

and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.”

#### STATUS REPORTS ON POLAR ICEBREAKING VESSELS

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

#### § 664. User fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) In this section the term “costs of collecting a fee or charge” includes the reasonable administrative, accounting, personnel, contract,

equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.

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

#### AMENDMENTS

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

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

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

#### § 665. Restriction on construction of vessels in foreign shipyards

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

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

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

#### § 666. Local hire

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

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

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

#### AMENDMENTS

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

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of

Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### § 667. Vessel construction bonding requirements

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

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

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

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

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

- (1) Health maintenance organizations.
- (2) Preferred provider organizations.
- (3) Individual providers, individual medical facilities, or insurers.
- (4) Consortiums of these providers, facilities, or insurers.

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

- (1) selected health care services;
- (2) total health care services for selected covered beneficiaries; or
- (3) total health care services for all covered beneficiaries who reside in a geographic area designated by the Secretary.

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

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

#### § 669. Telephone installation and charges

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

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

#### AMENDMENTS

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

#### EFFECTIVE DATE OF 2002 AMENDMENT

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Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### § 670. Procurement authority for family housing

(a) The Secretary is authorized—

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

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

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

- (A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and
- (B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

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

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

#### § 671. Air Station Cape Cod Improvements

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

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

#### § 672. Long-term lease of special purpose facilities

(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for special purpose facilities, including, aids to navigation (hereafter in this section referred to as “ATON”) sites, vessel traffic service (here-