

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. K, title CXII, §§11236(b)(2), 11256(b), 11262(b), Dec. 23, 2022, 136 Stat. 4036, 4056, 4061, added items 5113 to 5115.

2021—Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §8215(d)(2), title LVXXXV [LXXXV], §8501(b)(4), Jan. 1, 2021, 134 Stat. 4653, 4746, added items 5109 to 5112.

2018—Pub. L. 115–282, title I, §122(a), title III, §317(c), Dec. 4, 2018, 132 Stat. 4239, 4251, inserted chapter 51 designation and heading and added items 5101 to 5108.

§ 5101. Transmission of annual Coast Guard authorization request

(a) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a Coast Guard authorization request with respect to such fiscal year.

(b) COAST GUARD AUTHORIZATION REQUEST DEFINED.—In this section, the term “Coast Guard authorization request” means a proposal for legislation that, with respect to the Coast Guard for the relevant fiscal year—

- (1) recommends end strengths for personnel for that fiscal year, as described in section 4903;
- (2) recommends authorizations of appropriations for that fiscal year, including with respect to matters described in section 4901; and
- (3) addresses any other matter that the Secretary determines is appropriate for inclusion in a Coast Guard authorization bill.

(Added Pub. L. 113–281, title II, §216(a), Dec. 18, 2014, 128 Stat. 3035, §662a; renumbered §2901 and amended Pub. L. 114–120, title I, §101(d)(1), Feb. 8, 2016, 130 Stat. 31; renumbered §5101 and amended Pub. L. 115–282, title I, §122(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4239, 4240.)

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2018—Pub. L. 115–282, §122(b), renumbered section 2901 of this title as this section.

Subsec. (b)(1). Pub. L. 115–282, §123(b)(2), substituted “section 4903” for “section 2703”.

Subsec. (b)(2). Pub. L. 115–282, §123(b)(2), substituted “section 4901” for “section 2701”.

2016—Pub. L. 114–120, §101(d)(1)(A), (B), renumbered section 662a of this title as this section.

Subsec. (b)(1). Pub. L. 114–120, §101(d)(1)(C)(i), substituted “described in section 2703” for “described in section 661”.

Subsec. (b)(2). Pub. L. 114–120, §101(d)(1)(C)(ii), substituted “described in section 2701” for “described in section 662”.

§ 5102. Capital investment plan

(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a capital investment plan

for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

- (1) the proposed appropriations included in the budget;
- (2) the total estimated cost of completion based on the proposed appropriations included in the budget;
- (3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;
- (4) an estimated completion date based on the proposed appropriations included in the budget;
- (5) an acquisition program baseline, as applicable; and
- (6) projected commissioning and decommissioning dates for each asset.

(b) NEW CAPITAL ASSETS.—In the fiscal year following each fiscal year for which appropriations are enacted for a new capital asset, the report submitted under subsection (a) shall include—

- (1) an estimated life-cycle cost estimate for the new capital asset;
- (2) an assessment of the impact the new capital asset will have on—
 - (A) delivery dates for each capital asset;
 - (B) estimated completion dates for each capital asset;
 - (C) the total estimated cost to complete each capital asset; and
 - (D) other planned construction or improvement projects; and
- (3) recommended funding levels for each capital asset necessary to meet the estimated completion dates and total estimated costs included in the such¹ asset’s approved acquisition program baseline.

(c) DEFINITIONS.—In this section, the term “new capital asset” means—

- (1) an acquisition program that does not have an approved acquisition program baseline; or
- (2) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.

(Added Pub. L. 97–295, §2(20)(A), Oct. 12, 1982, 96 Stat. 1303, §663; amended Pub. L. 100–448, §25, Sept. 28, 1988, 102 Stat. 1847; Pub. L. 101–595, title III, §311(c), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 107–295, title IV, §408(a)(2), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 112–213, title II, §213(a), Dec. 20, 2012, 126 Stat. 1552; renumbered §2902 and amended Pub. L. 114–120, title I, §101(d)(2), title II, §204(b), Feb. 8, 2016, 130 Stat. 31, 34; Pub. L. 115–232, div. C, title XXXV, §§3525, 3531(c)(15), Aug. 13, 2018, 132 Stat. 2316, 2320; renumbered §5102 and amended Pub. L. 115–282, title I, §122(b), title III, §317(a), Dec. 4, 2018, 132 Stat. 4239, 4250.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
663	14:656(note).	Oct. 3, 1980, Pub. L. 96-376, §12, 94 Stat. 1511.

¹ So in original.

The words “with the fiscal year 1982 budget request” and “subsequent” are omitted as executed.

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2018—Pub. L. 115-282, §122(b), renumbered section 2902 of this title as this section.

Subsec. (a). Pub. L. 115-282, §317(a)(1), amended subsec. (a) generally. Prior to amendment, text read as follows: “Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(1) a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

“(A) the proposed appropriations included in the budget;

“(B) the total estimated cost of completion based on the proposed appropriations included in the budget;

“(C) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

“(D) an estimated completion date based on the proposed appropriations included in the budget;

“(E) an acquisition program baseline, as applicable; and

“(F) projected commissioning and decommissioning dates for each asset; and

“(2) a list of each unfunded priority for the Coast Guard.”

Pub. L. 115-232, §§3525(1), 3531(c)(15), in introductory provisions, substituted “Not later than 60 days after the date” for “On the date” and “Commandant” for “Commandant of the Coast Guard”.

Subsec. (a)(1)(F). Pub. L. 115-232, §3525(2), (3), added subpar. (F).

Subsec. (c). Pub. L. 115-282, §317(a)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) defined the terms “unfunded priority” and “new capital asset”.

2016—Pub. L. 114-120, §101(d)(2), renumbered section 663 of this title as this section.

Subsec. (a)(1)(B). Pub. L. 114-120, §204(b)(1)(A), substituted “completion based on the proposed appropriations included in the budget;” for “completion;”.

Subsec. (a)(1)(D). Pub. L. 114-120, §204(b)(1)(B), substituted “based on the proposed appropriations included in the budget;” for “at the projected funding levels;”.

Subsec. (b). Pub. L. 114-120, §204(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 114-120, §204(b)(2), (3), redesignated subsec. (b) as (c) and amended it generally. Prior to amendment, text read as follows: “In this section, the term ‘unfunded priority’ means a program or mission requirement that—

“(1) has not been selected for funding in the applicable proposed budget;

“(2) is necessary to fulfill a requirement associated with an operational need; and

“(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.”

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “The President shall submit to Congress with each budget request for the Coast Guard the current copy of the Coast Guard’s Capital Investment Plan, Cutter Plan, Aviation Plan, Shore Facilities Plan, and Information Resources Management Plan. Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed

2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.”

2002—Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

1990—Pub. L. 101-595 substituted “Shore Facilities Plan, and Information Resources Management Plan.” for “and Shore Facilities Plan.”

1988—Pub. L. 100-448 inserted at end “Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.”

Statutory Notes and Related Subsidiaries

REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES PROJECTS

Pub. L. 117-263, div. K, title CXII, §11201, Dec. 23, 2022, 136 Stat. 4006, provided that:

“(a) IN GENERAL.—Not less frequently than annually, the Commandant [of the Coast Guard] shall submit 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 includes—

“(1) a detailed list of Coast Guard shoreside infrastructure projects contemplated in each Coast Guard Sector area of responsibility and planned within the 7 years following the submission of the annual report for all Coast Guard facilities located within each Coast Guard Sector area of responsibility in the order of priority, including recapitalization, maintenance needs in excess of \$100,000, dredging, and other shoreside infrastructure needs of the Coast Guard;

“(2) the estimated cost of projects to fulfill each project, to the extent available; and

“(3) a general description of the state of planning, including design and engineering, for each such project.

“(b) CONTENTS.—The report submitted under subsection (a) shall include all unfunded shoreside infrastructure and facility priorities meeting the criteria under subsection (a) recommended to the Commandant for consideration for inclusion in the unfunded priority list report to Congress under section 5108 of title 14, United States Code, regardless of whether the unfunded shoreside infrastructure project is included in the final annual unfunded priority list to Congress.”

ENSURING MARITIME COVERAGE

Pub. L. 115-282, title VIII, §817(d), Dec. 4, 2018, 132 Stat. 4307, provided that: “In order to meet Coast Guard mission requirements for search and rescue, ports, waterways, and coastal security, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.”

ADDITIONAL SUBMISSIONS

Commandant of the Coast Guard shall submit to the Committee on Homeland Security of the House of Representatives each plan required under this section, see section 101(f) of Pub. L. 114-120, set out as a note under section 5110 of this title.

CAPITAL INVESTMENT PLAN

Pub. L. 111-281, title IX, §918, Oct. 15, 2010, 124 Stat. 3022, which required the Commandant to submit to Congress the Coast Guard's 5-year capital investment plan concurrent with the President's budget submission for each fiscal year, was repealed by Pub. L. 112-213, title II, §213(c)(3), Dec. 20, 2012, 126 Stat. 1553.

DEEPWATER REPORTS

Pub. L. 109-241, title IV, §408, July 11, 2006, 120 Stat. 537, as amended by Pub. L. 112-213, title II, §210(c)(1), Dec. 20, 2012, 126 Stat. 1551, provided that:

“(a) Repealed. Pub. L. 112-213, title II, §210(c)(1), Dec. 20, 2012, 126 Stat. 1551.]

“(b) DEEPWATER ACCELERATION REPORT.—Not later than 30 days after the date of enactment of this Act [July 11, 2006], the Secretary shall submit 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 on the acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

“(1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;

“(2) the required funding for such completion under each accelerated acquisition timeline;

“(3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;

“(4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and

“(5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—

“(A) contractor capacity;

“(B) national shipbuilding capacity;

“(C) asset integration into Coast Guard facilities;

“(D) required personnel; and

“(E) training infrastructure capacity on technology associated with new assets.

“(c) OVERSIGHT REPORT.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit 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 on the status of the Coast Guard's implementation of the Government Accountability Office's recommendations in its report, GAO-04-380, entitled ‘Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight’, including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

“(d) INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

“(1) the choice of assets and capabilities selected as part of that program meets the Coast Guard's goals for performance and minimizing total ownership costs; or

“(2) additional or different assets should be considered as part of that program.”

REVISED DEEPWATER IMPLEMENTATION PLAN

Pub. L. 111-83, title II, Oct. 28, 2009, 123 Stat. 2153, provided in part: “That the Secretary [of Homeland Security] shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a

comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 110-329, div. D, title II, Sept. 30, 2008, 122 Stat. 3665.

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056.

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.

Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.

FUTURE-YEARS CAPITAL INVESTMENT PLAN

Pub. L. 113-6, div. D, title II, Mar. 26, 2013, 127 Stat. 351, provided in part: “That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

“(1) the proposed appropriations included in that budget;

“(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

“(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

“(4) an estimated completion date at the projected funding levels; and

“(5) a current acquisition program baseline for each capital asset, as applicable, that—

“(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

“(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

“(i) quantities planned for each fiscal year; and

“(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

“(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

“(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

“(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

“(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

“(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize;

Provided further, That the Commandant of the Coast Guard shall ensure that amounts specified in the fu-

ture-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified".

Similar provisions were contained in the following appropriation acts:

Pub. L. 114-113, div. F, title II, Dec. 18, 2015, 129 Stat. 2501.

Pub. L. 114-4, title II, Mar. 4, 2015, 129 Stat. 48.

Pub. L. 113-76, div. F, title II, Jan. 17, 2014, 128 Stat. 256.

Pub. L. 112-74, div. D, title II, Dec. 23, 2011, 125 Stat. 954.

Pub. L. 111-83, title II, Oct. 28, 2009, 123 Stat. 2153.

Pub. L. 110-329, div. D, title II, Sept. 30, 2008, 122 Stat. 3665.

Pub. L. 110-161, div. E, title II, Dec. 26, 2007, 121 Stat. 2056.

Pub. L. 109-295, title II, Oct. 4, 2006, 120 Stat. 1365.

Pub. L. 109-90, title II, Oct. 18, 2005, 119 Stat. 2072.

Pub. L. 108-334, title II, Oct. 18, 2004, 118 Stat. 1306.

UNFUNDED PRIORITIES

Pub. L. 108-334, title V, §514, Oct. 18, 2004, 118 Stat. 1317, provided that: "The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services."

STATUS REPORTS ON POLAR ICEBREAKING VESSELS

Pub. L. 99-640, §15, Nov. 10, 1986, 100 Stat. 3552, provided that: "The Secretary of the department in which the Coast Guard is operating shall provide detailed reports to Congress concerning the status of design and construction plans for the procurement of at least two new polar icebreaking vessels. Such reports shall be included in the Cutter Plan required annually by section 663 [now 5102] of title 14, United States Code, and shall be submitted each year until at least two new polar icebreaking vessels have been delivered to the Coast Guard."

§ 5103. Major acquisitions

(a) IN GENERAL.—In conjunction with the transmittal by the President to Congress of the budget of the United States for fiscal year 2014 and biennially thereafter, the Secretary shall submit 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 on the status of all major acquisition programs.

(b) INFORMATION TO BE INCLUDED.—Each report under subsection (a) shall include for each major acquisition program—

(1) a statement of the Coast Guard's mission needs and performance goals relating to such program, including a justification for any change to those needs and goals subsequent to a report previously submitted under this section;

(2) a justification explaining how the projected number and capabilities of assets acquired under such program meet applicable mission needs and performance goals;

(3) an identification of any and all mission hour gaps, accompanied by an explanation of

how and when the Coast Guard will close those gaps;

(4) an identification of any changes with respect to such program, including—

(A) any changes to the timeline for the acquisition of each new asset and the phaseout of legacy assets; and

(B) any changes to—

(i) the costs of new assets or legacy assets for that fiscal year or future fiscal years; or

(ii) the total acquisition cost;

(5) a justification explaining how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

(7) an identification of how funds in the applicable fiscal year's budget request will be allocated, including information on the purchase of specific assets;

(8) a projection of the remaining operational lifespan and life-cycle cost of each legacy asset that also identifies any anticipated resource gaps;

(9) a detailed explanation of how the costs of legacy assets are being accounted for within such program; and

(10) an annual performance comparison of new assets to legacy assets.

(c) ADEQUACY OF ACQUISITION WORKFORCE.—Each report under subsection (a) shall—

(1) include information on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload;

(2) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under section 1102(c);¹ and

(3) identify positions that are or will be understaffed and actions that will be taken to correct such understaffing.

(d) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class, with an explanation detailing the reasons why the cutters have not been maintained in class.

(e) LONG-TERM MAJOR ACQUISITIONS PLAN.—Each report under subsection (a) shall include a plan that describes for the upcoming fiscal year, and for each of the 20 fiscal years thereafter—

(1) the numbers and types of cutters and aircraft to be decommissioned;

(2) the numbers and types of cutters and aircraft to be acquired to—

(A) replace the cutters and aircraft identified under paragraph (1); or

(B) address an identified capability gap; and

(3) the estimated level of funding in each fiscal year required to—

¹ See References in Text note below.