

(Added Pub. L. 104-201, div. A, title X, §1009(a)(2)(A), Sept. 23, 1996, 110 Stat. 2634, §673; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-213, title II, §217(11), Dec. 20, 2012, 126 Stat. 1558; renumbered §950, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 673 of this title as this section.

2012—Subsec. (a)(3). Pub. L. 112-213 struck out “of Homeland Security (when the Coast Guard is not operating as a service in the Navy)” after “Secretary”.

2002—Subsec. (a)(3). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 951. Aircraft accident investigations

(a) IN GENERAL.—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—

(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

(B) that release of such tapes, reports, or other information—

(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

(ii) would not compromise national security.

(3) RESTRICTION.—A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

(d) USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

(e) DEFINITIONS.—For purposes of this section—

(1) the term “accident investigation” means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

(2) the term “safety investigation” means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

(Added Pub. L. 112-213, title II, §214(a), Dec. 20, 2012, 126 Stat. 1553, §678; amended Pub. L. 115-232, div. C, title XXXV, §3531(c)(5), Aug. 13, 2018, 132 Stat. 2320; renumbered §951, Pub. L. 115-282, title I, §107(b), Dec. 4, 2018, 132 Stat. 4205.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 678 of this title as this section.

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

#### § 952. Construction of Coast Guard vessels and assignment of vessel projects

The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.

(Added Pub. L. 115-282, title III, §310(a), Dec. 4, 2018, 132 Stat. 4248.)

#### § 953. Support for Coast Guard Academy

(a) AUTHORITY.—

(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

(B) **AUTHORITY.**—Notwithstanding section 3201(e) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 3204(a) of title 10.

(C) **ACQUISITIONS.**—Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Coast Guard Academy.

(2) **FINANCIAL CONTROLS.**—

(A) **IN GENERAL.**—Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

(B) **CONTENTS.**—Any such contract or cooperative agreement shall contain a provision that allows the Commandant to review, as the Commandant considers necessary, the financial accounts of the qualified organization to determine whether the operations of the qualified organization—

- (i) are consistent with the terms of the contract or cooperative agreement; and
- (ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

(3) **LEASES.**—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 504(a)(13), rent or lease real property located at the Coast Guard Academy to a qualified organization, except that proceeds from such a lease shall be retained and expended in accordance with subsection (f).

(b) **SUPPORT SERVICES.**—

(1) **AUTHORITY.**—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential for the support of the athletic programs of the Coast Guard Academy.

(2) **NO LIABILITY OF THE UNITED STATES.**—Support services may only be provided without any liability of the United States to a qualified organization.

(3) **SUPPORT SERVICES DEFINED.**—In this subsection, the term “support services” includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

(c) **TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization concerned, transfer to the qualified organization all title to and ownership of the assets

and liabilities of the Coast Guard non-appropriated fund instrumentality, the function of which includes providing support for the athletic programs of the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

(2) **LIMITATION.**—The Commandant may not transfer under paragraph (1) any interest in real property.

(d) **ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.**—

(1) **IN GENERAL.**—Notwithstanding section 1342 of title 31, the Commandant may accept from a qualified organization funds, supplies, and services for the support of the athletic programs of the Coast Guard Academy.

(2) **EMPLOYEES OF QUALIFIED ORGANIZATION.**—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

(3) **FUNDS RECEIVED FROM NCAA.**—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

(4) **LIMITATION.**—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f) do not—

(A) reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as such term is defined in section 101(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

(e) **TRADEMARKS AND SERVICE MARKS.**—

(1) **LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.**—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

(2) **LIMITATIONS.**—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

(A) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

(f) **RETENTION AND USE OF FUNDS.**—Funds received by the Commandant under this section may be retained for use to support the athletic

programs of the Coast Guard Academy and shall remain available until expended.

(g) **CONDITIONS.**—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues—

(1) to operate in accordance with this section, the law of the State of Connecticut, and the constitution and bylaws of the qualified organization; and

(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

(h) **QUALIFIED ORGANIZATION DEFINED.**—In this section, the term “qualified organization” means an organization—

(1) that operates as an organization under subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section;

(2) for which authorization under sections 1033(a) and 1589(a) of title 10 may be provided; and

(3) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

(Added Pub. L. 117-263, div. K, title CXII, §11250(a), Dec. 23, 2022, 136 Stat. 4049.)

#### Editorial Notes

##### REFERENCES IN TEXT

Subsection (c)(3) of section 501 of the Internal Revenue Code of 1986, referred to in subsec. (h)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

#### § 954. Mixed-funded athletic and recreational extracurricular programs

(a) **AUTHORITY.**—In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

(b) **COVERED PROGRAMS.**—In this section, the term “Coast Guard Academy mixed-funded athletic or recreational extracurricular program” means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

(1) The program is not considered a morale, welfare, or recreation program.

(2) The program is supported through appropriated funds.

(3) The program is supported by a non-appropriated fund instrumentality.

(4) The program is not a private organization and is not operated by a private organization.

(Added Pub. L. 117-263, div. K, title CXII, §11250(a), Dec. 23, 2022, 136 Stat. 4051.)

### CHAPTER 11—ACQUISITIONS

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#### Editorial Notes

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