

§ 946. User fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added Pub. L. 99–509, title V, § 5102(a)(3), Oct. 21, 1986, 100 Stat. 1926, § 664; amended Pub. L. 101–225, title II, § 211, Dec. 12, 1989, 103 Stat. 1914; Pub. L. 107–295, title IV, § 408(a)(3), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 108–293, title II, § 206, Aug. 9, 2004, 118 Stat. 1033; Pub. L. 113–281, title III, § 311(b), Dec. 18, 2014, 128 Stat. 3048; renumbered § 946, Pub. L. 115–282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes**AMENDMENTS**

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

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

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

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

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

Statutory Notes and Related Subsidiaries**TOWING SAFETY MANAGEMENT SYSTEM FEES**

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

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

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

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

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

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

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

LIMITATION

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

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

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

§ 947. Vessel construction bonding requirements

The Secretary or the Commandant may require bid, payment, performance, payment and