Amendment in the Nature of a Substitute

To H.R. 367

Offered by Mr. DeFazio

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Pay Our Coast Guard Parity Act of 2019”.

2 SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Coast Guard is a military service and a branch of the Armed Forces of the United States at all times regardless of whether it operates as a service in the Department of Homeland of Security or as a service in the Navy.

(2) Notwithstanding respective appropriations and except as otherwise provided in law, members of the Coast Guard should receive treatment equitable to that of other members of the Armed Forces with regard to pay and benefits.
SEC. 3. COAST GUARD PAY; CONTINUATION.

(a) In General.—Chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“§ 2780. Pay; continuation during lapse in appropriations.

“(a) In General.—In the case of any period in which there is a Coast Guard-specific funding lapse, there are appropriated such sums as may be necessary—

“(1) to provide pay and allowances to military members of the Coast Guard, including the reserve component thereof, who perform active service or inactive-duty training during such period;

“(2) to provide pay and benefits to qualified civilian employees of the Coast Guard;

“(3) to provide pay and benefits to qualified contract employee of the Coast Guard;

“(4) to provide for—

“(A) the payment of a death gratuity under sections 1475 through 1477 and 1489 of title 10, with respect to members of the Coast Guard;

“(B) the payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial
services under section 481f of title 37, with re-
spect to members of the Coast Guard; and

“(C) the temporary continuation of a basic
allowance of housing for dependents of mem-
bers of the Coast Guard dying on active duty,
as authorized by section 403(1) of title 37; and

“(5) to provide for Coast Guard retired pay, in-
cluding the payment of obligations otherwise charge-
able to lapsed appropriations for this purpose, pay-
ments under the Retired Serviceman’s Family Pro-
tection and Survivor Benefits Plans, payment for ca-
reer status bonuses, payment of continuation pay
under section 356 of title 37, concurrent receipts,
combat-related special compensation, and payments
for medical care of retired personnel and their de-
pendents under chapter 55 of title 10.

“(b) COAST GUARD-SPECIFIC FUNDING LAPSE.—For
purposes of this section, a Coast Guard-specific funding
lapse occurs in any case in which—

“(1) a general appropriation bill providing ap-
propriations for the Coast Guard for a fiscal year is
not enacted before the beginning of such fiscal year
(and no joint resolution making continuing appro-
priations for the Coast Guard is in effect); and
“(2) a general appropriation bill providing appropriations for the Department of Defense for such fiscal year is enacted before the beginning of such fiscal year (or a joint resolution making continuing appropriations for the Department of Defense is in effect).

“(c) TERMINATION.—Appropriations and funds made available and authority granted for any fiscal year for any purpose under subsection (a) shall be available until whichever of the following first occurs:

“(1) The enactment into law of an appropriation (including a continuing appropriation) for such purpose.

“(2) The enactment into law of an appropriation (including a continuing appropriation) for the Coast Guard without provision for such purpose.

“(3) The termination of availability of appropriations for the Department of Defense.

“(4) The date that is 180 days after the beginning of the Coast Guard-specific funding lapse.

“(d) RATE FOR OPERATIONS; APPLICABILITY TO APPROPRIATION ACTS.—Appropriations made pursuant this section shall be available at a rate for operations and to the extent and in the manner that would be provided by the pertinent appropriations Act.
“(e) Charge to Future Appropriations.—Expenditures made pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is enacted into law.

“(f) Apportionment.—Appropriations and funds made available by or authority granted under this section may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, but nothing in this section may be construed to waive any other provision of law governing the apportionment of funds.

“(g) Definitions.—In this section:

“(1) The term ‘qualified civilian employee’ means a civilian employee of the Coast Guard whom the Commandant determines is—

“(A) providing support to members of the Coast Guard or another Armed Force; or

“(B) performing work as an excepted employee or an employee performing emergency work, as those terms are defined by the Office of Personnel Management.

“(2) The term ‘qualified contract employee of the Coast Guard’ means an individual performing
work under a contract whom the Commandant determines is—

“(A) providing support to military members or qualified civilian employees of the Coast Guard or another Armed Force; or

“(B) required to perform work during a lapse in appropriations.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“2780. Pay; continuation during lapse in appropriations.”.