

Editorial Notes

REFERENCES IN TEXT

Section 70101(6) of title 46, referred to in subsec. (c)(3)(B), was redesignated section 70101(7) of title 46 by Pub. L. 115-254, div. J, §1805(b)(1), Oct. 5, 2018, 132 Stat. 3534.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(3)(D), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 567 of this title as this section.

§ 1110. Elevation of disputes to the Chief Acquisition Officer

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.

(Added Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(5), Jan. 1, 2021, 134 Stat. 4745.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1110 was renumbered section 5110 of this title.

§ 1111. Acquisition workforce authorities

(a) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—For the purposes of section 3304 of title 5, the Commandant may—

(A) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(B) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

(2) REPORTS.—The Commandant shall include in reports under section 1102 information described in such section regarding positions designated under this subsection.

(b) REEMPLOYMENT AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

(2)(A) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under

subsection (a) after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

(i) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify an employee who may file an election.

(ii) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

(B) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) and does not file a timely election under clause (i) of such subparagraph.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8219(a), Jan. 1, 2021, 134 Stat. 4655.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (b)(2)(A), is the date of enactment of div. G of Pub. L. 116-283, which was approved Jan. 1, 2021.

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-282, title I, §108(c)(3), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter II designation and heading.

§ 1131. Identification of major system acquisitions

(a) IN GENERAL.—

(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for all acquisitions.

(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

(A) completes a mission analysis that—

(i) identifies the specific capability gaps to be addressed by the project or program; and

(ii) develops a clear mission need to be addressed by the project or program; and

(B) prepares a preliminary affordability assessment for the project or program.

(b) ELEMENTS.—

(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure the implementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall en-

sure the project or program is included in the Coast Guard Capital Investment Plan.

(2) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2)(B), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

(c) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, and identify preliminary training needs required to implement each Level 1 and Level 2 acquisition project and program.

(Added Pub. L. 111–281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2941, § 571; renumbered § 1131, Pub. L. 115–282, title I, § 108(b), Dec. 4, 2018, 132 Stat. 4208.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 571 of this title as this section.

§ 1132. Acquisition

(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program until the Commandant—

- (1) clearly defines the operational requirements for the project or program;
- (2) establishes the feasibility of alternatives;
- (3) develops an acquisition project or program baseline;
- (4) produces a life-cycle cost estimate; and
- (5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

(b) SUBMISSION REQUIRED BEFORE PROCEEDING.—Any Coast Guard Level 1 or Level 2 acquisition project or program may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

- (1) The key performance parameters, the key system attributes, and the operational performance attributes of the capability or asset to be acquired under the proposed acquisition project or program.
- (2) A detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability.
- (3) The anticipated acquisition project or program baseline and acquisition unit cost for the capability or asset to be acquired under the project or program.
- (4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

(c) ANALYSIS OF ALTERNATIVES.—

(1) IN GENERAL.—The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition project or program, unless it has prepared an analysis of alternatives for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset.

(2) REQUIREMENTS.—The analysis of alternatives shall be prepared by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that has appropriate acquisition expertise and has no financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include—

(A) an assessment of the technical maturity of the capability or asset, and technical and other risks;

(B) an examination of capability, interoperability, and other advantages and disadvantages;

(C) an evaluation of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard's overall performance needs;

(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(E) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

(F) a calculation of life-cycle costs including—

(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(ii) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iv) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(v) such additional measures as the Commandant or the Secretary of the department in which the Coast Guard is operating determines to be necessary for appropriate evaluation of the capability or asset; and

(G) the business case for each viable alternative.

(d) TEST AND EVALUATION MASTER PLAN.—

(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer must approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and in-