

of Pub. L. 114-328, set out as a note under section 315 of this title.

§ 913. 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, § 677; renumbered § 913, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 677 of this title as this section.

§ 914. Disposition of infrastructure related to E-LORAN

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Commandant may dismantle or dispose of any real or personal property under the administrative control of the Coast Guard and used for the LORAN-C system.

(b) **RESTRICTION.**—No action described in subsection (a) may be taken unless and until—

(1) the Commandant notifies the Secretary of Transportation and the Secretary of Defense in writing of the proposed dismantling or disposal of a LORAN-C system; and

(2) a period of 90 calendar days expires following the day on which the notice has been submitted.

(c) **RECEIPT OF NOTIFICATION.**—If, not later than 90 calendar days of receipt of the written notification under subsection (b), the Secretary of Transportation or the Secretary of Defense notifies the Commandant, in writing, of a determination under section 312(d) of title 49 that the property is required to provide a positioning, navigation, and timing system to provide redundant capability in the event the Global Positioning System signals are disrupted, the Commandant shall transfer the property to the Department of Transportation without any consideration.

(d) **NOTIFICATION EXPIRATION.**—If, at the end of the 90 calendar day period no notification under subsection (b) has been received, the Commandant shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations in the House of Representa-

tives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that the period in subsection (b)(2) has expired, and may proceed with the dismantling and disposal of the personal property, and disposing of the real property in accordance with section 2945 of this title.

(e) **EXCEPTION.**—The prohibition on actions in subsection (b) does not apply to actions necessary for the safety of human life.

(Added Pub. L. 114-120, title VI, § 610(a)(1), Feb. 8, 2016, 130 Stat. 83, § 681; renumbered § 914, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205; amended Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8216, Jan. 1, 2021, 134 Stat. 4653; Pub. L. 117-263, div. K, title CXII, § 11211, Dec. 23, 2022, 136 Stat. 4012.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to disposition of infrastructure related to E-LORAN and comprised of subsecs. (a) to (c).

2021—Subsec. (a). Pub. L. 116-283, § 8216(1), substituted “later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114-120) or the date” for “date”.

Subsec. (c)(2). Pub. L. 116-283, § 8216(2), added par. (2) and struck out former par. (2) which related to availability of proceeds.

2018—Pub. L. 115-282 renumbered section 681 of this title, relating to disposition of infrastructure related to E-LORAN, as this section.

SUBCHAPTER II—MISCELLANEOUS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 107(c)(2), Dec. 4, 2018, 132 Stat. 4207, inserted subchapter II designation and heading.

§ 931. 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, § 635; renumbered § 931, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 635 of this title as this section.

§ 932. 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, § 636; renumbered § 932, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 636 of this title as this section.

§ 933. Coast Guard ensigns and pennants

(a) Vessels and aircraft authorized by the Secretary 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. An individual 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, § 638; Pub. L. 111-281, title II, § 213(b), Oct. 15, 2010, 124 Stat. 2915; renumbered § 933, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205; Pub. L.

116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(9), Jan. 1, 2021, 134 Stat. 4748.)

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.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “An individual” for “Every person”.

2018—Pub. L. 115-282 renumbered section 638 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281 substituted “Vessels and aircraft authorized by the Secretary” for “Coast Guard vessels and aircraft”.

§ 934. 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 \$10,000, or imprisoned not more than one year, or both.

(Aug. 4, 1949, ch. 393, 63 Stat. 546, § 639; Aug. 3, 1950, ch. 536, § 30, 64 Stat. 408; Pub. L. 113-281, title II, § 205(b), Dec. 18, 2014, 128 Stat. 3025; renumbered § 934, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 639 of this title as this section.

2014—Pub. L. 113-281 substituted “\$10,000” for “\$1,000”.

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.

Statutory Notes and Related Subsidiaries

COAST GUARD CITY, USA

Pub. L. 105-383, title IV, § 409, Nov. 13, 1998, 112 Stat. 3431, as amended by Pub. L. 114-120, title II, § 206, Feb. 8, 2016, 130 Stat. 37, 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 30 days prior to approving such recognition.”

§ 935. 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 applicable 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, § 640; renumbered § 935, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 640 of this title as this section.

§ 936. 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 qualifications 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, § 645; 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; renumbered § 936, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 645 of this title as this section.

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.

§ 937. 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 \$425,000, 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, § 646; 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; renumbered § 937, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8212(a), Jan. 1, 2021, 134 Stat. 4649.)

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.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “\$425,000” for “\$100,000” in introductory provisions.

2018—Pub. L. 115-282 renumbered section 646 of this title as this section.

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.

§ 938. 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 \$425,000 is authorized by this section.

(Aug. 4, 1949, ch. 393, 63 Stat. 549, § 647; 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; renumbered § 938, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8212(b), Jan. 1, 2021, 134 Stat. 4650.)

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 enactment 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.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “\$425,000” for “\$100,000”.

2018—Pub. L. 115-282 renumbered section 647 of this title as this section.

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-557, § 17(b)(3)(B), Oct. 30, 1984, 98 Stat. 2868, 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].”

§ 939. Accounting for industrial work

(a) IN GENERAL.—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 or in accordance with subsection (b).

(b) INCENTIVE CONTRACTS.—

(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.

(Aug. 4, 1949, ch. 393, 63 Stat. 549, § 648; renumbered § 939 and amended Pub. L. 115-282, title I, § 107(b), title III, § 307, Dec. 4, 2018, 132 Stat. 4205, 4247.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, § 307, designated existing provisions as subsec. (a) and inserted heading, substituted “Secretary or in accordance with subsection (b).” for “Secretary.”, and added subsec. (b).

Pub. L. 115-282, § 107(b), renumbered section 648 of this title as this section.

§ 940. 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, § 649; renumbered § 940, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 649 of this title as this section.

§ 941. 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, § 650; 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; renumbered § 941, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 650 of this title as this section.

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.

§ 942. 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, §654; amended Pub. L. 89-444, §1(22), June 9, 1966, 80 Stat. 197; renumbered §942, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 654 of this title as this section.

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

§ 943. 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, §655; amended Pub. L. 94-546, §1(37), Oct. 18, 1976, 90 Stat. 2522; renumbered §943, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 655 of this title as this section.

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

§ 944. Confidential investigative expenses

Not more than \$250,000 each fiscal year appropriated for the operations and support 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 the Commandant’s certificate of necessity for confidential purposes, and the Commandant’s determina-

tion 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, §658; amended Pub. L. 108-293, title II, §221, Aug. 9, 2004, 118 Stat. 1040; renumbered §944 and amended Pub. L. 115-282, title I, §107(b), title III, §308, Dec. 4, 2018, 132 Stat. 4205, 4248; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8513(a)(3), Jan. 1, 2021, 134 Stat. 4760.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “the operations and support” for “necessary expenses for the operation” and “the Commandant’s” for “his” in two places.

2018—Pub. L. 115-282, §308, substituted “\$250,000” for “\$45,000”.

Pub. L. 115-282, §107(b), renumbered section 658 of this title as this section.

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

§ 945. 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, §659; renumbered §945, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 659 of this title as this section.

§ 946. 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 Sec-

retary 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)(1) In addition to the collection of fees and charges established under this section, in the provision of a service or thing of value by the Coast Guard the Secretary may accept in-kind transportation, travel, and subsistence.

(2) The value of in-kind transportation, travel, and subsistence accepted under this paragraph may not exceed applicable per diem rates set forth in regulations prescribed under section 464 of title 37.

(f) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, subject to the availability of appropriations, and the costs shall be credited to the account from which expended.

(g) 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.

(h) 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, § 664; 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; Pub. L. 113-281, title III, § 311(b), Dec. 18, 2014, 128 Stat. 3048; renumbered § 946, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 664 of this title as this section.

2014—Subsecs. (e) to (h). Pub. L. 113-281 added subsec. (e) and redesignated former subsecs. (e) to (g) as (f) to (h), respectively.

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).

Statutory Notes and Related Subsidiaries

TOWING SAFETY MANAGEMENT SYSTEM FEES

Pub. L. 115-282, title VIII, § 815, Dec. 4, 2018, 132 Stat. 4305, provided that:

“(a) REVIEW.—The Commandant of the Coast Guard shall—

“(1) review and compare the costs to the Government of—

“(A) towing vessel inspections performed by the Coast Guard; and

“(B) such inspections performed by a third party; and

“(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

“(b) REVISION OF FEES.—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.”

LIMITATION

Pub. L. 113-281, title III, § 311(c), Dec. 18, 2014, 128 Stat. 3048, provided that: “The Secretary of the Department in which the Coast Guard is operating may not accept in-kind transportation, travel, or subsistence under section 664(e) [now 946(e)] of title 14, United States Code, or section 2110(d)(4) of title 46, United States Code, as amended by this section, until the Commandant of the Coast Guard—

“(1) amends the Standards of Ethical Conduct for members and employees of the Coast Guard to include regulations governing the acceptance of in-kind reimbursements; and

“(2) notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the amendments made under paragraph (1).”

§ 947. 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, §667; renumbered §947, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 667 of this title as this section.

§ 948. 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, §668; renumbered §948, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 668 of this title as this section.

§ 949. 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, §669; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; renumbered §949, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 669 of this title as this section.

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

Statutory Notes and Related Subsidiaries

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.

§ 950. 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.

(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 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, §673; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(11), Dec. 20, 2012, 126 Stat. 1558; renumbered §950, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 673 of this title as this section.

2012—Subsec. (a)(3). Pub. L. 112-213 struck out “of Homeland Security (when the Coast Guard is not operating as a service in the Navy)” after “Secretary”.

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

Statutory Notes and Related Subsidiaries

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.

§ 951. Aircraft accident investigations

(a) IN GENERAL.—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—

(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

(B) that release of such tapes, reports, or other information—

(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

(ii) would not compromise national security.

(3) RESTRICTION.—A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

(d) USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

(e) DEFINITIONS.—For purposes of this section—

(1) the term “accident investigation” means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

(2) the term “safety investigation” means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

(Added Pub. L. 112-213, title II, §214(a), Dec. 20, 2012, 126 Stat. 1553, §678; amended Pub. L. 115-232, div. C, title XXXV, §3531(c)(5), Aug. 13, 2018, 132 Stat. 2320; renumbered §951, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 678 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Commandant conducts” for “Commandant of the Coast Guard conducts”.

§ 952. Construction of Coast Guard vessels and assignment of vessel projects

The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.

(Added Pub. L. 115-282, title III, §310(a), Dec. 4, 2018, 132 Stat. 4248.)

§ 953. Support for Coast Guard Academy

(a) AUTHORITY.—

(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

(B) AUTHORITY.—Notwithstanding section 3201(e) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 3204(a) of title 10.

(C) ACQUISITIONS.—Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire

property or services for the direct benefit or use of the Coast Guard Academy.

(2) FINANCIAL CONTROLS.—

(A) IN GENERAL.—Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

(B) CONTENTS.—Any such contract or cooperative agreement shall contain a provision that allows the Commandant to review, as the Commandant considers necessary, the financial accounts of the qualified organization to determine whether the operations of the qualified organization—

- (i) are consistent with the terms of the contract or cooperative agreement; and
- (ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

(3) LEASES.—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 504(a)(13), rent or lease real property located at the Coast Guard Academy to a qualified organization, except that proceeds from such a lease shall be retained and expended in accordance with subsection (f).

(b) SUPPORT SERVICES.—

(1) AUTHORITY.—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential for the support of the athletic programs of the Coast Guard Academy.

(2) NO LIABILITY OF THE UNITED STATES.—Support services may only be provided without any liability of the United States to a qualified organization.

(3) SUPPORT SERVICES DEFINED.—In this subsection, the term “support services” includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

(c) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization concerned, transfer to the qualified organization all title to and ownership of the assets and liabilities of the Coast Guard non-appropriated fund instrumentality, the function of which includes providing support for the athletic programs of the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

(2) LIMITATION.—The Commandant may not transfer under paragraph (1) any interest in real property.

(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.—

(1) IN GENERAL.—Notwithstanding section 1342 of title 31, the Commandant may accept from a qualified organization funds, supplies, and services for the support of the athletic programs of the Coast Guard Academy.

(2) EMPLOYEES OF QUALIFIED ORGANIZATION.—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

(3) FUNDS RECEIVED FROM NCAA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

(4) LIMITATION.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f) do not—

(A) reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as such term is defined in section 101(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

(e) TRADEMARKS AND SERVICE MARKS.—

(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

(A) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

(f) RETENTION AND USE OF FUNDS.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.

(g) CONDITIONS.—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues—

(1) to operate in accordance with this section, the law of the State of Connecticut, and

the constitution and bylaws of the qualified organization; and

(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

(h) QUALIFIED ORGANIZATION DEFINED.—In this section, the term “qualified organization” means an organization—

(1) that operates as an organization under subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section;

(2) for which authorization under sections 1033(a) and 1589(a) of title 10 may be provided; and

(3) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

(Added Pub. L. 117–263, div. K, title CXII, § 11250(a), Dec. 23, 2022, 136 Stat. 4049.)

Editorial Notes

REFERENCES IN TEXT

Subsection (c)(3) of section 501 of the Internal Revenue Code of 1986, referred to in subsec. (h)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

§ 954. Mixed-funded athletic and recreational extracurricular programs

(a) AUTHORITY.—In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

(b) COVERED PROGRAMS.—In this section, the term “Coast Guard Academy mixed-funded athletic or recreational extracurricular program” means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

(1) The program is not considered a morale, welfare, or recreation program.

(2) The program is supported through appropriated funds.

(3) The program is supported by a nonappropriated fund instrumentality.

(4) The program is not a private organization and is not operated by a private organization.

(Added Pub. L. 117–263, div. K, title CXII, § 11250(a), Dec. 23, 2022, 136 Stat. 4051.)

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| 1156. | Limitation on unmanned aircraft systems. |
| 1157. | Extraordinary relief. |
| 1158. | Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs. |

SUBCHAPTER IV—DEFINITIONS

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| 1171. | Definitions. |
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Editorial Notes

PRIOR PROVISIONS

A prior analysis for chapter 11 “PERSONNEL” consisted of items 211 “Original appointment of permanent commissioned officers”, 214 “Appointment of temporary officers”, 215 “Rank of warrant officers”, 251 “Selection boards; convening of boards”, 252 “Selection boards; composition of boards”, 253 “Selection boards; notice of convening; communication with board”, 254 “Selection boards; oath of members”, 255 “Number of officers to be selected for promotion”, 256 “Promotion zones”, 256a “Promotion year; defined”, 257 “Eligibility of officers for consideration for promotion”, 258 “Selection boards; information to be furnished boards”, 259 “Officers to be recommended for promotion”, 260 “Selection boards; reports”, 261 “Selection boards; submission of reports”, 262 “Failure of selection for promotion”, 263 “Special selection boards; correction of errors”, 271 “Promotions; appointments”, 272 “Removal of officer from list of selectees for promotion”, 273 “Promotions; acceptance; oath of office”, 274 “Promotions; pay and allowances”, 275 “Wartime temporary service promotions”, 276 “Promotion of officers not included on active duty promotion list”, 281 “Revocation of commissions during first five years of commissioned service”, 282 “Regular lieutenants (junior grade); separation for failure of selection for promotion”, 283 “Regular lieutenants; separation for failure of selection for promotion; continuation”, 284 “Regular Coast Guard; officers serving under temporary appointments”, 285 “Regular lieutenant commanders and commanders; retirement for failure of selection for promotion”, 286 “Discharge in lieu of retirement; separation pay”, 286a “Regular warrant officers; separation pay”, 287 “Separation for failure of selection for promotion or continuation; time of”, 288 “Regular captains; retirement”, 289 “Captains; continuation on active duty; involuntary retirement”, 290 “Rear admirals and rear admirals (lower