

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO COMMITTEE PRINT
OFFERED BY MR. CARBAJAL OF CALIFORNIA**

At the end, add the following:

1 SEC. 100010. ADDITIONAL FUNDS.

2 (a) IN GENERAL.—In addition to amounts otherwise
3 made available, there is appropriated to the Commandant
4 of the Coast Guard, \$100,000,000 for fiscal year 2025,
5 \$100,000,000 for fiscal year 2026, \$100,000,000 for fis-
6 cal year 2027, \$100,000,000 for fiscal year 2028, and
7 \$100,000,000 for fiscal year 2029 for the purposes of pro-
8 viding reimbursement to victims of sexual assault under
9 section 2780 of title 14, United States Code, as added by
10 this Act.

11 (b) VICTIMS COMPENSATION FUND.—Subchapter III
12 of chapter 27 of title 14, United States Code, is amended
13 by adding after Section 2779 the following new section:

14 “SEC. 2780. VICTIMS COMPENSATION FUND.

15 “(a) IN GENERAL.—It is the purpose of this section
16 to provide compensation to any eligible member of the
17 Coast Guard who was a victim of sexual assault.

1 “(b) ADMINISTRATION.—Not later than 180 days
2 after the enactment of this section, the Commandant
3 shall—

4 “(1) administer the compensation program es-
5 tablished under this section;

6 “(2) promulgate all procedural and substantive
7 policies for the administration of this section; and

8 “(3) employ administrative personnel to per-
9 form the duties required under this section.

10 “(c) FILING OF CLAIMS.—

11 “(1) IN GENERAL.—Claims may be filed under
12 this subsection based on the following:

13 “(A) A victim filing a claim under this
14 subsection must only make a prima facie case
15 that a sexual assault occurred in order to meet
16 the eligibility criteria under subparagraphs (2)
17 and (3).

18 “(B) The claim shall be submitted in ac-
19 cordance with paragraph (3).

20 “(C) The Claim shall include the amount
21 of compensation sought.

22 “(2) ELIGIBILITY.—The following persons who
23 are victims of a sexual assault are eligible to file a
24 claim under this subsection:

1 “(A) Any servicemember who was on active
2 duty service as part of the regular United
3 States Coast Guard at the time of the assault.

4 “(B) Any servicemember who was part of
5 the reserve component of the United States
6 Coast Guard at the time of the assault who ei-
7 ther—

8 “(i) was on ‘active duty for oper-
9 ational support’ orders, ‘extended active
10 duty’ orders, ‘inactive duty training’ or-
11 ders, or ‘active duty training’ orders at the
12 time of the assault; or

13 “(ii) has identified the perpetrator of
14 the sexual assault as a current or former
15 servicemember of the United States Coast
16 Guard.

17 “(3) CLAIM.—

18 “(A) IN GENERAL.—The Commandant
19 shall develop a minimum criterion that claim-
20 ants shall refer to when submitting claims
21 under this subsection. The Commandant shall
22 ensure that such claims can be filed electroni-
23 cally.

1 “(B) CONTENTS.—The claim submitted
2 under subparagraph (A) may contain any or all
3 of the following:

4 “(i) a copy of the DD-2910, CG-5370,
5 or equivalent;

6 “(ii) any papers, records, statements,
7 reports of investigation, or any related
8 media documenting the facts and cir-
9 cumstances surrounding the sexual assault;
10 or

11 “(iii) any court documents or findings
12 from any court proceedings regarding the
13 sexual assault.

14 “(4) LIMITATION.—Claimants have up to 50
15 years from the date of the sexual assault to file a
16 claim in accordance with this subsection.

17 “(d) REVIEW AND DETERMINATION.—

18 “(1) REVIEW.—The Commandant shall review
19 a claim submitted under subsection (c) and deter-
20 mine—

21 “(A) whether the claimant is an eligible in-
22 dividual under subsection (c);

23 “(B) with respect to a claimant determined
24 to be an eligible individual—

1 “(i) the extent of the harm to the
2 claimant, including any economic and non-
3 economic losses; and

4 “(ii) the amount of compensation to
5 which the claimant is entitled based on the
6 harm to the claimant, the facts of the
7 claim, and the individual circumstances of
8 the claimant;

9 “(C) if any compensation related to the
10 sexual assault had been paid to the claimant,
11 such as—

12 “(i) information from the claimant
13 concerning any possible economic and non-
14 economic losses that the claimant suffered
15 as a result of the assault; and

16 “(ii) information regarding collateral
17 sources of compensation the claimant has
18 received as a result of the sexual assault;
19 and

20 “(D) whether additional documentation
21 must be provided by the claimant to make a de-
22 termination on the claim.

23 “(2) NEGLIGENCE.—With respect to a claim-
24 ant, the Commandant shall not consider negligence
25 or any other theory of liability that may apply.

1 “(3) DETERMINATION.—

2 “(A) IN GENERAL.—Not later than 120
3 days after that date on which a claim is filed
4 under subsection (a), the Commandant shall
5 complete a review, make a determination, and
6 provide written notice to the claimant, with re-
7 spect to the matters that were the subject of
8 the claim under review. Such a determination
9 shall not be subject to judicial review.

10 “(B) OPPORTUNITY TO PROVIDE DOCU-
11 MENTATION.—During the review process and
12 prior to making a determination, the Com-
13 mandant shall afford the claimant an oppor-
14 tunity to provide additional documentation that
15 may be necessary to review the claim and make
16 a determination.

17 “(C) PROCEDURAL ERROR.—The Com-
18 mandant shall not deny a claim solely on the
19 basis of procedural error, and must give the
20 claimant an opportunity to refile the claim. If
21 such procedural error occurs, the time shall be
22 tolled from the date of the initial filing until the
23 claimant refiles the claim.

24 “(D) APPEAL.—If a claimant files an ap-
25 peal, the Commandant may not reduce the

1 original compensation amount as set by the ini-
2 tial determination when making a final deter-
3 mination after the appeal process concludes.

4 “(4) RIGHTS OF CLAIMANT.—A claimant shall
5 have—

6 “(A) the right to appeal the initial deter-
7 mination on the claim;

8 “(B) the right to correct any deficiencies
9 with the claim prior to an initial determination
10 being made; and

11 “(C) any other due process rights deter-
12 mined appropriate by the Commandant.

13 “(5) COLLATERAL COMPENSATION.—The Com-
14 mandant may reduce the amount of compensation
15 determined under paragraph (1)(B)(ii) by the
16 amount of the collateral source compensation the
17 claimant has received from other means as a result
18 of the sexual assault.

19 “(6) APPEALS.—Should a claimant appeal the
20 initial determination, a claimant shall have—

21 “(A) the right to request a hearing;

22 “(B) the right to be represented by an at-
23 torney; and

24 “(C) the right to present additional evi-
25 dence in rebuttal, which may be presented

1 through documentary evidence or witness testi-
2 mony.

3 “(e) PAYMENTS.—

4 “(1) IN GENERAL.—Not later than 30 days
5 after the date on which a determination is made by
6 the Commandant regarding the amount of com-
7 pensation due a claimant under this title, the Com-
8 mandant shall authorize payment to such claimant
9 of the amount determined with respect to the claim-
10 ant. If a claimant files an appeal, the payment shall
11 be paused until the resolution of the appeal.

12 “(2) PAYMENT AUTHORITY.—This title con-
13 stitutes budget authority in advance of appropria-
14 tions Acts and represents the obligation of the Fed-
15 eral Government to provide for the payment of
16 amounts for compensation under this title.

17 “(f) DEFINITIONS.—In this section:

18 “(1) VICTIM.—The term ‘victim’ means a per-
19 son who has suffered physical, sexual, financial, or
20 emotional harm as a result of the commission of a
21 crime of sexual assault.

22 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
23 sault’ means any act or acts that are defined under
24 the Uniform Code of Military Justice or defined as
25 a sexual assault by other State or Federal laws.

1 “(g) REPORT.—At the end of each fiscal year, the
2 Coast Guard shall provide to the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives
4 and the Committee on Commerce, Science, and Transpor-
5 tation of the Senate a report detailing the amount of reim-
6 bursements that have been paid out of the fund.”.

7 (c) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 27 of title 14, United States Code, is amended by in-
9 serting after the item relating to section 2779 the fol-
10 lowing:

“2780. Victims Compensation Fund.”.

