

111TH CONGRESS  
1ST SESSION

# H. R. 2901

To amend title 14, United States Code, to improve benefits for members of the Coast Guard, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

Mr. LOBIONDO (for himself, Mr. COBLE, Mr. TAYLOR, Mr. DELAHUNT, and Mr. MICA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 14, United States Code, to improve benefits for members of the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Coast  
5 Guard Servicemember Benefits Improvements Act”.

6 **SEC. 2. COAST GUARD HOUSING AUTHORITIES.**

7 (a) IN GENERAL.—Chapter 18 of title 14, United  
8 States Code, is amended—

1 (1) in section 681—

2 (A) in the matter preceding paragraph (1)  
3 of subsection (a)—

4 (i) by striking “acquisition or con-  
5 struction” both times it appears and in-  
6 serting “acquisition, construction, recon-  
7 struction, or maintenance”; and

8 (ii) by striking “by private persons,  
9 including a small business concern quali-  
10 fied under section 8(a) of the Small Busi-  
11 ness Act (15 U.S.C. 637(a)),”; and

12 (B) in subsection (b), by striking “No ap-  
13 propriation shall be made” and inserting “Ex-  
14 cept as provided in section 687(c), no appro-  
15 priation shall be made”;

16 (2) in section 685(a)—

17 (A) by inserting “any real” after “convey  
18 or lease”; and

19 (B) by inserting “under the administrative  
20 control of the Coast Guard” after “facilities (in-  
21 cluding ancillary support facilities)”;

22 (3) in section 687—

23 (A) in subsection (b)(3), by striking “for  
24 the purpose of carrying out activities under this  
25 chapter with respect to military family and mili-

1 tary unaccompanied housing.” and inserting a  
2 period;

3 (B) in subsection (c)(1)—

4 (i) by striking “In such amounts as  
5 provided in appropriation Acts and except”  
6 and inserting “Except”; and

7 (ii) by striking “the Secretary may”  
8 and inserting “the Secretary may, without  
9 further appropriation,”;

10 (C) in subsection (e), by striking “or  
11 (b)(3)”;

12 (D) by striking subsection (f); and

13 (E) by striking subsection (g);

14 (4) in section 688, by adding at the end the fol-  
15 lowing new paragraph:

16 “(5) A report that identifies—

17 “(A) all real property, facilities, and struc-  
18 tures under the administrative control of the  
19 Coast Guard to be disposed or demolished and  
20 the estimated cost thereof; and

21 “(B) any family or unaccompanied housing  
22 initiatives and capital construction projects  
23 planned under this chapter.”; and

24 (5) by repealing section 689.

1 (b) CLERICAL AMENDMENT.—The chapter analysis  
2 at the beginning of chapter 18 of such title is amended  
3 by striking the item relating to section 689.

4 **SEC. 3. CHILD DEVELOPMENT SERVICES.**

5 Section 515 of title 14, United States Code, is  
6 amended—

7 (1) by striking subsection (b) and inserting the  
8 following:

9 “(b)(1) The Commandant is authorized to use appro-  
10 priated funds available to the Coast Guard to provide child  
11 development services.

12 “(2)(A) The Commandant is authorized to establish,  
13 by regulations, fees to be charged parents for the attend-  
14 ance of children at Coast Guard child development centers.

15 “(B) Fees to be charged, pursuant to subparagraph  
16 (A), shall be based on family income, except that the Com-  
17 mandant may, on a case-by-base basis, establish fees at  
18 lower rates if such rates would not be competitive with  
19 rates at local child development centers.

20 “(C) The Commandant is authorized to collect and  
21 expend fees, established pursuant to this subparagraph,  
22 and such fees shall, without further appropriation, remain  
23 available until expended for the purpose of providing serv-  
24 ices, including the compensation of employees and the pur-

1 chase of consumable and disposable items, at Coast Guard  
2 child development centers.

3 “(3) The Commandant is authorized to use appro-  
4 priated funds available to the Coast Guard to provide as-  
5 sistance to family home daycare providers so that family  
6 home daycare services can be provided to uniformed  
7 servicemembers and civilian employees of the Coast Guard  
8 at a cost comparable to the cost of services provided by  
9 Coast Guard child development centers.”;

10 (2) by repealing subsections (d) and (e); and

11 (3) by redesignating subsections (f) and (g) as  
12 subsections (d) and (e), respectively.

13 **SEC. 4. COMPULSORY RETIREMENT.**

14 (a) IN GENERAL.—Chapter 11 of title 14, United  
15 States Code, is amended by striking section 293 and in-  
16 serting the following:

17 **“§ 293. Compulsory retirement**

18 “(a) REGULAR COMMISSIONED OFFICERS.—Any reg-  
19 ular commissioned officer, except a commissioned warrant  
20 officer, serving in a grade below rear admiral (lower half),  
21 shall be retired on the first day of the month following  
22 the month in which the officer becomes 62 years of age.

23 “(b) FLAG OFFICER GRADES.—(1) Except as pro-  
24 vided in paragraph (2), any regular commissioned officer  
25 serving in a flag officer grade shall be retired on the first

1 day of the month following the month in which the officer  
2 becomes 64 years of age.

3 “(2) In the case of any regular commissioned officer  
4 serving in a flag officer grade position, the retirement  
5 under paragraph (1) of that officer may be deferred—

6 “(A) by the President, but such a deferment  
7 may not extend beyond the first day of the month  
8 following the month in which the officer becomes 68  
9 years of age; or

10 “(B) by the Secretary of the department in  
11 which the Coast Guard is operating, but such a  
12 deferment may not extend beyond the first day of  
13 the month following the month in which the officer  
14 becomes 66 years of age.”.

15 (b) APPLICATION.—This section shall not apply to  
16 any individual who reaches the age of 62 before July 1,  
17 2011. With regard to an individual who reaches the age  
18 of 62 before July 1, 2011, any provision of law, providing  
19 for compulsory retirement, that was in effect prior to the  
20 date of enactment shall continue to be applicable in the  
21 same manner and to the same extent as if this section  
22 had not been enacted.

23 (c) CLERICAL AMENDMENT.—The analysis at the be-  
24 ginning of chapter 11 of such title is amended by striking

1 the item relating to section 293 and inserting the fol-  
2 lowing:

“293. Compulsory retirement.”.

3 **SEC. 5. CHAPLAIN ACTIVITY EXPENSE.**

4 Section 145 of title 14, United States Code, is  
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2), by striking “and” at  
8 the end;

9 (B) in paragraph (3), by striking the pe-  
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following new  
12 paragraph:

13 “(4) detail personnel from the Chaplain Corps  
14 to provide services, pursuant to section 1789 of title  
15 10, to the Coast Guard.”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(d)(1) As part of the services provided by the Sec-  
19 retary of the Navy pursuant to subsection (a)(4), the Sec-  
20 retary may provide support services to chaplain-led pro-  
21 grams to assist members of the Coast Guard on active  
22 duty and their dependents, and members of the reserve  
23 component in an active status and their dependents, in  
24 building and maintaining a strong family structure.

1       “(2) In this subsection, the term ‘support services’  
2 include transportation, food, lodging, child care, supplies,  
3 fees, and training materials for members of the Coast  
4 Guard on active duty and their dependents, and members  
5 of the reserve component in an active status and their de-  
6 pendants, while participating in programs referred to in  
7 paragraph (1), including participation at retreats and con-  
8 ferences.

9       “(3) In this subsection, the term ‘dependents’ has the  
10 same meaning as defined in section 1072(2) of title 10.”.

11 **SEC. 6. COAST GUARD CROSS; SILVER STAR MEDAL.**

12       (a) COAST GUARD CROSS.—Chapter 13 of title 14,  
13 United States Code, is amended by inserting after section  
14 491 the following new section:

15 **“§ 491a. Coast Guard cross**

16       “The President may award a Coast Guard cross of  
17 appropriate design, with ribbons and appurtenances, to a  
18 person who, while serving in any capacity with the Coast  
19 Guard, when the Coast Guard is not operating under the  
20 Department of the Navy, distinguishes himself or herself  
21 by extraordinary heroism not justifying the award of a  
22 medal of honor—

23               “(1) while engaged in an action against an  
24 enemy of the United States;



1           “(2) while engaged in military operations in-  
2           volving conflict with an opposing foreign force or  
3           international terrorist organization; or

4           “(3) while serving with friendly foreign forces  
5           engaged in an armed conflict against an opposing  
6           armed force in which the United States is not a bel-  
7           ligerent party.”.

8           (b) SILVER STAR MEDAL.—Such chapter is further  
9           amended—

10           (1) by striking the heading of section 492a and  
11           inserting the following:

12           “**§ 492b. Distinguished flying cross**”;

13           and

14           (2) by inserting after section 492 the following  
15           new section:

16           “**§ 492a. Silver star medal**

17           “The President may award a silver star medal of ap-  
18           propriate design, with ribbons and appurtenances, to a  
19           person who, while serving in any capacity with the Coast  
20           Guard, when the Coast Guard is not operating under the  
21           Department of the Navy, is cited for gallantry in action  
22           that does not warrant a medal of honor or Coast Guard  
23           cross—

24           “(1) while engaged in an action against an  
25           enemy of the United States;

1           “(2) while engaged in military operations in-  
2           volving conflict with an opposing foreign force or  
3           international terrorist organization; or

4           “(3) while serving with friendly foreign forces  
5           engaged in an armed conflict against an opposing  
6           armed force in which the United States is not a bel-  
7           ligerent party.”.

8           (c) CONFORMING AMENDMENTS.—Such chapter is  
9 further amended—

10           (1) in section 494, by striking “distinguished  
11           service medal, distinguished flying cross,” and in-  
12           serting “Coast Guard cross, distinguished service  
13           medal, silver star medal, distinguished flying cross,”  
14           in both places it appears;

15           (2) in section 496—

16           (A) in the matter preceding paragraph (1)  
17           of subsection (a), by striking “distinguished  
18           service medal, distinguished flying cross,” and  
19           inserting “Coast Guard cross, distinguished  
20           service medal, silver star medal, distinguished  
21           flying cross,”; and

22           (B) in subsection (b)(2), by striking “dis-  
23           tinguished service medal, distinguished flying  
24           cross,” and inserting “Coast Guard cross, dis-

1           distinguished service medal, silver star medal, dis-  
2           tinguished flying cross,”; and

3           (3) in section 497, by striking “distinguished  
4           service medal, distinguished flying cross,” and in-  
5           serting “Coast Guard cross, distinguished service  
6           medal, silver star medal, distinguished flying cross,”.

7           (d) CLERICAL AMENDMENTS.—The analysis at the  
8           beginning of such chapter is amended—

9           (1) by inserting after the item relating to sec-  
10          tion 491 the following new item:

“491a. Coast Guard cross.”.

11          (2) by striking the item relating to section 492a  
12          and inserting the following new items:

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

13 **SEC. 7. COAST GUARD PARTICIPATION IN THE ARMED**  
14 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

15          (a) IN GENERAL.—Section 1502 of the Armed  
16          Forces Retirement Home Act of 1991 (24 U.S.C. 401)  
17          is amended—

18                 (1) by striking paragraph (4);

19                 (2) in paragraph (5)—

20                         (A) by striking “and” at the end of sub-  
21                         paragraph (C);

22                         (B) by striking the period at the end of  
23                         subparagraph (D) and inserting “; and”; and

1 (C) by inserting at the end the following:

2 “(E) the Assistant Commandant of the  
3 Coast Guard for Human Resources.”; and

4 (3) by adding at the end of paragraph (6) the  
5 following:

6 “(E) The Master Chief Petty Officer of the  
7 Coast Guard.”.

8 (b) CONFORMING AMENDMENTS.—(1) Section 2772  
9 of title 10, United States Code, is amended—

10 (A) in subsection (a) by inserting “or, in the  
11 case of the Coast Guard, the Commandant” after  
12 “concerned”; and

13 (B) by striking subsection (c).

14 (2) Section 1007(i) of title 37, United States Code,  
15 is amended—

16 (A) in paragraph (3) by inserting “or, in the  
17 case of the Coast Guard, the Commandant” after  
18 “Secretary of Defense”;

19 (B) by striking paragraph (4); and

20 (C) by redesignating paragraph (5) as para-  
21 graph (4).

22 **SEC. 8. LEGAL ASSISTANCE FOR COAST GUARD RESERV-**  
23 **ISTS.**

24 Section 1044(a)(4) of title 10, United States Code,  
25 is amended—

1           (1) by striking “as determined by the Secretary  
2 of Defense,” and inserting “as determined by the  
3 Secretary of Defense and the Secretary of Homeland  
4 Security, with respect to the Coast Guard when it is  
5 not operating as a service of the Navy,”; and

6           (2) by striking “prescribed by the Secretary of  
7 Defense,” and inserting “prescribed by Secretary of  
8 Defense and the Secretary of Homeland Security,  
9 with respect to the Coast Guard when it is not oper-  
10 ating as a service of the Navy,”.

11 **SEC. 9. CLARIFYING AMENDMENT TO THE PUBLIC HEALTH**  
12 **SERVICE ACT.**

13           Section 2801(b) of the Public Health Service Act (42  
14 U.S.C. 300hh(b)) is amended by striking “except that  
15 members of the armed forces under the authority of the  
16 Secretary of Defense shall remain under the command and  
17 control of the Secretary of Defense, as shall any associated  
18 assets of the Department of Defense.” and inserting “ex-  
19 cept that members of uniformed services under the author-  
20 ity of the Secretary of Defense or, with respect to the  
21 Coast Guard, the Secretary of the department in which  
22 the Coast Guard is operating shall remain under the com-  
23 mand and control of the Secretary of Defense or the Sec-  
24 retary of the department in which the Coast Guard is op-  
25 erating, respectively, as shall any associated assets of the

- 1 Department of Defense or the department in which the
- 2 Coast Guard is operating.”.

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