

## **DELEGATION TO THE COMMANDANT OF THE U.S. COAST GUARD**

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### **I. Purpose**

This delegation vests authority in the Commandant of the United States Coast Guard to enforce and implement the statutory programs and responsibilities referenced herein.

### **II. Delegation**

Pursuant to the authority vested in the Secretary of Homeland Security by law, including the Homeland Security Act of 2002, I hereby delegate to the Commandant of the Coast Guard authority to:

1. Carry out the functions and responsibilities and exercise the authorities in the Coast Guard Authorization Act of 1996, Pub. L. 104-324.
2. Carry out the functions and exercise the authority in the following sections of the Maritime Transportation Security Act of 2002, Pub. L. 107-295:
  - a. Section 102(d) (Rulemaking requirements) as it relates to exercising authority delegated to the Commandant under title 46, United States Code and in accordance with DHS policies and directives governing approval for Federal Register documents;
  - b. Section 103, relating to the negotiation of an international agreement that provides for a uniform, comprehensive, international system of identification for seafarers;
  - c. Section 345, relating to the provision of advice and assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and
  - d. Section 406, relating to authorizing placement of commercial VHF communications equipment on real property under the administrative control of the Coast Guard, and providing VHF communications services to the Coast Guard at a discounted rate.

3. Carry out the functions and exercise the authorities in sections 203(b), 203(d), and 213(g) of division c, title II, Public Law 105-277, which relate to ownership and control requirements for vessel ,fishery endorsements for vessels measuring less than 100 feet; and in 203(f) of division c, title II, Public Law 105-277.
4. Carry out the functions and exercise the authority in section 346 of Pub. L. 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998, to establish, operate, and manage the Nationwide Differential Global Positioning System (NDGPS), except for the related function of determining the Federal requirements for the NDGPS, which is delegated by the Secretary of Transportation to the Federal Railroad Administrator, and except for the related function of acting as lead DHS agency in matters relating to the National Environmental Policy Act, which is delegated by the Secretary of Transportation to the Federal Highway Administrator.
5. Carry out the functions in the Deep Seabed Hard Mineral Resources Act (June 21, 1980; Pub. L. 96-283; 94 Stat. 553), except section 118.
6. Carry out the functions and exercise the authority in Title XIV – Certain Alaskan Cruise Ship Operations, Public Law 106-554 to regulate the discharge of sewage and graywater by cruise vessels into the waters of the Alexander Archipelago, as defined in that law, and the navigable waters of the United States within the State of Alaska and within Kachemak Bay National Estuarine Research Reserve.
7. Carry out the functions in the Port and Tanker Safety Act of 1978 (92 Stat. 1471), except sections 4, 5, 6, 7.8, 12 and 13 of Sec. 2 to the extent that those sections pertain to the operation of the St. Lawrence Seaway.
8. Carry out the functions in Executive Order 12419 relating to admeasurement of ships; and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.
9. Carry out the functions in Sections 104 (a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) relating to ocean dumping.
10. Issue wage schedules for trades, crafts, and laboring employees in nonappropriated fund activities.

11. Carry out the functions and exercise the authority in section 1117 of Appendix D of the Consolidated Appropriations Act, 2001 (Pub. L. 106-554) to conduct a study of the effectiveness of the United States Enforcement Policy for Cargo Residues on the Great Lakes and promulgate regulations to implement and enforce a program to regulate incidental discharges from vessels of residues of non-hazardous and nontoxic dry bulk cargo into the waters of the Great Lakes.
12. Carry out the functions and exercise the authority in 5 USC App. 1, Sec 1-16, (Pub. L. 92-463, section 10) to close a Federal advisory committee meeting when criteria in 5 U.S.C. 552b(c) is met.
13. Except as specifically reserved below, carry out the responsibilities and exercise the authority in the Uniform Code of Military Justice, 10 U.S.C. §§ 801 - 946, and the Manual for Courts-Martial, United States.

Reservations: The delegation above does not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary:

- a. Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. § 822(a)(4));
- b. Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. § 871(b));
- c. Approval of vacation of a suspension of dismissal (10 U.S.C. § 872(b));
- d. Substitute administrative discharge for dismissal of an officer under 10 U.S.C. § 804 (a) and (b);
- e. Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial (10 U.S.C. §§ 822(a)(8), 823(a)(7), & 824(a)(4));
- f. In time of war certify cases to President to extend statute of limitations until after termination of hostilities (10 U.S.C. § 843(e));
- g. Direct Judge Advocate General to establish branch office (10 U.S.C. § 868);
- h. Designate officers authorized to remit or suspend any part or amount of unexecuted part of any sentence (10 U.S.C. § 874(a));

- i. Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. § 874(b));
  - j. Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial (10 U.S.C. § 875(c));
  - k. Designate persons to convene courts of inquiry (10 U.S.C. § 935(a)).
14. Carry out the functions and responsibilities and exercise the authorities in 10 U.S.C. 1033 and 10 U.S.C. 1589 pertaining to authority for personnel to participate in management of certain non-Federal entities.
15. Carry out the functions and exercise the authority in 10 U.S.C. 1044 to provide legal assistance to eligible recipients.
16. Carry out the functions and exercise the authority in 10 U.S.C. 1059 to establish a program to pay monthly transitional compensation to dependents of Coast Guard members who were separated for dependent abuse offenses.
17. Carry out the functions and responsibilities and exercise the authorities in the National Defense Authorization Bill of Fiscal Year 1995, Pub. L. 103-337, pertaining to benefits for Coast Guard members that are being separated or have recently been separated (10 U.S.C. Chapter 58).
18. Carry out the functions in Public Law 92-425 (10 U.S.C. 1447 et seq.) and Executive Order 11687 (37 FR 21479), relating to the Retired Serviceman's Survivor Benefit Plan.
19. Carry out the functions and exercise the authority in 10 U.S.C. 1588 to accept voluntary services.
20. Carry out the functions and responsibilities and exercise the authorities in 10 U.S.C. 2571 pertaining to the transfer of supplies and real estate, without compensation, from the Coast Guard to another of the armed forces of the United States, or to accept the transfer of supplies and real estate from another of the armed forces of the United States to the Coast Guard.
21. Carry out the functions in 10 U.S.C. 2683 insofar as it relates to the relinquishment to a State, Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests, under the Secretary's control and assigned to the Coast Guard, in that State, Commonwealth, territory, or possession.

22. Through the Chief Counsel, U.S. Coast Guard, settle and pay claims against the United States as provided by 10 U.S.C. 2733.
23. Carry out the functions and responsibilities and exercise the authorities in 14 U.S.C. 92 pertaining to the exercise of various general powers for the purpose of executing the duties and functions of the Coast Guard. [broken out from 49 C.F.R. 1.46(b) for clarity; see also 49 C.F.R. 1.4(a)(2)(1968)].
24. Exchange information, through the Secretary of State, with foreign governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).
25. Request the Secretary of the Navy to build at naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).
26. Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for the mutual benefit of the Navy and Coast Guard as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(c)).
27. Carry out the functions in 14 U.S.C. 195, relating to instruction of foreign nationals at the Coast Guard Academy.
28. Establish the promotion zone for rear admiral (lower half), provided all captains eligible for consideration under the provisions of section 257(a)(5), Title 14, U.S. Code, are placed in the zone.
29. Approve retention of a rear admiral on active duty for a period not exceeding one year (14 U.S.C. 290(g)).
30. Remove an officer from active duty under section 326, Title 14, U.S. Code, utilizing the procedures set out in 14 U.S.C. 321 through 325.
31. Carry out the functions and responsibilities and exercise the authorities in 14 U.S.C. 475 and Executive Order 11645 pertaining to the rental of housing facilities for assignment as public quarters to military personnel and their dependents (if any), without rental charge.

32. Award life-saving medals and military decorations (except the Medal of Honor, the Distinguished Service Medal, and the Legion of Merit) and carry out the laws and Executive orders relating to those awards (14 U.S.C. 492a, 493, 494, 496, 497, 498, 500, 501, 502; Executive Order 4601, Mar. 1, 1926, as amended by Executive Order 7786 (3 FR 39); Executive Order 9158 (7 FR 3541), as amended by Executive Order 9242A (7 FR 7874); Executive Order 10637 (20 FR 7025); Executive Order 11016 (27 FR 41 39); Executive Order 11046 (27 FR 8575); Executive Order 11448 (34 FR 91 5)), and Executive Orders 10163, 10179, 10448, 10977, 11139, 11231, 11446, 11965, 12830, 12985, 13154.

33. Carry out the functions and responsibilities and exercise the authorities in 14 U.S.C. 648 regarding the issuance of regulations governing accounting for industrial work, and the establishment of accounts necessary to carry out this section.

34. Consider, ascertain, adjust, determine, compromise, or settle and pay claims cognizable in admiralty as provided by 14 U.S.C. 646 and 647.

35. Carry out the functions and exercise the authorities in 14 U.S.C. 650, relating to the Coast Guard Supply Fund.

36. Carry out the functions and exercise the authorities in 14 U.S.C. 657, relating to schooling and transportation to schools for dependents of Coast Guard personnel, and 20 U.S.C. 926, relating to the provision of financial assistance to sponsors of dependents overseas where Department of Defense schools are not reasonably available.

37. Carry out the functions and exercise the authority in 14 U.S.C. 659 relating to providing assistance to film producers and obtaining reimbursement for assistance provided.

38. Carry out the functions and exercise the authority in 14 U.S.C. 669 relating to telephone wiring installation, repair, and maintenance.

39. Carry out the functions and responsibilities and exercise the authorities in 14 U.S.C. 670 pertaining to procurement authority for Coast Guard family housing. This authority allows the United States to enter into leases, not to exceed 5 years, and to pay condominium related fees.

40. Carry out the functions and responsibilities and exercise the authorities in 14 U.S.C. 672 pertaining to lease acquisition authority for navigation and communications systems sites. This authority allows the United States to enter into leases not to exceed 20 years.

41. Carry out the functions and exercise the authority in chapter 18, title 14 U.S.C, to provide for the acquisition or construction by private persons of housing units on or near Coast Guard installations.
42. Carry out the functions and exercise the authorities in 14 U.S.C., Chapter 19, to establish and carry out a program of environmental compliance and restoration at current and former Coast Guard facilities and to expend funds from the Environmental Compliance and Restoration Account.
43. Carry out the functions vested in the Secretary to convene and approve a Coast Guard Reserve Policy Board or any other Reserve Board considered necessary as provided in 14 U.S.C. 703.
44. Carry out the functions and responsibilities and exercise the authority in the National Historic Lighthouse Preservation Act of 2000, codified at 16 U.S.C. 470w-7, pertaining to the determination that a given historic lighthouse station is "excess property" as that term is defined by the Federal Property and Administrative Services Act of 1949, as amended.
45. Carry out the functions and exercise the authority in 16 U.S.C. 773i, relating to the enforcement of the North Pacific Halibut Act of 1982, as amended, Pub. L. 97-176, 96 Stat. 78.
46. Carry out the functions in the Fisheries Amendments of 1982 (Pub. L. 97-389; 96 Stat. 1949) (16 U.S.C. 779b, 1034) relating to implementation of the Convention for the Conservation of Salmon in the North Atlantic Ocean and to documentation and certification of inspection of certain vessels.
47. Carry out the functions and exercise the authority in 16 U.S.C. 971c and 971d, relating to the enforcement of the Atlantic Tunas Convention Act of 1975, as amended, Pub. L. 94-70, 89 Stat. 385.
48. Carry out the functions and exercise the authority in 16 U.S.C. 972e and 9729, relating to promulgation of regulations under, and enforcement of the Eastern Pacific Tuna Licensing Act of 1984, as amended, Pub. L. 98-445, 98 Stat. 1715.
49. Carry out the functions and exercise the authority in 16 U.S.C. 1156 and 1172(a), relating to the enforcement of the Fur Seal Act of 1966, as amended, Pub. L. 89-702, 80 Stat. 1091.
50. Carry out the functions and exercise the authority in 16 U.S.C. 1540(e) and (f), relating to promulgation of regulations under, and the enforcement of the Endangered Species Act of 1973, as amended, Pub. L. 93-205, 81 Stat. 844.

51. Carry out the functions in the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended; 16 U.S.C. 1801 et seq, except that the authority to approve seizure of a foreign vessel may not be redelegated and shall be exercised in each instance only after consultation with the Department of State.
52. Carry out the functions and exercise the authority in 16 U.S.C. 2405 to issue such regulations as are necessary and appropriate to implement the Antarctic Science, Tourism, and Conservation Act of 1996, Pub. L. No. 104-227, 110 Stat. 3034.
53. Carry out the functions and exercise the authority in 16 U.S.C. 2409, relating to the enforcement of the Antarctic Conservation Act of 1978, as amended, Pub. L. 95-541, 92 Stat. 2048.
54. Carry out the functions and exercise the authority in 16 U.S.C. 2434(b), 2436, and 2439, relating to conservation measures and promulgation of regulations under, and enforcement of the Antarctic Living Marine Resources Convention Act of 1984, as amended, Pub. L. 98-623, 98 Stat. 3398.
55. Carry out the functions and exercise the authority in 16 U.S.C. 3375(a), relating to the enforcement of the Lacey Act Amendments of 1981, as amended, Pub. L. 97-79, 95 Stat. 1073.
56. Carry out the functions and exercise the authority in 16 U.S.C. 3636 and 3637, relating to promulgation of regulations under, and the enforcement of the Pacific Salmon Treaty Act of 1985, as amended, Pub. L. No. 99-5, 99 Stat. 7.
57. Carry out the functions and exercise the authority in 16 U.S.C. 4711, which pertain to establishing and enforcing regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes and other waters of the United States through the ballast water of vessels.
58. Carry out the functions and exercise the authority in 16 U.S.C. 5008(a), relating to the enforcement of the North Pacific Anadromous Stocks Convention Act of 1992, as amended, Pub. L. 102-587, 106 Stat. 5098.
59. Carry out the functions and exercise the authority in 16 U.S.C. 5106(h), relating to authorization of a person to enforce a moratorium declared under 16 U.S.C. 5106(c), pursuant to the Atlantic Coastal Fisheries Cooperative Management Act of 1993, as amended, Pub. L. 103-206, 107 Stat. 2447.
60. Carry out the functions and exercise the authority in 16 U.S.C. 5506, relating to the enforcement of the High Seas Fishing Compliance Act of 1995, as amended, Pub. L. 104-43, 109 Stat. 367.



61. Carry out the functions and exercise the authority in 16 U.S.C. 5606(e), relating to the enforcement of the Northwest Atlantic Fisheries Compliance Act of 1995, as amended, "Pub. L. 104-43, 109 Stat. 377.
62. Carry out the functions and exercise the authority in Sections 9 and 18 of the Act of March 3, 1899, as amended (30 Stat. 1151 ; 33 U.S.C. 401, 502) pertaining to construction of bridges/causeways.
63. Carry out the functions and exercise the authority in Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471), pertaining to anchorage grounds.
64. Carry out the functions and exercise the authority in The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.) except section 3 (33 U.S.C. 493).
65. Carry out the functions and exercise the authority in Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), pertaining to drawbridges.
66. Carry out the functions and exercise the authority in The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), pertaining to alteration of bridges.
67. Carry out the functions and exercise the authority in The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except section 502(c) (33 U.S.C. 525(c)).
68. Carry out the functions in section 5 of the International Bridge Act of 1972 (Pub. L. 92-434, 33 U.S.C. 535c) as it relates to navigable waterways other than the St. Lawrence River.
69. Carry out the functions in the Vessel Bridge-to-Bridge Radio-Telephone Act (85 Stat. 164, 33 U.S.C. 1201 et seq.).
70. Carry out the functions in the Ports & Waterways Safety Act of 1972, as amended, (33 U.S.C. 1221 et seq.) except the authorities under sections 1223, 1224, and 1225 with respect of the Saint Lawrence Seaway, which have been delegated by the Secretary of Transportation to the Saint Lawrence Seaway Development Corporation, in accordance with the provisions of 33 U.S.C. 1229.
71. Carry out the functions and exercise the authority in 33 U.S.C. 1226 to prevent or respond to acts of terrorism and 46 U.S.C. app. 1803, subsections (a) and (b), to assess the state of security standards at foreign ports.

72. Implement and enforce two mandatory ship reporting systems, in cooperation with the International Maritime Organization, pursuant to the Coast Guard Authorization Act of 1998, (Pub. L. 105-383), section 313, codified at 33 U.S.C. 1230(d).
73. Carry out the functions in sections 104(i), 104(j), 311(b), 311(j) (2) and (3), 311(m)(2), 312, and 402(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321 et seq.), as amended by the Oil Pollution Act of 1990 (August 18, 1990; Pub L. 101-380; 104 Stat. 484).
74. Carry out the functions in the Intervention on the High Seas Act, 33 U.S.C. 1471 et seq. (Pub. L. 93-248) except section 13(a).
75. Carry out the following powers and duties in the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524):
- a. The authority to process applications for the issuance, transfer or amendment of a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)) in coordination with the Administrator of the Maritime Administration.
  - b. Carry out other functions and responsibilities in the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524), except as reserved by the Secretary of Transportation in 49 C.F.R. § 1.44(o) and delegated by the Secretary of Transportation in 49 C.F.R. §§ 1.53(a)(3) and 1.66(aa).
76. Carry out the functions in the International Navigational Rules Act of 1977 (Pub. L. 95-75, 91 Stat. 308, 33 U.S.C. 1601 et seq.).
77. Carry out the functions in the Act to Prevent Pollution from Ships, 33 U.S.C. 1901 et seq. (October 21, 1980; Pub. L. 96-478; 94 Stat. 2297) except section 10(b) and (c) and except as limited by delegations made by the Secretary of Transportation in 49 C.F.R. § 1.47(n), § 1.52(c), and § 1.66(u).
78. Carry out the functions and responsibilities and exercise the authorities in 33 U.S.C. 1908(b), that pertain to payments of civil penalties assessed for violations of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or regulations issued thereunder, to persons who provide information leading to the assessment of such penalties.
79. Carry out the functions in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001 et seq.).

80. Carry out the functions in Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 1(b), 2(a), 2(b)(2), 2(c), 2(d)(2), 2(e)(2), 2(g)(2), 3, 5(a)(2), 5(b)(1) and (3), 6, 7(a) (1) and (3), 7(b), 7(c), 7(d), 8(d), 8(g), 8(h), 9, and 10(c), excepting that portion of section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from pipelines, motor carriers, and railroads; and further excepting the exercise of the authority in section 2(d)(2) over motor carriers and railroads, other than for operations incident to the transfer of oil or hazardous substances to or from vessels, and the exercise of the authority in section 2(d)(2) over pipelines.

81. Carry out the functions and responsibilities and exercise the authorities in 33 U.S.C. 2602 et seq., pertaining to shore protection from municipal or commercial waste.

82. Carry out the functions in sections 1004(d)(2)(C), 1015(b), 1016, 4107(b), 4109, 4110, 4111, 4114(a), 4115(b), 4115(e), 4116(c), 4118, 4202(b)(2), 4202(b)(3), 4203, 5001(c)(1)(B), 5002(c)(4), 5002(i), 5002(k), 5003, 5004, 5005(a)(5), 7001 (a), 7001(b)(2) and 7001 (c) (6) and (11) of the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484). (See 49 CFR 1.53 and 1.66).

83. Carry out the functions and responsibilities and exercise the authorities in 40 U.S.C. § 585, and the applicable implementing regulations of the General Services Administration, to acquire leasehold interests in the types of space classified as "categorical space" per 41 C.F.R. § 102-73.150.

84. Carry out the functions and responsibilities and exercise the authorities in 40 U.S.C. § 585, and the applicable implementing regulations of the General Services Administration, to acquire leasehold interests in the types of space classified as "special purpose space" per 41 C.F.R. § 102-73.210.

85. Carry out the functions and responsibilities and exercise the authorities vested in the Administrator by 40 U.S.C. 585 pertaining to the lease of dockside land and improvements as well as related non-contiguous port safety and security land and improvements. This delegation must be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes and regulations, including but not limited to the General Services Administration Acquisition Regulation and the Competition in Contracting Act. This delegation expires effective 31 December 2006.

86. Carry out the functions and exercise the authority in 42 U.S.C. 7511b(f), concerning tank vessel emissions, to promulgate safety regulations, to consult with the Administrator of the Environmental Protection Agency concerning emission standards, and to enforce compliance of emission standards as determined by such consultation.

87. Carry out all functions in the Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96-320, August 3, 1980), except title II.

88. Carry out the functions in:

a. Section 108(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9608(a)(3)), and by sections 7(b)(1), 7(b)(2), and 7(c) (2) of Executive Order 12580 relating to vessel financial responsibility; and

b. Sections 2(e)(1), 2(e)(2), 2(i), 2(j)(1), 2(j)(2), 2(k), 3(a), 4(b)(1), 4(b)(2), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 relating to facilities and vessels under the jurisdiction, custody, or control of the Coast Guard.

89. Carry out the functions, relating to releases or threatened releases involving the coastal zone, Great Lakes waters, and ports and harbors, in sections 2(f), 2(i), 2(j)(2), 2(k), 4(c)(1), 4(c)(2), 5(b), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 insofar as they relate to:

a. Responses to releases or threats of releases from vessels;

b. Emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

c. Emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency (EPA) On-Scene Coordinator (OSC). Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release. As used in this paragraph "emergency action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance; and the

contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

90. Carry out the functions in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), as amended, title VI of the Outer Continental Shelf Lands Act Amendments of 1978 (September 18, 1978; Pub. L. 95-372; 92 Stat. 629), except as delegated to the Research and Special Programs Administration by the Secretary of Transportation in 49 C.F.R. § 1.53(a)(6).

91. Exercise the authority vested in the Secretary as head of a department by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714 and 1767) to make application for the withdrawal of public lands, or for rights of way over, upon, under or through public lands, from the Secretary of the Interior, for Coast Guard purposes, and to make application for the relinquishment of withdrawn public lands and rights of way over, upon, under, or through public lands, under the Secretary's control and assigned to the Coast Guard.

92. Carry out the functions and exercise the authorities in subtitle II of Title 46, United States Code, "Vessels and Seamen" as amended through Public Law 105-394, 112 Stat. 3627, as follows:

- a. Part A, General Provisions, Section 2101 to end, without exception;
- b. Part B, Inspection and Regulations, Section 3101 to end, except the authority under Section 3316(a) to appoint Government representatives to the executive committee of the American Bureau of Shipping; which is retained by the Secretary; and the authority under Section 4508 to establish, and appoint members to, the Commercial Fishing Industry Vessel Advisory Committee. Note that the authority under Section 3101 to suspend provisions of this part is vested in the President and is not redelegated;
- c. Part C, Load Lines of Vessels, Section 5101 to end, without exception;
- d. Part D, Marine Casualties, Section 6101 to end, without exception;
- e. Part E, Merchant Seaman Licenses, Certificates, and Documents, Part 7101 to end, without exception;

- f. Part F, Manning of Vessels, Section 8101 to end, except the authority to require federal pilots on the Saint Lawrence Seaway, which under Section 8503(c) may only be delegated to the Saint Lawrence Seaway Development Corporation, and the authority under Section 9307 to establish, and appoint members to, a Great Lakes Pilotage Advisory Committee, which is retained by the Secretary;
  - g. Part G, Merchant Seaman Protection and Relief, Section 10101 to end, without exception;
  - h. Part H, Identification of Vessels, Section 12101 to end, except that administration of Section 12102(c) with respect to fishing vessels 100 feet or greater in registered length has been delegated to the Maritime Administrator by the Secretary of Transportation in accordance with the American Fisheries Act, Public Law 105-277, 112 Stat. 268, Section 203(c);
  - i. Part I, State Boating Safety Programs, Section 13101 to end, except the authority under 46 U.S.C. 13110 to appoint members to the National Boating Safety Advisory Council, which is retained by the Secretary; and
  - j. Part J, Measurement of Vessels, Section 14101 to end, without exception.
93. Carry out the functions and exercise the authority in sections 502 and 503 of Pub. L. 105-383, as amended concerning the issuance and revocation of documents and endorsements, following a waiver determination by the Maritime Administration in accordance with the authority delegated to that entity in 49 C.F.R. 1.66(cc).
94. Carry out the functions and exercise the authorities in 46 United States Code Subtitle III, "Maritime Liability" as amended through Public Law 105-394, except the following authorities:
- a. Section 31308, which authorizes the Secretary of Transportation to foreclose on certain liens when the Secretary of Commerce or Transportation is a mortgagee; and
  - b. Sections 31329(c) and (d), which authorize the Secretary of Transportation to take certain actions with respect to mortgagees and other purchasers of vessels by court order.
95. Under the 1977 Memorandum of Arrangements with Canada and 46 U.S.C. 9305, enter into, revise, or amend arrangements with Canada.

96. Carry out the functions in the International Safe Container Act (Pub. L. 95-208, 91 Stat. 1475), except section 4(e).

97. Carry out the functions and exercise the authority in the following sections of Title 46 United States Code:

a. Section 70102 concerning United States facility and vessel vulnerability assessments in cooperation with the Bureau of Customs and Border Protection, to be supported by the Transportation Security Administration's policy on identification of critical assets and infrastructure, in addition to the development of a vulnerability assessment tool by the Transportation Security Administration that may be used when port, vessel, and facility plans are developed;

b. Section 70103 establishing the maritime transportation security plans in cooperation with the Bureau of Customs and Border Protection and the Transportation Security Administration. These plans will take into consideration the requirements of the Customs Trade Partnership Against Terrorism (C-TPAT) or its successor program and will be a component of the National Transportation System Security Plan established by the Transportation Security Administration under 49 U.S.C. § 114;

c. Section 70104 concerning transportation security incident response, in cooperation with the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement, as appropriate, and aided by the efforts of the Transportation Security Administration regarding the recovery of the transportation system after a transportation security incident;

d. Section 70108 concerning foreign port assessments, to be supported by, among others, the Transportation Security Administration and the Bureau of Customs and Border Protection. Assessments conducted under this authority shall not impede those done independently pursuant to the Bureau of Customs and Border Protection's Container Security Initiative;

e. Section 70109 concerning notification of foreign authorities that a foreign port does not maintain effective antiterrorism measures, and in cooperation with the Bureau of Customs and Border Protection for current and contemplated Container Security Initiative locations;

f. Section 70110 concerning actions to be taken when foreign ports do not maintain effective antiterrorism measures, and in cooperation with the Bureau of Customs and Border Protection for current and contemplated Container Security Initiative locations;

g. Section 70111 concerning enhanced crewmember identification, and in cooperation with the Bureau of Customs and Border Protection and the Transportation Security Administration;

h. Section 70112 to establish Area Maritime Security Advisory (AMS) Committees and appoint members thereto. The Coast Guard shall appoint officials of the Transportation Security Administration and the Bureau of Customs and Border Protection, nominated by those agencies respectively, to serve as members of the AMS Committees. The Commandant will sponsor the National Maritime Security Advisory Committee established under this section. The Secretary of the Department of Homeland Security will retain the responsibility to appoint members to the National Maritime Security Advisory Committee;

i. Section 70113 to collect, integrate, and analyze information concerning vessels, crew, passengers, cargo, and intermodal shipments, in cooperation with the Bureau of Customs and Border Protection, the Transportation Security Administration, and other organizational entities in the Department of Homeland Security, and support the Transportation Security Administration as it implements an Integrated Maritime Information System. This system will be part of the Transportation Security Administration's intermodal transportation data fusion center;

j. Section 70114 concerning automatic identification systems;

k. Section 70115 concerning the long-range vessel tracking system;

l. Section 70116 to provide support to the Transportation Security Administration, in recognition of the Coast Guard's existing capabilities and traditional roles related to this section; and

m. The authority to assess and issue civil penalties, as provided in 46 U.S.C. § 70117.

98. In exercising authority under 46 U.S.C. § 70106 and section 107 of the Maritime Transportation Security Act of 2002 regarding the use of Coast Guard personnel to respond to a security incident or act of terrorism, the Coast Guard should coordinate activities to the maximum extent feasible with other Federal, state and local law enforcement and emergency personnel, including personnel from the Bureau of Customs and Border Protection. Consideration should also be given to using Customs officials to assist the Coast Guard in conducting security boardings pursuant to 33 U.S.C. § 1226(b).



99. Carry out the functions and exercise authority vested in the Secretary by Section 110(a) (Annual Report on Maritime Security and Terrorism ) of the Maritime Transportation Security Act of 2002 (Public Law 107-295), as it relates to exercising authority delegated to the Administrator under title 46 of the United States Code above.

100. Carry out the requirements and exercise authority vested in the Secretary by Section 112 (Report on Foreign Flag Vessels) of the Maritime Transportation Security Act of 2002 (Public Law 107-295), as it relates to exercising authority delegated to the Administrator under title 46 of the United States Code above.

101. Carry out all the activities of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea, aids to navigation, search and rescue, icebreaking, oceanographic research and military readiness functions (49 U.S.C. 108)).

102. Carry out the functions in:

- a. 49 U.S.C. 1131 insofar as it relates to the promulgation of joint regulations with the National Transportation Safety Board (NTSB) governing investigations of major marine casualties and casualties involving public and non-public vessels, and the conduct of accident investigations upon request of the Board; and
- b. 49 U.S.C. 1135 insofar as it relates to responses to NTSB recommendations regarding marine casualties.

103. Carry out the functions in 49 U.S.C. 5101 et seq. and 46 U.S.C. 3306(a)(5) to the extent they relate to regulations and exemptions governing the bulk transportation of hazardous materials that are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel carrier without mark or count, and regulations and exemptions governing ships' stores and supplies.

104. Except as delegated by the Secretary of Transportation in 49 C.F.R. § 1.74, carry out the functions in 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the transportation or shipment of hazardous materials by water.

105. Carry out the functions and responsibilities in the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 60101 et seq.) relating to rulemaking so far as it applies to liquefied natural gas facilities adjacent to the navigable waters of the United States: Provided, That such rulemaking is in accordance with the Memorandum of Understanding between the Coast Guard and Materials Transportation Bureau executed on February 7, 1978, for regulation of such facilities.

106. Carry out the functions and responsibilities and exercise the authorities of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended, relating to the requirement of adjustment for inflation of any civil monetary penalties covered by the Act that are assessed in connection with violations that are incurred under those statutes that the Coast Guard administers.

### III. Re-delegation

The authorities delegated herein may be re-delegated in writing to an appropriate subordinate official.

### IV. Designations

A. **General Courts-Martial:** In accordance with 10 U.S.C. § 822(a)(8), the following commanding officers of the Coast Guard may convene general courts-martial:

1. The Commandant of the Coast Guard;
2. The Commander of any Coast Guard Area;
3. The Commanding Officer, Coast Guard Headquarters;
4. The Superintendent, Coast Guard Academy;
5. The Commander of any Coast Guard District; and
6. The Commander of any Coast Guard Maintenance and Logistics Command.

B. **Special Courts-Martial:** In accordance with 10 U.S.C. § 823(a)(7), the following commanding officers of the Coast Guard may convene special courts-martial:

1. Commanding Officers of all Coast Guard units, some of whom have specific statutory authority;

2. Commanding Officer, Staff Enlisted Personnel, at each Area;
3. Commanding Officer, Staff Enlisted Personnel, at each Coast Guard District Office;
4. Commanding Officer, Enlisted Personnel, Coast Guard Academy;
5. Commanding Officer, Staff Enlisted Personnel, at each Maintenance and Logistics Command;
6. Commanding Officer, Enlisted Personnel, Coast Guard Yard;
7. Commanding Officer, Military Personnel, Coast Guard National Pollution Funds Center.

C. **Sentence Remission or Suspension:** In accordance with 10 U.S.C. § 874(a), the following commanding officers are authorized to remit or suspend any part or amount of the unexecuted part of any sentence:

1. The Commandant, except while a case is being reviewed by the United States Coast Guard Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, or the United States Supreme Court;
2. The officer exercising general court-martial jurisdiction over the accused, but only as to those parts of a sentence which do not include a punitive discharge, except while a case is being reviewed by the United States Coast Guard Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, or the United States Supreme Court;
3. In addition to his authority contained in Rule for Courts-Martial 1108, Manual for Courts-Martial, United States, the immediate commanding officer of the accused, in cases where a punitive discharge has been previously approved, but only as to those parts of the sentence which do not include the punitive discharge, except while a case is being reviewed by the United States Coast Guard Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, or the United States Supreme Court.

D. **The Judge Advocate General and Deputy Judge Advocate General:** In accordance with 10 U.S.C. § 801, the Chief Counsel of the Coast Guard is designated to serve as the Judge Advocate General of the Coast Guard (TJAG). The Deputy Chief Counsel of the Coast Guard is designated to serve as the Deputy Judge Advocate General of the Coast Guard (TDJAG). TDJAG shall perform the duties of TJAG when serving in an acting capacity during the absence or disability of TJAG. TJAG or acting TJAG during the absence or disability of both TJAG and TDJAG.

## **V. Authorities**

5 U.S.C. § 301; Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 888(b), 1704(b)(2), 116 Stat. 2135.


## **VI. Cancellation**

Delegation number 0170 is rescinded.

## **VII. Office of Primary Interest**

The Office of the Commandant, United States Coast Guard, is the office of primary interest.

Dated June 20, 2003

  
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Tom Ridge,  
Secretary of Homeland Security