

## AMENDMENTS

2018—Pub. L. 115-282, §104(b), renumbered section 50 of this title as this section.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 306(d)” for “section 51(d)”.

2016—Subsec. (a)(1). Pub. L. 114-120, §202(1)(A), added par. (1) and struck out former par. (1) which read as follows: “The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform such duties as the Commandant may prescribe.”

Subsec. (a)(3)(A). Pub. L. 114-120, §202(1)(B), substituted “under paragraph (1)(A)” for “under paragraph (1)”.

Subsec. (b)(2)(C), (D). Pub. L. 114-120, §202(2), added subpar. (C) and redesignated former subpar. (C) as (D).

2010—Pub. L. 111-281, §511(a), as amended by Pub. L. 111-330, amended section generally. Prior to amendment, section provided for the appointment of a Commander, Atlantic Area, and a Commander, Pacific Area, each having the grade of vice admiral with pay and allowances of that grade.

1993—Subsec. (b). Pub. L. 103-206 substituted “The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.” for “The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.”

## EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(5) is effective with the enactment of Pub. L. 111-281.

## EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 2151 of this title.

## TREATMENT OF INCUMBENTS; TRANSITION

Pub. L. 111-281, title V, §511(h)(1), Oct. 15, 2010, 124 Stat. 2953, provided that:

“Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act [Oct. 15, 2010], is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

“(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

“(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer’s former position and any other such duties that the Commandant prescribes.”

## § 306. Retirement

(a) An officer, other than the Commandant or Vice Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

(b) An officer, other than the Commandant or Vice Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of

admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

(c) An officer, other than the Commandant or Vice Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, or Vice Admiral and ending on the day before the officer’s retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §51; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422; Pub. L. 111-281, title V, §511(c), Oct. 15, 2010, 124 Stat. 2952; Pub. L. 114-120, title II, §201(c), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115-232, div. C, title XXXV, §3528(b), Aug. 13, 2018, 132 Stat. 2318; renumbered §306, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

## PRIOR PROVISIONS

A prior section 306, act Aug. 4, 1949, ch. 393, 63 Stat. 519, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See sections 1204 and 1376 of Title 10, Armed Forces.

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 51 of this title as this section.

Subsecs. (a) to (c). Pub. L. 115-232 substituted “other than the Commandant or Vice Commandant,” for “other than the Commandant.”

2016—Subsecs. (a) to (c). Pub. L. 114-120 inserted “admiral or” before “vice admiral,” wherever appearing.

2010—Subsecs. (a) to (c). Pub. L. 111-281, §511(c)(1), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which read as follows:

“(a) An officer who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

“(b) An officer who is retired while serving in the grade of vice admiral, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade of vice admiral.

“(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”

Subsec. (d)(2). Pub. L. 111-281, §511(c)(2), substituted “or Vice Admiral” for “Area Commander, or Chief of Staff”.

1993—Subsec. (a). Pub. L. 103-206, §205(c)(1), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (b). Pub. L. 103-206, §205(c)(2), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (d). Pub. L. 103-206, §204(d), added subsec. (d). 1986—Subsecs. (a), (b). Pub. L. 99-348, §205(b)(3)(A), struck out “and retired pay” after “with the grade”.

Subsec. (c). Pub. L. 99-348, §205(b)(3)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

#### EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 2151 of this title.

### § 307. Vice admirals and admiral, continuity of grade

The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral or admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral or admiral.

(Added Pub. L. 97-322, title I, §115(a)(1), Oct. 15, 1982, 96 Stat. 1585, §52; amended Pub. L. 101-225, title II, §203(1), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 111-281, title V, §511(d), (f)(2), Oct. 15, 2010, 124 Stat. 2952, 2953; renumbered §307, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 307, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for compulsory retirement of warrant officers after thirty years' service, upon recommendation of a personnel board, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 52 of this title as this section.

2010—Pub. L. 111-281 substituted “Vice admirals and admiral, continuity of grade” for “Vice admirals, continuity of grade” in section catchline and inserted “or admiral” after “allowances as a vice admiral” in text.

1989—Pub. L. 101-225 inserted “or admiral” after “position as a vice admiral”.

### § 308. 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 11 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;

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

(10)(A) keeping the Commandant informed of the progress of major acquisition programs (as that term is defined in section 1171);

(B) informing the Commandant on a continuing basis of any developments on such pro-