

§ 4104. Availability of facilities and appropriations

The services and facilities of and appropriations for the Coast Guard shall be available to effectuate the purposes of the Reserve and the Auxiliary.

(Aug. 4, 1949, ch. 393, 63 Stat. 557, § 894; renumbered § 4104, Pub. L. 115–282, title I, § 120(b), Dec. 4, 2018, 132 Stat. 4237.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 354 (Feb. 19, 1941, ch. 8, title III, § 304, 55 Stat. 14).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 894 of this title as this section.

SUBTITLE IV—COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS

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Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, title I, § 121(a), Dec. 4, 2018, 132 Stat. 4238, inserted subtitle IV designation and heading and added items for chapters 49 and 51.

CHAPTER 49—AUTHORIZATIONS

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Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, title I, § 121(a), Dec. 4, 2018, 132 Stat. 4238, inserted chapter 49 designation and heading and added items 4901 to 4904.

§ 4901. Requirement for prior authorization of appropriations

Amounts may be appropriated to or for the use of the Coast Guard for the following matters only if the amounts have been authorized by law after December 31, 1976:

(1) For the operation and support of the Coast Guard, not otherwise provided for.

(2) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment.

(3) For research and development.¹ of technologies, materials, and human factors di-

rectly related to improving the performance of the Coast Guard.

(Added Pub. L. 97–295, § 2(20)(A), Oct. 12, 1982, 96 Stat. 1303, § 662; amended Pub. L. 101–225, title II, § 222(c), Dec. 12, 1989, 103 Stat. 1919; Pub. L. 111–259, title IV, § 442(2), Oct. 7, 2010, 124 Stat. 2733; renumbered § 2701 and amended Pub. L. 114–120, title I, § 101(b), Feb. 8, 2016, 130 Stat. 30; Pub. L. 115–232, div. C, title XXXV, § 3538(a), Aug. 13, 2018, 132 Stat. 2322; renumbered § 4901 and amended Pub. L. 115–282, title I, §§ 121(b), 123(c)(5)(A), Dec. 4, 2018, 132 Stat. 4238, 4241; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8513(a)(5), Jan. 1, 2021, 134 Stat. 4760.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
662	14:656(note).	Sept. 10, 1976, Pub. L. 94–406, § 5, 90 Stat. 1236.

The word “Amounts” is substituted for “funds” for clarity and consistency. Before clause (1), the words “After fiscal year 1977” are omitted as executed. The words “of such funds” are omitted as unnecessary. In clause (2), the words “aids, establishments, vessels, or aircraft” are substituted for “thereto” for clarity. In clause (4), the words “a matter referred to in clauses (1)–(3)” are substituted for “any of the above” for clarity.

Editorial Notes

AMENDMENTS

2021—Par. (1). Pub. L. 116–283, § 8513(a)(5)(A), substituted “support” for “maintenance”.

Par. (2). Pub. L. 116–283, § 8513(a)(5)(B), substituted “procurement” for “acquisition”.

Par. (3). Pub. L. 116–283, § 8513(a)(5)(C)–(E), redesignated par. (5) as (3), substituted “research and development” for “research, development, test, and evaluation”, and struck out former par. (3) which read as follows: “For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services.”

Par. (4). Pub. L. 116–283, § 8513(a)(5)(C), struck out par. (4) which read as follows: “For the environmental compliance and restoration functions of the Coast Guard under section 318 of this title.”

Par. (5). Pub. L. 116–283, § 8513(a)(5)(D), redesignated par. (5) as (3).

Par. (6). Pub. L. 116–283, § 8513(a)(5)(C), struck out par. (6) which read as follows: “For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program.”

2018—Pub. L. 115–282, § 121(b), renumbered section 2701 of this title as this section.

Par. (2). Pub. L. 115–232 substituted “aircraft, and systems” for “and aircraft”.

Par. (4). Pub. L. 115–282, § 123(c)(5)(A), substituted “section 318” for “chapter 19”.

2016—Pub. L. 114–120, § 101(b)(1), (2), renumbered section 662 of this title as this section.

Pars. (1) to (6). Pub. L. 114–120, § 101(b)(3), added pars. (1) to (6) and struck out former pars. (1) to (5) which read as follows:

“(1) For the operation and maintenance of the Coast Guard.

“(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related to the aids, establishments, vessels, or aircraft.

“(3) For altering obstructive bridges.

“(4) For research, development, test, or evaluation related to intelligence systems and capabilities or a matter referred to in clauses (1)–(3).

¹ So in original. The period probably should not appear.

“(5) For environmental compliance and restoration at Coast Guard facilities.”

2010—Par. (4). Pub. L. 111-259 inserted “intelligence systems and capabilities or” after “related to”.

1989—Par. (5). Pub. L. 101-225 added par. (5).

§ 4902. Authorizations of appropriations

Funds are authorized to be appropriated for fiscal years 2022 and 2023 for necessary expenses of the Coast Guard as follows:

(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for—

(i) \$10,000,000,000 for fiscal year 2022; and

(ii) \$10,750,000,000 for fiscal year 2023.

(B) Of the amount authorized under subparagraph (A)(i), \$23,456,000 shall be for environmental compliance and restoration.

(C) Of the amount authorized under subparagraph (A)(ii), \$24,353,000 shall be for environmental compliance and restoration.

(2)(A) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

(i) \$3,312,114,000 for fiscal year 2022; and

(ii) \$3,477,600,000 for fiscal year 2023.

(B) Of the amounts authorized under subparagraph (A), the following amounts shall be for the alteration of bridges:

(i) \$20,400,000 for fiscal year 2022; and

(ii) \$20,808,000 for fiscal year 2023.

(3) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

(A) \$7,476,000 for fiscal year 2022; and

(B) \$14,681,084 for fiscal year 2023.

(4) For the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense—

(A) \$240,577,000 for fiscal year 2022; and

(B) \$252,887,000 for fiscal year 2023.

(Added Pub. L. 114-120, title I, §101(a), Feb. 8, 2016, 130 Stat. 29, §2702; amended Pub. L. 114-328, div. C, title XXXV, §3503(d)(1), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-232, div. C, title XXXV, §§3531(c)(14), 3538(b), Aug. 13, 2018, 132 Stat. 2320, 2322; renumbered §4902 and amended Pub. L. 115-282, title I, §§121(b), 123(c)(5)(B), title II, §202, Dec. 4, 2018, 132 Stat. 4238, 4241; Pub. L. 116-283, div. G, title LVXXXI [LXXXI], §8101, Jan. 1, 2021, 134 Stat. 4634; Pub. L. 117-263, div. K, title CXI, §11101, Dec. 23, 2022, 136 Stat. 4003.)

Par. (1)(A). Pub. L. 117-263, §11101(2)(A), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) \$8,151,620,850 for fiscal year 2020; and

“(ii) \$8,396,169,475 for fiscal year 2021.”

Par. (1)(B). Pub. L. 117-263, §11101(2)(B), substituted “\$23,456,000” for “\$17,035,000”.

Par. (1)(C). Pub. L. 117-263, §11101(2)(C), substituted “(A)(ii), \$24,353,000” for “(A)(ii) \$17,376,000”.

Par. (2)(A). Pub. L. 117-263, §11101(3)(A), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) \$2,794,745,000 for fiscal year 2020; and

“(ii) \$3,312,114,000 for fiscal year 2021.”

Par. (2)(B). Pub. L. 117-263, §11101(3)(B), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) \$10,000,000 for fiscal year 2020; and

“(ii) \$20,000,000 for fiscal year 2021.”

Par. (3). Pub. L. 117-263, §11101(4), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) \$13,834,000 for fiscal year 2020; and

“(B) \$14,111,000 for fiscal year 2021.”

Par. (4). Pub. L. 117-263, §11101(5), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) \$205,107,000 for fiscal year 2020; and

“(B) \$209,209,000 for fiscal year 2021.”

2021—Pub. L. 116-283, §8101(1), substituted “years 2020 and 2021” for “year 2019” in introductory provisions.

Par. (1)(A). Pub. L. 116-283, §8101(2), substituted “provided for—” for “provided for, \$7,914,195,000 for fiscal year 2019.” and added cls. (i) and (ii).

Par. (1)(B). Pub. L. 116-283, §8101(3), (4), substituted “subparagraph (A)(i), \$17,035,000 shall be for environmental compliance and restoration.” for “subparagraph (A)—” in introductory provisions and struck out cls. (i) and (ii) which read as follows:

“(i) \$16,701,000 shall be for environmental compliance and restoration; and

“(ii) \$199,360,000 shall be for the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense.”

Par. (1)(C). Pub. L. 116-283, §8101(5), added subpar. (C).

Par. (2). Pub. L. 116-283, §8101(6), designated existing provisions as subpar. (A), substituted “and equipment—” for “and equipment, \$2,694,745,000 for fiscal year 2019.”, added cls. (i) and (ii) of subpar. (A), and added subpar. (B).

Par. (3). Pub. L. 116-283, §8101(7), substituted “and equipment—” for “and equipment, \$29,141,000 for fiscal year 2019.” and added subpars. (A) and (B).

Par. (4). Pub. L. 116-283, §8101(8), added par. (4).

2018—Pub. L. 115-282, §202(b), struck out subsec. (b) designation and heading before “Funds are authorized” and struck out subsec. (a) which related to authorization of appropriations for fiscal year 2018.

Pub. L. 115-282, §202(a), amended section generally. Prior to amendment, section related to authorization of appropriations.

Pub. L. 115-282, §121(b), renumbered section 2702 of this title as this section.

Par. (2). Pub. L. 115-232, §3538(b), substituted “aircraft, and systems” for “and aircraft” in introductory provisions.

Par. (4). Pub. L. 115-282, §123(c)(5)(B), substituted “section 318” for “chapter 19” in introductory provisions.

Par. (5). Pub. L. 115-232, §3531(c)(14), substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

2016—Par. (1)(B). Pub. L. 114-328, §3503(d)(1)(A), substituted “\$6,986,815,000” for “\$6,981,036,000”.

Par. (3)(B). Pub. L. 114-328, §3503(d)(1)(B), substituted “\$134,237,000” for “\$140,016,000”.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263, §11101(1), substituted “fiscal years 2022 and 2023” for “fiscal years 2020 and 2021” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-282, title II, §202(b), Dec. 4, 2018, 132 Stat. 4242, provided that the amendment made by section 202(b) is effective October 1, 2018.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of this title.

§ 4903. Authorization of personnel end strengths

(a) For each fiscal year, Congress shall authorize the strength for active duty personnel of the Coast Guard as of the end of that fiscal year. Amounts may be appropriated for a fiscal year to or for the use of active duty personnel of the Coast Guard only if the end strength for active duty personnel for that fiscal year has been authorized by law. If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.

(b)(1) Congress shall authorize the average military training student loads for the Coast Guard for each fiscal year. That authorization is required for student loads for the following individual training categories:

(A) Recruit and specialized training.

(B) Flight training.

(C) Professional training in military and civilian institutions.

(D) Officer acquisition training.

(2) Amounts may be appropriated for a fiscal year for use in training military personnel of the Coast Guard in the categories referred to in paragraph (1) only if the average student loads for the Coast Guard for that fiscal year have been authorized by law.

(Added Pub. L. 97-295, §2(20)(A), Oct. 12, 1982, 96 Stat. 1302, §661; amended Pub. L. 107-295, title I, §105(a), Nov. 25, 2002, 116 Stat. 2085; renumbered §2703, Pub. L. 114-120, title I, §101(c), Feb. 8, 2016, 130 Stat. 31; renumbered §4903, Pub. L. 115-282, title I, §121(b), Dec. 4, 2018, 132 Stat. 4238.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
661	14:ch. 11(note).	Sept. 10, 1976, Pub. L. 94-406, §6, 90 Stat. 1236.

The words “after fiscal year 1977” are omitted as executed. The word “Amounts” is substituted for “funds” for clarity and consistency.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 2703 of this title as this section.

2016—Pub. L. 114-120 renumbered section 661 of this title as this section.

2002—Subsec. (a). Pub. L. 107-295 inserted at end “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”

§ 4904. Authorized levels of military strength and training

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,500 for each of fiscal years 2022 and 2023.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2022 and 2023 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 385 student years.

(4) For officer acquisition, 1,200 student years.

(Added Pub. L. 114-120, title I, §101(a), Feb. 8, 2016, 130 Stat. 29, §2704; renumbered §4904 and amended Pub. L. 115-282, title I, §121(b), title II, §203, Dec. 4, 2018, 132 Stat. 4238, 4242; Pub. L. 116-283, div. G, title LVXXXI [LXXXI], §8102, Jan. 1, 2021, 134 Stat. 4634; Pub. L. 117-263, div. K, title CXI, §11102, title CXIV, §11413(c), Dec. 23, 2022, 136 Stat. 4004, 4120.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, §11102(1), substituted “fiscal years 2022 and 2023” for “fiscal years 2020 and 2021”.

Subsec. (b). Pub. L. 117-263, §11102(2), substituted “fiscal years 2022 and 2023” for “fiscal years 2020 and 2021”.

Subsec. (b)(3). Pub. L. 117-263, §11413(c), substituted “385” for “350”.

2021—Subsec. (a). Pub. L. 116-283, §8102(1), substituted “44,500 for each of fiscal years 2020 and 2021” for “43,000 for fiscal year 2018 and 44,500 for fiscal year 2019”.

Subsec. (b). Pub. L. 116-283, §8102(2), substituted “fiscal years 2020 and 2021” for “fiscal years 2018 and 2019” in introductory provisions.

2018—Pub. L. 115-282 renumbered section 2704 of this title as this section.

Subsec. (a). Pub. L. 115-282, §203(1), substituted “for fiscal year 2018 and 44,500 for fiscal year 2019” for “for each of fiscal years 2016 and 2017”.

Subsec. (b). Pub. L. 115-282, §203(2), substituted “fiscal years 2018 and 2019” for “fiscal years 2016 and 2017” in introductory provisions.

CHAPTER 51—REPORTS

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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.)

Editorial Notes**AMENDMENTS**

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.

Editorial Notes

AMENDMENTS

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.

(A) acquire the cutters and aircraft identified under paragraph (2);

(B) operate and sustain the cutters and aircraft described in paragraph (2);

(C) acquire related command, control, communications, computer, intelligence, surveillance, and reconnaissance systems; and

(D) acquire, construct, or renovate shore-side infrastructure.

(f) **MAJOR ACQUISITION PROGRAM DEFINED.**—In this section, 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.

(Added Pub. L. 112–213, title II, §210(a), Dec. 20, 2012, 126 Stat. 1550, §569a; renumbered §2903 and amended Pub. L. 114–120, title I, §101(d)(3), title II, §204(e), Feb. 8, 2016, 130 Stat. 31, 35; Pub. L. 115–232, div. C, title XXXV, §3526(c), Aug. 13, 2018, 132 Stat. 2317; renumbered §5103 and amended Pub. L. 115–282, title I, §§122(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4239, 4240; Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §8214, Jan. 1, 2021, 134 Stat. 4650.)

Editorial Notes

REFERENCES IN TEXT

Section 1102(c), referred to in subsec. (c)(2), was, prior to amendment of this section by Pub. L. 115–282, a reference to section 562(c) of this title, which was redesignated as section 562(b) by Pub. L. 114–328, div. A, title VIII, §899(b)(1)(B), Dec. 23, 2016, 130 Stat. 2333. Section 562 of this title was renumbered section 1102 of this title by Pub. L. 115–282, title I, §108(b)(2), Dec. 4, 2018, 132 Stat. 4208.

AMENDMENTS

2021—Subsec. (e)(3)(B) to (D). Pub. L. 116–283 added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

2018—Pub. L. 115–282, §122(b), renumbered section 2903 of this title as this section.

Subsec. (c)(2). Pub. L. 115–282, §123(b)(2), substituted “section 1102(c)” for “section 562(c)”.

Subsecs. (f), (g). Pub. L. 115–232 redesignated subsec. (g) as (f) and struck out former subsec. (f) which required quarterly updates on risks of programs.

2016—Pub. L. 114–120, §101(d)(3)(A), (B), renumbered section 569a of this title as this section.

Subsec. (c)(2). Pub. L. 114–120, §101(d)(3)(C), struck out “of this subchapter” after “section 562(c)”.

Subsecs. (e) to (g). Pub. L. 114–120, §204(e), added subsecs. (e) and (f) and redesignated former subsec. (e) as (g).

Statutory Notes and Related Subsidiaries

ADDITIONAL SUBMISSIONS

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

§ 5104. Manpower requirements plan

(a) **IN GENERAL.**—On the date on which the President submits to the Congress a budget for fiscal year 2017 under section 1105 of title 31, on the date on which the President submits to the Congress a budget for fiscal year 2019 under such section, and every 4 years thereafter, the Com-

mandant 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 manpower requirements plan.

(b) **SCOPE.**—A manpower requirements plan submitted under subsection (a) shall include for each mission of the Coast Guard—

(1) an assessment of all projected mission requirements for the upcoming fiscal year and for each of the 3 fiscal years thereafter;

(2) the number of active duty, reserve, and civilian personnel assigned or available to fulfill such mission requirements—

(A) currently; and

(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter;

(3) the number of active duty, reserve, and civilian personnel required to fulfill such mission requirements—

(A) currently; and

(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter;

(4) an identification of any capability gaps between mission requirements and mission performance caused by deficiencies in the numbers of personnel available—

(A) currently; and

(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter; and

(5) an identification of the actions the Commandant will take to address capability gaps identified under paragraph (4).

(c) **CONSIDERATION.**—In composing a manpower requirements plan for submission under subsection (a), the Commandant shall consider—

(1) the marine safety strategy required under section 2116 of title 46;

(2) information on the adequacy of the acquisition workforce included in the most recent report under section 5103 of this title; and

(3) any other Federal strategic planning effort the Commandant considers appropriate.

(Added Pub. L. 114–120, title I, §101(a), Feb. 8, 2016, 130 Stat. 30, §2904; renumbered §5104 and amended Pub. L. 115–282, title I, §§122(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4239, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, §122(b), renumbered section 2904 of this title as this section.

Subsec. (c)(2). Pub. L. 115–282, §123(b)(2), substituted “section 5103” for “section 2903”.

Statutory Notes and Related Subsidiaries

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.

§ 5105. Inventory of real property

(a) **IN GENERAL.**—The Commandant shall maintain an inventory of all real property, in-

cluding submerged lands, under the control of the Coast Guard, which shall include—

(1) the size, the location, and any other appropriate description of each unit of such property;

(2) an assessment of the physical condition of each unit of such property, excluding lands;

(3) a determination of whether each unit of such property should be—

(A) retained to fulfill a current or projected Coast Guard mission requirement; or

(B) subject to divestiture; and

(4) other information the Commandant considers appropriate.

(b) **UPDATES.**—The Commandant shall update information on each unit of real property included in the inventory required under subsection (a) not later than 30 days after any change relating to the control of such property.

(c) **RECOMMENDATIONS TO CONGRESS.**—Not later than March 30, 2016, and every 5 years thereafter, 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 report that includes—

(1) a list of all real property under the control of the Coast Guard and the location of such property by property type;

(2) recommendations for divestiture with respect to any units of such property; and

(3) recommendations for consolidating any units of such property, including—

(A) an estimate of the costs or savings associated with each recommended consolidation; and

(B) a discussion of the impact that such consolidation would have on Coast Guard mission effectiveness.

(Added Pub. L. 113-281, title II, § 217(a), Dec. 18, 2014, 128 Stat. 3035, § 679; amended Pub. L. 115-232, div. C, title XXXV, § 3539, Aug. 13, 2018, 132 Stat. 2322; renumbered § 5105, Pub. L. 115-282, title I, § 122(b), Dec. 4, 2018, 132 Stat. 4239.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 679 of this title as this section.

Subsec. (a). Pub. L. 115-232, § 3539(1), in introductory provisions, substituted “The Commandant shall maintain” for “Not later than September 30, 2015, the Commandant shall establish”.

Subsec. (b). Pub. L. 115-232, § 3539(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Commandant shall—

“(1) maintain the inventory required under subsection (a) on an ongoing basis; and

“(2) update information on each unit of real property included in such inventory not later than 30 days after any change relating to the control of such property.”

§ 5106. Annual performance report

Not later than the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall make available on a public website and submit to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Commerce, Science, and Transportation of the Senate an update on Coast Guard mission performance during the previous fiscal year.

(Added Pub. L. 115-232, div. C, title XXXV, § 3521(b)(1), Aug. 13, 2018, 132 Stat. 2314, § 2905; renumbered § 5106, Pub. L. 115-282, title I, § 122(b), Dec. 4, 2018, 132 Stat. 4239.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 2905 of this title as this section.

§ 5107. Major acquisition program risk assessment

(a) **IN GENERAL.**—Not later than October 15 of each year, the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing regarding a current assessment of the risks associated with all current major acquisition programs, as that term is defined in section 5103(f).

(b) **ELEMENTS.**—Each assessment under this subsection shall include, for each current major acquisition program, discussion of the following:

(1) The top five current risks to such program.

(2) Any failure of such program to demonstrate a key performance parameter or threshold during operational test and evaluation conducted during the previous fiscal year.

(3) Whether there has been any decision in such fiscal year to order full-rate production before all key performance parameters or thresholds are met.

(4) Whether there has been any breach of major acquisition program cost (as defined by the Major Systems Acquisition Manual) in such fiscal year.

(5) Whether there has been any breach of major acquisition program schedule (as so defined) during such fiscal year.

(Added Pub. L. 115-232, div. C, title XXXV, § 3526(a), Aug. 13, 2018, 132 Stat. 2317, § 2906; renumbered § 5107 and amended Pub. L. 115-282, title I, §§ 122(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4239, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8240(e), Jan. 1, 2021, 134 Stat. 4667.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 8240(e)(1), substituted “October 15” for “April 15 and October 15”.

Subsec. (b)(2). Pub. L. 116-283, § 8240(e)(2)(A), substituted “the previous fiscal year” for “the 2 fiscal-year quarters preceding such assessment”.

Subsec. (b)(3). Pub. L. 116-283, § 8240(e)(2)(B), substituted “such fiscal year” for “such 2 fiscal-year quarters”.

Subsec. (b)(4). Pub. L. 116-283, § 8240(e)(2)(C), substituted “such fiscal year” for “such 2 fiscal-year quarters”.

Subsec. (b)(5). Pub. L. 116-283, § 8240(e)(2)(D), substituted “such fiscal year” for “such 2 fiscal-year quarters”.

2018—Pub. L. 115-282, § 122(b), renumbered section 2906 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 5103(f)” for “section 2903(f)”.

§ 5108. Unfunded priorities list

(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 list of each unfunded priority for the Coast Guard.

(b) PRIORITIZATION.—The list required under subsection (a) shall present the unfunded priorities in order from the highest priority to the lowest, as determined by the Commandant.

(c) UNFUNDED PRIORITY DEFINED.—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.

(Added Pub. L. 115-282, title III, §317(b), Dec. 4, 2018, 132 Stat. 4251.)

§ 5109. Report on gender diversity in the Coast Guard

(a) IN GENERAL.—Not later than January 15, 2022, and biennially thereafter, 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 report on gender diversity in the Coast Guard.

(b) CONTENTS.—The report required under subsection (a) shall contain the following:

(1) GENDER DIVERSITY OVERVIEW.—An overview of Coast Guard active duty and reserve members, including the number of officers and enlisted members and the percentages of men and women in each.

(2) RECRUITMENT AND RETENTION.—

(A) An analysis of the changes in the recruitment and retention of women over the previous 2 years.

(B) A discussion of any changes to Coast Guard recruitment and retention over the previous 2 years that were aimed at increasing the recruitment and retention of female members.

(3) PARENTAL LEAVE.—

(A) The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.

(B) A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.

(4) LIMITATIONS.—An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of—

- (A) shipboard opportunities;
- (B) opportunities to serve at remote units; and
- (C) any other limitations on the opportunities of female members.

(5) PROGRESS UPDATE.—An update on the Coast Guard’s progress on the implementation of the action plan required under subsection (a) of section 8215 of the Elijah E. Cummings Coast Guard Authorization Act of 2020.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8215(d)(1), Jan. 1, 2021, 134 Stat. 4652.)

Editorial Notes

REFERENCES IN TEXT

Subsection (a) of section 8215 of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (b)(5), is section 8215(a) of Pub. L. 116-283, div. G, title LVXXXII [LXXXII], Jan. 1, 2021, 134 Stat. 4650, which is set out as a note under section 504 of this title.

§ 5110. Mission need statement

(a) IN GENERAL.—On the date on which the President submits to Congress a budget for fiscal year 2019 under section 1105 of title 31 and every 4 years thereafter, 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 an integrated major acquisition mission need statement.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) INTEGRATED MAJOR ACQUISITION MISSION NEED STATEMENT.—The term “integrated major acquisition mission need statement” means a document that—

(A) identifies current and projected gaps in Coast Guard mission capabilities using mission hour targets;

(B) explains how each major acquisition program addresses gaps identified under subparagraph (A) if funded at the levels provided for such program in the most recently submitted capital investment plan; and

(C) describes the missions the Coast Guard will not be able to achieve, by fiscal year, for each gap identified under subparagraph (A).

(2) MAJOR ACQUISITION PROGRAM.—The term “major acquisition program” has the meaning given that term in section 5103.

(3) CAPITAL INVESTMENT PLAN.—The term “capital investment plan” means the plan required under section 5102(a)(1).

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2940, §569; amended Pub. L. 112-213, title II, §217(8), Dec. 20, 2012, 126 Stat. 1558; Pub. L. 113-281, title II, §215(a), Dec. 18, 2014, 128 Stat. 3034; Pub. L. 114-120, title I, §102(f), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115-232, div. C, title XXXV, §3536, Aug. 13, 2018, 132 Stat. 2322; renumbered §1110 and amended Pub. L. 115-282, title I, §§108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240; renumbered §5110, Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(3), Jan. 1, 2021, 134 Stat. 4745.)

Editorial Notes**AMENDMENTS**

2021—Pub. L. 116-283 renumbered section 1110 of this title as this section.

2018—Pub. L. 115-282, §108(b), renumbered section 569 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “for fiscal year 2019” for “for fiscal year 2016” and struck out “, on the date on which the President submits to Congress a budget for fiscal year 2019 under such section,” after “section 1105 of title 31”.

Subsec. (b)(2). Pub. L. 115-282, §123(b)(2), substituted “section 5103” for “section 2903”.

Subsec. (b)(3). Pub. L. 115-282, §123(b)(2), substituted “section 5102(a)(1)” for “section 2902(a)(1)”.

2016—Subsec. (b)(2). Pub. L. 114-120, §102(f)(1), substituted “in section 2903” for “in section 569a(e)”.

Subsec. (b)(3). Pub. L. 114-120, §102(f)(2), substituted “under section 2902(a)(1)” for “under section 663(a)(1)”.

2014—Pub. L. 113-281 amended section generally. Prior to amendment, section related to submission of report, not later than Dec. 31, 2011, to appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period.

2012—Subsec. (a). Pub. L. 112-213 struck out “and annually thereafter,” after “December 31, 2011.”

Statutory Notes and Related Subsidiaries**ADDITIONAL SUBMISSIONS**

Pub. L. 114-120, title I, §101(f), Feb. 8, 2016, 130 Stat. 32, provided that: “The Commandant of the Coast Guard shall submit to the Committee on Homeland Security of the House of Representatives—

“(1) each plan required under section 2904 [now 5104] of title 14, United States Code, as added by subsection (a) of this section;

“(2) each plan required under section 2903(e) [now 5103(e)] of title 14, United States Code, as added by section 206 of this Act;

“(3) each plan required under section 2902 [now 5102] of title 14, United States Code, as redesignated by subsection (d) of this section; and

“(4) each mission need statement required under section 569 [now 5110] of title 14, United States Code.”

§ 5111. Report on diversity at Coast Guard Academy

(a) IN GENERAL.—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the status of the implementation of the plan required under section 8272 of the Elijah E. Cummings Coast Guard Authorization Act of 2020;

(2) specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy minority outreach team program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;

(3) enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

(4) information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty; and

(6) a summary of reported allegations of discrimination on the basis of race, color, national origin, sex, gender, or religion for the preceding 5 years.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8273, Jan. 1, 2021, 134 Stat. 4683.)

Editorial Notes**REFERENCES IN TEXT**

Section 8272 of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (b)(1), is section 8272 of Pub. L. 116-283, div. G, title LVXXXII [LXXXII], Jan. 1, 2021, 134 Stat. 4681, which is set out as a note under section 1901 of this title.

§ 5112. Sexual assault and sexual harassment in the Coast Guard

(a) IN GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults and incidents of sexual harassment involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults and incidents of sexual harassment against members of the Coast Guard, and the number of sexual assaults and incidents of sexual harassment by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault and sexual harassment involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault and sexual harassment involving members of the Coast Guard concerned.

(5)(A) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

(B) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).

(C) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).

(D) In this paragraph, the term “covered individual” means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.

(Added and amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8501(a)(7), Jan. 1, 2021, 134 Stat. 4745.)

Editorial Notes

CODIFICATION

Pub. L. 111–281, title II, § 217, Oct. 15, 2010, 124 Stat. 2917, formerly set out as a note under section 504 of this title, was redesignated as this section, transferred to appear after section 5111 of this title, and amended so that the enumerator, section catchline, typeface, and typestyle conformed to those appearing in other sections of this title by Pub. L. 116–283, § 8501(a)(7)(A).

AMENDMENTS

2021—Pub. L. 116–283, § 8501(a)(7)(A), (B)(i), redesignated section 217 of Pub. L. 111–281 as this section, made technical changes to conform this section to other sections of this title, and substituted section catchline for former section catchline “Report on Sexual Assaults in the Coast Guard”. See Codification note above.

Subsec. (b)(5). Pub. L. 116–283, § 8501(a)(7)(B)(ii), added par. (5).

§ 5113. Officers not on active duty promotion list

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 the number of Coast Guard officers serving at other Federal entities on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis, but not on the active duty promotion list.

(Added Pub. L. 117–263, div. K, title CXII, § 11236(b)(1), Dec. 23, 2022, 136 Stat. 4036.)

§ 5114. Expenses of performing and executing defense readiness missions

Not later than 1 year after the date of enactment of this section, and every February 1 thereafter, the Commandant 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 adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness mission activities, including—

(1) all expenses related to the Coast Guard’s coordination, training, and execution of defense readiness mission activities in the Coast Guard’s capacity as an armed force (as such term is defined in section 101 of title 10) in support of Department of Defense national security operations and activities or for any

other military department or Defense Agency (as such terms are defined in such section);

(2) costs associated with Coast Guard detachments assigned in support of the defense readiness mission of the Coast Guard; and

(3) any other related expenses, costs, or matters the Commandant considers appropriate or otherwise of interest to Congress.

(Added Pub. L. 117–263, div. K, title CXII, § 11256(a), Dec. 23, 2022, 136 Stat. 4056.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 117–263, which was approved Dec. 23, 2022.

§ 5115. Major grants, contracts, or other transactions

(a) NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (b), the Commandant shall notify the appropriate committees of Congress and the Coast Guard Office of Congressional and Governmental Affairs not later than 3 full business days in advance of the Coast Guard—

(A) making or awarding a grant allocation or grant in excess of \$1,000,000;

(B) making or awarding a contract, other transaction agreement, or task or delivery order for the Coast Guard on the multiple award contract, or issuing a letter of intent totaling more than \$4,000,000;

(C) awarding a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Coast Guard funds;

(D) making a sole-source grant award; or

(E) announcing publicly the intention to make or award an item described in subparagraph (A), (B), (C), or (D), including a contract covered by the Federal Acquisition Regulation.

(2) ELEMENT.—A notification under this subsection shall include—

(A) the amount of the award;

(B) the fiscal year for which the funds for the award were appropriated;

(C) the type of contract;

(D) an identification of the entity awarded the contract, such as the name and location of the entity; and

(E) the account from which the funds are to be drawn.

(b) EXCEPTION.—If the Commandant determines that compliance with subsection (a) would pose a substantial risk to human life, health, or safety, the Commandant—

(1) may make an award or issue a letter described in such subsection without the notification required under such subsection; and

(2) shall notify the appropriate committees of Congress not later than 5 full business days after such an award is made or letter issued.

(c) APPLICABILITY.—Subsection (a) shall not apply to funds that are not available for obligation.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(Added Pub. L. 117-263, div. K, title CXII, § 11262(a), Dec. 23, 2022, 136 Stat. 4060.)