

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
661	14:ch. 11(note).	Sept. 10, 1976, Pub. L. 94-406, § 6, 90 Stat. 1236.

The words “after fiscal year 1977” are omitted as executed. The word “Amounts” is substituted for “funds” for clarity and consistency.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295 inserted at end “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”

§ 662. Requirement for prior authorization of appropriations

Amounts may be appropriated to or for the use of the Coast Guard for the following matters only if the amounts have been authorized by law after December 31, 1976:

- (1) For the operation and maintenance of the Coast Guard.
- (2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related to the aids, establishments, vessels, or aircraft.
- (3) For altering obstructive bridges.
- (4) For research, development, test, or evaluation related to intelligence systems and capabilities or a matter referred to in clauses (1)–(3).
- (5) For environmental compliance and restoration at Coast Guard facilities.

(Added Pub. L. 97-295, § 2(20)(A), Oct. 12, 1982, 96 Stat. 1303; amended Pub. L. 101-225, title II, § 222(c), Dec. 12, 1989, 103 Stat. 1919; Pub. L. 111-259, title IV, § 442(2), Oct. 7, 2010, 124 Stat. 2733.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
662	14:656(note).	Sept. 10, 1976, Pub. L. 94-406, § 5, 90 Stat. 1236.

The word “Amounts” is substituted for “funds” for clarity and consistency. Before clause (1), the words “After fiscal year 1977” are omitted as executed. The words “of such funds” are omitted as unnecessary. In clause (2), the words “aids, establishments, vessels, or aircraft” are substituted for “thereto” for clarity. In clause (4), the words “a matter referred to in clauses (1)–(3)” are substituted for “any of the above” for clarity.

AMENDMENTS

2010—Par. (4). Pub. L. 111-259 inserted “intelligence systems and capabilities or” after “related to”.

1989—Par. (5). Pub. L. 101-225 added par. (5).

§ 663. Capital investment plan

(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard 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—

(1) a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

(A) the proposed appropriations included in the budget;

(B) the total estimated cost of completion;

(C) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(D) an estimated completion date at the projected funding levels; and

(E) an acquisition program baseline, as applicable; and

(2) a list of each unfunded priority for the Coast Guard.

(b) UNFUNDED PRIORITY DEFINED.—In this section, the term “unfunded priority” means a program or mission requirement that—

(1) has not been selected for funding in the applicable proposed budget;

(2) is necessary to fulfill a requirement associated with an operational need; and

(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.

(Added Pub. L. 97-295, § 2(20)(A), Oct. 12, 1982, 96 Stat. 1303; amended Pub. L. 100-448, § 25, Sept. 28, 1988, 102 Stat. 1847; Pub. L. 101-595, title III, § 311(c), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 107-295, title IV, § 408(a)(2), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 112-213, title II, § 213(a), Dec. 20, 2012, 126 Stat. 1552.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
663	14:656(note).	Oct. 3, 1980, Pub. L. 96-376, § 12, 94 Stat. 1511.

The words “with the fiscal year 1982 budget request” and “subsequent” are omitted as executed.

AMENDMENTS

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “The President shall submit to Congress with each budget request for the Coast Guard the current copy of the Coast Guard’s Capital Investment Plan, Cutter Plan, Aviation Plan, Shore Facilities Plan, and Information Resources Management Plan. Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.”

2002—Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

1990—Pub. L. 101-595 substituted “Shore Facilities Plan, and Information Resources Management Plan.” for “and Shore Facilities Plan.”

1988—Pub. L. 100-448 inserted at end “Not later than 30 days after the date on which the President submits

to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget."

CAPITAL INVESTMENT PLAN

Pub. L. 111-281, title IX, §918, Oct. 15, 2010, 124 Stat. 3022, which required the Commandant to submit to Congress the Coast Guard's 5-year capital investment plan concurrent with the President's budget submission for each fiscal year, was repealed by Pub. L. 112-213, title II, §213(c)(3), Dec. 20, 2012, 126 Stat. 1553.

DEEPWATER REPORTS

Pub. L. 109-241, title IV, §408, July 11, 2006, 120 Stat. 537, as amended by Pub. L. 112-213, title II, §210(c)(1), Dec. 20, 2012, 126 Stat. 1551, provided that:

"[(a) Repealed. Pub. L. 112-213, title II, §210(c)(1), Dec. 20, 2012, 126 Stat. 1551.]

"(b) DEEPWATER ACCELERATION REPORT.—Not later than 30 days after the date of enactment of this Act [July 11, 2006], the Secretary 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 acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

"(1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;

"(2) the required funding for such completion under each accelerated acquisition timeline;

"(3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;

"(4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and

"(5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—

"(A) contractor capacity;

"(B) national shipbuilding capacity;

"(C) asset integration into Coast Guard facilities;

"(D) required personnel; and

"(E) training infrastructure capacity on technology associated with new assets.

"(c) OVERSIGHT REPORT.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Commandant of the Coast Guard, in consultation with the Government Accountability Office, 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 status of the Coast Guard's implementation of the Government Accountability Office's recommendations in its report, GAO-04-380, entitled 'Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight', including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

"(d) INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

"(1) the choice of assets and capabilities selected as part of that program meets the Coast Guard's goals

for performance and minimizing total ownership costs; or

"(2) additional or different assets should be considered as part of that program."

REVISED DEEPWATER IMPLEMENTATION PLAN

Pub. L. 111-83, title II, Oct. 28, 2009, 123 Stat. 2153, provided in part: "That the Secretary [of Homeland Security] shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan".

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 110-329, div. D, title II, Sept. 30, 2008, 122 Stat. 3665.

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056.

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.

Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.

FUTURE-YEARS CAPITAL INVESTMENT PLAN

Pub. L. 113-6, div. D, title II, Mar. 26, 2013, 127 Stat. 351, provided in part: "That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

"(1) the proposed appropriations included in that budget;

"(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

"(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

"(4) an estimated completion date at the projected funding levels; and

"(5) a current acquisition program baseline for each capital asset, as applicable, that—

"(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

"(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

"(i) quantities planned for each fiscal year; and

"(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

"(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

"(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

"(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based,

including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

“(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

“(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize;

Provided further, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President’s budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 112-74, div. D, title II, Dec. 23, 2011, 125 Stat. 954.

Pub. L. 111-83, title II, Oct. 28, 2009, 123 Stat. 2153.

Pub. L. 110-329, div. D, title II, Sept. 30, 2008, 122 Stat. 3665.

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056.

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.

Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.

Pub. L. 108-334, title II, Oct. 18, 2004, 118 Stat. 1306.

UNFUNDED PRIORITIES

Pub. L. 108-334, title V, §514, Oct. 18, 2004, 118 Stat. 1317, provided that: “The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner 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