

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.

Pub. L. 107-295 renumbered section 673 of this title, relating to small boat station rescue capability, as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 1704(a) of 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.

Amendment by section 1704(f)(1) of Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 910. Small boat station closures

(a) CLOSURES.—The Secretary may not close a Coast Guard multimission small boat station or subunit unless the Secretary—

(1) determines that—

(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or re-allocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).

(Added Pub. L. 104-324, title III, § 309(a), Oct. 19, 1996, 110 Stat. 3919, § 674; renumbered § 675, Pub. L. 107-295, title IV, § 405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, § 217(13), Dec. 20, 2012, 126 Stat. 1558; renumbered § 910, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 675 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213 substituted “Secretary may not” for “Secretary of Homeland Security may not” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-296, which directed amendment of section 674 of this title by substituting “of Homeland Security” for “of Transportation” in introductory provisions, was executed to this section, to reflect the probable intent of Congress and the renumbering of section 674 of this title as this section by Pub. L. 107-295, see below.

Pub. L. 107-295 renumbered section 674 of this title as this section.

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.

§ 911. Search and rescue center standards

(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

(1) The lighting, acoustics, and temperature in the facilities.

(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

(8) The acquisition and maintenance of interim search and rescue command center communications equipment.

(9) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should establish, implement, and maintain minimum standards necessary to ensure that an individual on duty or watch in a Coast Guard search and rescue command center facility does not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstances.

(c) DEFINITION.—For the purposes of this section, the term “search and rescue center facility” means a Coast Guard shore facility that maintains a search and rescue mission coordination and communications watch.

(Added Pub. L. 107-295, title IV, § 405(a)(2), Nov. 25, 2002, 116 Stat. 2115, § 676; amended Pub. L. 111-207, § 4(a)(3), July 27, 2010, 124 Stat. 2251; renumbered § 911, Pub. L. 115-282, title I, § 107(b), Dec. 4, 2018, 132 Stat. 4205.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 676 of this title as this section.

2010—Subsec. (d). Pub. L. 111-207 struck out subsec. (d). Text read as follows: “The Secretary shall provide a quarterly written report to the Senate Committee on Commerce, Science, and Transportation and the House