

aign country for the detection or identification of unmanned aircraft systems.

“(b) EXEMPTION.—The Commandant is exempt from the restriction under subsection (a) if the operation or procurement is for the purposes of—

“(1) counter-UAS system surrogate testing and training; or

“(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

“(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that the operation or procurement of a covered unmanned aircraft system is required in the national interest of the United States.

“(d) DEFINITIONS.—In this section:

“(1) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ means any of the following:

“(A) The People’s Republic of China.

“(B) The Russian Federation.

“(C) The Islamic Republic of Iran.

“(D) The Democratic People’s Republic of Korea.

“(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ‘covered unmanned aircraft system’ means an unmanned aircraft system described in paragraph (1) of subsection (a).

“(3) COUNTER-UAS SYSTEM.—The term ‘counter-UAS system’ has the meaning given such term in section 44801 of title 49, United States Code.

“(4) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ has the meaning given such term in section 44801 of title 49, United States Code, and any related services and equipment.

“(e) REPLACEMENT.—Not later than 90 days after the date of the enactment of the Don Young Coast Guard Authorization Act of 2022 [Dec. 23, 2022], the Commandant shall replace covered unmanned aircraft systems of the Coast Guard with unmanned aircraft systems manufactured in the United States or an allied country (as that term is defined in section 2350f(d)(1) of title 10, United States Code).”

§ 1157. Extraordinary relief

(a) IN GENERAL.—With respect to any prime contracting entity receiving extraordinary relief pursuant to the Act entitled “An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense”, approved August 28, 1958 (Public Law 85-804; 50 U.S.C. 1432 et seq.) for a major acquisition, the Secretary shall not consider any further request by the prime contracting entity for extraordinary relief under such Act for such major acquisition.

(b) INAPPLICABILITY TO SUBCONTRACTORS.—The limitation under subsection (a) shall not apply to subcontractors of a prime contracting entity.

(c) QUARTERLY REPORT.—Not less frequently than quarterly during each fiscal year in which extraordinary relief is approved or provided to an entity under the Act referred to in subsection (a) for the acquisition of Offshore Patrol Cutters, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes in detail such relief and the compliance of the entity with the oversight measures required as a condition of receiving such relief.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8221(a)(1), Jan. 1, 2021, 134 Stat. 4657.)

Editorial Notes

REFERENCES IN TEXT

An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense, referred to in subsec. (a), is Pub. L. 85-804, Aug. 28, 1958, 72 Stat. 972, which is classified generally to chapter 29 (§1431 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

§ 1158. Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs

(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to operate, test, and acquire cost-effective technology for the purpose of meeting the mission needs of the Coast Guard.

(b) OPERATION, TESTING, AND ACQUISITION.—Operation, testing, and acquisition of technologies under subsection (a) shall be—

(1) carried out in accordance with Coast Guard policies and guidance; and

(2) consistent with the operational requirements of the Coast Guard.

(c) LIMITATIONS.—The Commandant may not enter into a transaction under subsection (a) with respect to a technology that—

(1) does not comply with the cybersecurity standards of the Coast Guard; or

(2) is sourced from an entity domiciled in the People’s Republic of China, unless the Commandant determines that the prototype or procurement of such a technology is for the purpose of—

(A) counter-UAS or surrogate testing; or

(B) intelligence, electronic warfare, and information warfare, testing, and analysis.

(d) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section are provided adequate education and training with respect to the authority under this section.

(e) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.

(f) COUNTER-UAS DEFINED.—In this section, the term “counter-UAS” has the meaning given such term in section 44801 of title 49.

(Added Pub. L. 117-263, div. K, title CXII, §11205(a), Dec. 23, 2022, 136 Stat. 4009.)

SUBCHAPTER IV—DEFINITIONS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §108(c)(5), Dec. 4, 2018, 132 Stat. 4210, inserted subchapter IV designation and heading.

§ 1171. Definitions

In this chapter:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional

committees” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) CHIEF ACQUISITION OFFICER.—The term “Chief Acquisition Officer” means the officer appointed under section 308 of this title.

(3) CUSTOMER OF A MAJOR ACQUISITION PROGRAM.—The term “customer of a major acquisition program” means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program.

(4) LEVEL 1 ACQUISITION.—The term “Level 1 acquisition” means—

- (A) an acquisition by the Coast Guard—
 - (i) the estimated life-cycle costs of which exceed \$1,000,000,000; or
 - (ii) the estimated total acquisition costs of which exceed \$300,000,000; or

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

- (i) due to—
 - (I) the experimental or technically immature nature of the asset;
 - (II) the technological complexity of the asset;
 - (III) the commitment of resources; or
 - (IV) the nature of the capability or set of capabilities to be achieved; or
- (ii) because such acquisition is a joint acquisition.

(5) LEVEL 2 ACQUISITION.—The term “Level 2 acquisition” means an acquisition by the Coast Guard—

(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or

(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

(6) LIFE-CYCLE COST.—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

(7) MAJOR ACQUISITION PROGRAM.—The term “major acquisition program” means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.

(8) PROJECT OR PROGRAM MANAGER DEFINED.—The term “project or program manager” means an individual designated—

(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

(B) to manage cost, schedule, and performance of the acquisition, project, or program.

(9) SAFETY CONCERN.—The term “safety concern” means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or sub-

system or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

(10) DEVELOPMENTAL TEST AND EVALUATION.—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

(B) the evaluation of the results of such testing.

(11) OPERATIONAL TEST AND EVALUATION.—The term “operational test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and

(B) the evaluation of the results of such testing.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2948, § 581; amended Pub. L. 114-120, title II, § 209(8), Feb. 8, 2016, 130 Stat. 41; Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(F), Dec. 23, 2016, 130 Stat. 2334; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(8), Aug. 13, 2018, 132 Stat. 2320; renumbered § 1171 and amended Pub. L. 115-282, title I, §§ 108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, § 108(b), renumbered section 581 of this title as this section.

Par. (2). Pub. L. 115-282, § 123(b)(2), substituted “section 308” for “section 56”.

Pars. (4) to (12). Pub. L. 115-232 redesignated pars. (5) to (12) as (4) to (11), respectively, and struck out former par. (4) which defined “Commandant” as the Commandant of the Coast Guard.

2016—Par. (3). Pub. L. 114-328, § 899(b)(1)(F)(ii), added par. (3). Former par. (3) redesignated (4).

Pars. (4), (5). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (5)(B). Pub. L. 114-120 substituted “\$300,000,000,” for “\$300,000,000.”

Pars. (6), (7). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (9).

Par. (8). Pub. L. 114-328, § 899(b)(1)(F)(iii), added par. (8). Former par. (8) redesignated (10).

Pars. (9) to (12). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (7) to (10) as (9) to (12), respectively.

SUBTITLE II—PERSONNEL

Chap.		Sec.
19.	Coast Guard Academy	1901