

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.