

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED

AIR/5

4 March 1980

Special Distribution

Agreement on Trade in Civil Aircraft

Original: English/
anglais

ENTITIES OPERATING MILITARY AIRCRAFT

Communication by the United States

The following communication, dated 22 February 1980, has been received from the United States Trade Representative in Geneva.

Pursuant to the discussion at the 20 February meeting of the Committee on Trade in Civil Aircraft, I write to advise that Section 1 of Chapter 1 of Title 14 of the United States Code (the compendium of our laws) states: "The Coast Guard as established 28 January 1915, shall be a military service and a branch of the armed forces of the United States at all times." (Copy attached)

Accordingly, when the United States enacted the implementation of the MTN Agreements, we specified Coast Guard aircraft as military aircraft.

Accord relatif au commerce des aéronefs civils

ENTITES UTILISATRICES D'AERONEFS MILITAIRES

Communication des Etats-Unis

Le Représentant des Etats-Unis pour les questions commerciales internationales à Genève a fait parvenir au secrétariat la communication ci-après en date du 22 février 1980.

Comme suite aux débats qui ont eu lieu lors de la réunion que le Comité du commerce des aéronefs civils a tenue le 20 février, je tiens à vous informer que l'article premier du Chapitre premier du Titre 14 du Code des Etats-Unis (Recueil des lois) stipule ce qui suit: Le Service des garde-côtes, créé le 28 janvier 1915, est toujours une entité militaire et une branche des forces armées des Etats-Unis. (Voir copie jointe.)

En conséquence, lorsque les Etats-Unis ont adopté la loi prévoyant la mise en oeuvre des accords issus des NCM, nous avons précisé que les aéronefs du Service des garde-côtes étaient des aéronefs militaires.

./.

CHAPTER 1—ESTABLISHMENT AND DUTIES

Sec.

1. Establishment of Coast Guard.
2. Primary duties.
3. Relationship to Navy Department.
4. Operation as a service in the Navy.
5. "Secretary" defined.

§ 1. Establishment of Coast Guard

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Department of Transportation, except when operating as a service in the Navy.

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Oct. 18, 1976, Pub. L. 94-546, § 1(1), 90 Stat. 2519.)

HISTORICAL AND REVISION NOTES

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

Said section has been divided. Provisions relating to operation under the Navy in time of war are placed in sections 3 and 4 of this title, and the remainder is in this section.

This section continues the Coast Guard as a military service and branch of the armed forces of the United States at all times. By the act of July 11, 1941, 55 Stat. 585 (title 14, U.S.C., 1946 ed., § 1), the Coast Guard was constituted a branch of the land and naval forces of the United States at all times. This section therefore merely continues an existing agency and modifies existing law on the military status of the Coast Guard, substituting "armed forces" for "land and naval forces" because of the recent establishment of the Department of the Air Force as an "armed force" rather than as a part of the "land and naval forces". The Coast Guard is designated a service in the Treasury Department except when operating as a service in the Navy. This is a better definition of the status of the Coast Guard than one which defines it as a service under the Treasury Department in time of peace, because the President is authorized to place the Coast Guard under the Navy in time of emergency, which could be in time of peace.

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

AMENDMENTS

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

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation. Section 1655 of title 49, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of this title.

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on and under the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and

waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall, pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Oct. 5, 1961, Pub. L. 87-396, § 1, 75 Stat. 827; June 12, 1970, Pub. L. 91-278, § 1(1), 84 Stat. 304; Dec. 13, 1974, Pub. L. 93-519, 88 Stat. 1659.)

HISTORICAL AND REVISION NOTES

This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from title 14, U.S.C., 1946 ed., §§ 45, 60k-50q, 51, 52, 53, 55, 60, 61, 62, 63, 98a, 104, 261, 301, title 33, U.S.C., 1946 ed., §§ 720, 720a, 741, 740a, 740b, title 46, U.S.C., 1946 ed., § 1 (footnote), 2 (R.S. 1536, 2747, 2758, 2759, 4249; June 23, 1874, ch. 455, § 1, 18 Stat. 220; June 18, 1878, ch. 265, § 4, 20 Stat. 163; July 5, 1884, ch. 221, § 2, 23 Stat. 118; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 19, 1906, ch. 1640, §§ 1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 17, 1910, ch. 301, §§ 6, 7, 36 Stat. 538; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 24, 1914, ch. 124, 38 Stat. 387; Mar. 3, 1915, ch. 81, § 5, 38 Stat. 927; Aug. 29, 1916, ch. 417, 39 Stat. 1820; May 22, 1926, ch. 371, § 6, 44 Stat. 626; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Aug. 16, 1937, ch. 665, § 3, 50 Stat. 667; Feb. 19, 1941, ch. 8, § 2, 201, 55 Stat. 9, 11; July 11, 1941, ch. 290, § 7, 55 Stat. 585; Nov. 23, 1942, ch. 639, § 2(2), 56 Stat. 102; Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759; June 22, 1948, ch. 600, 62 Stat. 874; June 26, 1948, ch. 672, 62 Stat. 1050).

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

AMENDMENTS

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