

that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

(g) For purposes of this section, the term “child development center” does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

(Added Pub. L. 104-324, title II, §201(a), Oct. 19, 1996, 110 Stat. 3906.)

REFERENCES IN TEXT

Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), referred to in subsec. (g), is section 101(m) [title VI, §616] of Pub. L. 100-202, Dec. 22, 1987, 101 Stat. 1329-390, 1329-423, as amended, which was classified to section 490b of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 590(a)-(d) and (f) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

USE OF COAST GUARD AND MILITARY CHILD DEVELOPMENT CENTERS

Pub. L. 108-293, title II, §225, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces, with reimbursement, in Coast Guard and military child development centers supported in whole or in part with appropriated funds. For purposes of military child development centers operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a member of the Coast Guard shall be considered the same as the child of a member of any of the other armed forces.”

§ 516. Presentation of United States flag upon retirement

(a) PRESENTATION OF FLAG.—Upon the release of a member of the Coast Guard from active duty for retirement, the Secretary of Homeland Security shall present a United States flag to the member.

(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 105-261, div. A, title VI, §644(d)(1), Oct. 17, 1998, 112 Stat. 2049; amended Pub. L. 106-65, div. A, title VI, §652(e), Oct. 5, 1999, 113 Stat. 666; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title X, §1062(b)(2), Dec. 2, 2002, 116 Stat. 2650.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (c). Pub. L. 107-314 substituted “this section” for “his section”.

1999—Subsec. (b). Pub. L. 106-65 substituted “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.” for “under this section or section 3681, 6141, and 8681 of title 10.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Section applicable with respect to releases from active duty described in this section and sections 3681, 6141, and 8641 of Title 10, Armed Forces, on or after Oct. 1, 1998, see section 644(e) of Pub. L. 105-261, set out as a note under section 3681 of Title 10.

§ 517. Travel card management

(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.

(Added Pub. L. 108-293, title II, §210(a), Aug. 9, 2004, 118 Stat. 1036.)

[CHAPTER 15—REPEALED]

[§§ 561 to 576. Repealed. May 5, 1950, ch. 169, § 14(v), 64 Stat. 148]

Sections, act Aug. 4, 1949, ch. 393, 63 Stat. 538-544, related to discipline in the Coast Guard. See section 801 et seq. of Title 10, Armed Forces.

Sections 562 to 564 were amended by act Aug. 3, 1950, ch. 536, §§27 to 29, respectively, 64 Stat. 407.

CHAPTER 17—ADMINISTRATION

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AMENDMENTS

2006—Pub. L. 109-241, title IX, §901(b), July 11, 2006, 120 Stat. 564, amended Pub. L. 108-293, §212(b), effective Aug. 9, 2004. See 2004 Amendment note below.

Pub. L. 109-241, title II, §205(b), July 11, 2006, 120 Stat. 521, added item 677.

2004—Pub. L. 108-293, title II, §212(b), Aug. 9, 2004, 118 Stat. 1037, as amended by Pub. L. 109-241, title IX, §901(b), July 11, 2006, 120 Stat. 564, substituted “Long-term lease of special purpose facilities” for “Long-term lease authority for navigation and communications systems sites” in item 672.

Pub. L. 108-293, title II, §205(e)(2), Aug. 9, 2004, 118 Stat. 1033, substituted “indemnity” for “immunity” in item 637.

2002—Pub. L. 107-296, title XVII, §1704(f)(2), Nov. 25, 2002, 116 Stat. 2316, which directed the redesignation of item 673 “Small boat station rescue capability” as item 673a, could not be executed because of prior amendment by Pub. L. 107-295, §405(c), see below.

¹ So in original. Capitalization does not conform to section catchline.

² So in original. Does not conform to section catchline.

³ So in original. Probably should be followed by a period.

Pub. L. 107-295, title IV, §§405(c), 417(b), Nov. 25, 2002, 116 Stat. 2116, 2123, added items 672a and 674 to 676, and struck out item 673 “Small boat station rescue capability” and former item 674 “Small boat station closures”.

1996—Pub. L. 104-324, title III, §309(b), Oct. 19, 1996, 110 Stat. 3919, added item 673 “Small boat station rescue capability” and item 674.

Pub. L. 104-201, div. A, title X, §1009(a)(2)(B), Sept. 23, 1996, 110 Stat. 2634, added item 673 “Designation, powers, and accountability of deputy disbursing officials”.

1993—Pub. L. 103-206, title III, §§302(b), 303(b), 304(b), Dec. 20, 1993, 107 Stat. 2423, 2424, added items 670, 671, and 672.

1992—Pub. L. 102-587, title V, §§5203(b), 5204(b), Nov. 4, 1992, 106 Stat. 5074, added items 645 and 669.

1990—Pub. L. 101-595, title III, §§306(b), 319(b), Nov. 16, 1990, 104 Stat. 2985, 2989, added items 667 and 668.

Pub. L. 101-510, div. A, title III, §327(d)(2), Nov. 5, 1990, 104 Stat. 1532, added item 640.

1989—Pub. L. 101-225, title II, §206(b), Dec. 12, 1989, 103 Stat. 1913, added item 666.

1988—Pub. L. 100-690, title VII, §7401(b), Nov. 18, 1988, 102 Stat. 4483, substituted “immunity for firing at or into vessel” for “immunity of Coast Guard officer” in item 637.

Pub. L. 100-448, §§26(b), 29(b), Sept. 28, 1988, 102 Stat. 1848, 1849, added items 659 and 665.

1986—Pub. L. 99-509, title V, §5102(a)(1), Oct. 21, 1986, 100 Stat. 1925, added item 664.

1982—Pub. L. 97-295, §2(17), (19)(B), (20)(B), Oct. 12, 1982, 96 Stat. 1302, 1303, struck out items 645 and 659, and added items 661, 662, and 663.

1980—Pub. L. 96-376, §10(b), Oct. 3, 1980, 94 Stat. 1511, added item 660.

1977—Pub. L. 95-61, §4(2), July 1, 1977, 91 Stat. 260, added item 659.

1974—Pub. L. 93-283, §1(11), May 14, 1974, 88 Stat. 140, substituted “Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” for “Use of appropriations to restore, replace, establish, or develop facilities” in item 656, and added item 658.

1972—Pub. L. 92-417, §2(b), Aug. 29, 1972, 86 Stat. 656, substituted “Admiralty claims against the United States” for “Claims for damages occasioned by vessels” in item 646.

1970—Pub. L. 91-278, §1(15), June 12, 1970, 84 Stat. 306, added item 657.

1963—Pub. L. 88-45, §3, June 21, 1963, 77 Stat. 69, added item 656.

1962—Pub. L. 87-526, §1(7), July 10, 1962, 76 Stat. 142, added item 655.

1959—Pub. L. 86-159, §2, Aug. 14, 1959, 73 Stat. 358, added item 654.

1958—Pub. L. 85-861, §5(1), Sept. 2, 1958, 72 Stat. 1547, struck out item 640.

1956—Act Aug. 7, 1956, ch. 1023, §1(b), 70 Stat. 1077, substituted “Coast Guard Supply Fund” for “Coast Guard supply fund and supply account” in item 650.

§ 631. Delegation of powers by the Secretary

The Secretary is authorized to confer or impose upon the Commandant any of the rights, privileges, powers, or duties, in respect to the administration of the Coast Guard, vested in or imposed upon the Secretary by this title or other provisions of law.

(Aug. 4, 1949, ch. 393, 63 Stat. 544; Pub. L. 94-546, §1(33), Oct. 18, 1976, 90 Stat. 2521.)

HISTORICAL AND REVISION NOTES

This section authorizes the Secretary to delegate to the Commandant any of the authority granted to him in respect to the administration of the Coast Guard. Such power to delegate is granted by other statutes to the heads of many of the executive departments. 81st Congress, House Report No. 557.

AMENDMENTS

1976—Pub. L. 94-546 substituted “Secretary” for “Secretary of the Treasury” wherever appearing and substituted “Commandant” for “Commandant of the Coast Guard”.

ADMINISTRATIVE ADVISORY COMMITTEES; SOLICITATION OF NOMINATIONS FOR MEMBERSHIP; PUBLICATION IN FEDERAL REGISTER; DISCLOSURES TO CONGRESS; COMPENSATION AND TRAVEL EXPENSES

Pub. L. 97-322, title I, §118(e), Oct. 15, 1982, 96 Stat. 1587, provided that:

“(1) The Secretary of the department in which the Coast Guard is operating shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on any advisory committee established administratively for the purpose of giving advice and recommendations to such Secretary or the Commandant of the Coast Guard with respect to functions of the Coast Guard.

“(2) Any advisory committee described in paragraph (1) of this subsection is authorized to make available to Congress any information, advice, and recommendations which the committee is authorized to give to the Secretary of the department in which the Coast Guard is operating or the Commandant of the Coast Guard.

“(3) Members of any advisory committee described in paragraph (1) of this subsection who are not officers or employees of the United States shall serve without pay and members of any such committee who are officers or employees of the United States shall receive no additional pay on account of their service on such committee. While away from their homes or regular places of business, members of any such committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”

§ 632. Functions and powers vested in the Commandant

All powers and functions conferred upon the Coast Guard, or the Commandant, by or pursuant to this title or any other law shall, unless otherwise specifically stated, be executed by the Commandant subject to the general supervision of the Secretary. In order to execute the powers and functions vested in him, the Commandant may assign personnel of the Coast Guard to duty in the District of Columbia, elsewhere in the United States, in any territory of the United States, and in any foreign country, but such personnel shall not be assigned to duties in any foreign country without the consent of the government of that country; assign to such personnel such duties and authority as he deems necessary; and issue rules, orders, and instructions, not inconsistent with law, relating to the organization, internal administration, and personnel of the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 5, U.S.C., 1946 ed., §41, and on title 14, U.S.C., 1946 ed. §§22, 58, 91, 99, 103 (R.S. 2749; June 18, 1878, ch. 265, §§7, 8, 22 Stat. 164; May 4, 1882, ch. 117, §5, 22 Stat. 57; Mar. 4, 1907, ch. 2918, 34 Stat. 1309; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; Aug. 29, 1916, ch. 417, 39 Stat. 601; June 10, 1921, ch. 18, §304, 42 Stat. 23; July 3, 1926, ch. 742, §9, 44 Stat. 817).

Said section 91 has been divided. That part dealing with investigation of plans and inventions is covered in section 93(d) of this title. The remainder is covered in general terms. It has been rewritten in broad terms, making clear that the Commandant is granted the necessary authority to administer the Coast Guard under

the Secretary, including authority to issue rules, orders, and instructions.

This section is primarily a consolidation of existing functions rather than a codification of existing laws. It does not, for the most part, grant new authority to the Coast Guard as an organization. It merely clarifies the method by which Coast Guard functions shall be administered. Under existing statutes, functions relating to the Coast Guard have been conferred upon the President, the Secretary of the Treasury, and the Commandant, and sometimes upon the Secretary of the Treasury in times of peace and the Secretary of the Navy in times of war. This revision confers some functions directly upon the Coast Guard, and this section provides for the execution of those functions by the Commandant, the military head of the organization, thereby making for consistency and uniformity. The functions are to be executed “subject to the general supervision of the Secretary”. Title 14, U.S.C., 1946 ed., §91 now grants authority to the Commandant to prescribe regulations; this is changed to the issuance of rules, orders, and instructions as the promulgation of regulations in a military organization is properly a function of the Secretary.

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

§ 633. Regulations

In addition to the authority conferred by other provisions of this title the Secretary may promulgate such regulations and orders as he deems appropriate to carry out the provisions of this title or any other law applicable to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§92, 185e (June 20, 1874, ch. 344, §8, 18 Stat. 127; May 26, 1906, ch. 2556, §1, 34 Stat. 200; May 24, 1939, ch. 146, §6, 53 Stat. 756).

This section enlarges said sections to prescribe what is generally understood in a military organization, that the promulgation of regulations is a function of the head of the Department.

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

§ 634. Officers holding certain offices

(a) Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.

(b) Commissioned officers may be appointed as United States Deputy Marshals in Alaska.

(Aug. 4, 1949, ch. 393, 63 Stat. 545; Pub. L. 86-70, §11, June 25, 1959, 73 Stat. 143; Pub. L. 97-295, §2(18), Oct. 12, 1982, 96 Stat. 1302.)

HISTORICAL AND REVISION NOTES

1949 ACT

Subsection (a) is based on title 14, U.S.C., 1946 ed., §48 (June 22, 1936, ch. 705, §4, 49 Stat. 1821; July 11, 1941, ch. 290, §7, 55 Stat. 585).

Subsection (b) is derived from the last 6 lines of title 48, U.S.C., 1946 ed., §1460 (July 31, 1939, ch. 399, 53 Stat. 1143). An additional provision is added waiving the requirement of a performance bond inasmuch as Coast Guard officers appointed as United States commissioners or marshals are not custodians of funds, and in any case their oath as a commissioned officer appears to be sufficient to insure faithful performance of duty.

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

1982 ACT

This amends 14:634(b) to reflect the effect of 28:631(c) and sections 401(a) and 402(a) of the Federal Magistrates Act (Pub. L. 90-578, Oct. 17, 1968, 82 Stat. 1118).

AMENDMENTS

1982—Subsec. (b). Pub. L. 97-295 struck out “United States Commissioners or” after “appointed as” and last sentence which provided that any commissioned officer appointed as United States Commissioner in Alaska shall not be required to execute a bond for the faithful performance of his official duties as such Commissioner.

1959—Subsec. (b). Pub. L. 86-70 substituted “in Alaska” for “in and for the territory of Alaska” in two places.

§ 635. Oaths required for boards

The members of a retiring board, selection board, examining board, and any other board authorized to be assembled pursuant to this title shall be sworn to discharge their duties honestly and impartially, the oath to be administered to the members by the President or other presiding officer of the board, and to him by the junior member or recorder.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §170 (Apr. 12, 1902, ch. 501, §5, 32 Stat. 100).

Said section has been divided. That part relating to oaths is covered in this section. The remainder is covered in section 425 of this title.

Said section is enlarged to include the oaths required for all boards, rather than to cover retiring boards only. 81st Congress, House Report No. 557.

§ 636. Administration of oaths

(a) Such commissioned and warrant officers of the Coast Guard as may be designated by the Commandant may, pursuant to rules prescribed by the Commandant, exercise the general powers of a notary public in the administration of oaths for the following purposes:

(1) execution, acknowledgment, and attestation of instruments and papers, oaths of allegiance in connection with recruiting, oaths in connection with courts and boards, and all other notarial acts in connection with the proper execution of Coast Guard functions;

(2) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in time of war or national emergency; and

(3) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in Alaska and places beyond the continental limits of the United States where the Coast Guard is serving.

(b) No fee of any character shall be charged by any commissioned or warrant officer for performing notarial acts. The signature and indication of grade of any commissioned or warrant officer performing any notarial act shall be prima facie evidence of his authority.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§26, 27 (Apr. 16, 1908, ch. 145, §12, 35 Stat. 63; June 5, 1920, ch. 235, §1, 41 Stat. 880).

Said sections are rewritten, the provisions concerning oaths being broadened to conform more closely to law applicable to officers of the Navy (see title 34, U.S.C., 1946 ed., §217a). 81st Congress, House Report No. 557.

§ 637. Stopping vessels; indemnity for firing at or into vessel

(a)(1) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, subject to paragraph (2), fire at or into the vessel which does not stop.

(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.

(b) The person in command of an authorized vessel or authorized aircraft and all persons acting under that person's direction shall be indemnified from any penalties or actions for damages for firing at or into a vessel pursuant to subsection (a). If any person is killed or wounded by the firing, and the person in command of the authorized vessel or authorized aircraft or any person acting pursuant to their orders is prosecuted or arrested therefor, they shall be forthwith admitted to bail.

(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

(1) it is a Coast Guard vessel or aircraft; or

(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10.

(Aug. 4, 1949, ch. 393, 63 Stat. 546; Pub. L. 100-690, title VII, §7401(a), Nov. 18, 1988, 102 Stat. 4483; Pub. L. 106-65, div. A, title X, §1022, Oct. 5, 1999, 113 Stat. 746; Pub. L. 108-293, title II, §205(a)-(c), (e)(1), Aug. 9, 2004, 118 Stat. 1032, 1033.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §68 (R.S. 2765).

Aircraft are included within the protective terms of this section which permits aircraft to stop vessels but makes no provision for stopping aircraft.

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

AMENDMENTS

2004—Pub. L. 108-293, §205(e)(1), substituted “indemnity” for “immunity” in section catchline.

Subsec. (a). Pub. L. 108-293, §205(a), designated existing provisions as par. (1), substituted “subject to paragraph (2),” for “after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal,” and added par. (2).

Subsec. (c). Pub. L. 108-293, §205(b), inserted “or” after the semicolon at end of par. (1), inserted “or military aircraft” after “surface naval vessel” and substituted a period for “; or” in par. (2), and struck out par. (3) which read as follows: “subject to subsection

(d), it is a naval aircraft that has one or more members of the Coast Guard on board and is operating from a surface naval vessel described in paragraph (2).”

Subsec. (d). Pub. L. 108-293, §205(c), struck out subsec. (d) which related to inclusion of naval aircraft as authorized aircraft for purposes of this section.

1999—Subsec. (c)(3). Pub. L. 106-65, §1022(a), added par. (3).

Subsec. (d). Pub. L. 106-65, §1022(b), added subsec. (d). 1988—Pub. L. 100-690 substituted “immunity for firing at or into vessel” for “immunity of Coast Guard officer” in section catchline, and amended text generally. Prior to amendment, text read as follows:

“(a) Whenever any vessel liable to seizure or examination does not bring-to, on being ordered to do so or on being chased by any Coast Guard vessel or aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for vessels or aircraft of the Coast Guard, the person in command or in charge of such Coast Guard vessel or such Coast Guard aircraft may, after a gun has been fired by the Coast Guard vessel or aircraft as a warning signal, fire at or into such vessel which does not bring-to.

“(b) The person in command of such Coast Guard vessel or such Coast Guard aircraft and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the person in command of the Coast Guard vessel or aircraft or any person acting pursuant to his orders is prosecuted or arrested therefor, he shall be forthwith admitted to bail.”

REPORT ON VESSELS OR AIRCRAFT FIRED AT OR INTO WITHOUT WARNING

Pub. L. 108-293, title II, §205(d), Aug. 9, 2004, 118 Stat. 1033, provided that: “The Commandant of the Coast Guard shall transmit a report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.”

§ 638. Coast Guard ensigns and pennants

(a) Coast Guard vessels and aircraft shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

(b) No vessel or aircraft without authority shall carry, hoist, or display any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft. Every person violating this subsection shall be fined not more than \$5,000, or imprisoned for not more than two years, or both.

(Aug. 4, 1949, ch. 393, 63 Stat. 546.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §64 (R.S. 2764; Aug. 5, 1935, ch. 438, title III, §308, 49 Stat. 528).

Aircraft are included within the provisions of this section.

The Secretary rather than the President is given the authority to design ensigns and pennants.

Unauthorized display of such insignia is made illegal anywhere rather than only “within the jurisdiction of the United States”.

The language is broadened to include “any person violating this section”; existing law applies to masters of offending vessels only. 81st Congress, House Report No. 557.

§ 639. Penalty for unauthorized use of words “Coast Guard”

No individual, association, partnership, or corporation shall, without authority of the Commandant, use the combination of letters “USCG” or “USCGR”, the words “Coast Guard,” “United States Coast Guard,” “Coast Guard Reserve,” “United States Coast Guard Reserve,” “Coast Guard Auxiliary,” “United States Coast Guard Auxiliary,” “Lighthouse Service,” “Life Saving Service,” or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with the Coast Guard. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

(Aug. 4, 1949, ch. 393, 63 Stat. 546; Aug. 3, 1950, ch. 536, §30, 64 Stat. 408.)

HISTORICAL AND REVISION NOTES

This section makes the unauthorized use of the words “Coast Guard” or any derivative thereof, a crime. This is believed to be a desirable prohibition in view of the many commercial organizations which are manufacturing equipment approved by the Coast Guard and selling same to vessels in the United States. 81st Congress, House Report No. 557.

AMENDMENTS

1950—Act Aug. 3, 1950, made it possible for Commandant to grant authority to private business organizations to use terms or designations otherwise prohibited by this section.

COAST GUARD CITY, USA

Pub. L. 105-383, title IV, §409, Nov. 13, 1998, 112 Stat. 3431, provided that: “The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as ‘Coast Guard City, USA’. If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 90 days prior to approving such recognition.”

§ 640. Coast Guard band recordings for commercial sale

(a) The Coast Guard band may produce recordings for commercial sale.

(b) Amounts received as proceeds from the sale of any such recordings may be credited to appli-

cable appropriations of the Coast Guard for expenses of the Coast Guard band.

(c) The Secretary shall prescribe regulations governing the accounting of such proceeds.

(Added Pub. L. 101-510, div. A, title III, § 327(d)(1), Nov. 5, 1990, 104 Stat. 1532.)

PRIOR PROVISIONS

A prior section, acts Aug. 4, 1949, ch. 393, 63 Stat. 546; June 15, 1955, ch. 142, 69 Stat. 134, related to interchange of supplies between armed forces, prior to repeal by Pub. L. 85-861, § 36A, C(1), Sept. 2, 1958, 72 Stat. 1569, 1571. See section 2571 of Title 10, Armed Forces.

§ 641. Disposal of certain material

(a) The Commandant subject to applicable regulations under subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) may dispose of, with or without charge, to the Coast Guard Auxiliary, including any incorporated unit thereof, to the sea-scout service of the Boy Scouts of America, and to any public body or private organization not organized for profit having an interest therein for historical or other special reasons, such obsolete or other material as may not be needed for the Coast Guard.

(b) The Commandant may, under regulations prescribed by the Secretary, sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The money received from such sale shall be deposited in the Treasury to the credit of the current appropriation from which purchase of similar apparatus or equipment is authorized.

(c)(1) The Commandant may—

(A) provide for the sale of recyclable materials that the Coast Guard holds;

(B) provide for the operation of recycling programs at Coast Guard installations; and

(C) designate Coast Guard installations that have qualified recycling programs for the purposes of subsection (d)(2).

(2) Recyclable materials shall be sold in accordance with sections 541-555 of title 40, except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant.

(d)(1) Proceeds from the sale of recyclable materials at a Coast Guard installation shall be credited to funds available for operations and maintenance at that installation in amounts sufficient to cover operations, maintenance, recycling equipment, and overhead costs for processing recyclable materials at the installation.

(2) If, after funds are credited, a balance remains available to a Coast Guard installation and the installation has a qualified recycling program, not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. The cost of the project may not be greater than 50 percent of the amount permissible for a minor construction project.

(3) The remaining balance available to a Coast Guard,¹ installation may be transferred to the

Coast Guard Morale, Welfare, and Recreation Program.

(e) If the balance available to the Coast Guard installation under this section at the end of a fiscal year is in excess of \$200,000, the amount of that excess shall be deposited in the general fund of the Treasury as offsetting receipts of the Department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(Aug. 4, 1949, ch. 393, 63 Stat. 547; Oct. 31, 1951, ch. 654, § 2(11), 65 Stat. 707; Pub. L. 97-295, § 2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 102-587, title V, § 5202, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 104-324, title IV, § 408, title XI, § 1119, Oct. 19, 1996, 110 Stat. 3925, 3973; Pub. L. 107-217, § 3(c)(3), Aug. 21, 2002, 116 Stat. 1298.)

HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., § 43a (Apr. 10, 1936, ch. 179, 49 Stat. 1195). The authorization is enlarged to include any public body or private organization not organized for profit, and the authority to make disposal is placed in the Commandant rather than in the Secretary.

Subsection (b) is based on title 33, U.S.C., 1946 ed., § 752a (May 22, 1926, ch. 371, § 5, 44 Stat. 626).

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. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-217, § 3(c)(3)(A), inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (c)(2). Pub. L. 107-217, § 3(c)(3)(B), substituted “sections 541-555 of title 40” for “section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)”.

1996—Subsec. (a). Pub. L. 104-324, § 408, inserted “to the Coast Guard Auxiliary, including any incorporated unit thereof,” after “with or without charge,” and struck out “to any incorporated unit of the Coast Guard Auxiliary,” after “Boy Scouts of America.”

Subsec. (c)(2). Pub. L. 104-324, § 1119, inserted “, except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant” before period at end.

1992—Subsecs. (c) to (e). Pub. L. 102-587 added subsecs. (c) to (e).

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

1951—Subsec. (a). Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and substituted “incorporated” for “regularly organized flotilla or other organized”.

§ 642. Deposit of damage payments

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Coast Guard for the

¹ So in original. The comma probably should not appear.

cost of repair or replacement of such property, the Commandant may accept and deposit such payments, through proper officers of the Fiscal Service, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or replacements concerned. In the event that repair or replacement of the damaged property is effected by the Coast Guard, the appropriations bearing the cost thereof and current at the time collection is made shall be reimbursed from the special deposit account.

(Aug. 4, 1949, ch. 393, 63 Stat. 547.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §721a (Aug. 16, 1937, ch. 665, §2, 50 Stat. 667).

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

§ 643. Rewards for apprehension of persons interfering with aids to navigation

The Coast Guard may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering in violation of law with aids to navigation maintained by the Coast Guard; or for information leading to the discovery of missing Coast Guard property or to recovery thereof.

(Aug. 4, 1949, ch. 393, 63 Stat. 547.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §50c (Aug. 2, 1946, ch. 756, §32, 60 Stat. 857).

Section is enlarged to provide for payment of rewards for information leading to the discovery or recovery of missing Coast Guard property. 81st Congress, House Report No. 557.

§ 644. Payment for the apprehension of stragglers

The Coast Guard may offer and pay rewards for the apprehension and delivery of deserters, stragglers, and prisoners.

(Aug. 4, 1949, ch. 393, 63 Stat. 547.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §147 (May 26, 1906, ch. 2556, §5, 34 Stat. 200).

Said section has been divided. That part relating to rewards for the apprehension of deserters is placed in this section. That part relating to the acceptance of convicted deserters in the armed forces is placed in section 575 of this title. The first sentence of said section is eliminated inasmuch as it is believed that commanding officers in the Coast Guard are charged with the duty of apprehending deserters without special statutory authority therefor.

The limitation as to amount that could be offered is removed.

The provision concerning money due the deserter is eliminated. 81st Congress, House Report No. 557.

§ 645. Confidentiality of medical quality assurance records; qualified immunity for participants

(a) In this section—

(1) "medical quality assurance program" means any activity carried out by or for the Coast Guard to assess the quality of medical

care, including activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics) medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

(2) "medical quality assurance record" means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (1) and are produced or compiled by the Coast Guard as part of a medical quality assurance program.

(3) "health care provider" means any military or civilian health care professional who, under regulations prescribed by the Secretary, is granted clinical practice privileges to provide health care services in a military medical or dental treatment facility or who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

(b) Medical quality assurance records created by or for the Coast Guard as part of a medical quality assurance program are confidential and privileged. The records may not be disclosed to any person or entity except as provided in subsection (d).

(c)(1) Medical quality assurance records are not subject to discovery and may not be admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

(2) Except as provided in this section, an individual who reviews or creates medical quality assurance records for the Coast Guard or who participates in any proceeding that reviews or creates the records may not testify in any judicial or administrative proceeding with respect to the records or with respect to any finding, recommendation, evaluation, opinion, or action taken by that person in connection with the records.

(d)(1) Subject to paragraph (2), a medical quality assurance record may be disclosed, and an individual referred to in subsection (c) may testify in connection with a record only as follows:

(A) To a Federal executive agency or private organization, if necessary to license, accredit, or monitor Coast Guard health care facilities.

(B) To an administrative or judicial proceeding commenced by a present or former Coast Guard or Coast Guard assigned Public Health Service health care provider concerning the termination, suspension, or limitation of clinical privileges of the health care provider.

(C) To a governmental board or agency or to a professional health care society or organization, if necessary to perform licensing, or privileging, or to monitor professional standards for a health care provider who is or was a member or an employee of the Coast Guard or the Public Health Service assigned to the Coast Guard.

(D) To a hospital, medical center, or other institution that provides health care services, if necessary to assess the professional quali-

fications of any health care provider who is or was a member or employee of the Coast Guard or the Public Health Service assigned to the Coast Guard and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

(E) To an officer, member, employee, or contractor of the Coast Guard or the Public Health Service assigned to the Coast Guard if for official purposes.

(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the record or testimony be provided for a purpose authorized by law.

(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of the proceeding.

(2) Except in a quality assurance action, the identity of any individual receiving health care services from the Coast Guard or the identity of any other individual associated with the agency for the purposes of a medical quality assurance program that is disclosed in a medical quality assurance record shall be deleted from that record or document before any disclosure of the record is made outside the Coast Guard. This requirement does not apply to the release of information under section 552a of title 5.

(e) Except as provided in this section, a person having possession of or access to a record or testimony described by this section may not disclose the contents of the record or testimony.

(f) Medical quality assurance records may not be made available to any person under section 552 of title 5.

(g) An individual who participates in or provides information to an individual that reviews or creates medical quality assurance records is not civilly liable for participating or providing the information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

(h) Nothing in this section shall be construed as—

(1) authority to withhold from any person aggregate statistical information regarding the results of Coast Guard medical quality assurance programs;

(2) authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if the record pertains to any matter within their respective jurisdictions;

(3) limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

(i) Except as otherwise provided in this section, an individual who willfully discloses a

medical quality assurance record knowing that the record is a medical quality assurance record, is liable to the United States Government for a civil penalty of not more than \$3,000 in the case of a first offense and not more than \$20,000 in the case of a subsequent offense.

(Added Pub. L. 102-587, title V, §5203(a), Nov. 4, 1992, 106 Stat. 5072; amended Pub. L. 104-324, title VII, §746(b), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

PRIOR PROVISIONS

A prior section 645, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 547; Sept. 3, 1954, ch. 1263, §34, 68 Stat. 1239; Aug. 23, 1958, Pub. L. 85-738, §§4, 5, 72 Stat. 833, provided for settlement of claims incident to activities of Coast Guard, prior to repeal, effective two years after Sept. 26, 1968, by Pub. L. 90-525, §2, Sept. 26, 1968, 82 Stat. 877. See section 2733 of Title 10, Armed Forces.

AMENDMENTS

2004—Subsec. (h)(2). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1996—Subsecs. (d) to (h). Pub. L. 104-324 redesignated subsec. (d), relating to disclosure by person with access to a record or testimony, as (e) and redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

§ 646. Admiralty claims against the United States

(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than \$100,000, an admiralty claim against the United States for—

(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

(c) If a claim under this section is settled or compromised for more than \$100,000, the Secretary shall certify it to Congress.

(Aug. 4, 1949, ch. 393, 63 Stat. 548; Pub. L. 86-533, §1(3)(A), June 29, 1960, 74 Stat. 245; Pub. L. 92-417, §2(a), Aug. 29, 1972, 86 Stat. 655.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §71 (June 15, 1936, ch. 550, 49 Stat. 1514; July 1, 1944, ch. 373, title VII, §711, 58 Stat. 714; Aug. 13, 1946, ch. 958, §5, 60 Stat. 1051).

This section closely parallels title 46, U.S.C., 1946 ed., §§797, 798, which authorizes the Secretary of the Navy to negotiate amicable settlement of claims against the United States arising out of the operation of Naval vessels. It grants similar authority to the Secretary of the Treasury in relation to vessels in the Coast Guard service, and the limiting amount is reduced from \$1,000,000 to \$25,000. It is believed that this section will work to

the benefit of the Government by reducing civil litigation and the number of claims which must presently be certified to Congress for appropriations in order to make settlement. It will greatly expedite the settlement of just claims and should result in a considerable overall savings to the Government. 81st Congress, House Report No. 557.

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-417 incorporated in part first sentence of former subsec. (a) in text preceding par. (1), substituted “Secretary” for “Secretary of the Treasury”, inserted provisions authorizing payments up to \$100,000, struck out second, third, and fourth sentences providing that provisions of this section were supplementary to other provisions, that claims in excess of \$3,000 accrued prior to Sept. 8, 1939, would not be considered, and that payments be made out of Coast Guard appropriations, and added pars. (1) to (3).

Subsec. (b). Pub. L. 92-417 incorporated in part first sentence of former subsec. (a).

Subsec. (c). Pub. L. 92-417 incorporated provisions of last sentence of former subsec. (a) and substituted “\$100,000” for “\$25,000”.

1960—Subsec. (b). Pub. L. 86-533 repealed subsec. (b) which required the Secretary of the Treasury to report to the Congress the payment of claims determined, compromised, settled, or paid.

§ 647. Claims for damage to property of the United States

The Secretary may consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such payments shall be deposited in the Treasury of the United States as miscellaneous receipts. The Secretary is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property hereinabove described. No settlement or compromise where there is involved a payment in the net amount of over \$100,000 is authorized by this section.

(Aug. 4, 1949, ch. 393, 63 Stat. 549; Pub. L. 86-533, §1(3)(B), June 29, 1960, 74 Stat. 245; Pub. L. 94-546, §1(34), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 98-557, §17(b)(3)(A), Oct. 30, 1984, 98 Stat. 2868.)

HISTORICAL AND REVISION NOTES

This section closely parallels title 34, U.S.C., 1946 ed., §§ 600a, 600b, which authorize the Secretary of the Navy to negotiate amicable settlements of affirmative claims of the United States for damage to Government property. Experience gained by the Navy since enact-

ment of title 34, U.S.C., 1946 ed., §§ 600a-600d, indicates that such amicable settlement reacts to the benefit of the Government in many cases. The provisions of this section would complement those of section 646 of this title and the two sections together would permit the Coast Guard to negotiate the settlement of claims arising out of Coast Guard floating operations, both for and against the United States. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 substituted “\$100,000” for “\$25,000”.

1976—Pub. L. 94-546 struck out subsection designation “(a)” and substituted “Secretary” for “Secretary of the Treasury” wherever appearing, “deposited in the Treasury of the United States” for “covered into the Treasury of the United States”, and “authorized by this section” for “authorized by this title”.

1960—Pub. L. 86-533 repealed subsec. (b) which required the Secretary of the Treasury to report to Congress with respect to payments received by the United States in excess of \$3,000.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 17(b)(3)(B) of Pub. L. 98-557 provided that: “The amendment made by subparagraph (A) of this paragraph [amending this section] shall apply to all claims considered, ascertained, adjusted, determined, compromised or settled on or after the date of enactment of this Act [Oct. 30, 1984].”

§ 648. Accounting for industrial work

The Secretary may prescribe regulations governing accounting for industrial work, including charges for overhead for civilian labor and for maintenance of industrial plant and equipment, performed at the Coast Guard Yard or such similar Coast Guard industrial establishments as he may designate. Any orders placed for such industrial work shall be covered by a transfer or advance of funds to cover the estimated cost thereof, and shall be credited to such accounts as may be necessary and established by the Secretary to carry out the provisions of this section. Accounts so established shall be available for materials, supplies, or equipment, and civilian labor, including overhead and maintenance, required in performing the work ordered. Upon completion of an order an adjustment will be made to make the amount transferred or advanced equal to the actual cost as computed in accordance with the accounting regulations prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 549.)

HISTORICAL AND REVISION NOTES

This section is intended to eliminate a very cumbersome and inefficient method of accounting for industrial jobs at the Coast Guard Yard and other shore establishments where industrial work may be undertaken. Under existing law several accounts must be kept current for each job in progress. Under this statute the working fund would be available for all types of expenditures in connection with a job and the breakdown into separate accounts could be done after the job is complete. The other armed forces have provisions of law which permit a working fund similar to the one provided by this section. 81st Congress, House Report No. 557.

§ 649. Supplies and equipment from stock

Supplies and equipment for special work of the Coast Guard may be furnished from general

stock and the applicable appropriation reimbursed therefor from the respective appropriations for such special work.

(Aug. 4, 1949, ch. 393, 63 Stat. 550.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1934 ed., § 726 (Mar. 4, 1913, ch. 168, 37 Stat. 1018).

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

§ 650. Coast Guard Supply Fund

(a) A Coast Guard Supply Fund is authorized. The Secretary may prescribe regulations for designating the classification of materials to be stocked. In these regulations, whenever the fund is extended to include items not previously stocked, or spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft, whether or not such parts were previously stocked, the Secretary may authorize an increase in the existing capital of the fund by the value of such usable materials transferred thereto from Coast Guard inventories carried in other accounts. Except for the materials so transferred, the fund shall be charged with the cost of materials purchased or otherwise acquired. The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.

(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursement to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Office of Management and Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year.

(Aug. 4, 1949, ch. 393, 63 Stat. 550; Aug. 7, 1956, ch. 1023, § 1(a), 70 Stat. 1077; Pub. L. 91-278, § 1(13), June 12, 1970, 84 Stat. 306; Pub. L. 94-546, § 1(35), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-376, § 5, Oct. 3, 1980, 94 Stat. 1509.)

HISTORICAL AND REVISION NOTES

A Coast Guard supply fund was established by the Naval Appropriation Act for fiscal year 1943 approved February 7, 1942, 56 Stat. 73. Experience has clearly shown that it is advantageous to the Government to have permanent authorization for such a fund. 81st Congress, House Report No. 557.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-376 substituted “these regulations” for “such regulations” and authorized an increase in the capital of the fund when the fund is extended to include spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft, whether or not such parts were previously stocked.

1976—Subsec. (b). Pub. L. 94-546 substituted “Office of Management and Budget” for “Bureau of the Budget”.

1970—Pub. L. 91-278 designated existing provisions as subsec. (a) and added subsec. (b).

1956—Act Aug. 7, 1956, substituted “Coast Guard Supply Fund” for “Coast Guard supply fund and supply account” in section catchline, struck out provisions calling for mandatory increase of the Fund by the value of commissary provisions and uniform clothing on hand on July 1, 1949, and inserted provisions permitting the

Secretary to prescribe regulations for designating the classification of materials to be stocked and for increasing the existing capital of the Fund.

§ 651. Annual report

In April of each year, the Commandant, through the Secretary, shall report to Congress the operations and expenditures of the Coast Guard during the preceding fiscal year, including amounts collected as provided under section 664 of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 550; Pub. L. 94-546, § 1(36), Oct. 18, 1976, 90 Stat. 2522; Pub. L. 99-509, title V, § 5102(a)(2), Oct. 21, 1986, 100 Stat. 1926.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 36, 37 (Oct. 2, 1888, ch. 1069, 25 Stat. 511; Jan. 28, 1915, ch. 20, § 5, 38 Stat. 802).

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

AMENDMENTS

1986—Pub. L. 99-509 substituted “preceding fiscal year, including amounts collected as provided under section 664 of this title” for “preceding fiscal year”.

1976—Pub. L. 94-546 substituted “April” for “January”.

§ 652. Removing restrictions

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 550.)

HISTORICAL AND REVISION NOTES

This section is new and provides that any law removing for the duration of a war or national emergency any restriction contained in any then-existing law as applied to the Navy shall operate in the same manner to remove such restrictions as applied to the Coast Guard. Included are restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel. This provision is designed to enable the Coast Guard to operate as efficiently as the Navy Department in time of war or during a national emergency and would permit the Coast Guard more effectively to maintain itself in a state of military readiness during periods of emergency. Since the Coast Guard operates as part of the Navy in time of war, it is essential that its operations be as flexible and as efficient as those of the Department of which it is to be a part. This section would prevent inadvertent failures specifically to mention the Coast Guard in legislation of the type described in this section from hindering service operations. 81st Congress, House Report No. 557.

§ 653. Employment of draftsmen and engineers

The Coast Guard may employ temporarily, at the seat of government, draftsmen and engineers for the preparation of plans and specifications for vessels, lighthouses, aids to navigation, and other projects for the Coast Guard that may be authorized or appropriated for by Congress, to be paid from the appropriations applicable to such projects.

(Aug. 4, 1949, ch. 393, 63 Stat. 550.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §716 (June 17, 1910, ch. 301, §9, 36 Stat. 538; July 27, 1939, ch. 388, §1, 53 Stat. 1130).

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

§ 654. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services

The Secretary under such regulations as he may prescribe, may sell to public and commercial vessels and other watercraft, such fuel, supplies and furnish such services as may be required to meet the necessities of the vessel or watercraft if such vessel or watercraft is unable—

(1) to procure the fuel, supplies, or services from other sources at its present location; and

(2) to proceed to the nearest port where they may be obtained without endangering the safety of the ship, the health and comfort of its personnel, or the safe condition of the property carried aboard.

Sales under this section shall be at such prices as the Secretary considers reasonable. Payment will be made on a cash basis or on such other basis as will reasonably assure prompt payment. Amounts received from such a sale shall, unless otherwise directed by another provision of law, be credited to the current appropriation concerned and are available for the same purposes as that appropriation.

(Added Pub. L. 86-159, §1, Aug. 14, 1959, 73 Stat. 357; amended Pub. L. 89-444, §1(22), June 9, 1966, 80 Stat. 197.)

AMENDMENTS

1966—Pub. L. 89-444 inserted “Public and commercial vessels and other watercraft; sale of fuel, supplies, and services” in section catchline.

§ 655. Arms and ammunition; immunity from taxation

No tax on the sale or transfer of firearms, pistols, revolvers, shells, or cartridges may be imposed on such articles when bought with funds appropriated for the Coast Guard.

(Added Pub. L. 87-526, §1(6), July 10, 1962, 76 Stat. 142; amended Pub. L. 94-546, §1(37), Oct. 18, 1976, 90 Stat. 2522.)

AMENDMENTS

1976—Pub. L. 94-546 struck out “United States” before “Coast Guard”.

§ 656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters

(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities, for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.

(b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for

other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

(c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than \$200,000 for any one project.

(Added Pub. L. 88-45, §2, June 21, 1963, 77 Stat. 68; amended Pub. L. 93-283, §1(9), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Pub. L. 93-283, §1(9)(A), substituted “Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” for “Use of appropriations to restore, replace, establish, or develop facilities” in section catchline.

Pub. L. 93-283, §1(9)(B), (C), added subsec. (a) and redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

CURRENT COAST GUARD PLANS FOR CAPITAL INVESTMENT, CUTTERS, AVIATION, AND SHORE FACILITIES; SUBMITTAL TO CONGRESS WITH BUDGET REQUESTS

Pub. L. 96-376, §12, Oct. 3, 1980, 94 Stat. 1511, which had provided that the President submit to the Congress, with the fiscal year 1982 budget request for the Coast Guard and each subsequent budget request, the current copy of the Coast Guard’s Capital Investment Plan, Cutter Plan, Aviation Plan, and Shore Facilities Plan, was repealed and reenacted as section 663 of this title by Pub. L. 97-295, §§2(20)(A), 6(b), Oct. 12, 1982, 96 Stat. 1303, 1315.

FUNDS APPROPRIATED TO OR FOR USE OF COAST GUARD AFTER FISCAL YEAR 1977; LIMITATION

Pub. L. 94-406, §5, Sept. 10, 1976, 90 Stat. 1236, which had provided that after fiscal year 1977, funds may not be appropriated to or for the use of the Coast Guard for the operation and maintenance of the Coast Guard; for acquisition, construction, rebuilding, or improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related thereto; for alteration of obstructive bridges; or for research, development, tests, or evaluation related to any of the above, unless the appropriation of such funds had been authorized by legislation enacted after December 31, 1976, was repealed and reenacted as section 662 of this title by Pub. L. 97-295, §§2(20)(A), 6(b), Oct. 12, 1982, 96 Stat. 1303, 1314.

§ 657. Dependent school children

(a) Except as otherwise authorized by the Act of September 30, 1950¹ (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to pro-

¹ See References in Text note below.

vide adequately for the education of those dependents.

(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

(Added Pub. L. 91-278, §1(14), June 12, 1970, 84 Stat. 306; amended Pub. L. 93-430, §5, Oct. 1, 1974, 88 Stat. 1182.)

REFERENCES IN TEXT

Act of September 30, 1950, referred to in subsec. (a), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, known as the Educational Agencies Financial Aid Act, which was classified generally to chapter 13 (§236 et seq.) of Title 20, Education, prior to repeal by Pub. L. 103-382, title III, §331(b), Oct. 20, 1994, 108 Stat. 3965.

AMENDMENTS

1974—Pub. L. 93-430 struck out “; transportation of” after “children” in section catchline, designated existing provisions as subsec. (b), and added subsec. (a).

§ 658. Confidential investigative expenses

Not more than \$45,000 each fiscal year appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

(Added Pub. L. 93-283, §1(10), May 14, 1974, 88 Stat. 140; amended Pub. L. 108-293, title II, §221, Aug. 9, 2004, 118 Stat. 1040.)

AMENDMENTS

2004—Pub. L. 108-293 substituted “\$45,000 each fiscal year” for “\$15,000 per annum”.

§ 659. Assistance to film producers

(a) Notwithstanding any other provision of law, when the Secretary determines that it is appropriate, and that it will not interfere with Coast Guard missions, the Secretary may conduct operations with Coast Guard vessels, aircraft, facilities, or personnel, in such a way as to give assistance to film producers. As used in this section, “film producers” includes commercial or noncommercial producers of material for cinema, television, or videotape.

(b) The Secretary shall keep account of costs incurred as a result of providing assistance to film producers, not including costs which would otherwise be incurred in Coast Guard operations or training, or shall estimate such costs in advance, and such costs shall be paid to the Secretary by the film producers who request such assistance, on terms determined by the Secretary. The Secretary may waive costs not exceeding \$200 for one production, and may waive other costs related to noncommercial productions which the Secretary determines to be in

the public interest. The Secretary shall reimburse the amounts collected under this section to the Coast Guard appropriation account under which the costs were incurred.

(Added Pub. L. 100-448, §29(a), Sept. 28, 1988, 102 Stat. 1849.)

PRIOR PROVISIONS

A prior section 659, added Pub. L. 95-61, §4(1), July 1, 1977, 91 Stat. 259; amended Pub. L. 97-258, §3(d), Sept. 13, 1982, 96 Stat. 1064, directed the merger of obligated balances with current appropriations, prior to repeal by Pub. L. 97-295, §2(19)(A), Oct. 12, 1982, 96 Stat. 1302.

§ 660. Transportation to and from certain places of employment

(a) Whenever the Secretary determines that it is necessary for the effective conduct of the affairs of the Coast Guard, he may, at reasonable rates of fare fixed under regulations to be prescribed by him, provide assured and adequate transportation by motor vehicle or water carrier to and from their places of employment for persons attached to, or employed by, the Coast Guard; and during a war or during a national emergency declared by Congress or the President, for persons attached to, or employed in, a private plant that is manufacturing material for the Coast Guard.

(b) Transportation may not be provided under subsection (a) unless the Secretary or an officer designated by the Secretary, determines that—

(1) other transportation facilities are inadequate and cannot be made adequate;

(2) a reasonable effort has been made to induce operators of private facilities to provide the necessary transportation; and

(3) the service to be furnished will make proper use of transportation facilities and will supply the most efficient transportation to the persons concerned.

(c) To provide transportation under subsection (a), the Secretary may—

(1) buy, lease, or charter motor vehicles or water carriers having a seating capacity of 12 or more passengers;

(2) maintain and operate that equipment by enlisted members or employees of the Coast Guard, or by private persons under contract; and

(3) lease or charter the equipment to private or public carriers for operation under terms that are considered necessary by the Secretary or by an officer designated by the Secretary, and that may provide for the pooling of government-owned and privately owned equipment and facilities and for the reciprocal use of that equipment.

(d) Fares received under subsection (a), and proceeds of the leasing or chartering of equipment under subsection (c)(3), shall be covered into the Treasury as miscellaneous receipts.

(Added Pub. L. 96-376, §10(a), Oct. 3, 1980, 94 Stat. 1510; amended Pub. L. 99-145, title XVI, §1623, Nov. 8, 1985, 99 Stat. 778; Pub. L. 99-550, §2(e), Oct. 27, 1986, 100 Stat. 3070.)

AMENDMENTS

1986—Subsec. (e). Pub. L. 99-550 struck out subsec. (e) which provided that passenger motor vehicles of the

United States could be used to provide transportation between the residence and place of work of the Commandant. See section 1344 of Title 31, Money and Finance.

1985—Subsec. (e). Pub. L. 99-145 added subsec. (e).

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1623 of Pub. L. 99-145 provided that the amendment made by that section is effective Oct. 1, 1985.

§ 661. Authorization of personnel end strengths

(a) For each fiscal year, Congress shall authorize the strength for active duty personnel of the Coast Guard as of the end of that fiscal year. Amounts may be appropriated for a fiscal year to or for the use of active duty personnel of the Coast Guard only if the end strength for active duty personnel for that fiscal year has been authorized by law. If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.

(b)(1) Congress shall authorize the average military training student loads for the Coast Guard for each fiscal year. That authorization is required for student loads for the following individual training categories:

- (A) Recruit and specialized training.
- (B) Flight training.
- (C) Professional training in military and civilian institutions.
- (D) Officer acquisition training.

(2) Amounts may be appropriated for a fiscal year for use in training military personnel of the Coast Guard in the categories referred to in paragraph (1) only if the average student loads for the Coast Guard for that fiscal year have been authorized by law.

(Added Pub. L. 97-295, §2(20)(A), Oct. 12, 1982, 96 Stat. 1302; amended Pub. L. 107-295, title I, §105(a), Nov. 25, 2002, 116 Stat. 2085.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
661	14:ch. 11(note).	Sept. 10, 1976, Pub. L. 94-406, §6, 90 Stat. 1236.

The words “after fiscal year 1977” are omitted as executed. The word “Amounts” is substituted for “funds” for clarity and consistency.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295 inserted at end “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”

§ 662. Requirement for prior authorization of appropriations

Amounts may be appropriated to or for the use of the Coast Guard for the following matters

only if the amounts have been authorized by law after December 31, 1976:

- (1) For the operation and maintenance of the Coast Guard.
- (2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related to the aids, establishments, vessels, or aircraft.
- (3) For altering obstructive bridges.
- (4) For research, development, test, or evaluation related to a matter referred to in clauses (1)–(3).
- (5) For environmental compliance and restoration at Coast Guard facilities.

(Added Pub. L. 97-295, §2(20)(A), Oct. 12, 1982, 96 Stat. 1303; amended Pub. L. 101-225, title II, §222(c), Dec. 12, 1989, 103 Stat. 1919.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
662	14:656(note).	Sept. 10, 1976, Pub. L. 94-406, §5, 90 Stat. 1236.

The word “Amounts” is substituted for “funds” for clarity and consistency. Before clause (1), the words “After fiscal year 1977” are omitted as executed. The words “of such funds” are omitted as unnecessary. In clause (2), the words “aids, establishments, vessels, or aircraft” are substituted for “thereto” for clarity. In clause (4), the words “a matter referred to in clauses (1)–(3)” are substituted for “any of the above” for clarity.

AMENDMENTS

1989—Par. (5). Pub. L. 101-225 added par. (5).

§ 663. Submission of plans to Congress

The President shall submit to Congress with each budget request for the Coast Guard the current copy of the Coast Guard’s Capital Investment Plan, Cutter Plan, Aviation Plan, Shore Facilities Plan, and Information Resources Management Plan. Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.

(Added Pub. L. 97-295, §2(20)(A), Oct. 12, 1982, 96 Stat. 1303; amended Pub. L. 100-448, §25, Sept. 28, 1988, 102 Stat. 1847; Pub. L. 101-595, title III, §311(c), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 107-295, title IV, §408(a)(2), Nov. 25, 2002, 116 Stat. 2117.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
663	14:656(note).	Oct. 3, 1980, Pub. L. 96-376, §12, 94 Stat. 1511.

The words “with the fiscal year 1982 budget request” and “subsequent” are omitted as executed.

AMENDMENTS

2002—Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

1990—Pub. L. 101-595 substituted “Shore Facilities Plan, and Information Resources Management Plan.” for “and Shore Facilities Plan.”

1988—Pub. L. 100-448 inserted at end “Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.”

DEEPWATER REPORTS

Pub. L. 109-241, title IV, § 408, July 11, 2006, 120 Stat. 537, provided that:

“(a) ANNUAL DEEPWATER IMPLEMENTATION REPORT.—Not later than 30 days after the date of enactment of this Act [July 11, 2006] and in conjunction with the transmittal by the President of the budget of the United States for each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the Integrated Deepwater Systems Program, as revised in 2005 (in this section referred to as the ‘Deepwater program’), that includes—

“(1) a justification for how the projected number and capabilities of each Deepwater program asset meets the revised mission needs statement delivered as part of the Deepwater program and the performance goals of the Coast Guard;

“(2) a projection of the remaining operational lifespan of each legacy asset;

“(3) an identification of any changes to the Deepwater program, including—

“(A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets for the life of the Deepwater program; and

“(B) any changes to the costs for that fiscal year or future fiscal years or the total costs of the Deepwater program, including the costs of new and legacy assets;

“(4) a justification for how any change to the Deepwater program fulfills the mission needs statement for the Deepwater program and performance goals of the Coast Guard;

“(5) an identification of how funds in that fiscal year’s budget request will be allocated, including information on the purchase of specific assets;

“(6) a detailed explanation of how the costs of the legacy assets are being accounted for within the Deepwater program;

“(7) a description of how the Coast Guard is planning for the integration of Deepwater program assets into the Coast Guard, including needs related to shore-based infrastructure and human resources; and

“(8) a description of the competitive process conducted in all contracts and subcontracts exceeding \$2,500,000 awarded under the Deepwater program.

“(b) DEEPWATER ACCELERATION REPORT.—Not later than 30 days after the date of enactment of this Act [July 11, 2006], the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

“(1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;

“(2) the required funding for such completion under each accelerated acquisition timeline;

“(3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;

“(4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and

“(5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—

“(A) contractor capacity;

“(B) national shipbuilding capacity;

“(C) asset integration into Coast Guard facilities;

“(D) required personnel; and

“(E) training infrastructure capacity on technology associated with new assets.

“(c) OVERSIGHT REPORT.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Coast Guard’s implementation of the Government Accountability Office’s recommendations in its report, GAO-04-380, entitled ‘Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight’, including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

“(d) INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

“(1) the choice of assets and capabilities selected as part of that program meets the Coast Guard’s goals for performance and minimizing total ownership costs; or

“(2) additional or different assets should be considered as part of that program.”

REVISED DEEPWATER IMPLEMENTATION PLAN

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056, provided in part: “That the Secretary [of Homeland Security] shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.

Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.

FUTURE-YEARS CAPITAL INVESTMENT PLAN

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056, provided in part: “That the Secretary [of Homeland Security] shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

“(1) the proposed appropriation included in that budget;

“(2) the total estimated cost of completion;

“(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

“(4) an estimated completion date at the projected funding levels; and

“(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President’s budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.
 Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.
 Pub. L. 108-334, title II, Oct. 18, 2004, 118 Stat. 1306.

UNFUNDED PRIORITIES

Pub. L. 108-334, title V, §514, Oct. 18, 2004, 118 Stat. 1317, provided that: “The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.”

STATUS REPORTS ON POLAR ICEBREAKING VESSELS

Pub. L. 99-640, §15, Nov. 10, 1986, 100 Stat. 3552, provided that: “The Secretary of the department in which the Coast Guard is operating shall provide detailed reports to Congress concerning the status of design and construction plans for the procurement of at least two new polar icebreaking vessels. Such reports shall be included in the Cutter Plan required annually by section 663 of title 14, United States Code, and shall be submitted each year until at least two new polar icebreaking vessels have been delivered to the Coast Guard.”

§ 664. User fees

(a) A fee or charge for a service or thing of value provided by the Coast Guard shall be prescribed as provided in section 9701 of title 31.

(b) Amounts collected by the Secretary for a service or thing of value provided by the Coast Guard shall be deposited in the general fund of the Treasury as proprietary receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(c) In addition to the collection of fees and charges established under this section, the Secretary may recover from the person liable for the fee or charge the costs of collecting delinquent payments of the fee or charge, and enforcement costs associated with delinquent payments of the fees and charges.

(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.

(2) A private enterprise or business employed by the Secretary to collect fees or charges—

(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

(B) shall provide appropriate accounting to the Secretary; and

(C) may not institute litigation as part of that collection.

(e) The Secretary shall account for the agency’s costs of collecting a fee or charge as a reim-

bursable expense, subject to the availability of appropriations, and the costs shall be credited to the account from which expended.

(f) Before January 1 of each year, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes—

(1) a verification of each activity for which a fee or charge is collected under any law stating—

(A) the amount collected in the prior fiscal year; and

(B) that the amount spent on that activity in that fiscal year is not less than the amount collected; and

(2) the amount expected to be collected under any law in the current fiscal year for each activity for which a fee or charge is expected to be collected.

(g) In this section the term “costs of collecting a fee or charge” includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.

(Added Pub. L. 99-509, title V, §5102(a)(3), Oct. 21, 1986, 100 Stat. 1926; amended Pub. L. 101-225, title II, §211, Dec. 12, 1989, 103 Stat. 1914; Pub. L. 107-295, title IV, §408(a)(3), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 108-293, title II, §206, Aug. 9, 2004, 118 Stat. 1033.)

AMENDMENTS

2004—Subsecs. (c) to (g). Pub. L. 108-293 added subsecs. (c) to (e) and (g) and redesignated former subsec. (c) as (f).

2002—Subsec. (c). Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries” in introductory provisions.

1989—Subsec. (c). Pub. L. 101-225 inserted “under any law” after first reference to “collected” in pars. (1) and (2).

§ 665. Restriction on construction of vessels in foreign shipyards

(a) Except as provided in subsection (b), no Coast Guard vessel, and no major component of the hull or superstructure of a Coast Guard vessel, may be constructed in a foreign shipyard.

(b) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress.

(Added Pub. L. 100-448, §26(a), Sept. 28, 1988, 102 Stat. 1847.)

§ 666. Local hire

(a) Notwithstanding any other law, each contract awarded by the Coast Guard for construction or services to be performed in whole or in part in a State that has an unemployment rate

in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of Homeland Security may waive the requirements of this subsection in the interest of national security or economic efficiency.

(b) **LOCAL RESIDENT DEFINED.**—As used in this section, “local resident” means a resident of, or an individual who commutes daily to, a State described in subsection (a).

(Added Pub. L. 101-225, title II, § 206(a), Dec. 12, 1989, 103 Stat. 1912; amended Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 667. Vessel construction bonding requirements

The Secretary or the Commandant may require bid, payment, performance, payment and performance, or completion bonds or other financial instruments from contractors for construction, alteration, repair, or maintenance of Coast Guard vessels if—

(1) the bond is required by law; or

(2) the Secretary or Commandant determines after investigation that the amount of the bond in excess of 20 percent of the value of the base contract quantity excluding options, would not prevent a responsible bidder or offeror from competing for award of the contract.

(Added Pub. L. 101-595, title III, § 306(a), Nov. 16, 1990, 104 Stat. 2985.)

§ 668. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care

(a) The Secretary may contract for the delivery of health care to which covered beneficiaries are entitled under chapter 55 of title 10. The Secretary may enter into a contract under this section with any of the following:

(1) Health maintenance organizations.

(2) Preferred provider organizations.

(3) Individual providers, individual medical facilities, or insurers.

(4) Consortiums of these providers, facilities, or insurers.

(b) A contract entered into under this section may provide for the delivery of—

(1) selected health care services;

(2) total health care services for selected covered beneficiaries; or

(3) total health care services for all covered beneficiaries who reside in a geographic area designated by the Secretary.

(c) The Secretary may prescribe a premium, deductible, copayment, or other change for health care provided under this section.

(Added Pub. L. 101-595, title III, § 319(a), Nov. 16, 1990, 104 Stat. 2989.)

§ 669. Telephone installation and charges

Under regulations prescribed by the Secretary, amounts appropriated to the Department of Homeland Security are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes in other private residences.

(Added Pub. L. 102-587, title V, § 5204(a), Nov. 4, 1992, 106 Stat. 5074; amended Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 670. Procurement authority for family housing

(a) The Secretary is authorized—

(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and

(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

(b)(1) For the purposes of this section, a multiyear contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.

(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—

(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and

(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and nonrecurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

(Added Pub. L. 103-206, title III, §302(a), Dec. 20, 1993, 107 Stat. 2423.)

§ 671. Air Station Cape Cod Improvements

The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.

(Added Pub. L. 103-206, title III, §303(a), Dec. 20, 1993, 107 Stat. 2423.)

§ 672. Long-term lease of special purpose facilities

(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for special purpose facilities, including, aids to navigation (hereafter in this section referred to as "ATON") sites, vessel traffic service (hereafter in this section referred to as "VTS") sensor sites, or National Distress System (hereafter in this section referred to as "NDS") high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

(b) For purposes of this section, the term "special purpose facilities" means any facilities used to carry out Coast Guard aviation, maritime, or navigation missions other than general purpose office and storage space facilities.

(c) In the case of ATON, VTS, or NDS sites, the Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.

(Added Pub. L. 103-206, title III, §304(a), Dec. 20, 1993, 107 Stat. 2424; amended Pub. L. 104-324, title VII, §746(d), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 108-293, title II, §212(a), Aug. 9, 2004, 118 Stat. 1036.)

AMENDMENTS

2004—Pub. L. 108-293, §212(a)(1), added section catchline and struck out former section catchline which read as follows: "Long-term lease authority for navigation and communications systems sites".

Subsec. (a). Pub. L. 108-293, §212(a)(2), inserted "special purpose facilities, including," after "automatic renewal clauses, for".

Subsecs. (b), (c). Pub. L. 108-293, §212(a)(3), added subsec. (b), redesignated former subsec. (b) as (c), and substituted "In the case of ATON, VTS, or NDS sites, the" for "The" in introductory provisions.

1996—Pub. L. 104-324 added section catchline and struck out former section catchline.

§ 672a. Long-term lease authority for lighthouse property

(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)¹ shall not apply to leases issued by the Commandant under this section.

(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.

(Added Pub. L. 107-295, title IV, §417(a), Nov. 25, 2002, 116 Stat. 2122.)

REFERENCES IN TEXT

Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), referred to in subsec. (a), is section 321 of act June 30, 1932, ch. 314, title III, 47 Stat. 412, which was classified to section 303b of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 1302 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

§ 673. Designation, powers, and accountability of deputy disbursing officials

(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

(A) to make payments as the agent of the disbursing official;

(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

(C) to carry out other duties required under law.

(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Homeland Security (when the Coast Guard is not operating as a service in the Navy).

(b)(1) If a disbursing official of the Coast Guard dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the second month after the month in

¹ See References in Text note below.

which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.

(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard when section 2773 of title 10 applies to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

(2) A designation of a deputy disbursing official under subsection (a) that is made while the Coast Guard is not operating as a service in the Navy continues in effect for purposes of section 2773 of title 10 while the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or an official authorized to approve such a designation under subsection (a)(3) of such section.

(Added Pub. L. 104-201, div. A, title X, §1009(a)(2)(A), Sept. 23, 1996, 110 Stat. 2634; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

CODIFICATION

Another section 673 was renumbered section 674 of this title.

AMENDMENTS

2002—Subsec. (a)(3). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 674. Small boat station rescue capability

The Secretary of Homeland Security shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration prevailing weather, marine conditions, and depositional geologic features such as sand bars.

(Added Pub. L. 104-324, title III, §309(a), Oct. 19, 1996, 110 Stat. 3919, §673; renumbered §674, Pub. L. 107-295, title IV, §405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, §1704(a), (f)(1), Nov. 25, 2002, 116 Stat. 2314, 2316.)

PRIOR PROVISIONS

A prior section 674 was renumbered section 675 of this title.

AMENDMENTS

2002—Pub. L. 107-296, §1704(f)(1), which directed renumbering of the section 673 of this title that was added by Pub. L. 104-324, §309(a), as section 673a of this

title, could not be executed because of the prior amendment by Pub. L. 107-295, see below.

Pub. L. 107-296, §1704(a), which directed amendment of section 673a of this title by substituting “of Homeland Security” for “of Transportation”, was executed by making the substitution in this section, to reflect the probable intent of Congress.

Pub. L. 107-295 renumbered section 673 of this title, relating to small boat station rescue capability, as this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 1704(a) of Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

Amendment by section 1704(f)(1) of Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 675. Small boat station closures

(a) CLOSURES.—The Secretary of Homeland Security may not close a Coast Guard multi-mission small boat station or subunit unless the Secretary—

(1) determines that—

(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).

(Added Pub. L. 104-324, title III, §309(a), Oct. 19, 1996, 110 Stat. 3919, §674; renumbered §675, Pub. L. 107-295, title IV, §405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296, which directed amendment of section 674 of this title by substituting “of Homeland Security” for “of Transportation” in introductory provisions, was executed to this section, to reflect the probable intent of Congress and the renumbering of section 674 of this title as this section by Pub. L. 107-295, see below.

Pub. L. 107-295 renumbered section 674 of this title as this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L.

107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 676. Search and rescue center standards

(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

(1) The lighting, acoustics, and temperature in the facilities.

(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

(8) The acquisition and maintenance of interim search and rescue command center communications equipment.

(9) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should establish, implement, and maintain minimum standards necessary to ensure that an individual on duty or watch in a Coast Guard search and rescue command center facility does not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstances.

(c) DEFINITION.—For the purposes of this section, the term “search and rescue center facility” means a Coast Guard shore facility that maintains a search and rescue mission coordination and communications watch.

(d) REPORT TO CONGRESS.—The Secretary shall provide a quarterly written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, describing the status of implementation of the standards described in subsection (b), including a list of the facilities at which such standards have or have not been implemented.

(Added Pub. L. 107-295, title IV, §405(a)(2), Nov. 25, 2002, 116 Stat. 2115.)

PRESCRIPTION OF STANDARDS

Pub. L. 107-295, title IV, §405(b), Nov. 25, 2002, 116 Stat. 2116, provided that: “The Secretary shall prescribe the standards required under section 675(a) [676(a)] of title 14, United States Code, as enacted by subsection (a) of this section, before January 1, 2003.”

§ 677. Turnkey selection procedures

(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for

the purpose of entering into contracts for construction projects.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) The term “one-step turnkey selection procedures” means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

(2) The term “construction” includes the construction, procurement, development, conversion, or extension of any facility.

(3) The term “facility” means a building, structure, or other improvement to real property.

(Added Pub. L. 109-241, title II, §205(a), July 11, 2006, 120 Stat. 521.)

CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

Sec. 680.	Definitions.
681.	General authority.
682.	Direct loans and loan guarantees.
683.	Leasing of housing to be constructed.
684.	Limited partnerships in eligible entities. ¹
685.	Conveyance or lease of existing property and facilities.
686.	Assignment of members of the armed forces to housing units.
687.	Coast Guard Housing Fund.
687a.	Differential lease payments.
688.	Reports.
689.	Expiration of authority.

AMENDMENTS

2004—Pub. L. 108-293, title II, §207(f), Aug. 9, 2004, 118 Stat. 1035, substituted “Direct loans and loan guarantees” for “Loan guarantees” in item 682 and “eligible” for “nongovernmental” in item 684 and added item 687a.

§ 680. Definitions

In this chapter:

(1) The term “construction” means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

(2) The term “contract” includes any contract, lease, or other agreement entered into under the authority of this chapter.

(3) The term “eligible entity” means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.

(4) The term “military unaccompanied housing” means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

(5) The term “United States” includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3909; amended Pub. L. 108-293, title II, §207(a), Aug. 9, 2004, 118 Stat. 1034.)

¹ So in original. Does not conform to section catchline.