

(1) enter into cooperative agreements, contracts, and other agreements with—

(A) Federal entities;

(B) other public or private entities in the United States, including academic entities; and

(C) foreign governments with the concurrence of the Secretary of State; and

(2) impose on and collect from an entity subject to an agreement or contract under paragraph (1) a fee to assist with expenses incurred in carrying out such section.

(b) DEPOSIT AND USE OF FEES.—Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out activities under section 504(a)(4).

(Added Pub. L. 113–281, title II, §206(b), Dec. 18, 2014, 128 Stat. 3025, §102; renumbered §717 and amended Pub. L. 115–282, title I, §§106(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4203, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, §106(b), renumbered section 102 of this title as this section.

Subsec. (a). Pub. L. 115–282, §123(b)(2), substituted “section 504(a)(4)” for “section 93(a)(4)” in introductory provisions.

Subsec. (b). Pub. L. 115–282, §123(b)(2), substituted “section 504(a)(4)” for “section 93(a)(4)”.

§ 718. Training; emergency response providers

(a) IN GENERAL.—The Commandant may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

(1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;

(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

(3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

(b) EMERGENCY RESPONSE PROVIDERS DEFINED.—In this section, the term “emergency response providers” has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(c) TREATMENT OF REIMBURSEMENT.—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

(d) STATUS; LIMITATION ON LIABILITY.—

(1) STATUS.—Any individual to whom, as an emergency response provider, training is made available under this section, who is not otherwise a Federal employee, shall not, because of

that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

(2) LIMITATION ON LIABILITY.—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.

(Added Pub. L. 115–282, title III, §306(a), Dec. 4, 2018, 132 Stat. 4247.)

§ 719. Research projects; transactions other than contracts and grants

(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—

(1) IN GENERAL.—The Commandant may enter into—

(A) transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects; and

(B) agreements with the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense under section 2371b¹ of title 10 to participate in prototype projects and follow-on production contracts or transactions that are being carried out by such official and are directly relevant to the Coast Guard’s cyber capability and Command, Control, Communications, Computers, and intelligence initiatives.

(2) ADDITIONAL AUTHORITY.—The authority under this subsection is in addition to the authority provided in section 717 to use contracts, cooperative agreements, and grants in carrying out such projects.

(3) FUNDING.—In carrying out paragraph (1)(B), the Commandant may use funds made available to the extent provided in advance in appropriations Acts for—

(A) operations and support;

(B) research, development, test, and evaluation; and

(C) procurement, construction, and improvement.

(b) RECOVERY OF FUNDS.—

(1) IN GENERAL.—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

(2) AVAILABILITY OF FUNDS.—The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) shall be deposited in the general fund of the Treasury. Amounts so deposited shall be available for the purposes of carrying out this section, to the extent provided in advance in appropriations Acts.

¹ See References in Text note below.

(c) CONDITIONS.—

(1) IN GENERAL.—The Commandant shall ensure that to the extent that the Commandant determines practicable, no cooperative agreement containing a clause described in subsection (c)(1),² and no transaction entered into under subsection (a), provides for research that duplicates research being conducted under existing programs carried out by the Coast Guard.

(2) OTHER AGREEMENTS NOT FEASIBLE.—A cooperative agreement containing a clause described in subsection (c)(1),² or under a transaction authorized by subsection (a), may be used for a research project only if the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

(d) EDUCATION AND TRAINING.—The Commandant shall—

(1) ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

(e) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

(1) IN GENERAL.—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for 5 years after the date on which the information is received by the Coast Guard.

(2) LIMITATION.—

(A) IN GENERAL.—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or non-competitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).

(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is the following:

- (i) A proposal, proposal abstract, and supporting documents.
- (ii) A business plan submitted on a confidential basis.
- (iii) Technical information submitted on a confidential basis.

(f) REGULATIONS.—The Commandant shall prescribe regulations, as necessary, to carry out this section.

(g) ANNUAL REPORT.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committees on Appropria-

tions and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

- (1) the amount of each transaction;
- (2) the entities or organizations involved;
- (3) the product or service received;
- (4) the research project for which the product or service was required; and
- (5) the extent of the cost sharing among Federal Government and non-Federal sources.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8218(a), Jan. 1, 2021, 134 Stat. 4653.)

Editorial Notes

REFERENCES IN TEXT

Section 2371b of title 10, referred to in subsec. (a)(1)(B), was renumbered section 4022 of title 10 by Pub. L. 116-283, div. A, title XVIII, § 1841(b)(1), Jan. 1, 2021, 134 Stat. 4243, as amended by Pub. L. 117-81, div. A, title XVII, § 1701(u)(2)(B), Dec. 27, 2021, 135 Stat. 2151.

§ 720. VHF communications services

(a) The Secretary of the department in which the Coast Guard is operating may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard.

(b) Commercial VHF communication equipment placed on real property under the administrative control of the Coast Guard under this section shall not interfere in any manner with any current or future Coast Guard communication equipment.

(c) Nothing in this section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.

(Added and amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8501(a)(2), Jan. 1, 2021, 134 Stat. 4745.)

Editorial Notes

REFERENCES IN TEXT

Section 704(c) of the Telecommunications Act of 1996, referred to in subsec. (c), is section 704(c) of Pub. L. 104-104, which is set out as a note under section 332 of Title 47, Telecommunications.

CODIFICATION

Pub. L. 107-295, title IV, § 406, Nov. 25, 2002, 116 Stat. 2116, formerly set out as a note under section 501 of this

² So in original. Probably should be “subsection (b)(1)”.