



COMDTINST 5860.2C

12 OCT 2012

COMMANDANT INSTRUCTION 5860.2C

Subj: COAST GUARD LEGISLATION

- Ref: (a) Handling of Inquiries from Outside the Coast Guard Concerning Budget and Program Matters, HQINST 5216.16 (series)
- (b) Policy and Procedures for Approving the Participation and Testimony of Coast Guard Employees Before Non-Federal Executive or Legislative Proceedings, COMDTINST 5730.4 (series)
- (c) Preparation of Regulations, COMDTINST M16703.1 (series)

- PURPOSE.** This Instruction sets forth the process by which program directors will develop and submit legislative change proposals (LCPs) to the Office of Legislation (CG-0947). Additionally, this Instruction provides guidance with regard to the submission of views on legislative proposals, legislation, or legislative materials to the Office of Legislation (CG-0947).
- ACTION.** All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Instruction. Internet release is authorized.
- DIRECTIVES AFFECTED.** Coast Guard Legislation, COMDTINST 5860.2B is cancelled.
- PROCEDURE.** All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall follow the directions in this Instruction with regard to the development and submission of LCPs and the submission of views on legislative proposals, legislation, or legislative materials.
- MAJOR CHANGES.** This Instruction substantively revises the process by which program directors develop and submit LCPs.

DISTRIBUTION – SDL No. 161

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NON-STANDARD DISTRIBUTION:

6. **REQUESTS FOR CHANGES.** Units and individuals may recommend changes in writing via the chain of command to: Judge Advocate General (CG-094); U.S. Coast Guard; 2100 2ND ST SW STOP 7121; WASHINGTON, DC 20593-7121.
7. **DEFINITIONS.** For the purposes of this Instruction—
- a. **Drafting Assistance.** The term “drafting assistance” means legislative text that the Coast Guard develops at the request of a Member of Congress, the Member’s staff, or congressional committee staff.
 - b. **Legislation.** The term “legislation” means a bill, resolution, or amendment that is pending before Congress.
 - c. **Legislative Change Proposal.** The term “legislative change proposal” (or the acronym “LCP”) means a program director’s recommendation with regard to a change in federal law.
 - d. **Legislative Material.** The term “legislative material” means any written expression of official views on legislation (excluding testimony) that an Executive Branch department or agency has prepared and proposes to transmit to Congress (*e.g.*, a views letter or a Statement of Administration Policy).
 - e. **Legislative Proposal.** The term “legislative proposal” means a draft bill, resolution, or amendment that an Executive Branch department or agency has prepared and proposes to present to Congress.
 - f. **Program Director.** The term “program director” includes the Directors (CG-00H), (CG-092), (CG-095), and (CG-DOL); the Chaplain of the Coast Guard (CG-00A); the Master Chief Petty Officer of the Coast Guard (CG-00B); the Chief Administrative Law Judge of the Office of the Administrative Law Judge (CG-00J); the Judge Advocate General (CG-094); the Assistant Commandants (CG-1), (CG-2), (CG-4), (CG-5), (CG-6), (CG-7), (CG-8), and (CG-9); the Deputy Commandant for Operations (CG-DCO); Deputy Commandant for Mission Support (CG-DCMS); the Commander, Atlantic Area (LANTAREA); the Commander, Pacific Area (PACAREA); the Commander, Force Readiness Command (FORCECOM); District Commanders; and the Superintendent of the Coast Guard Academy.
 - g. **Program Legislation Coordinator.** The term “program legislation coordinator” means the individual whom a program director designates to serve as a program’s primary point of contact for the development and submission of LCPs and the submission of views on legislative proposals, legislation, or legislative materials.
 - h. **Views.** The term “views” means formal and informal comments on a legislative proposal, legislation, or legislative material. The term “views” may include drafting assistance.
8. **SOLICITATIONS, REQUESTS FOR VIEWS, AND SUBMISSIONS.** Program directors and program legislation coordinators should anticipate that the Office of Legislation (CG-0947) will solicit LCPs and request views by electronic mail. Unless otherwise instructed, program directors and program legislation coordinators should respond by electronic mail to the person or persons whom the Office of Legislation (CG-0947) identifies in the solicitation or request.

9. SCOPE.

- a. In General. This Instruction sets forth the process by which program directors will develop and submit legislative change proposals (LCPs) to the Office of Legislation (CG-0947). Additionally, this Instruction provides guidance with regard to the submission of views on legislative proposals, legislation, or legislative materials to the Office of Legislation (CG-0947).
- b. Exceptions. This Instruction does not address:
 - (1) Testimony, Reports, and Budget Materials. Reference (a) governs the preparation and clearance of Coast Guard testimony to be presented by Coast Guard witnesses before Congress, Coast Guard reports to Congress, and Coast Guard budget and appropriations materials.
 - (2) Appearances Before Non-Federal Entities. Reference (b) governs the consideration of requests by Coast Guard personnel to appear before, and present testimony to, non-federal executive and legislative entities.
 - (3) Regulations. Reference (c) governs the preparation and clearance of proposed Coast Guard regulations and review and comment on other agencies' proposed regulations.
 - (4) Communications with Congress on Other Issues. The Office of Congressional Affairs (CG-0921) and the Office of Budget and Programs (CG-82) coordinate communications with Congress.
 - (5) Legal Opinions and Advice. Questions about the application or interpretation of current laws should be addressed to the servicing legal office.

10. LEGISLATIVE CHANGE PROPOSAL.

- a. Introduction. The process set forth below provides for the development and submission of LCPs to the Judge Advocate General (CG-094), through the Office of Legislation (CG-0947).
- b. Responsibilities.
 - (1) Program Director. The program director shall—
 - (a) designate a program legislative coordinator to serve as the program's primary point of contact for the development and submission of LCPs;
 - (b) ensure that each Notice of a Legislative Change Proposal and each LCP takes the form prescribed herein; and
 - (c) approve or disapprove each LCP that a subordinate officer may develop and submit.
 - (2) Judge Advocate General (CG-094). The Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will coordinate the development and submission of LCPs. Additionally, the Judge Advocate General (CG-094) will make a recommendation with regard to the approval or disapproval of each LCP.

- (3) Assistant Commandant for Resources/Chief Financial Officer (CG-8). The Assistant Commandant for Resources/Chief Financial Officer (CG-8) will make a recommendation with regard to the approval or disapproval of each LCP.
 - (4) Director for Governmental and Public Affairs (CG-092). The Director for Governmental and Public Affairs (CG-092) will make a recommendation with regard to the approval or disapproval of each LCP.
 - (5) Vice Commandant (VCG). The VCG will make a recommendation with regard to the approval or disapproval of each LCP.
 - (6) Commandant (CCG). The CCG will approve or disapprove each LCP.
- c. Process. The timeline for the development and consideration of LCPs is set forth below.
- (1) 15 November – Guidance. Not later than 15 November of each year, the VCG may, in conjunction with guidance on budget and programs, provide guidance that is appropriate for the development of LCPs.
 - (2) 1 February – Solicitation. Not later than 1 February of each year, the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will solicit LCPs from the program directors. When appropriate, the Judge Advocate General (CG-094), in consultation with the Assistant Commandant for Resources/Chief Financial Officer (CG-8) and the Director for Governmental and Public Affairs (CG-092), may provide supplemental guidance (including guidance from the Department of Homeland Security and any necessary adjustments to the timeline) that is appropriate for the development of LCPs.
 - (3) 15 February – Notice of Legislative Change Proposal.
 - (a) Not later than 15 February of each year, each office chief who intends to sponsor an LCP for consideration shall submit a Notice of Legislative Change Proposal to the Office of Legislation (CG-0947). The office chief shall ensure that the Notice takes the form set forth at Enclosure (1).
 - (b) Unless otherwise instructed, the office chief shall maintain the original Notice and submit an electronic facsimile of the original as an attachment to electronic mail to the Office of Legislation (CG-0947).
 - (c) Upon receipt of a Notice of Legislative Change Proposal, the Office of Legislation (CG-0947) will forward the Notice to the Office of Budget and Programs (CG-82) and the Office of Congressional Affairs (CG-0921).
 - (d) Subsequent to the submission of a Notice, and prior to the submission of the LCP, the office chief shall collaborate with the Office of Legislation (CG-0947), other Commandant (CG-094) offices, the Office of Budget and Programs (CG-82), and the Office of Congressional Affairs (CG-0921) with regard to the development of the LCP

(e.g., development of the legislative text, analysis, regulatory impact statement, and resource impact statement).

(4) 1 May – Submission.

- (a) Not later than 1 May of each year, the program directors shall submit LCPs to the Office of Legislation (CG-0947). Each program director shall ensure that each LCP that he or she submits takes the form set forth at Enclosure (2). In the case of a program director who is subordinate to the Deputy Commandant for Operations (CG-DCO) or to the Deputy Commandant for Mission Support (CG-DCMS), the program director shall follow the guidance of the Deputy Commandant for Operations (CG-DCO) or the Deputy Commandant for Mission Support (CG-DCMS), as the case may be, with regard to whether the Deputy Commandant will sign the LCP.
- (b) Unless otherwise instructed, the program director shall maintain the original LCP and submit an electronic facsimile of the original as an attachment to electronic mail to the Office of Legislation (CG-0947).
- (c) Upon receipt of an LCP, the Office of Legislation (CG-0947) will forward the LCP to the Office of Budget and Programs (CG-82) and the Office of Congressional Affairs (CG-0921).

(5) 1 July – Recommendations.

- (a) Not later than 1 July of each year, the Assistant Commandant for Resources/Chief Financial Officer (CG-8) and the Director for Governmental and Public Affairs (CG-092) shall, in a form or by a means that is mutually agreeable, separately forward his or her recommendation for each LCP to the Judge Advocate General (CG-094).
 - (b) In turn, the Judge Advocate General (CG-094) shall, in a form or by a means that the Vice Commandant (VCG) may direct, forward his or her recommendation for each LCP, along with the recommendations of the Assistant Commandant for Resources/Chief Financial Officer (CG-8) and the Director for Governmental and Public Affairs (CG-092), to the Vice Commandant (VCG).
 - (c) In the event that the Judge Advocate General (CG-094), the Assistant Commandant for Resources/Chief Financial Officer (CG-8), and the Director for Governmental and Public Affairs (CG-092) unanimously agree that an LCP should not be forwarded to the Vice Commandant (VCG), the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will notify the program director.
 - (d) In turn, the Vice Commandant (VCG) will make a recommendation with regard to the approval or disapproval of each LCP.
- (6) Action. The Commandant (CCG) will approve or disapprove each LCP. The target date for action is 1 September of each year.

d. Clearance.

- (1) Not later than 15 days after the date that the Commandant (CCG) approves an LCP, the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will prepare it for review by the Department of Homeland Security and clearance by the Office of Management and Budget.
- (2) After the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), submits an LCP to the Department of Homeland Security, departmental staff may request additional background information, including information on costs, impacts, and benefits. Similarly, after the Department of Homeland Security submits the LCPs to the Office of Management and Budget for clearance, the Office of Management and Budget staffs, as well as the staffs of other federal departments and agencies, may request additional background information, including information on costs, impacts, and benefits. The Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will coordinate both the requests and the responses, as well as any proposed changes to an LCP that are necessary for clearance, with the program director. Failure to provide a complete, accurate, and timely response to an inquiry about an LCP significantly reduces the likelihood that either the Department of Homeland Security will approve or the Office of Management and Budget will clear it.

e. Presentation.

- (1) After the Office of Management and Budget clears an LCP, the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will prepare it for presentation to Congress (*i.e.*, reformat the LCP as a legislative proposal).
 - (2) After the Office of Congressional Affairs (CG-0921) or the Office of Legislative Affairs, Department of Homeland Security, transmits a Coast Guard legislative proposal to Congress, a Member of Congress, a Member's staff, or congressional committee staff may request additional background information on the proposal, including information on costs, impacts, and benefits. The Office of Congressional Affairs (CG-0921) will coordinate these inquiries either through the Office of Legislation (CG-0947), the Office of Budget and Programs (CG-82), or both. Failure to provide a complete, accurate, and timely response to an inquiry about a Coast Guard legislative proposal significantly reduces the likelihood that Congress will enact it.
 - (3) Additionally, the Congressional Budget Office may request additional information on costs. The Office of Legislation (CG-0947), the Office of Budget and Programs (CG-82), or both will coordinate these inquiries. Failure to provide a complete, accurate, and timely response to an inquiry about a Coast Guard legislative proposal significantly reduces the likelihood that Congress will enact it.
- f. Previously-Approved LCP. A program director who sponsors an LCP that the Department of Homeland Security did not approve, the Office of Management and Budget did not clear, or Congress did not enact may resubmit the LCP for consideration in the next legislative cycle.

However, the program director should critically review the LCP to determine whether it is needed or has any chance for future success. In the event that the Office of Management and Budget clears an LCP too late for timely congressional consideration, the Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), may waive this requirement and resubmit the LCP without further action on the part of the program director.

g. Off-Cycle LCP.

- (1) Although a program director should anticipate the need for legislation and submit an LCP in accordance with the schedule established by this Instruction, the program director who identifies a need for an LCP outside the normal cycle may submit the LCP to the Judge Advocate General (CG-094), through the Office of Legislation (CG-0947).
- (2) The LCP must be accompanied by a memorandum clearly explaining why the LCP should be developed outside the normal cycle.
- (3) The program director shall maintain the original LCP and submit an electronic facsimile of the original as an attachment to electronic mail to the Office of Legislation (CG-0947). The office chief shall ensure that the LCP takes the form set forth at Enclosure (2).
- (4) Upon receipt of the LCP, the Office of Legislation (CG-0947) will forward the LCP to the Office of Budget and Programs (CG-82) and the Office of Congressional Affairs (CG-0921).

11. LEGISLATIVE PROPOSALS, LEGISLATION, AND LEGISLATIVE MATERIALS.

a. Introduction. The Office of Congressional Affairs (CG-0921) – on behalf of Members of Congress, the Members’ staffs, and congressional committee staffs – may request the Coast Guard’s views on legislation. Similarly, the Department of Homeland Security and the Office of Management and Budget may request the Coast Guard’s views on legislative proposals, legislation, and legislative materials.

b. Responsibilities.

- (1) Judge Advocate General (CG-094). The Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will screen each request to determine whether the legislative proposal, legislation, or legislative material has implications for Coast Guard interests; solicit program views on the legislative proposal, legislation, or legislative material; and prepare the consolidated Coast Guard views.
- (2) Program Legislation Coordinator. The program legislation coordinator shall serve as the program’s primary point of contact for the submission of views on legislative proposals, legislation, or legislative materials.

c. Views. A program should limit its views on legislative proposals, legislation, or legislative materials to those elements that would impact the program or the Service. The program need not highlight issues of possible concern to other agencies, as the Coast Guard generally does not comment on impacts outside the Service.

d. Drafting Assistance.

(1) Introduction. When requesting views on legislation, a Member of Congress, a Member's staff, or congressional committee staff may request drafting assistance.

(2) Responsibilities.

(a) Director for Governmental and Public Affairs (CG-092). The Director for Governmental and Public Affairs (CG-092) will determine the nature of the request for drafting assistance.

(b) Judge Advocate General (CG-094). The Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will determine whether the Coast Guard will respond to a request for drafting assistance, coordinate the development of drafting assistance, and return the Coast Guard-prepared drafting assistance to the Office of Congressional Affairs (CG-0921).

(2) Confidentiality. As a matter of practice, and given the political implications that flow from disclosure, all requests for drafting assistance, as well as the drafting assistance itself, shall be treated as confidential. Any question regarding any request for drafting assistance or the drafting assistance itself should be referred to the Office of Legislation (CG-0947).

e. Process. Unlike the process for developing and submitting LCPs, the process for submitting views is less structured, less formal. The Judge Advocate General (CG-094), acting through the Office of Legislation (CG-0947), will provide the necessary guidance with regard to the submission of the views (including drafting assistance).

12. INTERAGENCY WORKING GROUPS. Program directors and their staff often participate in interagency working groups that develop legislative proposals, some of which may have policy or budgetary impacts on the Coast Guard. Program legislative coordinators shall notify the Office of Legislation (CG-0947) when program staffs become involved in developing legislation so the Coast Guard can ensure support and coordination.

13. DISCLAIMER. This Instruction is not a substitute for applicable legal requirements and it itself is not a rule. It is intended to provide operational guidance for Coast Guard personnel; it is not intended to impose, nor does it impose, legally-binding requirements on any party outside the Coast Guard.

14. RECORDS MANAGEMENT CONSIDERATIONS. This Instruction has been evaluated for potential records management impacts. The development of this Instruction has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with the Federal Records Act, 44 U.S.C. 3101 *et seq.*, National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.

15. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2 and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Instruction contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard CE #33 is appropriate.
- b. This Instruction will not cause any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security and Coast Guard NEPA policy, and compliance with all other environmental mandates. Due to the administrative and procedural nature of this Instruction, and the environmental guidance provided within it for compliance with all applicable environmental laws prior to promulgating any directive, all applicable environmental considerations are addressed appropriately in this Instruction.

16. FORMS/REPORTS. Request for Records Disposition Authority, Standard Form 115, can be downloaded at <http://www.gsa.gov/portal/forms/type/SF>.

J. P. Currier /s/
Vice Admiral, U.S. Coast Guard
Vice Commandant

Encl: (1) Notice of Legislative Change Proposal
(2) Legislative Change Proposal

NOTICE OF LEGISLATIVE CHANGE PROPOSAL

LCP IDENTIFICATION NUMBER: CYxxxx-CG-xxxx-xx [1]

LCP TITLE: [2]

DESCRIPTION: [3]

GUIDANCE STATEMENT: This LCP— [4]

- Comports with guidance.
- Is a miscellaneous initiative.
- If enacted, would remedy a statutory deficiency.
- If enacted, would constitute organic authority.
- If enacted, would impose a statutory mandate.

REGULATORY IMPACT: Enactment of this LCP— [5]

- Would require a regulatory action.
- Would require a significant regulatory action.

BUDGETARY IMPACT: Enactment of this LCP— [6]

- Will not impact discretionary spending, direct spending, or receipts.
- May impact discretionary spending (and the impact will be absorbed within the program's base), but will not impact direct spending or receipts.
- Will impact discretionary spending, direct spending, or receipts.

PROJECT OFFICER: [7]

SUBMITTED BY: [8]

OFFICE CHIEF **DATE:** _____

REVIEWED AND FORWARDED BY:

DATE: _____

DIRECTORATE DIRECTOR

- [1] Each legislative change proposal (LCP) shall be given a unique number, consisting of three elements: (a) the calendar year in which the sponsor submits the LCP (CYxxxx), (b) the sponsor's program routing symbol (*e.g.*, "CG-0947" for the Office of Legislation (CG-0947)), and (c) a sequential number (*e.g.*, "-01").
- [2] The sponsor shall provide a descriptive title for the proposed LCP.
- [3] The sponsor shall provide a concise statement of the problem and the proposed statutory solution. Draft legislative text need not be developed at this stage.
- [4] The sponsor, in consultation with the Office of Legislation (CG-0947), shall indicate whether the proposed LCP (a) comports with guidance or is a miscellaneous initiative; and (b) would constitute a legislative remedy, organic authority, or a statutory mandate.
- [5] The sponsor, in consultation with the Office of Regulations and Administrative Law (CG-0943), shall indicate the anticipated regulatory impact of the proposed LCP.
- [6] The sponsor, in consultation with the Office of Budget and Programs (CG-082), shall indicate the anticipated

Enclosure (1) to COMDTINST 5860.2C

budgetary impact of the proposed LCP.

[7] The sponsor shall provide the name of the principle point of contact for the proposed LCP.

[8] The sponsor and the Directorate Director shall sign and date the Notice of Legislative Change Proposal.

LEGISLATIVE CHANGE PROPOSAL

LCP IDENTIFICATION NUMBER: CYxxxx-CG-xxxx-xx [1]

LCP TITLE: [2]

DESCRIPTION: [3]

GUIDANCE STATEMENT: This LCP— [4]

- Comports with guidance.
- Is a miscellaneous initiative.
- If enacted, would remedy a statutory deficiency.
- If enacted, would constitute organic authority.
- If enacted, would impose a statutory mandate.

REGULATORY IMPACT: Enactment of this LCP— [5]

- Will require a regulatory action.
- Will require a significant regulatory action.

BUDGETARY IMPACT: Enactment of this LCP— [6]

- Will not impact discretionary spending, direct spending, or receipts.
- May impact discretionary spending (and the impact will be absorbed within the program's base), but will not impact direct spending or receipts.
- Will impact discretionary spending, direct spending, or receipts.

PROJECT OFFICER: [7]

SUBMITTED BY: [8]

OFFICE CHIEF **DATE:** _____

REVIEWED AND FORWARDED BY:

DIRECTORATE DIRECTOR **DATE:** _____

PROGRAM DIRECTOR **DATE:** _____

DEPUTY COMMANDANT [9] **DATE:** _____

JUDGE ADVOCATE GENERAL (CG-094) REVIEW:

I RECOMMEND THIS LCP BE ____ APPROVED ____ DISAPPROVED ____ REVISED

DATE: _____

JUDGE ADVOCATE GENERAL

ASSISTANT COMMANDANT FOR RESOURCES/CHIEF FINANCIAL OFFICER (CG-8) REVIEW:

I RECOMMEND THIS LCP BE ____ APPROVED ____ DISAPPROVED ____ REVISED

DATE: _____

ASSISTANT COMMANDANT FOR RESOURCES/CHIEF FINANCIAL OFFICER

DIRECTOR FOR GOVERNMENTAL AND PUBLIC AFFAIRS (CG-092) REVIEW:

I RECOMMEND THIS LCP BE ____ APPROVED ____ DISAPPROVED ____ REVISED

DATE: _____

DIRECTOR FOR GOVERNMENTAL AND PUBLIC AFFAIRS

- [1] Each legislative change proposal (LCP) shall be given a unique number, consisting of three elements: (a) the calendar year in which the sponsor submits the LCP (CYxxxx), (b) the sponsor's program routing symbol (e.g., "CG-0947" for the Office of Legislation (CG-0947)), and (c) a sequential number (e.g., "-01").
- [2] The sponsor shall provide a descriptive title for each LCP.
- [3] The sponsor shall provide a concise statement of the problem and the proposed statutory solution.
- [4] The sponsor, in consultation with the Office of Legislation (CG-0947), shall indicate whether the LCP (a) comports with guidance or is a miscellaneous initiative; and would constitute a legislative remedy, organic authority, or a statutory mandate.
- [5] The sponsor, in consultation with the Office of Regulations and Administrative Law (CG-0943), shall indicate the anticipated regulatory impact of the LCP.
- [6] The sponsor, in consultation with the Office of Budget and Programs (CG-082), shall indicate the anticipated budgetary impact of the LCP.
- [7] The sponsor shall provide the name of the principle point of contact for the LCP.
- [8] The sponsor, the Directorate Director, and the Program Director shall sign and date the LCP.
- [9] In the case of a program director who is subordinate to the Deputy Commandant for Operations (CG-DCO) or the Deputy Commandant for Mission Support (CG-DCMS), the program director shall follow the guidance of the Deputy Commandant for Operations (CG-DCO) or the Deputy Commandant for Mission Support (CG-DCMS), as the case may be, with regard to whether the Deputy Commandant will sign the LCP.

LEGISLATIVE CHANGE PROPOSAL

1. LCP IDENTIFICATION NUMBER. [*Insert LCP Identification Number, shown on page 1, here.*]
2. LCP TITLE. [*Insert LCP Title, shown on page 1, here.*]
3. PROJECT OFFICER. [*Insert name of the point of contact for the LCP, shown on page 1, here.*]
4. EXECUTIVE SUMMARY.
 - a. Problem Statement. [*Provide a concise statement of the problem either created by the absence of statutory authority necessary to accomplish a mission or the conflict/ambiguity of existing law.*]
 - b. Desired Result/Recommended Legislative Action. [*Provide a concise statement of the proposed legislative text.*]
 - c. Policy/Resource Implications of Proposed Change. [*Provide a brief summary of any significant policy or resource implications, and indicate whether any resource requirements are reflected in the program's budget request.*]
5. BACKGROUND.
 - a. History. [*Briefly discuss how the need for legislative action was identified (e.g., authority gap found during casualty investigation) and any previous attempts to obtain or exercise the desired authority. If previously submitted as an LCP, discuss why the proposal was not successful.*]
 - b. Existing Authority. [*Identify the Coast Guard's existing authority, if any, and any risks associated with continuing to rely on the existing authority. Identify other executive agencies or departments that have similar or related authority, and, if so, provide justification for granting duplicate authority to the Coast Guard. Any proposal that would modify another agency's authority must have strong justification and be coordinated with that agency.*]
6. LEGISLATIVE PROPOSAL.
 - a. Legislative text. [*Insert proposed legislative text (to be developed in consultation with the Office of Legislation (CG-0947)) here.*]
 - b. Comparative type. [*Insert proposed comparative type (to be developed in consultation with the Office of Legislation (CG-0947)) here.*]
 - c. Analysis. [*Insert proposed analysis (to be developed in consultation with the Office of Legislation (CG-0947)) here.*]
7. REGULATORY IMPACT. [*Insert program routing symbol here*], in consultation with the Office of Regulations and Administrative Law (CG-0943) and the Office of Legislation (CG-0947), has determined that this LCP ____ can / ____ cannot be drafted as self-executing law. [*Each legislative*

proposal that will impact the Coast Guard's rulemaking agenda or adjust the prioritization of the existing backlog of rulemaking projects must contain an assessment of the scope and cost of the anticipated rulemaking project. If the program director indicates that the LCP cannot be drafted as self-executing law, then include the following material to indicate the scope of the projected rulemaking project and estimate the impact of the project on the Coast Guard's existing resources and overall rulemaking agenda. Keep in mind that a typical notice and comment rulemaking project has a 3-5 year lifecycle.]

a. Estimate of Regulated Population.

- (1) Number of vessels or vessel owners impacted: ____.
- (2) Number of licensed mariners impacted: ____.
- (3) Number of waterfront facilities impacted: ____.
- (4) Other regulated entities impacted (list type & number):
 - (a) Number of _____ impacted: ____.
 - (b) Number of _____ impacted: ____.
 - (c) Number of _____ impacted: ____.

b. Projected Need for Public Meetings.

- (1) Number of Districts projected to hold public meetings as part of the rulemaking process: ____.
- (2) Number of public meetings per District: ____.
- (3) Total number of projected public meetings: ____.

c. Projected Headquarters Rulemaking Development Staff Requirements.

- (1) Required Staff: _____. [*Programs should plan on a minimum of 5 FTE for the rulemaking project (i.e., a subject matter expert, a regulatory development manager, a project counsel, an economist, and a technical writer (contractor)).*]
- (2) Discretionary Program Staff: _____. [*Indicate the number of FTE the initiating Program will commit if legislative proposal is enacted.*]

d. Assessment of Overall Rulemaking Impact. Enactment of this LCP would require an— [*select one*]

_____ Exec. Order No. 12866 Regulatory Action [*Any substantive action by the Coast Guard (normally published in the Federal Register) that promulgates or is expected*]

to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.]

_____ Exec. Order No. 12866 Significant Regulatory Action [*Any regulatory action that is likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.*]

8. **BUDGET IMPACT.** [*Insert program routing symbol here*], in consultation with the Office of Budget and Programs (CG-82), has determined that (select one):
 - a. **Statement of No Cost/No Savings.**—Enactment of this LCP will neither require additional federal resources, nor result in cost savings.
 - b. **Estimate of Cost Savings.**—Enactment of this LCP will result in a cost savings of \$_____ or \$_____ per year.
 - c. **Statement of Costs.**—Enactment of this LCP will require additional federal resources as set forth in the table below:

Resource Requirements (\$ in Millions)					
	FY+1	FY+2	FY+3	FY+4	FY+5
Costs					
Offsets					

[Estimate the resource requirements that would be needed if Congress were to enact the LCP. Indicate whether those resource requirements are included in the program’s budget request for the year in which enactment is desired; and, if the LCP would increase direct spending or decrease receipts, indicate the offset.]

9. **PRIORITY.** [*Describe the relationship between a priority and the LCP. If there is no relationship between the LCP and a priority, or if the LCP is a miscellaneous legislative initiative, then state the following “There is no nexus between a stated priority of the President, the Secretary, or the Commandant and this LCP.” or “This is a miscellaneous legislative initiative.”*]
10. **JUSTIFICATION FOR RESUBMISSION.** [*If the LCP is one that the Department of Homeland Security did not approve, the Office of Management and Budget did not clear, or Congress did not enact, describe the rationale for resubmitting the LCP.*]
11. **POINT OF CONTACT.** [*Indicate name, program, and telephone number of the program subject matter expert.*]

12. FEDERAL POLICY CONSIDERATIONS. Each LCP must address each of the following:

- a. Administration Policy. [*Describe how the proposal supports overall Coast Guard, Department of Homeland Security, or Administration policies (e.g., promotes economic growth, protects the environment).*]
- b. Civil Rights. [*Describe the proposal's impact on federal civil rights, including any direct or indirect impacts on any specific class of people. If none, then state the following: "There is no substantial likelihood that this proposal would have a disparate impact on a class of persons distinguished by race, color, national (ethnic) origin, religion, gender, age, or physical or mental handicaps."*]
- c. Economic Impact. [*Describe the proposal's economic impact on industry, the general public, and state, local, or tribal governments, and include an estimate of potential costs or cost savings. If none, then state the following: "There is no likelihood that this proposal would have a significant economic impact." Potential economic impacts on small entities, including small businesses, organizations, and small governmental jurisdictions, must be specifically addressed. If none, then state the following: "There is no likelihood that this proposal would have a significant economic impact on a substantial number of small entities."*]
- d. Environmental Impact. [*Describe the proposal's impact on the environment, whether positive or negative. If none, then state the following: "There is no likelihood that this proposal would have a significant effect on the quality of the human environment." See National Environmental Policy Act, 42 U.S.C. 4321 et seq., and Environmental and Initial Assessment Survey (IAS) Program, COMDTINST M16475.5 (series).*]
- e. Federal and non-Federal Paperwork Requirements. [*Describe any new reporting or record-keeping requirements that would result from the proposal and draft a Request for Records Disposition Authority, Standard Form 115, to document record keeping requirements. If none, then state the following: "There is no likelihood that this proposal would impose any new reporting or record-keeping requirements." In addition, provide a copy of existing SSIC/schedule from the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series), that does provide the record keeping requirements. See Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.; 5 CFR 1320.10, 36 CFR 1220; Office of Management and Budget annual bulletins concerning Information Collection Budgets.*]
- f. Federal Criminal Law Enforcement Authority. [*Any proposal that involves new law enforcement authority, new authority to carry firearms, or new authority to make arrests, searches, or seizures, must be reviewed by the Department of Justice and include specific justification. For the Coast Guard, "new authority" means authority outside the Coast Guard's traditional role as a maritime law enforcement agency. See U.S. Attorney General Memorandum, "Guidelines for Legislation Involving Federal Criminal Law Enforcement Authority," 29 June 1984. If none, then state the following: "There is no likelihood that this proposal would impose new federal criminal law enforcement authority."*]
- g. Federalism. [*Describe any impact the proposed change may have on the traditional authority of state, local, or tribal governments or conflict with existing state law. If none, then state the*

following: “There is no likelihood that this proposal would have a substantial effect on the traditional authority or jurisdiction of state, local, or tribal governments.” See Exec. Order No. 13132, 64 FR 43255 (1999).]

- h. Privacy. [*Describe any impact the proposal may have on the personal privacy of members of the public. If none, then state the following: “There is no likelihood that this proposal would have an impact on personal privacy.” See Privacy Act of 1974, 5 U.S.C. § 552a; Homeland Security Act of 2002 § 222(4) (6 U.S.C. § 142(4)); E-Government Act of 2002 § 208 (44 U.S.C. 3501 note).*]

13. POTENTIAL FOR SUCCESS. [*Insert program routing symbol here*], in consultation with the Office of Legislation (CG-0947), the Office of Budget and Programs (CG-821), and the Office of Congressional Affairs (CG-0921), has determined the following:

- a. Interested Agencies, Groups, or Individuals. [*Identify other government agencies, groups, or individuals (particularly Members of Congress, their staffs, or congressional committee staffs) that are expected to have an interest in this proposal, and any expected support or opposition.*]
- b. Drawbacks. [*Discuss any negative repercussions the proposal may have, including any potential backlash that it may create.*]
- c. Prior Legislative Strategy. [*Discuss any prior efforts such as interagency working groups, consultations with advisory committees, public meetings, or meetings with Members of Congress or congressional staff, that led to development of this proposal. Identify any plans to build support for this proposal with other government agencies.*]
- d. Likelihood of Success. [*Provide a good-faith estimate of the proposal’s chances of enactment.*]