

Pub. L. 99-190, §101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1269.

Pub. L. 98-473, title I, §101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1945.

Pub. L. 98-78, title I, Aug. 15, 1983, 97 Stat. 454.

Pub. L. 97-369, title I, Dec. 18, 1982, 96 Stat. 1766.

Pub. L. 97-102, title I, Dec. 23, 1981, 95 Stat. 1443.

Pub. L. 96-400, title I, Oct. 9, 1980, 94 Stat. 1681.

Pub. L. 96-131, title I, Nov. 30, 1979, 93 Stat. 1023.

Pub. L. 95-335, title I, Aug. 4, 1978, 92 Stat. 435.

Pub. L. 95-85, title I, Aug. 2, 1977, 91 Stat. 402.

Pub. L. 94-387, title I, Aug. 14, 1976, 90 Stat. 1172.

Pub. L. 94-134, title I, Nov. 24, 1975, 89 Stat. 696.

Pub. L. 93-391, title I, Aug. 28, 1974, 88 Stat. 769.

Pub. L. 93-98, title I, Aug. 16, 1973, 87 Stat. 330.

Pub. L. 92-398, title I, Aug. 22, 1972, 86 Stat. 581.

Pub. L. 92-74, title I, Aug. 10, 1971, 85 Stat. 202.

Pub. L. 91-168, title I, Dec. 26, 1969, 83 Stat. 454.

Pub. L. 90-464, title I, Aug. 8, 1968, 82 Stat. 654.

Pub. L. 90-112, title II, Oct. 23, 1967, 81 Stat. 312.

Pub. L. 89-474, title I, June 29, 1966, 80 Stat. 223.

Pub. L. 89-57, title I, June 30, 1965, 79 Stat. 197.

Pub. L. 88-392, title I, Aug. 1, 1964, 78 Stat. 369.

Pub. L. 88-39, title I, June 13, 1963, 77 Stat. 59.

Pub. L. 87-575, title I, Aug. 6, 1962, 76 Stat. 311.

Pub. L. 87-159, title I, Aug. 21, 1961, 75 Stat. 395.

Pub. L. 86-561, title I, June 30, 1960, 74 Stat. 285.

Pub. L. 86-39, title I, June 11, 1959, 73 Stat. 67.

Pub. L. 85-354, title I, Mar. 28, 1958, 72 Stat. 62.

Pub. L. 85-37, title I, May 27, 1957, 71 Stat. 37.

Apr. 2, 1956, ch. 161, title I, 70 Stat. 93.

June 1, 1955, ch. 113, title I, 69 Stat. 74.

May 28, 1954, ch. 242, title I, 68 Stat. 146.

June 18, 1953, ch. 132, title I, 67 Stat. 69.

June 30, 1952, ch. 523, title I, 66 Stat. 291.

Aug. 11, 1951, ch. 301, title I, 65 Stat. 185.

Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 639.

June 30, 1949, ch. 286, title I, 63 Stat. 367.

June 19, 1948, ch. 558, title I, 62 Stat. 563.

July 1, 1947, ch. 186, title I, 61 Stat. 227.

July 12, 1946, ch. 569, §1, 60 Stat. 531.

## § 502. 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, §631; Pub. L. 94-546, §1(33), Oct. 18, 1976, 90 Stat. 2521; renumbered §502, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

### 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.

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 502 was renumbered section 2746 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 631 of this title as this section.

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

## Statutory Notes and Related Subsidiaries

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.”

## § 503. 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, §633; renumbered §503, Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200.)

### 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.

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 503 was renumbered section 2747 of this title.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 633 of this title as this section.

## § 504. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) maintain water, land, and air patrols, and ice-breaking facilities;

(2) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(3) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(4) conduct experiments and investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function, including research, development, test, or evaluation related to intelligence systems and capabilities;

(5) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(6) collect, publish, and distribute information concerning Coast Guard operations;

(7) conduct or make available to personnel of the Coast Guard, and to eligible spouses as defined under section 2904, such specialized training and courses of instruction, including correspondence courses and the textbooks, manuals, and other materials required as part of such training or course of instruction, as may be necessary or desirable for the good of the service;

(8) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

(9) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(10) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

(11) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(12) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(13) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in the fund established under section 2946;

(14) grant, under such terms and conditions as are deemed advisable, permits, licenses, easements, and rights-of-way over, across, in, and upon lands under the control of the Coast Guard when in the public interest and without substantially injuring the interests of the

United States in the property thereby affected;

(15) establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration, and acquire such real property rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment;

(16) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations;

(17) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities;

(18) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform community service under the order of a Federal, State, or municipal court;

(19) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

(A) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

(B) an individual providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims;

(20) enter into cooperative agreements with other Government agencies and the National Academy of Sciences;

(21) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(b)(7) of title 49, may receive that information, and upon receipt, shall make the information available to the individual;

(22) provide for the honorary recognition of individuals and organizations that signifi-

cantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and non-profit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation);

(23) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery;

(24) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate;

(25) enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities, to develop a positioning, navigation, and timing system to provide redundant capability in the event Global Positioning System signals are disrupted, which may consist of an enhanced LORAN system; and

(26) develop data workflows and processes for the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

(b)(1) Notwithstanding subsection (a)(13), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

(2) A lease referred to in paragraph (1) is a lease—

(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

(B) to an entity with which the Commandant has a cooperative agreement under section 4(e)<sup>1</sup> of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.

(c) **MARINE SAFETY RESPONSIBILITIES.**—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 305(a)(3) shall serve as the principal advisor to the Commandant regarding—

(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

(2) approval of materials, equipment, appliances, and associated equipment;

(3) the reporting and investigation of marine casualties and accidents;

(4) the licensing, certification, documentation, protection and relief of merchant mariners;

(5) suspension and revocation of licenses and certificates;

(6) enforcement of manning requirements, citizenship requirements, control of log books;

(7) documentation and numbering of vessels;

(8) State boating safety programs;

(9) commercial instruments and maritime liens;

(10) the administration of bridge safety;

(11) administration of the navigation rules;

(12) the prevention of pollution from vessels;

(13) ports and waterways safety;

(14) waterways management; including regulation for regattas and marine parades;

(15) aids to navigation; and

(16) other duties and powers of the Secretary related to marine safety and stewardship.

(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in subsection (c) affects—

(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 522 of this title; or

(2) the exercise of authority under section 527 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.

(e) **OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.**—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.

(f) **LEASING OF TIDELANDS AND SUBMERGED LANDS.**—

(1) **AUTHORITY.**—The Commandant may lease under subsection (a)(13) submerged lands and tidelands under the control of the Coast Guard without regard to the limitation under that subsection with respect to lease duration.

(2) **LIMITATION.**—The Commandant may lease submerged lands and tidelands under paragraph (1) only if—

(A) the lease is for cash exclusively;

(B) the lease amount is equal to the fair market value of the use of the leased submerged lands or tidelands for the period during which such lands are leased, as determined by the Commandant;

(C) the lease does not provide authority to or commit the Coast Guard to use or support any improvements to such submerged lands and tidelands, or obtain goods and services from the lessee; and

(D) proceeds from the lease are deposited in the Coast Guard Housing Fund established under section 2946.

(Aug. 4, 1949, ch. 393, 63 Stat. 504, §93; Aug. 3, 1950, ch. 536, §2, 64 Stat. 406; Oct. 31, 1951, ch. 654, §§1(33), 2(10), 4(1), 65 Stat. 702, 707, 709; Pub. L. 94-546, §1(9), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-136, §6(d), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-276, §143, Oct. 2, 1982, 96 Stat. 1199; Pub. L. 97-295, §2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 97-322, title I, §115(c), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 102-241, §7, Dec. 19, 1991, 105 Stat. 2212; Pub. L. 103-206, title II, §202, title III, §316, Dec. 20, 1993, 107 Stat. 2420, 2426; Pub. L. 104-324, title II, §207(a), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105-383, title II, §§202, 203, Nov. 13, 1998, 112 Stat. 3414, 3415; Pub. L. 107-217, §3(c)(2), Aug. 21, 2002,

<sup>1</sup> See References in Text note below.

116 Stat. 1298; Pub. L. 108-293, title II, §§ 201, 217, Aug. 9, 2004, 118 Stat. 1031, 1038; Pub. L. 109-241, title IX, § 901(a), (c), July 11, 2006, 120 Stat. 564; Pub. L. 111-259, title IV, § 442(1), Oct. 7, 2010, 124 Stat. 2733; Pub. L. 111-281, title V, § 523, Oct. 15, 2010, 124 Stat. 2958; Pub. L. 111-350, § 5(c)(2), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 112-213, title II, § 202, Dec. 20, 2012, 126 Stat. 1543; Pub. L. 113-281, title II, §§ 206(a), 207, 208(a), 209, 214(c), 222(1), Dec. 18, 2014, 128 Stat. 3025, 3026, 3034, 3038; Pub. L. 114-120, title II, § 209(4), title VI, § 610(b), Feb. 8, 2016, 130 Stat. 40, 85; Pub. L. 115-232, div. C, title XXXV, § 3533(b), Aug. 13, 2018, 132 Stat. 2321; renumbered § 504 and amended Pub. L. 115-282, title I, §§ 105(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4200, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(3), Jan. 1, 2021, 134 Stat. 4747; Pub. L. 117-263, div. K, title CXII, § 11229, Dec. 23, 2022, 136 Stat. 4029.)

#### HISTORICAL AND REVISION NOTES

This section grants powers to the Commandant concerning, in general, operations within the Service and the internal functioning of the Service. Many of the powers are contained in existing law, but some are enlarged, and some additional powers are added as explained following.

Subsection (a) is derived from title 14, U.S.C., 1946 ed., § 53, and title 34, U.S.C., 1946 ed., § 471 (R.S. 1536). The authority to order vessels to cruise along the coasts should be in the operational head of the Service, and not in the President. This section is changed to cover adequately the necessary present day cruising and patrolling.

Subsection (b) is derived from R.S. 4242 and title 14, U.S.C., 1946 ed., §§ 29, 93, 94, 95, 97, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §§ 2, 3, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786; June 6, 1940, ch. 257, § 4, 54 Stat. 247), and specifically grants to the Commandant authority in regard to the establishment, discontinuance, and change of Coast Guard shore establishments other than Coast Guard districts. This power must exist inherently in order for the Service to function efficiently.

Subsection (c) is derived from title 14, U.S.C., 1946 ed., §§ 54, 97, 112 (May 4, 1882, ch. 117, § 3, 22 Stat. 56; May 30, 1908, ch. 231, 35 Stat. 553; Apr. 21, 1910, ch. 182, § 2, 36 Stat. 326), and specifically grants to the Commandant authority in regard to the assignment of vessels, vehicles, aids to navigation, and other equipment. This power is inherent to the proper functioning of any Service.

Subsection (d) is based on title 14, U.S.C., 1946 ed., § 91 (June 18, 1878, ch. 265, § 7, 20 Stat. 164; June 10, 1921, ch. 18, § 304, 42 Stat. 24; July 3, 1926, ch. 742, § 9, 44 Stat. 817). Said section has been divided. The part dealing with investigation of plans and inventions is covered in this subsection in broader terms, and the other parts are covered in general terms in section 632 of this title.

Subsection (e) is based on title 14, U.S.C., 1946 ed., § 111 (June 18, 1878, ch. 265, § 9, 20 Stat. 164). This section has been rewritten to broaden the authority to include any investigation or study that may be of assistance to the Coast Guard, the limitation as to investigation of shipwrecks having been eliminated.

Subsection (f) is new and is intended to give legislative recognition to the importance of disseminating information by the Coast Guard for the promotion of safety at sea, life-saving techniques, and other Coast Guard activities.

Subsection (g) is new and provides for the training of Coast Guard personnel at other than schools or institutions of the other armed forces. Such training is essential and has been carried on under the authority of appropriation acts for many years.

Subsection (h) is based in part on title 14, U.S.C., 1946 ed., §§ 69, 108, 109, (R.S. 2748; June 20, 1874, ch. 344, § 9, 18

Stat. 127; June 18, 1878, ch. 265, § 3, 20 Stat. 163), and is intended to complement the authority granted to the Secretary in sec. 92(d) of this title granting similar authority to the Commandant as to smaller craft.

Subsection (i) is based in part on title 14, U.S.C., §§ 108, 109, and on title 33, U.S.C., 1946 ed., § 752 (June 20, 1874, ch. 344, § 9, 18 Stat. 127; June 18, 1878, ch. 265, § 3, 20 Stat. 163; Mar. 4, 1913, ch. 168, 37 Stat. 10183, and grants power to the Commandant to acquire and dispose of various equipment and supplies. The authority with respect to the acceptance of such equipment as a gift is new.

Subsection (j) is new and grants power to the Commandant to operate and maintain shore establishments; previously such authority has been inferred from statutes providing for the establishment of shore stations; again such authority is inherent to the functioning of any Service, and this section will provide no greater authority than has been exercised in the past.

Subsection (k) is based on title 14, U.S.C., 1946 ed., § 31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583]). The primary authority is granted to the Commandant as well as to the Secretary inasmuch as such exchange seems to be an operational matter and the items which may be exchanged have been enlarged by the addition of aids to navigation, appliances, equipment, and supplies.

Inasmuch as the act cited above applies to the Navy as well as the Coast Guard it is not scheduled for repeal but is being amended by section 13 of this act to eliminate reference to the Coast Guard.

Subsection (l) is new and is deemed desirable in order to give legislative authority for existing yards, and for the procurement of needed equipment and material in case such is not normally or economically obtainable from private contractors.

Subsection (m) is based on title 14, U.S.C., 1946 ed., §§ 110, 192 (June 20, 1874, ch. 344, § 6, 18 Stat. 127; June 18, 1878, ch. 265, § 10, 20 Stat. 165; July 3, 1926, ch. 742, § 9, 44 Stat. 817). The power to accept volunteer services is enlarged to include all services offered in time of emergency, to save life or protect property, and the restrictive provisions relating to lifeboat stations only have been eliminated.

Subsection (n) is new and grants authority to the Commandant to lease real property under the control of the Coast Guard, when not immediately needed in Coast Guard operations. Such authority will be advantageous to the Government, on the basis of past experience.

Subsection (o) is new and is supplementary to subsection (n) of this section. It grants further authority to the Commandant permitting him to grant minor interests in land which is under control of the Coast Guard. This will avoid the necessity of special acts of Congress in each of such instances.

Subsection (p) is new and is necessary to give proper authority for the maintenance of networks of wires and cables, in some cases over or along private property or public highways. These networks are in existence at the present time and are essential for the Service to carry out its functions.

Subsection (q) is new and is necessary in order to provide clear authority for the maintenance of radio stations which are essential to Coast Guard functions.

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

#### Editorial Notes

#### REFERENCES IN TEXT

Section 4(e) of the Ports and Waterways Safety Act, referred to in subsec. (b)(2)(B), is section 4(e) of Pub. L. 92-340, which was classified to section 1223(e) of Title 33, Navigation and Navigable Waters, prior to repeal by Pub. L. 115-282, title IV, § 402(e), Dec. 4, 2018, 132 Stat. 4264. See Transitional and Savings Provisions note pre-

ceding section 101 of Title 46, Shipping, and section 70001 of Title 46.

The date of enactment of this paragraph, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

#### PRIOR PROVISIONS

A prior section 504 was renumbered section 2733 of this title.

Another prior section 504, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to disposition of the remains of deceased Coast Guard personnel, prior to repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

#### AMENDMENTS

2022—Subsec. (a)(26). Pub. L. 117-263 added par. (26).

2021—Subsec. (a)(19)(B). Pub. L. 116-283, §8505(a)(3)(A), substituted “an individual” for “a person”.

Subsec. (c)(4). Pub. L. 116-283, §8505(a)(3)(B), substituted “mariners;” for “seamen;”.

2018—Pub. L. 115-282, §105(b)(2), renumbered section 93 of this title as this section.

Subsec. (a)(7). Pub. L. 115-282, §123(b)(2), substituted “section 2904” for “section 542”.

Subsec. (a)(13). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

Subsec. (a)(21). Pub. L. 115-232 substituted “section 30305(b)(7)” for “section 30305(a)”.

Subsec. (c). Pub. L. 115-282, §123(b)(2), substituted “section 305(a)(3)” for “section 50(a)(3)” in introductory provisions.

Subsec. (d)(1). Pub. L. 115-282, §123(b)(2), substituted “section 522” for “section 89”.

Subsec. (d)(2). Pub. L. 115-282, §123(b)(2), substituted “section 527” for “section 91”.

Subsec. (f)(2)(D). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

2016—Subsec. (a)(25). Pub. L. 114-120, §610(b), added par. (25).

Subsec. (f)(2). Pub. L. 114-120, §209(4), added par. (2) and struck out former par. (2) which related to limitation on leasing of tidelands and submerged lands.

2014—Subsec. (a)(4). Pub. L. 113-281, §206(a), substituted “and investigate” for “, investigate” and struck out “, and cooperate and coordinate such activities with other Government agencies and with private agencies” before semicolon at end.

Subsec. (a)(7). Pub. L. 113-281, §214(c), inserted “, and to eligible spouses as defined under section 542,” after “Coast Guard”.

Pub. L. 113-281, §207, inserted “and the textbooks, manuals, and other materials required as part of such training or course of instruction” after “correspondence courses”.

Subsec. (a)(13). Pub. L. 113-281, §208(a), substituted “the fund established under section 687” for “the Treasury”.

Subsec. (b)(1). Pub. L. 113-281, §222(1), substituted “(a)(13)” for “(a)(14)”.

Subsec. (f). Pub. L. 113-281, §209, added subsec. (f).

2012—Subsec. (e). Pub. L. 112-213 added subsec. (e).

2011—Subsec. (a)(8). Pub. L. 111-350, which directed amendment of subsec. (h) by substituting “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”, was executed by making the substitution in subsec. (a)(8) to reflect the probable intent of Congress and the amendment by Pub. L. 108-293, §201. See 2004 Amendment note below.

2010—Subsec. (a)(4). Pub. L. 111-259 substituted “function, including research, development, test, or evaluation related to intelligence systems and capabilities,” for “function”.

Subsecs. (c), (d). Pub. L. 111-281 added subsecs. (c) and (d).

2006—Subsec. (a)(19). Pub. L. 109-241, §901(a), redesignated subpars. (1) and (2) as (A) and (B), respectively.

Subsec. (a)(24). Pub. L. 109-241, §901(c), redesignated par. (y) as (24).

2004—Pub. L. 108-293, §201, designated existing provisions as subsec. (a), redesignated former subsecs. (a) to (j) and (l) to (w) as pars. (1) to (23), respectively, of subsec. (a), substituted semicolon for comma at end of par. (18), and added subsec. (b).

Pub. L. 108-293, §217, which directed amendment of this section by striking out “and” after semicolon at end of “paragraph (w)”, substituting “; and” for period at end of “paragraph (x)”, and adding a paragraph designated “(y)” at the end, was executed to this section prior to the amendment by Pub. L. 108-293, §201, to reflect the probable intent of Congress. See above.

2002—Subsec. (h). Pub. L. 107-217 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.)”.

1998—Subsec. (w). Pub. L. 105-383, §202, added subsec. (w).

Subsec. (x). Pub. L. 105-383, §203, added subsec. (x).

1996—Subsec. (v). Pub. L. 104-324 added subsec. (v).

1993—Subsec. (t). Pub. L. 103-206, §202, added subsec. (t).

Subsec. (u). Pub. L. 103-206, §316, added subsec. (u).

1991—Subsec. (s). Pub. L. 102-241 added subsec. (s).

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

Subsec. (r). Pub. L. 97-276 and Pub. L. 97-322 made identical amendments adding subsec. (r) relating to medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.

1981—Subsec. (p). Pub. L. 97-136, inserted “including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration,” after “of such lines and cables.”.

1976—Subsec. (n). Pub. L. 94-546 substituted “to be deposited in the Treasury” for “to be covered into the Treasury”.

1951—Subsec. (h). Act Oct. 31, 1951, §2(10), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out the requirement that net monies received from the disposition of patrol boats, etc., be covered into the Treasury.

Subsec. (i). Act Oct. 31, 1951, §4(1), inserted provision permitting discontinuance of aids to navigation, etc., and struck out provision permitting discontinuance or other disposition of obsolete, unsuitable, or unserviceable aids to navigation, etc., and the requirement that the net monies received from such disposition be covered into the Treasury.

Subsec. (k). Act Oct. 31, 1951, §1(33), repealed subsec. (k) which empowered the Commandant to exchange aircraft, vehicles, and parts thereof, and obsolete, unsuitable, or unserviceable machines, tools, aids to navigation, appliances, equipment, and supplies in part payment for new items of the same or similar character.

1950—Subsec. (o). Act Aug. 3, 1950, struck out “and” after the semicolon.

Subsec. (p). Act Aug. 3, 1950, substituted “; and” for the period at end.

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Secu-

riety, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

EXPENDITURE OF FUNDS FOR CERTAIN INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES OF THE COAST GUARD

Pub. L. 118–159, div. F, title LXIII, §6306, Dec. 23, 2024, 138 Stat. 2475, provided that: “The Commandant of the Coast Guard may use up to 1 percent of the amounts made available for the National Intelligence Program (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) for each fiscal year for intelligence and counterintelligence activities of the Coast Guard relating to objects of a confidential, extraordinary, or emergency nature, which amounts may be accounted for solely on the certification of the Commandant and each such certification shall be considered to be a sufficient voucher for the amount contained in the certification.”

PILOT PROJECT FOR ENHANCING COAST GUARD CUTTER READINESS THROUGH CONDITION-BASED MAINTENANCE

Pub. L. 117–263, div. K, title CXII, §11208, Dec. 23, 2022, 136 Stat. 4011, provided that:

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall conduct a pilot project to enhance cutter readiness and reduce lost patrol days through the deployment of condition-based program standards for cutter maintenance, in accordance with the criteria set forth in subsection (b).

“(b) CRITERIA FOR CONDITION-BASED MAINTENANCE EVALUATION.—In conducting the pilot project under subsection (a), the Commandant [of the Coast Guard], in cooperation with government and industry partners, shall—

“(1) select at least 1 class of cutters under construction with respect to which the application of the pilot project would enhance readiness;

“(2) use condition-based program standards which incorporate artificial, intelligence, prognostic based maintenance planning;

“(3) create and model a full ship digital twin for the cutters selected under paragraph (1);

“(4) install or modify instrumentation capable of producing full hull, mechanical, and electrical data necessary to analyze cutter operational conditions with active maintenance alerts; and

“(5) evaluate and weight efficacy of potential emergent repairs as well as planned depot maintenance activities.

“(c) CONSIDERATION.—Prior to developing the pilot project in this section, the Commandant shall evaluate commercially available products, technology, applications, standards, and technology for development and implementation of the pilot program.

“(d) REPORT TO CONGRESS.—The Commandant 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—

“(1) an interim report not later than 12 months after the date of enactment of this Act on the progress in carrying out the pilot project described in subsection (a); and

“(2) a final report not later than 3 years after the date of enactment of this Act on the results of the pilot project described in subsection (a) that includes—

“(A) options to integrate condition-based program standards with prognostic based maintenance planning to Coast Guard cutters; and

“(B) plans to deploy condition-based program standards with prognostic based maintenance planning to Coast Guard cutters.”

DATABASE ON ICEBREAKING OPERATIONS IN GREAT LAKES

Pub. L. 117–263, div. K, title CXII, §11213, Dec. 23, 2022, 136 Stat. 4015, provided that:

“(a) IN GENERAL.—The Commandant shall establish and maintain a database for collecting, archiving, and disseminating data on icebreaking operations and commercial vessel and ferry transit in the Great Lakes during ice season.

“(b) ELEMENTS.—The database required under subsection (a) shall include the following:

“(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

“(2) The period of time that each commercial vessel or ferry was unsuccessful at transit described in paragraph (1) due to inadequate icebreaking.

“(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

“(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

“(5) A description of any mitigating circumstance, such as Coast Guard icebreaker diversions to higher priority missions, that may have contributed to the amount of time described in paragraph (3).

“(c) VOLUNTARY REPORTING.—Any reporting by operators of commercial vessels or ferries under this section shall be voluntary.

“(d) PUBLIC AVAILABILITY.—The Commandant shall make the database available to the public on a publicly accessible website of the Coast Guard.

“(e) CONSULTATION WITH INDUSTRY.—With respect to the Great Lakes icebreaking operations of the Coast Guard and the development of the database required under subsection (a), the Commandant shall consult operators of commercial vessels and ferries.

“(f) PUBLIC REPORT.—Not later than July 1 after the first winter in which the Commandant is subject to the requirements of section 564 of title 14, United States Code, the Commandant shall publish on a publicly accessible website of the Coast Guard a report on the cost to the Coast Guard of meeting the requirements of such section.

“(g) DEFINITIONS.—In this section:

“(1) COMMERCIAL VESSEL.—The term ‘commercial vessel’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary under section 14104 of such title.

“(2) GREAT LAKES.—The term ‘Great Lakes’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors, and the connecting channels (including the following rivers and tributaries of such rivers: Saint Mary’s River, Saint Clair River, Detroit River, Niagara River, Illinois River, Chicago River, Fox River, Grand River, St. Joseph River, St. Louis River, Menominee River, Muskegon River, Kalamazoo River, and Saint Lawrence River to the Canadian border).

“(3) ICE-COVERED WATERWAY.—The term ‘ice-covered waterway’ means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

“(4) OPEN TO NAVIGATION.—The term ‘open to navigation’ means navigable to the extent necessary to—

“(A) extricate vessels and individuals from danger;

“(B) prevent damage due to flooding;

“(C) meet the reasonable demands of commerce;

“(D) minimize delays to passenger ferries; and

“(E) conduct other Coast Guard missions as required.

“(5) REASONABLE DEMANDS OF COMMERCE.—The term ‘reasonable demands of commerce’ means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.”

[For definitions of “Commandant” and “Secretary” as used in section 11213 of Pub. L. 117–263, set out above, see section 11002 of Pub. L. 117–263, set out as a note under section 106 of this title.]

#### ENHANCING MARITIME CYBERSECURITY

Pub. L. 117–263, div. K, title CXII, § 11224, Dec. 23, 2022, 136 Stat. 4023, provided that:

“(a) DEFINITIONS.—In this section:

“(1) CYBER INCIDENT.—The term ‘cyber incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

“(2) MARITIME OPERATORS.—The term ‘maritime operators’ means the owners or operators of vessels engaged in commercial service, the owners or operators of facilities, and port authorities.

“(3) FACILITIES.—The term ‘facilities’ has the meaning given the term ‘facility’ in section 70101 of title 46, United States Code.

“(b) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS AND RESOURCES.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard], in coordination with the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology, shall identify and make available to the public a list of tools and resources, including the resources of the Coast Guard and the Cybersecurity and Infrastructure Security Agency, designed to assist maritime operators in identifying, detecting, protecting against, mitigating, responding to, and recovering from cyber incidents.

“(2) IDENTIFICATION.—In carrying out paragraph (1), the Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology shall identify tools and resources that—

“(A) comply with the cybersecurity framework for improving critical infrastructure established by the National Institute of Standards and Technology; or

“(B) use the guidelines on maritime cyber risk management issued by the International Maritime Organization on July 5, 2017 (or successor guidelines).

“(3) CONSULTATION.—The Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology may consult with maritime operators, other Federal agencies, industry stakeholders, and cybersecurity experts to identify tools and resources for purposes of this section.”

#### ARTIFICIAL INTELLIGENCE STRATEGY

Pub. L. 117–263, div. K, title CXII, § 11226, Dec. 23, 2022, 136 Stat. 4026, provided that:

“(a) COORDINATION OF DATA AND ARTIFICIAL INTELLIGENCE ACTIVITIES RELATING TO IDENTIFYING, DEMONSTRATING, AND WHERE APPROPRIATE TRANSITIONING TO OPERATIONAL USE.—

“(1) IN GENERAL.—The Commandant [of the Coast Guard] shall coordinate data and artificial intel-

ligence activities relating to identifying, demonstrating and where appropriate transitioning to operational use of artificial intelligence technologies when such technologies enhance mission capability or performance.

“(2) EMPHASIS.—The set of activities established under paragraph (1) shall—

“(A) apply data analytics, artificial intelligence, and machine-learning solutions to operational and mission-support problems; and

“(B) coordinate activities involving artificial intelligence and artificial intelligence-enabled capabilities within the Coast Guard.

“(b) DESIGNATED OFFICIAL.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall designate a senior official of the Coast Guard (referred to in this section as the ‘designated official’) with the principal responsibility for the coordination of data and artificial intelligence activities relating to identifying, demonstrating, and, where appropriate, transitioning to operational use artificial intelligence and machine learning for the Coast Guard.

“(2) GOVERNANCE AND OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—The designated official shall regularly convene appropriate officials of the Coast Guard—

“(A) to integrate the functional activities of the Coast Guard with respect to data, artificial intelligence, and machine learning;

“(B) to ensure that there are efficient and effective data, artificial intelligence, and machine-learning capabilities throughout the Coast Guard, where appropriate; and

“(C) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the coordination of data and artificial intelligence activities relating to identification, demonstration, and, where appropriate, transition into operational use artificial intelligence and machine learning throughout the Coast Guard.

“(c) STRATEGIC PLAN.—

“(1) IN GENERAL.—The designated official shall develop a strategic plan to coordinate activities relating to identifying, demonstrating, and transitioning artificial intelligence technologies into operational use where appropriate.

“(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

“(A) A strategic roadmap for the coordination of data and artificial intelligence activities for the identification, demonstration, and transition to operational use, where appropriate, artificial intelligence technologies and key enabling capabilities.

“(B) The continuous identification, evaluation, and adaptation of relevant artificial intelligence capabilities adopted by the Coast Guard and developed and adopted by other organizations for military missions and business operations.

“(C) Consideration of the identification, adoption, and procurement of artificial intelligence technologies for use in operational and mission support activities.

“(3) SUBMISSION TO COMMANDANT.—Not later than 2 years after the date of enactment of this Act, the designated official shall submit to the Commandant the plan developed under paragraph (1).

“(4) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Commandant 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 the plan developed under paragraph (1).”

#### CYBER DATA MANAGEMENT

Pub. L. 117–263, div. K, title CXII, § 11228, Dec. 23, 2022, 136 Stat. 4028, provided that:

“(a) IN GENERAL.—The Commandant [of the Coast Guard] and the Director of the Cybersecurity and Infrastructure Security Agency shall—

“(1) develop policies, processes, and operating procedures governing—

“(A) access to and the ingestion, structure, storage, and analysis of information and data relevant to the Coast Guard Cyber Mission, including—

“(i) intelligence data relevant to Coast Guard missions;

“(ii) internet traffic, topology, and activity data relevant to such missions; and

“(iii) cyber threat information relevant to such missions; and

“(B) data management and analytic platforms relating to such missions; and

“(2) evaluate data management platforms referred to in paragraph (1)(B) to ensure that such platforms operate consistently with the Coast Guard Data Strategy.

“(b) REPORT.—Not later than 1 year after the date of enactment of this Act [Dec. 23, 2022], the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that includes—

“(1) an assessment of the progress on the activities required by subsection (a); and

“(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.”

#### IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG COAST GUARD ACTIVE-DUTY MEMBERS

Pub. L. 117–263, div. K, title CXII, § 11248, Dec. 23, 2022, 136 Stat. 4048, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant [of the Coast Guard] shall—

“(1) determine which recommendations in the RAND representation report may practicably be implemented to promote improved representation in the Coast Guard of—

“(A) women; and

“(B) racial and ethnic minorities; and

“(2) 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 actions the Commandant has taken, or plans to take, to implement such recommendations.

“(b) CURRICULUM AND TRAINING.—In the case of any action the Commandant plans to take to implement recommendations described in subsection (a)(1) that relate to modification or development of curriculum and training, such modified curriculum and trainings shall be provided at—

“(1) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

“(2) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

“(3) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

“(c) DEFINITION OF RAND REPRESENTATION REPORT.—In this section, the term ‘RAND representation report’ means the report of the Homeland Security Operational Analysis Center of the RAND Corporation entitled ‘Improving the Representation of Women and Racial/Ethnic Minorities Among U.S. Coast Guard Active-Duty Members’, issued on August 11, 2021.”

#### ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES

Pub. L. 117–263, div. K, title CXIII, § 11323, Dec. 23, 2022, 136 Stat. 4094, provided that: “In consultation with the Secretary of Defense, the Secretary of State, and commercial fishing industry participants, the Commandant [of the Coast Guard] shall develop and publish on a publicly available website a plan for notifying United States mariners and the operators of United States fishing vessels in advance of—

“(1) military exercises in the exclusive economic zone (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

“(2) other military activities that will impact recreational or commercial activities.”

#### DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR COAST GUARD

Pub. L. 117–263, div. K, title CXIV, § 11406, Dec. 23, 2022, 136 Stat. 4112, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard], in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop medical staffing standards for the Coast Guard that are consistent with the recommendations of the Comptroller General of the United States set forth in the report titled ‘Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care’ and published in February 2022.

“(b) INCLUSIONS.—In developing the standards under subsection (a), the Commandant shall address and take into consideration the following:

“(1) Current and future operations of healthcare personnel in support of Department of Homeland Security missions, including surge deployments for incident response.

“(2) Staffing standards for specialized providers, including flight surgeons, dentists, behavioral health specialists, and physical therapists.

“(3) Staffing levels of medical, dental, and behavioral health providers for the Coast Guard who are—

“(A) members of the Coast Guard;

“(B) assigned to the Coast Guard from the Public Health Service;

“(C) Federal civilian employees; or

“(D) contractors hired by the Coast Guard to fill vacancies.

“(4) Staffing levels at medical facilities for Coast Guard units in remote locations.

“(5) Any discrepancy between medical staffing standards of the Department of Defense and medical staffing standards of the Coast Guard.

“(c) REVIEW BY COMPTROLLER GENERAL.—Not later than 90 days after the Commandant completes the staffing standards required by subsection (a), the Commandant shall submit the standards to the Comptroller General, who shall review the standards and provide recommendations to the Commandant.

“(d) REPORT TO CONGRESS.—Not later than 180 days after developing the standards developed under subsection (a), the Commandant 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 standards developed under subsection (a) and the recommendations provided under subsection (c) that includes a plan and a description of the resources and budgetary needs required to implement the standards.

“(e) MODIFICATION, IMPLEMENTATION, AND PERIODIC UPDATES.—The Commandant shall—

“(1) modify such standards, as necessary, based on the recommendations under subsection (c);

“(2) implement the standards; and

“(3) review and update the standards not less frequently than every 4 years.”

#### DATA COLLECTION AND ACCESS TO CARE

Pub. L. 117–263, div. K, title CXIV, § 11408, Dec. 23, 2022, 136 Stat. 4115, provided that:



“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard], in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop, and make publicly available, a policy to require the collection of data regarding access by members of the Coast Guard and their dependents to medical, dental, and behavioral healthcare as recommended by the Comptroller General of the United States in the report entitled ‘Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care’, published in February 2022.

“(b) ELEMENTS.—The policy required by subsection (a) shall address the following:

- “(1) Methods to collect data on access to care for—
  - “(A) routine annual physical health assessments;
  - “(B) flight physicals for aviators or prospective aviators;
  - “(C) sick call;
  - “(D) injuries;
  - “(E) dental health; and
  - “(F) behavioral health conditions.

“(2) Collection of data on access to care for referrals.

“(3) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.

“(4) Use of the electronic health record system to improve data collection on access to care.

“(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.

“(c) PUBLICATION AND REPORT TO CONGRESS.—Not later than 90 days after the policy under subsection (a) is completed, or any subsequent updates to such policy, the Commandant shall—

“(1) publish the policy on a publicly accessible internet website of the Coast Guard; and

“(2) 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 policy and the manner in which the Commandant plans to address access-to-care deficiencies.

“(d) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall review and update the policy required under subsection (a).”

#### BEHAVIORAL HEALTH POLICY

Pub. L. 117-263, div. K, title CXIV, §11409, Dec. 23, 2022, 136 Stat. 4116, provided that:

“(a) INTERIM BEHAVIORAL HEALTH POLICY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, ‘Medical Standards for Military Service: Retention’.

“(2) TERMINATION.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.

“(b) PERMANENT POLICY.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, ‘Medical Standards for Military Service: Retention’.”

#### EXPANSION OF ACCESS TO COUNSELING

Pub. L. 117-263, div. K, title CXIV, §11412, Dec. 23, 2022, 136 Stat. 4119, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Com-

mandant [of the Coast Guard] shall hire, train, and deploy not fewer than an additional 5 behavioral health specialists.

“(b) REQUIREMENT.—Through the hiring process required under subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral healthcare for the purpose of supporting members of the Coast Guard with needs for perinatal mental health care and counseling service for miscarriage, child loss, and postpartum depression.

“(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a)—

“(1) may include care delivered via telemedicine; and

“(2) shall be made widely available to members of the Coast Guard.”

#### SUPPORT OF WOMEN SERVING IN THE COAST GUARD

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8215(a), Jan. 1, 2021, 134 Stat. 4650, provided that:

“(a) ACTION PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Commandant [of the Coast Guard] shall—

“(A) determine which recommendations in the RAND gender diversity report can practicably be implemented to promote gender diversity in the Coast Guard; and

“(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actions the Coast Guard has taken, or plans to take, to implement such recommendations.

“(2) CURRICULUM AND TRAINING.—The Commandant shall update curriculum and training materials used at—

“(A) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

“(B) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

“(C) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

“Such updates shall reflect actions the Coast Guard has taken, or plans to take, to carry out the recommendations of the RAND gender diversity report.

“(3) DEFINITION.—In this subsection, the term ‘RAND gender diversity report’ means the RAND Corporation’s Homeland Security Operational Analysis Center 2019 report entitled ‘Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention’.”

#### SHORE INFRASTRUCTURE

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8251, Jan. 1, 2021, 134 Stat. 4673, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Jan. 1, 2021], the Commandant [of the Coast Guard] shall—

“(1) develop a plan to standardize Coast Guard facility condition assessments;

“(2) establish shore infrastructure performance goals, measures, and baselines to track the effectiveness of maintenance and repair investments and provide feedback on progress made;

“(3) develop a process to routinely align the Coast Guard shore infrastructure portfolio with mission needs, including disposing of unneeded assets;

“(4) establish guidance for planning boards to document inputs, deliberations, and project prioritization decisions for infrastructure maintenance projects;

“(5) employ models for Coast Guard infrastructure asset lines for—

“(A) predicting the outcome of investments in shore infrastructure;

“(B) analyzing tradeoffs; and  
 “(C) optimizing decisions among competing investments;  
 “(6) include supporting details about competing project alternatives and report tradeoffs in congressional budget requests and related reports; and  
 “(7) explore the development of real property management expertise within the Coast Guard workforce, including members of the Senior Executive Service.  
 “(b) BRIEFING.—Not later than December 31, 2020, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the actions required under subsection (a).”

#### UNMANNED MARITIME SYSTEMS AND SATELLITE VESSEL TRACKING TECHNOLOGIES

Pub. L. 116-283, div. G, title LVXXXIV [LXXXIV], § 8411, Jan. 1, 2021, 134 Stat. 4723, provided that:

“(a) ASSESSMENT.—The Commandant [of the Coast Guard], acting through the Blue Technology Center of Expertise, shall regularly assess available unmanned maritime systems and satellite vessel tracking technologies for potential use to support missions of the Coast Guard.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Jan. 1, 2021], and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actual and potential effects of the use of then-existing unmanned maritime systems and satellite vessel tracking technologies on the mission effectiveness of the Coast Guard.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

“(A) An inventory of current unmanned maritime systems used by the Coast Guard, an overview of such usage, and a discussion of the mission effectiveness of such systems, including any benefits realized or risks or negative aspects of such usage.

“(B) An inventory of satellite vessel tracking technologies, and a discussion of the potential mission effectiveness of such technologies, including any benefits or risks or negative aspects of such usage.

“(C) A prioritized list of Coast Guard mission requirements that could be met with additional unmanned maritime systems, or with satellite vessel tracking technologies, and the estimated costs of accessing, acquiring, or operating such systems, taking into consideration the interoperability of such systems with the current and future fleet of—

“(i) National Security Cutters;

“(ii) Fast Response Cutters;

“(iii) Offshore Patrol Cutters;

“(iv) Polar Security Cutters; and

“(v) in-service legacy cutters, including the 210- and 270-foot medium endurance cutters and 225-foot Buoy Tenders.

“(c) DEFINITIONS.—In this section:

“(1) UNMANNED MARITIME SYSTEMS.—

“(A) IN GENERAL.—The term ‘unmanned maritime systems’ means—

“(i) remotely operated or autonomous vehicles produced by the commercial sector designed to travel in the air, on or under the ocean surface, on land, or any combination thereof, and that function without an on-board human presence; and

“(ii) associated components of such vehicles, including control and communications systems, data transmission systems, and processing systems.

“(B) EXAMPLES.—Such term includes the following:

“(i) Unmanned undersea vehicles.

“(ii) Unmanned surface vehicles.

“(iii) Unmanned aerial vehicles.

“(iv) Autonomous underwater vehicles.

“(v) Autonomous surface vehicles.

“(vi) Autonomous aerial vehicles.

“(2) AVAILABLE UNMANNED MARITIME SYSTEMS.—The term ‘available unmanned maritime systems’ includes systems that can be purchased commercially or are in use by the Department of Defense or other Federal agencies.

“(3) SATELLITE VESSEL TRACKING TECHNOLOGIES.—The term ‘satellite vessel tracking technologies’ means shipboard broadcast systems that use satellites and terrestrial receivers to continually track vessels.”

#### UNITED STATES COMMERCIAL SPACE-BASED RADIO FREQUENCY MARITIME DOMAIN AWARENESS TESTING AND EVALUATION PROGRAM

Pub. L. 116-283, div. G, title LVXXXIV [LXXXIV], § 8415, Jan. 1, 2021, 134 Stat. 4726, provided that:

“(a) TESTING AND EVALUATION PROGRAM.—The Commandant [of the Coast Guard], acting through the Blue Technology Center of Expertise, shall carry out a testing and evaluation program of United States commercial space-based radio frequency geolocation and maritime domain awareness products and services to support the mission objectives of maritime enforcement by the Coast Guard and other components of the Coast Guard. The objectives of this testing and evaluation program shall include—

“(1) developing an understanding of how United States commercial space-based radio frequency data products can meet current and future mission requirements;

“(2) establishing how United States commercial space-based radio frequency data products should integrate into existing work flows; and

“(3) establishing how United States commercial space-based radio frequency data products could be integrated into analytics platforms.

“(b) REPORT.—Not later than 240 days after the date of enactment of this Act [Jan. 1, 2021], the Commandant shall prepare and 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 results of the testing and evaluation program under subsection (a), including recommendations on how the Coast Guard should fully exploit United States commercial space-based radio frequency data products to meet current and future mission requirements.”

#### ELECTRONIC HEALTH RECORDS

Pub. L. 115-282, title III, § 305(c), Dec. 4, 2018, 132 Stat. 4246, provided that:

“(1) SYSTEM.—The Commandant of the Coast Guard is authorized to procure for the Coast Guard an electronic health record system that—

“(A) has been competitively awarded by the Department of Defense; and

“(B) ensures full integration with the Department of Defense electronic health record systems.

“(2) SUPPORT SERVICES.—

“(A) IN GENERAL.—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

“(B) SCOPE.—Support services procured pursuant to this paragraph may include services for the following:

“(i) System integration support.

“(ii) Hosting support.

“(iii) Training, testing, technical, and data migration support.

“(iv) Hardware support.

“(v) Any other support the Commandant considers appropriate.

“(3) AUTHORIZED PROCUREMENT ACTIONS.—The Commandant is authorized to procure an electronic health

record system under this subsection through the following:

- “(A) A task order under the Department of Defense electronic health record contract.
- “(B) A sole source contract award.
- “(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.
- “(D) A contract or other procurement vehicle otherwise authorized.
- “(4) COMPETITION IN CONTRACTING; EXEMPTION.—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code [now 10 U.S.C. 3201 et seq.]”

#### TRAINING OF COAST GUARD PERSONNEL

Pub. L. 115-265, title II, §210, Oct. 11, 2018, 132 Stat. 3748, which required the Commandant of the Coast Guard to provide training to marine safety personnel and to brief congressional committees on its marine inspections staff, was repealed by Pub. L. 116-283, div. G, title LVXXXI [LXXXI], §811(c)(1), Jan. 1, 2021, 134 Stat. 4639.

#### DAYS AWAY FROM HOMEPORT

Pub. L. 114-120, title II, §204(c), Feb. 8, 2016, 130 Stat. 35, as amended by Pub. L. 115-282, title VIII, §818(b)(2), Dec. 4, 2018, 132 Stat. 4308, provided that: “Not later than 1 year after the date of the enactment of this Act [Feb. 8, 2016], the Commandant of the Coast Guard shall—

- “(1) Repealed. Pub. L. 115-282, title VIII, §818(b)(2), Dec. 4, 2018, 132 Stat. 4308.]
- “(2) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the standard implemented under paragraph (1).”

#### REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD

Pub. L. 111-281, title II, §217, Oct. 15, 2010, 124 Stat. 2917, as amended by Pub. L. 115-232, div. C, title XXXV, §3521(a)(2), Aug. 13, 2018, 132 Stat. 2314, which directed the Commandant of the Coast Guard to submit a report on sexual assaults and sexual harassment in the Coast Guard to congressional committees, was redesignated as section 5112 of this title and transferred to appear after section 5111 of this title by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(7)(A), Jan. 1, 2021, 134 Stat. 4745.

#### MARINE VESSEL AND COLD WATER SAFETY EDUCATION

Pub. L. 109-241, title IV, §405, July 11, 2006, 120 Stat. 535, provided that: “The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act [July 11, 2006] that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.”

#### REDISTRICTING NOTIFICATION REQUIREMENT

Pub. L. 108-293, title II, §215, Aug. 9, 2004, 118 Stat. 1038, which directed the Commandant of the Coast Guard to notify congressional committees before redistricting, was redesignated as section 322 of this title and transferred to appear after section 321 of this title by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(1), Jan. 1, 2021, 134 Stat. 4745.

#### INNOVATIVE CONSTRUCTION ALTERNATIVES

Pub. L. 108-293, title II, §222, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.”

#### ICEBREAKING SERVICES

Pub. L. 109-241, title II, §210, July 11, 2006, 120 Stat. 523, provided that:

“(a) OPERATION AND MAINTENANCE PLAN.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan—

- “(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and
- “(2) for the long-term recapitalization of these assets.

“(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

“(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).”

Pub. L. 107-295, title IV, §429, Nov. 25, 2002, 116 Stat. 2127, provided that: “The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.”

#### FISHING VESSEL SAFETY TRAINING

Pub. L. 107-295, title IV, §430, Nov. 25, 2002, 116 Stat. 2128, provided that:

“(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training, including—

- “(1) assistance in developing training curricula;
- “(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;
- “(3) sharing of appropriate Coast Guard informational and safety publications; and
- “(4) participation on applicable fishing vessel safety training advisory panels.

“(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.”

#### CONVEYANCE OF LIGHTHOUSES; NOTIFICATION

Pub. L. 105-383, title IV, §416(d), Nov. 13, 1998, 112 Stat. 3437, provided that: “Not less than 1 year prior to

reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 ([former] 16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.] and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard."

#### **§ 505. 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, § 632; renumbered § 505, Pub. L. 115-282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200.)

#### **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.

#### **Editorial Notes**

##### **PRIOR PROVISIONS**

A prior section 505 was renumbered section 2734 of this title.

Another prior section 505, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to escorts to the place of burial for the bodies of deceased Coast Guard personnel, prior to repeal by act July 15, 1954, ch. 507, § 14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

##### **AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 632 of this title as this section.

#### **§ 506. Prospective payment of funds necessary to provide medical care**

(a) **PROSPECTIVE PAYMENT REQUIRED.**—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund as established under chapter 56 of title 10) at facilities under the jurisdiction of the Department of Defense or a military department; and

(2) for which a reimbursement would otherwise be made under section 1085.

(b) **AMOUNT.**—The amount of the prospective payment under subsection (a) shall be—

(1) in the case of treatment or care to be provided to members of the Coast Guard and their dependents, derived from amounts appropriated for the operations and support of the Coast Guard;

(2) in the case of treatment or care to be provided former members of the Coast Guard and their dependents, derived from amounts appropriated for retired pay;

(3) determined under procedures established by the Secretary of Defense;

(4) paid during the fiscal year in which treatment or care is provided; and

(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

(c) **NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.**—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

(d) **RELATIONSHIP TO TRICARE.**—This section shall not be construed to require a payment for,