

## (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),<sup>2</sup> 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),<sup>2</sup> 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

<sup>2</sup> So in original. Probably should be “subsection (b)(1)”.

title, was redesignated as this section, transferred to appear after section 719 of this title, and amended so that the enumerator, section catchline, typeface, and typestyle conformed to those appearing in other sections of this title by Pub. L. 116-283, §8501(a)(2).

#### PRIOR PROVISIONS

A prior section 720 was renumbered section 3731 of this title.

For redesignation of prior sections 721 to 894 not listed below as having been previously repealed or omitted, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

A prior section 751, acts Aug. 4, 1949, ch. 393, 63 Stat. 551; Aug. 3, 1950, ch. 536, §31, 64 Stat. 408, related to the purpose and administration of the Reserve, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

A prior section 751a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 624, provided for the organization of the Coast Guard Reserve and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 752, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to eligibility, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

A prior section 752a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 625, related to the authorized strength of the Coast Guard Reserve and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 753, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to term of appointment, duty, and training, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

Prior sections 753a to 757 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 753a, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 625, related to the Coast Guard Reserve Policy Board.

Section 754, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to grades and ratings and military authority.

Section 755, acts Aug. 4, 1949, ch. 393, 63 Stat. 551; Aug. 3, 1950, ch. 536, §32, 64 Stat. 408; Aug. 16, 1957, Pub. L. 85-149, 71 Stat. 369; Sept. 7, 1962, Pub. L. 87-649, §7(a), 76 Stat. 495; Sept. 25, 1965, Pub. L. 89-200, 79 Stat. 834; June 9, 1966, Pub. L. 89-444, §1(23), 80 Stat. 197; Dec. 5, 1973, Pub. L. 93-174, §2(1), 87 Stat. 692, related to benefits.

Section 756, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to temporary membership.

Section 757, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to exemption from military training and the draft.

A prior section 758, act Aug. 4, 1949, ch. 393, 63 Stat. 552, related to discipline, prior to repeal by act May 5, 1950, ch. 169, §14(u), 64 Stat. 148. See the Uniform Code of Military Justice, section 801 et seq. of Title 10, Armed Forces.

A prior section 758a, added act Aug. 10, 1956, ch. 1041, §16(a), 70A Stat. 625; amended Sept. 7, 1962, Pub. L. 87-649, §14d(6), 76 Stat. 502, related to reserve student aviation pilots and was omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

A prior section 759, act Aug. 4, 1949, ch. 393, 63 Stat. 553, related to uniform allowance, prior to repeal by act July 9, 1952, ch. 608, part VIII, §§802, 803, 66 Stat. 505, effective on the first day of the sixth month following July 1952.

Prior sections 759a to 761 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 759a, added act Aug. 10, 1956, ch. 1041, §16(a), 70A Stat. 626; amended Sept. 24, 1963, Pub. L. 88-130, §1(12), 77 Stat. 190, related to wartime appointments and promotions.

Section 760, acts Aug. 4, 1949, ch. 393, 63 Stat. 553; Oct. 31, 1951, ch. 655, §15, 65 Stat. 715; Aug. 3, 1956, ch. 926, §2(a), 70 Stat. 981; May 14, 1974, Pub. L. 93-283, §1(12), 88 Stat. 141, related to disability or death benefits for temporary members.

Section 761, act Aug. 4, 1949, ch. 393, 63 Stat. 554, related to members of the Reserve engaging in civil occupations.

A prior section 762, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 554; Aug. 10, 1956, ch. 1041, §17, 70A Stat. 626; Sept. 18, 1970, Pub. L. 91-402, §1(1), 84 Stat. 838, related to Women's Reserve, prior to repeal by Pub. L. 93-174, §2(2), Dec. 5, 1973, 87 Stat. 692.

Prior sections 763 to 765 and 770 to 798 were omitted in the general revision of former chapter 21 of this title by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 763, added Pub. L. 87-704, §1(a), Sept. 27, 1962, 76 Stat. 632, related to a certificate of honorable service of temporary members.

Section 764, added Pub. L. 92-479, §1, Oct. 9, 1972, 86 Stat. 794, related to active duty for emergency augmentation of regular forces.

Section 765, added Pub. L. 93-283, §1(13), May 14, 1974, 88 Stat. 141, related to enlistment of members engaged in schooling.

Section 770, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1547; amended Pub. L. 91-402, §1(2), Sept. 18, 1970, 84 Stat. 839, defined terms.

Section 771, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 89-444, §1(24), June 9, 1966, 80 Stat. 197; Pub. L. 93-174, §2(3), Dec. 5, 1973, 87 Stat. 692, related to applicability of sections 770 to 798 of this title.

Section 772, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(1), June 30, 1960, 74 Stat. 280; Pub. L. 91-402, §1(3), Sept. 18, 1970, 84 Stat. 839, related to authorized number of officers.

Section 773, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(2), June 30, 1960, 74 Stat. 281, related to constructive credit upon initial appointment.

Section 774, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(4), Sept. 18, 1970, 84 Stat. 839, related to eligibility for promotion and retention in active status.

Section 775, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(5), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(4), Dec. 5, 1973, 87 Stat. 692, related to appointment of selection boards.

Section 776, added Pub. L. 85-861, §1, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to Reserve officer's grade on entry upon active duty.

Section 777, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to recommendations for promotion of officers previously removed from active status.

Section 778, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to suspension of sections 770 to 798 of this title in war or national emergency.

Section 779, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to sea or foreign service requirements.

Section 780, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550; amended Pub. L. 91-402, §1(6), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(5), (6), Dec. 5, 1973, 87 Stat. 692, related to recommendations of selection boards.

Section 781, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(7), Sept. 18, 1970, 84 Stat. 840, related to precedence in grades of officers.

Section 782, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(8), Sept. 18, 1970, 84 Stat. 840, related to running mates.

Section 783, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to promotion zones.

Section 784, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(9), Sept. 18, 1970, 84 Stat. 841, related to date of rank upon promotion.

Section 785, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to limitations on consideration for promotion.

Section 786, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to qualifications for promotion.

Section 787, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(10), Sept. 18, 1970, 84 Stat. 841; Pub. L. 93-174, §2(7), Dec. 5, 1973, 87 Stat. 692, related to failure of selection and elimination.

Section 787a, added Pub. L. 86-559, §2(3), June 30, 1960, 74 Stat. 281, provided for elimination from active status of excessive numbers to provide a flow of promotions.

Section 788, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to effect of removal by President or failure of consent of Senate.

Section 789, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to maximum ages for retention in active status.

Section 790, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 91-402, §1(11), Sept. 18, 1970, 84 Stat. 841, related to types of promotion.

Section 791, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 88-130, §1(13), Sept. 24, 1963, 77 Stat. 190; Pub. L. 91-402, §1(12), Sept. 18, 1970, 84 Stat. 842, related to promotion of officers on active duty.

Section 792, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to appointment of former Navy and Coast Guard officers.

Section 793, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to grades upon relief of retired officers.

Section 794, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, authorized Secretary to promulgate regulations.

Section 795, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1555, related to effect of sections 770 to 798 of this title on retirements and retired pay.

Section 796, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842; amended Pub. L. 93-174, §2(8), Dec. 5, 1973, 87 Stat. 692, related to failure of selection for promotion.

Section 797, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842, related to acceptance of promotion and oath of office.

Section 798, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 843, related to maximum service in grade of rear admiral.

#### AMENDMENTS

2021—Pub. L. 116-283 redesignated section 406 of Pub. L. 107-295 as this section and made technical changes to conform this section to other sections of this title. See Codification note above.

#### § 721. Responses to safety recommendations

(a) IN GENERAL.—Not later than 90 days after the National Transportation Safety Board submits to the Commandant a recommendation, and supporting justification for such recommendation, relating to transportation safety, the Commandant shall submit to the National Transportation Safety Board a written response to the recommendation, including whether the Commandant—

- (1) concurs with the recommendation;
- (2) partially concurs with the recommendation; or
- (3) does not concur with the recommendation.

(b) EXPLANATION OF CONCURRENCE.—The Commandant shall include in a response submitted under subsection (a)—

- (1) with respect to a recommendation with which the Commandant concurs or partially

concurs, an explanation of the actions the Commandant intends to take to implement such recommendation or part of such recommendation; and

(2) with respect to a recommendation with which the Commandant does not concur, the reasons the Commandant does not concur.

(c) FAILURE TO RESPOND.—If the National Transportation Safety Board has not received the written response required under subsection (a) by the end of the time period described in such subsection, the National Transportation Safety Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such response has not been received.

(Added Pub. L. 117-263, div. K, title CXV, §11501(a), Dec. 23, 2022, 136 Stat. 4127.)

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