

ality] 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 future-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. 114-4, 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 2902] 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.”

§ 2903. 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 562(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—

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

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

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

(f) QUARTERLY UPDATES ON RISKS OF PROGRAMS.—

(1) IN GENERAL.—Not later than 15 days after the end of each fiscal year quarter, the Commandant of the Coast Guard shall submit to the committees of Congress specified in subsection (a) an update setting forth a current assessment of the risks associated with all current major acquisition programs.

(2) ELEMENTS.—Each update under this subsection shall set forth, for each current major acquisition program, the following:

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

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

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

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

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

(g) 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.)

REFERENCES IN TEXT

Section 562(c), referred to in subsec. (c)(2), 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.

AMENDMENTS

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).

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 569 of this title.

¹ See References in Text note below.

§ 2904. 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 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 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 2903 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.)

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 569 of this title.