

CHAPTER 5—FUNCTIONS AND POWERS

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AMENDMENTS

2010—Pub. L. 111-330, §1(6)(B), Dec. 22, 2010, 124 Stat. 3569, which directed amendment of “section 524(a)” of Pub. L. 111-281 by substituting “101. Appeals and waivers.” for “102. Appeals and waivers.” in subsec. (b), was executed by making the substitution in section 524(b) of Pub. L. 111-281 to reflect the probable intent of Congress. See below.

Pub. L. 111-281, title V, §524(b), Oct. 15, 2010, 124 Stat. 2959, as amended by Pub. L. 111-330, §1(6)(B), Dec. 22, 2010, 124 Stat. 3569, added item 102.

Pub. L. 111-281, title II, §216(b), Oct. 15, 2010, 124 Stat. 2917, added item 100.

Pub. L. 111-281, title II, §208(c), Oct. 15, 2010, 124 Stat. 2912, as amended by Pub. L. 111-330, §1(1), Dec. 22, 2010, 124 Stat. 3569, added item 99.

2004—Pub. L. 108-293, title II, §213(b), Aug. 9, 2004, 118 Stat. 1037, added item 98.

1998—Pub. L. 105-383, title II, §205(b), Nov. 13, 1998, 112 Stat. 3416, added item 95 and struck out former item 95 “Civilian agents authorized to carry firearms”.

1996—Pub. L. 104-324, title III, §311(b), title XI, §1128(b), Oct. 19, 1996, 110 Stat. 3920, 3984, added items 96 and 97.

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; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89-662, §1, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94-546, §1(3), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-322, title I, §105(a), Oct. 15, 1982, 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.

AIDS TO NAVIGATION REPORT

Pub. L. 105-383, title II, §208, Nov. 13, 1998, 112 Stat. 3416, provided that: “Not later than 18 months after the date of the enactment of this Act [Nov. 13, 1998], the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard’s aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.”

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

Pub. L. 97-322, title I, §105(b), Oct. 15, 1982, 96 Stat. 1582, 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

Pub. L. 97-322, title I, §105(c), Oct. 15, 1982, 96 Stat. 1582, 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.

§ 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 subchapter II of chapter 22 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; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89-662, §2, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94-546, §1(4), (5), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-295, §2(3), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-640, §10(a)(3), Nov. 10, 1986, 100 Stat. 3549; Pub. L. 103-272, §5(d), July 5, 1994, 108 Stat. 1373; Pub. L. 104-201, div. A, title XI, §1122(c), Sept. 23, 1996, 110 Stat. 2687.)

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

1996—Pub. L. 104-201 substituted “subchapter II of chapter 22” for “chapter 167”.

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”.