

(2) there are no alternatives to such capability or asset or capability or asset class that will provide equal or greater capability in both a more cost-effective and timely manner;

(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2947.)

PRIOR PROVISIONS

A prior section 575, act Aug. 4, 1949, ch. 393, 63 Stat. 543, related to arrest of deserters, prior to repeal by act May 5, 1950, ch. 169, §§ 5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

§ 576. Acquisition approval authority

Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary's designee, to—

(1) manage and administer department procurements, including procurements by department components, as required by section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341); or

(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program, as required by section 16¹ of the Office of Federal Procurement Policy Act (41 U.S.C. 414) and related implementing regulations and directives.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2948.)

REFERENCES IN TEXT

Section 16 of the Office of Federal Procurement Policy Act, referred to in par. (2), is section 16 of Pub. L. 93-400, which was classified to section 414 of former Title 41, Public Contracts, and was repealed and reenacted as section 1702 of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

PRIOR PROVISIONS

A prior section 576, act Aug. 4, 1949, ch. 393, 63 Stat. 544, related to allowances to and transportation of prisoners, prior to repeal by act May 5, 1950, ch. 169, §§ 5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

SUBCHAPTER III—DEFINITIONS

§ 581. 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 56 of this title.

(3) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(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 \$300,000,000,¹ 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) **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.

(8) **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 subsystem 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.

(9) **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

¹ See References in Text note below.

¹ So in original.

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

(10) 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.)

CHAPTER 17—ADMINISTRATION

- 631. Sec. Delegation of powers by the Secretary.
- 632. Functions and powers vested in the Commandant.
- 633. Regulations.
- 634. Officers holding certain offices.
- 635. Oaths required for boards.
- 636. Administration of oaths.
- 637. Stopping vessels; indemnity for firing at or into vessel.
- 638. Coast Guard ensigns and pennants.
- 639. Penalty for unauthorized use of words “Coast Guard”.
- 640. Coast Guard band recordings for commercial sale.
- 641. Disposal of certain material.
- 642. Deposit of damage payments.
- 643. Rewards for apprehension of persons interfering with aids to navigation.
- 644. Payment for the apprehension of stragglers.
- 645. Confidentiality of medical quality assurance records; qualified immunity for participants.
- 646. Admiralty claims against the United States.
- 647. Claims for damage to property of the United States.
- 648. Accounting for industrial work.
- 649. Supplies and equipment from stock.
- 650. Coast Guard Supply Fund.
- 651. Annual report.
- 652. Removing restrictions.
- 653. Employment of draftsmen and engineers.
- 654. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.
- 655. Arms and ammunition; immunity from taxation.
- 656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters.
- 657. Dependent school children.
- 658. Confidential investigative expenses.
- 659. Assistance to film producers.
- 660. Transportation to and from certain places of employment.
- 661. Authorization of personnel end strengths.
- 662. Requirement for prior authorization of appropriations.
- 663. Submission of plans to Congress.
- 664. User fees.
- 665. Restriction on construction of vessels in foreign shipyards.

- 666. Sec. Local hire.
- 667. Vessel construction bonding requirements.
- 668. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.
- 669. Telephone Installation and Charges.¹
- 670. Procurement authority for family housing.
- 671. Air Station Cape Cod Improvements.
- 672. Long-term lease of special purpose facilities.
- 672a. Long-term lease authority for lighthouse property.
- 673. Designation, powers, and accountability of deputy disbursing officials.
- 674. Small boat station capability.²
- 675. Small boat station closures.
- 676. Search and rescue center standards.
- 677. Turnkey selection procedures.

AMENDMENTS

- 2010—Pub. L. 111-281, title IX, § 903(b)(2), Oct. 15, 2010, 124 Stat. 3011, inserted period at end of item 677.
- 2006—Pub. L. 109-241, title IX, § 901(b), July 11, 2006, 120 Stat. 564, amended Pub. L. 108-293, § 212(b), effective Aug. 9, 2004. See 2004 Amendment note below.
- Pub. L. 109-241, title II, § 205(b), July 11, 2006, 120 Stat. 521, added item 677.
- 2004—Pub. L. 108-293, title II, § 212(b), Aug. 9, 2004, 118 Stat. 1037, as amended by Pub. L. 109-241, title IX, § 901(b), July 11, 2006, 120 Stat. 564, substituted “Long-term lease of special purpose facilities” for “Long-term lease authority for navigation and communications systems sites” in item 672.
- Pub. L. 108-293, title II, § 205(e)(2), Aug. 9, 2004, 118 Stat. 1033, substituted “indemnity” for “immunity” in item 637.
- 2002—Pub. L. 107-296, title XVII, § 1704(f)(2), Nov. 25, 2002, 116 Stat. 2316, which directed the redesignation of item 673 “Small boat station rescue capability” as item 673a, could not be executed because of prior amendment by Pub. L. 107-295, § 405(c), see below.
- Pub. L. 107-295, title IV, §§ 405(c), 417(b), Nov. 25, 2002, 116 Stat. 2116, 2123, added items 672a and 674 to 676, and struck out item 673 “Small boat station rescue capability” and former item 674 “Small boat station closures”.
- 1996—Pub. L. 104-324, title III, § 309(b), Oct. 19, 1996, 110 Stat. 3919, added item 673 “Small boat station rescue capability” and item 674.
- Pub. L. 104-201, div. A, title X, § 1009(a)(2)(B), Sept. 23, 1996, 110 Stat. 2634, added item 673 “Designation, powers, and accountability of deputy disbursing officials”.
- 1993—Pub. L. 103-206, title III, §§ 302(b), 303(b), 304(b), Dec. 20, 1993, 107 Stat. 2423, 2424, added items 670, 671, and 672.
- 1992—Pub. L. 102-587, title V, §§ 5203(b), 5204(b), Nov. 4, 1992, 106 Stat. 5074, added items 645 and 669.
- 1990—Pub. L. 101-595, title III, §§ 306(b), 319(b), Nov. 16, 1990, 104 Stat. 2985, 2989, added items 667 and 668.
- Pub. L. 101-510, div. A, title III, § 327(d)(2), Nov. 5, 1990, 104 Stat. 1532, added item 640.
- 1989—Pub. L. 101-225, title II, § 206(b), Dec. 12, 1989, 103 Stat. 1913, added item 666.
- 1988—Pub. L. 100-690, title VII, § 7401(b), Nov. 18, 1988, 102 Stat. 4483, substituted “immunity for firing at or into vessel” for “immunity of Coast Guard officer” in item 637.
- Pub. L. 100-448, §§ 26(b), 29(b), Sept. 28, 1988, 102 Stat. 1848, 1849, added items 659 and 665.
- 1986—Pub. L. 99-509, title V, § 5102(a)(1), Oct. 21, 1986, 100 Stat. 1925, added item 664.
- 1982—Pub. L. 97-295, § 2(17), (19)(B), (20)(B), Oct. 12, 1982, 96 Stat. 1302, 1303, struck out items 645 and 659, and added items 661, 662, and 663.
- 1980—Pub. L. 96-376, § 10(b), Oct. 3, 1980, 94 Stat. 1511, added item 660.

¹ So in original. Capitalization does not conform to section catchline.

² So in original. Does not conform to section catchline.