

(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. 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 elevation 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;

(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;

(4) waterways operations manager shall have knowledge, skill, and practical experience with respect to marine transportation system management; or

(5) port and facility safety and security specialist shall have knowledge, skill, and practical experience with respect to the safety, security, and environmental protection responsibilities associated with maritime ports and facilities.

(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 appren-

ticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist 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) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall be a—

(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

(2) qualified marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist.

(f) SIGNATORIES OF LETTER OF QUALIFICATION FOR CERTAIN PREVENTION PERSONNEL.—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

(g) SECTOR CHIEF OF RESPONSE.—There shall be in each Coast Guard sector a Chief of Response who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

(Added Pub. L. 111-281, title V, § 521(a), Oct. 15, 2010, 124 Stat. 2953; amended Pub. L. 113-281, title II, §§ 203, 221(b)(1)(B), Dec. 18, 2014, 128 Stat. 3024, 3038.)

AMENDMENTS

2014—Subsec. (b)(4), (5). Pub. L. 113-281, § 203(1), added pars. (4) and (5).

Subsec. (c). Pub. L. 113-281, § 203(2), substituted “marine safety engineer, waterways operations manager, or port and facility safety and security specialist” for “or marine safety engineer”.

Subsec. (e). Pub. L. 113-281, § 221(b)(1)(B), redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to assessment of adequacy of marine safety workforce.

Subsec. (f). Pub. L. 113-281, § 221(b)(1)(B)(ii), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2). Pub. L. 113-281, § 203(3), substituted “investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist” for “investigator or marine safety engineer”.

Subsecs. (g), (h). Pub. L. 113-281, § 221(b)(1)(B)(ii), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

§ 58. Centers of expertise for Coast Guard prevention and response

(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a “center”).

(b) MISSIONS.—Any center established under subsection (a) shall—

(1) promote, facilitate, and conduct—

(A) education;

(B) training; and

(C) activities authorized under section 93(a)(4);

(2) be a repository of information on operations, practices, and resources related to the mission for which the center was established; and

(3) perform and support the mission for which the center was established.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

(1) provide for joint operation of a center; and

(2) provide necessary administrative services for a center, including administration and allocation of funds.

(d) ACCEPTANCE OF DONATIONS.—

(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of the center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

(Added Pub. L. 111-281, title V, § 521(a), Oct. 15, 2010, 124 Stat. 2955; amended Pub. L. 113-281, title II, § 204, Dec. 18, 2014, 128 Stat. 3025.)

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-281 amended subsec. (b) generally. Prior to amendment, text read as follows: “Each center shall—

“(1) promote and facilitate education, training, and research;