

by Pub. L. 115–282, title I, §108(a), Dec. 4, 2018, 132 Stat. 4207.

#### AMENDMENTS

2018—Pub. L. 115–282, title I, §108(a), title III, §§304(c)(2), 311(c), Dec. 4, 2018, 132 Stat. 4208, 4245, 4249, inserted chapter 11 designation and heading and added items 1101 to 1171.

### SUBCHAPTER I—GENERAL PROVISIONS

#### AMENDMENTS

2018—Pub. L. 115–282, title I, §108(c)(2), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter I designation and heading.

#### § 1101. Acquisition directorate

(a) ESTABLISHMENT.—The Commandant shall establish an acquisition directorate to provide guidance and oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

(b) MISSION.—The mission of the acquisition directorate is—

(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment;

(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard’s missions and deliver the best-value products and services to the Nation; and

(3) to meet the needs of customers of major acquisition programs in the most cost-effective manner practicable.

(Added Pub. L. 111–281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2931, §561; amended Pub. L. 114–328, div. A, title VIII, §899(b)(1)(A), Dec. 23, 2016, 130 Stat. 2333; Pub. L. 115–232, div. C, title XXXV, §3531(c)(6), Aug. 13, 2018, 132 Stat. 2320; renumbered §1101, Pub. L. 115–282, title I, §108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 561 of this title as this section.

Subsec. (a). Pub. L. 115–232 substituted “Commandant” for “Commandant of the Coast Guard”.

2016—Subsec. (b)(3). Pub. L. 114–328 added par. (3).

#### REVIEW REQUIRED

Pub. L. 114–328, div. A, title VIII, §899(c), Dec. 23, 2016, 130 Stat. 2335, provided that:

“(1) REQUIREMENT.—The Commandant of the Coast Guard shall conduct a review of—

“(A) the authorities provided to the Commandant in [former] chapter 15 of title 14, United States Code [see, now, chapter 11, 14 U.S.C. 1101 et seq.], and other relevant statutes and regulations related to Coast Guard acquisitions, including developing recommendations to ensure that the Commandant plays an appropriate role in the development of requirements, acquisition processes, and the associated budget practices;

“(B) implementation of the strategy prepared in accordance with section 562(b)(2) [now 1102(b)(2)] of title 14, United States Code, as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2017 [Pub. L. 114–328, see Tables for classification]; and

“(C) acquisition policies, directives, and regulations of the Coast Guard to ensure such policies, directives, and regulations establish a customer-oriented acquisition system.

“(2) REPORT.—Not later than March 1, 2017, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing, at a minimum, the following:

“(A) The recommendations developed by the Commandant under paragraph (1) and other results of the review conducted under such paragraph.

“(B) The actions the Commandant is taking, if any, within the Commandant’s existing authority to implement such recommendations.

“(3) MODIFICATION OF POLICIES, DIRECTIVES, AND REGULATIONS.—Not later than one year after the date of the enactment of this Act [Dec. 23, 2016], the Commandant of the Coast Guard shall modify the acquisition policies, directives, and regulations of the Coast Guard as necessary to ensure the development and implementation of a customer-oriented acquisition system, pursuant to the review under paragraph (1)(C).”

#### § 1102. Improvements in Coast Guard acquisition management

(a) PROJECT OR PROGRAM MANAGERS.—

(1) LEVEL 1 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(b) ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard’s acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

(A) Program management.

(B) Systems planning, research, development, engineering, and testing.

(C) Procurement, including contracting.

(D) Industrial and contract property management.

(E) Life-cycle logistics.

(F) Quality control and assurance.

(G) Manufacturing and production.

(H) Business, cost estimating, financial management, and auditing.

(I) Acquisition education, training, and career development.

(J) Construction and facilities engineering.

(K) Testing and evaluation.

(3) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(c) MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(d) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

(e) CAREER PATHS.—

(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

(2) PROMOTION PARITY.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2931, § 562; amended Pub. L. 111-330, § 1(4), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 112-213, title II, § 210(c)(2)(A), Dec. 20, 2012, 126 Stat. 1551; Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(B), Dec. 23, 2016, 130 Stat. 2333; renumbered § 1102, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### REFERENCES IN TEXT

The date of enactment of the Coast Guard Authorization Act of 2010 and the date of enactment of this section, referred to in subsec. (b)(1), (2)(A), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 562 of this title as this section.

2016—Subsecs. (b) to (g). Pub. L. 114-328 redesignated subsecs. (c), (d), (f), and (g) as (b), (c), (d), and (e), respectively, and struck out former subsec. (b) which related to guidance on tenure and accountability of program and project managers.

2012—Subsec. (e). Pub. L. 112-213 struck out subsec. (e) which related to annual report on adequacy of acquisition workforce.

2010—Pub. L. 111-330 amended Pub. L. 111-281, § 402(a), which enacted this section.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, § 1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(4) is effective with the enactment of Pub. L. 111-281.

#### ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY

Pub. L. 111-281, title IV, § 404, Oct. 15, 2010, 124 Stat. 2950, as amended by Pub. L. 112-213, title II, § 218, Dec. 20, 2012, 126 Stat. 1558; Pub. L. 115-282, title VIII, § 804, Dec. 4, 2018, 132 Stat. 4300, provided that:

“(a) IN GENERAL.—For purposes of section 3304 of title 5, United States Code, the Commandant of the Coast Guard may—

“(1) designate any category of acquisition positions within the Coast Guard as positions for which there exists a shortage of candidates or there is a critical hiring need; and

“(2) use the authorities in such sections [sic] to recruit and appoint highly qualified persons directly to positions so designated.

“(b) REPORTS.—The Commandant shall include in reports under section 569a of title 14, United States Code [now 14 U.S.C. 5103], information described in that section regarding positions designated under this section.”

#### § 1103. Role of Vice Commandant in major acquisition programs

The Vice Commandant—

(1) shall represent the customer of a major acquisition program with regard to trade-offs made among cost, schedule, technical feasibility, and performance with respect to such program; and

(2) shall advise the Commandant in decisions regarding the balancing of resources against priorities, and associated trade-offs referred to in paragraph (1), on behalf of the customer of a major acquisition program.

(Added Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(E), Dec. 23, 2016, 130 Stat. 2334, § 578; renumbered § 1103, Pub. L. 115-282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 578 of this title as this section.

#### § 1104. Recognition of Coast Guard personnel for excellence in acquisition

(a) IN GENERAL.—The Commandant shall maintain a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

(b) ELEMENTS.—The program shall include—

(1) specific award categories, criteria, and eligibility and manners of recognition;

(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.