

grams that may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

(i) significant cost growth or schedule slippage; and

(ii) requirements creep (as that term is defined in section 2547(c)(1) of title 10); and

(C) ensuring that the views of the Commandant regarding such programs on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.

(Added Pub. L. 111–281, title IV, §401(a), Oct. 15, 2010, 124 Stat. 2929, §56; amended Pub. L. 114–328, div. A, title VIII, §899(a), Dec. 23, 2016, 130 Stat. 2332; renumbered §308 and amended Pub. L. 115–282, title I, §§104(b), 123(b)(2), (c)(4), Dec. 4, 2018, 132 Stat. 4196, 4240, 4241.)

#### PRIOR PROVISIONS

A prior section 308, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for retired pay of warrant officers involuntarily retired under section 307, 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, §104(b), renumbered section 56 of this title as this section.

Subsec. (b)(3). Pub. L. 115–282, §123(c)(4), substituted “chapter 11” for “chapter 15”.

Subsec. (c)(10)(A). Pub. L. 115–282, §123(b)(2), substituted “section 1171” for “section 581”.

2016—Subsec. (c)(10). Pub. L. 114–328 added par. (10).

#### 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 [now 308] 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 [enacting 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.”

### § 309. Office of the Coast Guard Reserve; Director

(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast

Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard who—

(1) have had at least 10 years of commissioned service;

(2) are in a grade above captain; and

(3) have been recommended by the Secretary of Homeland Security.

(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer’s permanent grade.

(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Homeland Security and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Homeland Security and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.

(Added Pub. L. 106–65, div. A, title V, §557(a), Oct. 5, 1999, 113 Stat. 619, §53; amended Pub. L. 107–296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; renumbered §309, Pub. L. 115–282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### PRIOR PROVISIONS

A prior section 309, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, §11, 64 Stat. 407, authorized retirement of warrant officers with grade of commissioned warrant officer in case of special commendation, prior to repeal by Pub. L. 86–155, §10(a)(1), (b), Aug. 11, 1959, 73 Stat. 338, effective Nov. 1, 1959, and by Pub. L. 88–130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

#### AMENDMENTS

2018—Pub. L. 115–282 renumbered section 53 of this title as this section.

2002—Subsecs. (b)(3), (d), (e). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

#### 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.

**§ 310. Chief of Staff to President: appointment**

The President, by and with the advice and consent of the Senate, may appoint a flag officer of 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, § 54; renumbered § 310, Pub. L. 115–282, title I, § 104(b), Dec. 4, 2018, 132 Stat. 4196.)

**PRIOR PROVISIONS**

A prior section 310, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, § 12, 64 Stat. 407, related to recall to active duty during war or national emergency of warrant officers, prior to repeal by Pub. L. 88–130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

**AMENDMENTS**

2018—Pub. L. 115–282 renumbered section 54 of this title as this section.

**§ 311. Captains of the port**

Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.

(Added Pub. L. 115–282, title I, § 104(c)(1)(A), Dec. 4, 2018, 132 Stat. 4198.)

**PRIOR PROVISIONS**

A prior section 311, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, § 13, 64 Stat. 407, related to recall of warrant officers to active duty with consent of the officer, prior to repeal by Pub. L. 88–130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

**§ 312. 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 apprenticeship 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, § 57; amended Pub. L. 113–281, title II, §§ 203, 221(b)(1)(B), Dec. 18, 2014, 128 Stat. 3024, 3038; renumbered § 312, Pub. L. 115–282, title I, § 104(b), Dec. 4, 2018, 132 Stat. 4196.)