

appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” in section catchline.

Subsec. (d). Pub. L. 112-213, §212(a), added subsec. (d). 1974—Pub. L. 93-283, §1(9)(A), substituted “Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters” for “Use of appropriations to restore, replace, establish, or develop facilities” in section catchline.

Pub. L. 93-283, §1(9)(B), (C), added subsec. (a) and redesignated former subssecs. (a) and (b) as (b) and (c), respectively.

§ 904. 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 the department in which the Coast Guard is operating 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, §666; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(10), Dec. 20, 2012, 126 Stat. 1558; renumbered §904, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 666 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213 substituted “of the department in which the Coast Guard is operating” for “of Homeland Security”.

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

Statutory Notes and Related Subsidiaries

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.

§ 905. 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 multiyear 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, §670; renumbered §905, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 670 of this title as this section.

§ 906. 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, §671; renumbered §906, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 671 of this title as this section.

§ 907. 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 (hereafter in this section referred to as “VTS”) sensor sites, or National Distress System (hereafter in this section referred to as “NDS”) high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements 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.

(b) For purposes of this section, the term “special purpose facilities” means any facilities used to carry out Coast Guard aviation, maritime, or navigation missions other than general purpose office and storage space facilities.

(c) In the case of ATON, VTS, or NDS sites, the Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.

(Added Pub. L. 103–206, title III, §304(a), Dec. 20, 1993, 107 Stat. 2424, §672; amended Pub. L. 104–324, title VII, §746(d), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 108–293, title II, §212(a), Aug. 9, 2004, 118 Stat. 1036; renumbered §907, Pub. L. 115–282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 672 of this title as this section.

2004—Pub. L. 108–293, §212(a)(1), added section catchline and struck out former section catchline which read as follows: “Long-term lease authority for navigation and communications systems sites”.

Subsec. (a). Pub. L. 108–293, §212(a)(2), inserted “special purpose facilities, including,” after “automatic renewal clauses, for”.

Subsecs. (b), (c). Pub. L. 108–293, §212(a)(3), added subsec. (b), redesignated former subsec. (b) as (c), and substituted “In the case of ATON, VTS, or NDS sites, the” for “The” in introductory provisions.

1996—Pub. L. 104–324 added section catchline and struck out former section catchline.

§ 908. Long-term lease authority for lighthouse property

(a) The Commandant may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy

of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 1302 of title 40 shall not apply to leases issued by the Commandant under this section.

(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the fund established under section 2946.

(Added Pub. L. 107–295, title IV, §417(a), Nov. 25, 2002, 116 Stat. 2122, §672a; amended Pub. L. 113–281, title II, §208(b), Dec. 18, 2014, 128 Stat. 3026; Pub. L. 115–232, div. C, title XXXV, §§3531(c)(4), 3533(e), Aug. 13, 2018, 132 Stat. 2320, 2321; renumbered §908 and amended Pub. L. 115–282, title I, §§107(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4205, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, §107(b), renumbered section 672a of this title as this section.

Subsec. (a). Pub. L. 115–232 substituted “Commandant” for “Commandant of the Coast Guard” and “Section 1302 of title 40” for “Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

Subsec. (b). Pub. L. 115–282, §123(b)(2), substituted “section 2946” for “section 687”.

2014—Subsec. (b). Pub. L. 113–281 substituted “the fund established under section 687” for “the Treasury”.

§ 909. Small boat station rescue capability

The Secretary shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration prevailing weather, marine conditions, and depositional geologic features such as sand bars.

(Added Pub. L. 104–324, title III, §309(a), Oct. 19, 1996, 110 Stat. 3919, §673; renumbered §674, Pub. L. 107–295, title IV, §405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107–296, title XVII, §1704(a), (f)(1), Nov. 25, 2002, 116 Stat. 2314, 2316; Pub. L. 112–213, title II, §217(12), Dec. 20, 2012, 126 Stat. 1558; renumbered §909, Pub. L. 115–282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 674 of this title as this section.

2012—Pub. L. 112–213 struck out “of Homeland Security” after “Secretary”.

2002—Pub. L. 107–296, §1704(f)(1), which directed renumbering of the section 673 of this title that was added by Pub. L. 104–324, §309(a), as section 673a of this title, could not be executed because of the prior amendment by Pub. L. 107–295, see below.

Pub. L. 107–296, §1704(a), which directed amendment of section 673a of this title by substituting “of Homeland Security” for “of Transportation”, was executed by making the substitution in this section, to reflect the probable intent of Congress.