—Subsec. (a). Act Aug. 3, 1950, struck out "to" before "examine" in second sentence.

ENHANCED DRUG-INTERDICTION ASSISTANCE

Pub. L. 99-145, title XIV, §1421, Nov. 8, 1985, 99 Stat. 750, required assignment of a member of the Coast Guard to each surface naval vessel at sea in a drug-interdiction area to perform law enforcement functions, prior to repeal by Pub. L. 99-570, title III, §3053(b)(3), Oct. 27, 1986, 100 Stat. 3207-76. See section 379 of Title 10, Armed Forces.

CROSS REFERENCES

Enforcement of laws—

Generally, see section 2 of this title.

Customs laws, see section 143 of this title.

Stopping vessels, immunity of Coast Guard officer, see section 637 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 973h, 1437; title 33 section 2605.

§ 90. Ocean stations

(a) The Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

(b) The Coast Guard is authorized, subject to approval by the Administrator of the Federal Aviation Administration, to operate, on floating ocean stations authorized herein, such air navigation facilities as the Administrator may find necessary or desirable for the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating such air navigation facilities shall request the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage.

(Aug. 4, 1949, ch. 393, 63 Stat. 502; Aug. 23, 1958, Pub. L. 85-726, title XIV, §1404, 72 Stat. 808; Oct. 18, 1976, Pub. L. 94-546, §1(8), 90 Stat. 2519.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§50k, 50l (June 22, 1948, ch. 600, 62 Stat. 574).

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

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-546 substituted “Federal Aviation Administration” for “Federal Aviation Agency” wherever appearing.

1958—Subsec. (b). Pub. L. 85-726 substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics” in two places, and “Federal Aviation Agency” for “Civil Aeronautics Administration”.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 shall be effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency [now Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. The Administrator was appointed, qualified, and took office on Oct. 31, 1958.

§ 91. Safety of naval vessels

(a) The Secretary may control the anchorage and movement of any vessel in the navigable

waters of the United States to ensure the safety or security of any United States naval vessel in those waters.

(b) If the Secretary does not exercise the authority in subsection (a) of this section and immediate action is required, the senior naval officer present in command may control the anchorage or movement of any vessel in the navigable waters of the United States to ensure the safety and security of any United States naval vessel under the officer's command.

(c) If a person violates, or a vessel is operated in violation of, this section or a regulation or order issued under this section, the person or vessel is subject to the enforcement provisions in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

(Aug. 4, 1949, ch. 393, 63 Stat. 503; Nov. 10, 1986, Pub. L. 99-640, §10(a)(4), 100 Stat. 3549.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §48a (Nov. 15, 1941, ch. 471, §1, 55 Stat. 763).

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

AMENDMENTS

1986—Pub. L. 99-640 amended section generally. Prior to amendment, section read as follows: “The captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command.”

§ 92. 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, and subject to applicable regulations under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) dispose of them;

[(e) Repealed. Oct. 31, 1951, ch. 654, §1(32), 65 Stat. 702]

(f) 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;

(g) 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;

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

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

(Aug. 4, 1949, ch. 393, 63 Stat. 503; Oct. 31, 1951, ch. 654, §§1(32), 2(9), 3(3), 65 Stat. 702, 707, 708; Oct. 12, 1982, Pub. L. 97-295, §2(4), 96 Stat. 1301; Oct. 30, 1984, Pub. L. 98-557, §15(a)(3)(D), 98 Stat. 2865.)

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.

Subsection (a) is based on title 14, U.S.C., 1946 ed., §95 (Aug. 29, 1916, ch. 417, 39 Stat. 601). Said section has been divided. The provision authorizing the Secretary to man stations seems more appropriately given to the operational head of the Service, the Commandant, and for that reason is incorporated in section 93(c) of this title.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §§28, 42 (Aug. 16, 1916, ch. 417, 39 Stat. 601; July 3, 1926, ch. 742, §11, 44 Stat. 817). These sections were rewritten in order to broaden existing authority in regard to the training of Coast Guard personnel at schools of the other armed forces, thus approaching a practice of war time, and making for economy in the training of Service personnel; such training would be on a basis mutually satisfactory to the Secretaries involved.

Subsection (c) is based on R.S. 4242 and on title 14, U.S.C., 1946 ed., §§29, 93, 94, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §2, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; June 6, 1940, ch. 257, §4, 54 Stat. 247; Aug. 6, 1947, ch. 502, 61 Stat. 786). This subsection broadens existing law in that it provides general legislative authority for the construction and disposal of shore establishments of all types including aviation stations.

Subsection (d) is based in part on title 14, U.S.C., 1946 ed., §§55, 57, 69, 109, and in part on title 31, U.S.C., 1946 ed., §§487, 720, (R.S. 2748, 3618, 3692; June 18, 1878, ch. 265, §3, 20 Stat. 163; Aug. 29, 1916, ch. 417, 39 Stat. 601). This subsection broadens existing law in that it provides general legislative authority for the design, construction, acquisition by other means, and disposal of vessels.

Subsection (e) is new. It is derived from title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, §602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]) which provides for the exchange of vehicles, planes, and engines; similar authority in relation to vessels, is granted to the Secretary by this subsection and should prove advantageous to the Government.

Subsection (f) is based on title 14, U.S.C., 1946 ed., §96 and on title 33, U.S.C., 1946 ed., §§729, 730, 731 (Mar. 3, 1875, ch. 130, §1, 18 Stat. 372; Mar. 4, 1909, ch. 299, 35 Stat. 972; June 17, 1910, ch. 301, §9, 36 Stat. 538; Mar. 4, 1913, ch. 168, 37 Stat. 1018). This subsection broadens the power of the Secretary to receive as a gift or purchase sites for stations, to include the acquisition of land by any means provided it is for the purpose of executing duties and functions of the Coast Guard.

Subsection (g) is based in part on title 33, U.S.C., 1946 ed., §732 (Aug. 28, 1916, ch. 414, §2, 39 Stat. 538; July 11,

1941, ch. 290, §1, 55 Stat. 584) and grants authority to the Secretary to exchange interests in land as payment or part payment for other interests in land for the purpose of executing the duties and functions of the Coast Guard; this authority, on the basis of past experience, will prove advantageous to the Government.

Subsection (h) is new and merely insures that the Secretary may exercise any of the powers granted to the Commandant in this title.

Subsection (i) is based in part on title 14, U.S.C., 1946 ed., §§51, 131 (R.S. 2756, 2758) and insures that the Secretary may do anything necessary to carry out the purposes of this title.

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

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, and Tables.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men.

1982—Subsec. (d). Pub. L. 97-295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

1951—Subsec. (c). Act Oct. 31, 1951, §3(3), struck out provision relating to sale or other disposition of unsuitable or unseviceable shore establishments, and disposition of the net monies received therefrom.

Subsec. (d). Act Oct. 31, 1951, §2(9), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out requirement that net monies received from the disposition of vessels be covered into the Treasury.

Subsec. (e). Act Oct. 31, 1951, §1(32), repealed subsec. (e) which empowered the Secretary to exchange vessels and parts thereof in part payment for new vessels.

COAST GUARD VESSEL DESIGN

Pub. L. 101-380, title IV, §4203, Aug. 18, 1990, 104 Stat. 532, provided that: “The Secretary shall ensure that vessels designed and constructed to replace Coast Guard buoy tenders are equipped with oil skimming systems that are readily available and operable, and that complement the primary mission of servicing aids to navigation.”

AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM

Pub. L. 101-225, title II, §204, Dec. 12, 1989, 103 Stat. 1911, provided that:

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the ‘Secretary’) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade County, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the ‘Academy’).

“(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section—

“(1) shall be known as the ‘Claude Pepper Junior Reserve Officers Training Program’, and

“(2) shall provide to students at the Academy—

“(A) instruction in subject areas relating to operations of the Coast Guard; and

“(B) training in skills which are useful and appropriate for a career in the Coast Guard.

“(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to the Academy—

“(1) assistance in course development, instruction, and other support activities;

“(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

“(3) necessary and appropriate course materials, equipment, and uniforms.

“(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

“(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

“(2) AUTHORIZED PAY.—(A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

“(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

“(ii) the amount of retired pay the individual is entitled to receive during that period.

“(B) The Secretary shall pay to the Academy an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

“(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.”

CONSIDERATION OF MARITIME ADMINISTRATION VESSELS

Pub. L. 101-225, title II, §213, Dec. 12, 1989, 103 Stat. 1914, provided that: “Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vessels are suitable for use by the Coast Guard.”

LIFESAVING EQUIPMENT ON PASSENGER FERRIES

Section 10 of Pub. L. 98-557 provided that: “The Secretary of the department in which the Coast Guard is operating shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries.”

LEASING OF EXISTING HOUSING FOR ASSIGNMENT AS PUBLIC QUARTERS TO MILITARY PERSONNEL AND DEPENDENTS

Pub. L. 89-381, §2, Mar. 30, 1966, 80 Stat. 97, during fiscal years 1967 through and including 1968, authorized the Secretary of the Department in which the Coast Guard was operating to lease existing housing facilities at or near Coast Guard installations in the United States and Puerto Rico for assignment as public quarters to military personnel and their dependents.

AIRCRAFT

Provisions specifying the maximum number of aircraft on hand at any one time, exclusive of planes and parts stored to meet future attrition, were contained in the following appropriation acts:

Nov. 15, 1995, Pub. L. 104-50, title I, 109 Stat. 438.
 Sept. 30, 1994, Pub. L. 103-331, title I, 108 Stat. 2473.
 Oct. 27, 1993, Pub. L. 103-122, title I, 107 Stat. 1201.
 Oct. 6, 1992, Pub. L. 102-388, title I, 106 Stat. 1523.
 Oct. 28, 1991, Pub. L. 102-143, title I, 105 Stat. 920.
 Nov. 5, 1990, Pub. L. 101-516, title I, 104 Stat. 2158.
 Nov. 21, 1989, Pub. L. 101-164, title I, 103 Stat. 1071.
 Sept. 30, 1988, Pub. L. 100-457, title I, 102 Stat. 2126.

Dec. 22, 1987, Pub. L. 100-202, §101(l) [title I], 101 Stat. 1329-358, 1329-359.

Oct. 18, 1986, Pub. L. 99-500, §101(l) [H.R. 5205, title I], 100 Stat. 1783-308, and Oct. 30, 1986, Pub. L. 99-591, §101(l), 100 Stat. 3341-308.

Dec. 19, 1985, Pub. L. 99-190, §101(e) [title I], 99 Stat. 1267, 1269.

Oct. 12, 1984, Pub. L. 98-473, title I, §101(i) [title I], 98 Stat. 1944, 1945.

Aug. 15, 1983, Pub. L. 98-78, title I, 97 Stat. 454.

Dec. 18, 1982, Pub. L. 97-369, title I, 96 Stat. 1766.

Dec. 23, 1981, Pub. L. 97-102, title I, 95 Stat. 1443.

Oct. 9, 1980, Pub. L. 96-400, title I, 94 Stat. 1681.

Nov. 30, 1979, Pub. L. 96-131, title I, 93 Stat. 1023.

Aug. 4, 1978, Pub. L. 95-335, title I, 92 Stat. 435.

Aug. 2, 1977, Pub. L. 95-85, title I, 91 Stat. 402.

Aug. 14, 1976, Pub. L. 94-387, title I, 90 Stat. 1172.

Nov. 24, 1975, Pub. L. 94-134, title I, 89 Stat. 696.

Aug. 28, 1974, Pub. L. 93-391, title I, 88 Stat. 769.

Aug. 16, 1973, Pub. L. 93-98, title I, 87 Stat. 330.

Aug. 22, 1972, Pub. L. 93-398, title I, 86 Stat. 581.

Aug. 10, 1971, Pub. L. 92-74, title I, 85 Stat. 202.

Dec. 26, 1969, Pub. L. 91-168, title I, 83 Stat. 454.

Aug. 8, 1968, Pub. L. 90-464, title I, 82 Stat. 654.

Oct. 23, 1967, Pub. L. 90-112, title II, 81 Stat. 312.

June 29, 1966, Pub. L. 89-474, title I, 80 Stat. 223.

June 30, 1965, Pub. L. 89-57, title I, 79 Stat. 197.

Aug. 1, 1964, Pub. L. 88-392, title I, 78 Stat. 369.

June 13, 1963, Pub. L. 88-39, title I, 77 Stat. 59.

Aug. 6, 1962, Pub. L. 87-575, title I, 76 Stat. 311.

Aug. 21, 1961, Pub. L. 87-159, title I, 75 Stat. 395.

June 30, 1960, Pub. L. 86-561, title I, 74 Stat. 285.

June 11, 1959, Pub. L. 86-39, title I, 73 Stat. 67.

Mar. 28, 1958, Pub. L. 85-354, title I, 72 Stat. 62.

May 27, 1957, Pub. L. 85-37, title I, 71 Stat. 37.

Apr. 2, 1956, ch. 161, title I, 70 Stat. 93.

June 1, 1955, ch. 113, title I, 69 Stat. 74.

May 28, 1954, ch. 242, title I, 68 Stat. 146.

June 18, 1953, ch. 132, title I, 67 Stat. 69.

June 30, 1952, ch. 523, title I, 66 Stat. 291.

Aug. 11, 1951, ch. 301, title I, 65 Stat. 185.

Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 639.

June 30, 1949, ch. 286, title I, 63 Stat. 367.

June 19, 1948, ch. 558, title I, 62 Stat. 563.

July 1, 1947, ch. 186, title I, 61 Stat. 227.

July 12, 1946, ch. 569, §1, 60 Stat. 531.

APPROPRIATION AUTHORIZATION FOR CONSTRUCTION OF SHORE OR OFFSHORE ESTABLISHMENTS OR FOR PROCUREMENT OF VESSELS OR AIRCRAFT

Pub. L. 88-45, §1, June 21, 1963, 77 Stat. 68, provided that after fiscal year 1964, funds could not be appropriated to or for the use of the Coast Guard for the construction of shore or offshore establishments, or for the procurement of vessels or aircraft, unless the appropriation of such funds had been authorized by legislation enacted after Dec. 31, 1963, prior to repeal by Pub. L. 99-640, §10(a)(9), Nov. 10, 1986, 100 Stat. 3549.

CROSS REFERENCES

Acceptance of gifts to and administration of Coast Guard General Gift Fund, see section 2601 of Title 10, Armed Forces.

Delegation of powers, see section 631 of this title.

Proceeds from transfer, sale, etc., of property, see section 485 of Title 40, Public Buildings, Property, and Works.

Regulations and orders, power to promulgate, see section 633 of this title.

Report of expenditures and operations, see section 651 of this title.

Secretary defined, see section 5 of this title.

Supervision of Commandant's execution of powers and functions, see section 632 of this title.

Warrant officers, appointment, see section 571 et seq. of Title 10, Armed Forces.

§ 93. Commandant; general powers

For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(a) maintain water, land, and air patrols, and ice-breaking facilities;

(b) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(c) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(d) conduct experiments, investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function and cooperate and coordinate such activities with other Government agencies and with private agencies;

(e) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(f) collect, publish, and distribute information concerning Coast Guard operations;

(g) conduct or make available to personnel of the Coast Guard such specialized training and courses of instruction, including correspondence courses, as may be necessary or desirable for the good of the service;

(h) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) dispose of them;

(i) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(j) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

[(k) Repealed. Oct. 31, 1951, ch. 654, §1(33), 65 Stat. 702]

(l) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(m) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(n) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in the Treasury;

(o) grant, under such terms and conditions as are deemed advisable, permits, licenses, easements, and rights-of-way over, across, in, and upon lands under the control of the Coast

Guard when in the public interest and without substantially injuring the interests of the United States in the property thereby affected;

(p) establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration, and acquire such real property rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment;

(q) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations;

(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities;

(s) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform community service under the order of a Federal, State, or municipal court,¹

(t) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

(1) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

(2) a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims; and

(u) enter into cooperative agreements with other Government agencies and the National Academy of Sciences.

(Aug. 4, 1949, ch. 393, 63 Stat. 504; Aug. 3, 1950, ch. 536, §2, 64 Stat. 406; Oct. 31, 1951, ch. 654, §§1(33), 2(10), 4(1), 65 Stat. 702, 707, 709; Oct. 18, 1976, Pub. L. 94-546, §1(9), 90 Stat. 2519; Dec. 29, 1981, Pub. L. 97-136, §6(d), 95 Stat. 1706; Oct. 2, 1982, Pub. L. 97-276, §143, 96 Stat. 1199; Oct. 12, 1982, Pub. L. 97-295, §2(4), 96 Stat. 1301; Oct. 15, 1982, Pub. L. 97-322, title I, §115(c), 96 Stat. 1586; Dec. 19, 1991, Pub. L. 102-241, §7, 105 Stat. 2212; Dec. 20, 1993, Pub. L. 103-206, title II, §202, title III, §316, 107 Stat. 2420, 2426.)

¹ So in original. The comma probably should be a semicolon.

HISTORICAL AND REVISION NOTES

This section grants powers to the Commandant concerning, in general, operations within the Service and the internal functioning of the Service. Many of the powers are contained in existing law, but some are enlarged, and some additional powers are added as explained following.

Subsection (a) is derived from title 14, U.S.C., 1946 ed., §53, and title 34, U.S.C., 1946 ed., §471 (R.S. 1536). The authority to order vessels to cruise along the coasts should be in the operational head of the Service, and not in the President. This section is changed to cover adequately the necessary present day cruising and patrolling.

Subsection (b) is derived from R.S. 4242 and title 14, U.S.C., 1946 ed., §§29, 93, 94, 95, 97, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §§2, 3, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786; June 6, 1940, ch. 257, §4, 54 Stat. 247), and specifically grants to the Commandant authority in regard to the establishment, discontinuance, and change of Coast Guard shore establishments other than Coast Guard districts. This power must exist inherently in order for the Service to function efficiently.

Subsection (c) is derived from title 14, U.S.C., 1946 ed., §§54, 97, 112 (May 4, 1882, ch. 117, §3, 22 Stat. 56; May 30, 1908, ch. 231, 35 Stat. 553; Apr. 21, 1910, ch. 182, §2, 36 Stat. 326), and specifically grants to the Commandant authority in regard to the assignment of vessels, vehicles, aids to navigation, and other equipment. This power is inherent to the proper functioning of any Service.

Subsection (d) is based on title 14, U.S.C., 1946 ed., §91 (June 18, 1878, ch. 265, §7, 20 Stat. 164; June 10, 1921, ch. 18, §304, 42 Stat. 24; July 3, 1926, ch. 742, §9, 44 Stat. 817). Said section has been divided. The part dealing with investigation of plans and inventions is covered in this subsection in broader terms, and the other parts are covered in general terms in section 632 of this title.

Subsection (e) is based on title 14, U.S.C., 1946 ed., §111 (June 18, 1878, ch. 265, §9, 20 Stat. 164). This section has been rewritten to broaden the authority to include any investigation or study that may be of assistance to the Coast Guard, the limitation as to investigation of shipwrecks having been eliminated.

Subsection (f) is new and is intended to give legislative recognition to the importance of disseminating information by the Coast Guard for the promotion of safety at sea, life-saving techniques, and other Coast Guard activities.

Subsection (g) is new and provides for the training of Coast Guard personnel at other than schools or institutions of the other armed forces. Such training is essential and has been carried on under the authority of appropriation acts for many years.

Subsection (h) is based in part on title 14, U.S.C., 1946 ed., §§69, 108, 109, (R.S. 2748; June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163), and is intended to complement the authority granted to the Secretary in sec. 92(d) of this title granting similar authority to the Commandant as to smaller craft.

Subsection (i) is based in part on title 14, U.S.C., §§108, 109, and on title 33, U.S.C., 1946 ed., §752 (June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163; Mar. 4, 1913, ch. 168, 37 Stat. 10183, and grants power to the Commandant to acquire and dispose of various equipment and supplies. The authority with respect to the acceptance of such equipment as a gift is new.

Subsection (j) is new and grants power to the Commandant to operate and maintain shore establishments; previously such authority has been inferred from statutes providing for the establishment of shore stations; again such authority is inherent to the functioning of any Service, and this section will provide no greater authority than has been exercised in the past.

Subsection (k) is based on title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI,

§602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]). The primary authority is granted to the Commandant as well as to the Secretary inasmuch as such exchange seems to be an operational matter and the items which may be exchanged have been enlarged by the addition of aids to navigation, appliances, equipment, and supplies.

Inasmuch as the act cited above applies to the Navy as well as the Coast Guard it is not scheduled for repeal but is being amended by section 13 of this act to eliminate reference to the Coast Guard.

Subsection (l) is new and is deemed desirable in order to give legislative authority for existing yards, and for the procurement of needed equipment and material in case such is not normally or economically obtainable from private contractors.

Subsection (m) is based on title 14, U.S.C., 1946 ed., §§110, 192 (June 20, 1874, ch. 344, §6, 18 Stat. 127; June 18, 1878, ch. 265, §10, 20 Stat. 165; July 3, 1926, ch. 742, §9, 44 Stat. 817). The power to accept volunteer services is enlarged to include all services offered in time of emergency, to save life or protect property, and the restrictive provisions relating to lifeboat stations only have been eliminated.

Subsection (n) is new and grants authority to the Commandant to lease real property under the control of the Coast Guard, when not immediately needed in Coast Guard operations. Such authority will be advantageous to the Government, on the basis of past experience.

Subsection (o) is new and is supplementary to subsection (n) of this section. It grants further authority to the Commandant permitting him to grant minor interests in land which is under control of the Coast Guard. This will avoid the necessity of special acts of Congress in each of such instances.

Subsection (p) is new and is necessary to give proper authority for the maintenance of networks of wires and cables, in some cases over or along private property or public highways. These networks are in existence at the present time and are essential for the Service to carry out its functions.

Subsection (q) is new and is necessary in order to provide clear authority for the maintenance of radio stations which are essential to Coast Guard functions.

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

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (h), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, and Tables.

AMENDMENTS

1993—Subsec. (t). Pub. L. 103-206, §202, added subsec. (t).

Subsec. (u). Pub. L. 103-206, §316, added subsec. (u).

1991—Subsec. (s). Pub. L. 102-241 added subsec. (s).

1982—Subsec. (h). Pub. L. 97-295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

Subsec. (r). Pub. L. 97-276 and Pub. L. 97-322 made identical amendments adding subsec. (r) relating to medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.

1981—Subsec. (p). Pub. L. 97-136, inserted “including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration,” after “of such lines and cables.”

1976—Subsec. (n). Pub. L. 94-546 substituted “to be deposited in the Treasury” for “to be covered into the Treasury”.

1951—Subsec. (h). Act Oct. 31, 1951, §2(10), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out the requirement that net monies received from the disposition of patrol boats, etc., be covered into the Treasury.

Subsec. (i). Act Oct. 31, 1951, §4(1), inserted provision permitting discontinuance of aids to navigation, etc., and struck out provision permitting discontinuance or other disposition of obsolete, unsuitable, or unserviceable aids to navigation, etc., and the requirement that the net monies received from such disposition be covered into the Treasury.

Subsec. (k). Act Oct. 31, 1951, §1(33), repealed subsec. (k) which empowered the Commandant to exchange aircraft, vehicles, and parts thereof, and obsolete, unsuitable, or unserviceable machines, tools, aids to navigation, appliances, equipment, and supplies in part payment for new items of the same or similar character.

1950—Subsec. (o). Act Aug. 3, 1950, struck out “and” after the semicolon.

Subsec. (p). Act Aug. 3, 1950, substituted “; and” for the period at end.

CROSS REFERENCES

Advancements and allotments to seamen, enforcement of law, see sections 10314, 10315, 10505, 10506 of Title 46, Shipping.

Anchorage grounds, marking, see section 472 of Title 33, Navigation and Navigable Waters.

Annual report to Congress, see section 651 of this title.

Appeal from certificate of complement of officers and crew, see section 8101 of Title 46, Shipping.

Appointment, see section 44 of this title.

Assignment of personnel to duty, see section 632 of this title.

Coast Guard Academy, appointment of superintendent, see section 181 of this title.

Coast Guard Auxiliary, administration, see section 821 of this title.

Execution of powers and functions, see section 632 of this title.

Flag officers, responsibility for reserve affairs to Commandant, see section 10203 of Title 10, Armed Forces.

Inspection laws, see section 3301 et seq. of Title 46, Shipping.

Issuance of certificates of convention radio particulars to vessels, see section 359 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Personal money allowances, see section 414 of Title 37, Pay and Allowances of the Uniformed Services.

Proceeds from transfer, sale, etc., of property, see section 485 of Title 40, Public Buildings, Property, and Works.

Procurement of all supplies and services, see section 2301 et seq. of Title 10, Armed Forces.

Retirement, see section 46 of this title.

Suspension or revocation of license, certificate of registry, or merchant mariners' document, see section 7702 of Title 46, Shipping.

§ 94. Oceanographic research

The Coast Guard shall conduct such oceanographic research, use such equipment or instruments, and collect and analyze such oceanographic data, in cooperation with other agencies of the Government, or not, as may be in the national interest.

(Added Pub. L. 87-396, §1, Oct. 5, 1961, 75 Stat. 827.)

§ 95. Civilian agents authorized to carry firearms

Under regulations prescribed by the Secretary with the approval of the Attorney General, civilian special agents of the Coast Guard may carry

firearms or other appropriate weapons while assigned to official investigative or law enforcement duties.

(Added Pub. L. 100-448, §10(a), Sept. 28, 1988, 102 Stat. 1842.)

CHAPTER 7—COOPERATION WITH OTHER AGENCIES

Sec.

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| 141. | General. |
| 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. | Detail of members to assist foreign governments. |
| 150. | Coast Guard officers as attachés to missions. |
| 151. | Contracts with Government-owned establishments for work and material. |

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.

AMENDMENTS

1984—Pub. L. 98-557, §15(a)(4)(A)(ii), Oct. 30, 1984, 98 Stat. 2865, substituted “members” for “officers and men” in item 149.

1982—Pub. L. 97-295, §2(6)(B), Oct. 12, 1982, 96 Stat. 1301, added item 147a.

1976—Pub. L. 94-546, §1(12), Oct. 18, 1976, 90 Stat. 2519, substituted “United States Postal Service” for “Post Office Department” in item 146.

§ 141. General

(a) The Coast Guard may, when so requested by proper authority, utilize its personnel and facilities to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified.

(b) The Coast Guard, with the consent of the head of the agency concerned, may avail itself of such officers and employees, advice, information, and facilities of any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia as may be helpful in the performance of its duties. In connection with the utilization of personal services