

the Coast Guard as the Chief of Staff to the President.

(Added Pub. L. 109-163, div. A, title V, § 597(a), Jan. 6, 2006, 119 Stat. 3283.)

§ 55. District Ombudsmen

(a) IN GENERAL.—The Commandant shall appoint in each Coast Guard District a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

(2) To improve communications between and among port stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

(c) FUNCTIONS.—

(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

(2) GUIDELINES FOR DISPUTES.—

(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a complaint.

(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

(A) in a timely fashion; and

(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman an individual who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

(1) the number of matters brought before each District Ombudsman;

(2) a brief summary of each such matter; and

(3) the eventual resolution of each such matter.

(Added Pub. L. 111-281, title II, § 214(a), Oct. 15, 2010, 124 Stat. 2915.)

§ 56. Chief Acquisition Officer

(a) IN GENERAL.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

(b) QUALIFICATIONS.—

(1) The Chief Acquisition Officer and any flag officer serving in the Acquisition Directorate shall be an acquisition professional with a Level III acquisition management certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

(A) the program executive officer;

(B) the program manager of a Level 1 or Level 2 acquisition project or program;

(C) the deputy program manager of a Level 1 or Level 2 acquisition;

(D) the project manager of a Level 1 or Level 2 acquisition; or

(E) any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

(2) The Commandant shall periodically publish a list of the positions designated under paragraph (1).

(3) In this subsection each of the terms "Level 1 acquisition" and "Level 2 acquisition" has the meaning that term has in chapter 15 of this title.

(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer include—

(1) monitoring the performance of acquisition projects and programs on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property,

capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

(4) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

(8) developing strategies and specific plans for hiring, training, and professional development; and

(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.

(Added Pub. L. 111-281, title IV, § 401(a), Oct. 15, 2010, 124 Stat. 2929.)

SELECTION DEADLINE

Pub. L. 111-281, title IV, § 401(c), Oct. 15, 2010, 124 Stat. 2930, provided that: "As soon as practicable after the date of enactment of this Act [Oct. 15, 2010], but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition Officer under section 56 of title 14, United States Code, as amended by this section."

SPECIAL RATE SUPPLEMENTS

Pub. L. 111-281, title IV, § 401(d), Oct. 15, 2010, 124 Stat. 2930, as amended by Pub. L. 111-330, § 1(3), Dec. 22, 2010, 124 Stat. 3569, provided that:

"(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act [Oct. 15, 2010] and in accordance with section 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section [adding this section].

"(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations."

ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER

Pub. L. 111-281, title IV, § 401(e), Oct. 15, 2010, 124 Stat. 2931, provided that: "If, after 90 days following the ele-

vation to the Chief Acquisition Officer of any design or other dispute regarding Level 1 or Level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue."

§ 57. Prevention and response workforces

(a) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

(b) QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.—An officer, member, or civilian employee of the Coast Guard assigned as a—

(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

(2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

(3) marine safety engineer shall have knowledge, skill, and practical experience in—

(A) the construction and operation of commercial vessels;

(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

(C) the qualifications and training of vessel personnel.

(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, or marine safety engineer shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on persons serving in those workforces:

(1) Qualifications, assignment history, and tenure in assignments.

(2) Promotion rates for military and civilian personnel.

(e) ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.—