

116TH CONGRESS
1ST SESSION

H. R. 3066

To amend title 14, United States Code, to make certain changes to Coast Guard personnel programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2019

Mrs. FLETCHER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 14, United States Code, to make certain changes to Coast Guard personnel programs, 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 “Supporting Our Coast
5 Guard Members Act of 2019”.

6 **SEC. 2. AUTHORITY FOR OFFICERS TO OPT OUT OF PRO-**
7 **MOTION BOARD CONSIDERATION.**

8 (a) ELIGIBILITY OF OFFICERS FOR CONSIDERATION
9 FOR PROMOTION.—Section 2113 of title 14, United States
10 Code, is amended by adding at the end the following:

1 “(g)(1) Notwithstanding subsection (a), the Com-
2 mandant may provide that an officer may, upon the offi-
3 cer’s request and with the approval of the Commandant,
4 be excluded from consideration by a selection board con-
5 vened under section 2106(a).

6 “(2) The Commandant shall approve a request under
7 paragraph (1) only if—

8 “(A) the basis for the request is to allow the of-
9 ficer to complete a broadening assignment, advanced
10 education, another assignment of significant value to
11 the Coast Guard, a career progression requirement
12 delayed by the assignment or education, or a quali-
13 fying personal or professional circumstance, as de-
14 termined by the Commandant;

15 “(B) the Commandant determines the exclusion
16 from consideration is in the best interest of the
17 Coast Guard; and

18 “(C) the officer has not previously failed of se-
19 lection for promotion to the grade for which the offi-
20 cer requests the exclusion from consideration.”.

21 (b) ELIGIBILITY OF RESERVE OFFICER FOR PRO-
22 MOTION.—Section 3743 of title 14, United States Code,
23 is amended to read as follows:

1 **“§ 3743. Eligibility for promotion**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), a Reserve officer is eligible for consideration for pro-
4 motion and for promotion under this subchapter, if that
5 officer is in an active status.

6 “(b) EXCEPTION.—A Reserve officer who has been
7 considered but not recommended for retention in an active
8 status by a board convened under subsection 3752(a) of
9 this title, is not eligible for consideration for promotion.

10 “(c) REQUEST FOR EXCLUSION.—

11 “(1) IN GENERAL.—The Commandant may pro-
12 vide that an officer may, upon the officer’s request
13 and with the approval of the Commandant, be ex-
14 cluded from consideration by a selection board con-
15 vened under section 3740(b) of this title to consider
16 officers for promotion to the next higher grade.

17 “(2) APPROVAL OF REQUEST.—The Com-
18 mandant shall approve a request under paragraph
19 (1) only if—

20 “(A) the basis for the request is to allow
21 an officer to complete a broadening assignment,
22 advanced education, another assignment of sig-
23 nificant value to the Coast Guard, a career pro-
24 gression requirement delayed by the assignment
25 or education, or a qualifying personal or profes-

1 sional circumstance, as determined by the Com-
 2 mandant;

3 “(B) the Commandant determines the ex-
 4 clusion from consideration is in the best inter-
 5 est of the Coast Guard; and

6 “(C) the officer has not previously failed of
 7 selection for promotion to the grade for which
 8 the officer requests the exclusion from consider-
 9 ation.”.

10 **SEC. 3. TEMPORARY PROMOTION AUTHORITY FOR OFFI-**
 11 **CERS IN CERTAIN GRADES WITH CRITICAL**
 12 **SKILLS.**

13 (a) IN GENERAL.—Chapter 21 of title 14, United
 14 States Code, is amended by inserting after section 2129
 15 the following:

16 **“§ 2130. Promotion to certain grades for officers with**
 17 **critical skills: captain, commander, lieu-**
 18 **tenant commander, lieutenant**

19 “(a) IN GENERAL.—An officer in the grade of lieu-
 20 tenant (junior grade), lieutenant, lieutenant commander,
 21 or commander, who is described in subsection (b) may be
 22 temporarily promoted to the grade of lieutenant, lieuten-
 23 ant commander, commander, or captain under regulations
 24 prescribed by the Secretary. Appointments under this sec-

1 tion shall be made by the President, by and with the advice
2 and consent of the Senate.

3 “(b) COVERED OFFICERS.—An officer described in
4 this subsection is any officer in a grade specified in sub-
5 section (a) who—

6 “(1) has a skill in which the Coast Guard has
7 a critical shortage of personnel (as determined by
8 the Secretary); and

9 “(2) is serving in a position (as determined by
10 the Secretary) that—

11 “(A) is designated to be held by a lieuten-
12 ant, lieutenant commander, commander, or cap-
13 tain; and

14 “(B) requires that an officer serving in
15 such position have the skill possessed by such
16 officer.

17 “(c) PRESERVATION OF POSITION AND STATUS OF
18 OFFICERS APPOINTED.—

19 “(1) The temporary positions authorized under
20 this section shall not be counted among or included
21 in the list of positions on the active duty promotion
22 list.

23 “(2) An appointment under this section does
24 not change the position on the active-duty list or the
25 permanent, probationary, or acting status of the of-

1 ficer so appointed, prejudice the officer in regard to
2 other promotions or appointments, or abridge the
3 rights or benefits of the officer.

4 “(d) BOARD RECOMMENDATION REQUIRED.—A tem-
5 porary promotion under this section may be made only
6 upon the recommendation of a board of officers convened
7 by the Secretary for the purpose of recommending officers
8 for such promotions.

9 “(e) ACCEPTANCE AND EFFECTIVE DATE OF AP-
10 POINTMENT.—Each appointment under this section, un-
11 less expressly declined, is, without formal acceptance, re-
12 garded as accepted on the date such appointment is made,
13 and a member so appointed is entitled to the pay and al-
14 lowances of the grade of the temporary promotion under
15 this section beginning on the date the appointment is
16 made.

17 “(f) TERMINATION OF APPOINTMENT.—Unless soon-
18 er terminated, an appointment under this section termi-
19 nates—

20 “(1) on the date the officer who received the
21 appointment is promoted to the permanent grade of
22 lieutenant, lieutenant commander, commander, or
23 captain;

24 “(2) on the date the officer is detached from a
25 position described in subsection (b)(2), unless the of-

1 ficer is on a promotion list to the permanent grade
 2 of lieutenant, lieutenant commander, commander, or
 3 captain, in which case the appointment terminates
 4 on the date the officer is promoted to that grade; or

5 “(3) when the appointment officer determines
 6 that the officer who received the appointment has
 7 engaged in misconduct or has displayed substandard
 8 performance.

9 “(g) LIMITATION ON NUMBER OF ELIGIBLE POSI-
 10 TIONS.—An appointment under this section may only be
 11 made for service in a position designated by the Secretary
 12 for the purposes of this section. The number of positions
 13 so designated may not exceed the following percentages
 14 of the respective grades:

15 “(1) As lieutenant, 0.5 percent.

16 “(2) As lieutenant commander, 3.0 percent.

17 “(3) As commander, 2.6 percent.

18 “(4) As captain, 2.6 percent.”.

19 (b) CLERICAL AMENDMENT.—The analysis at the be-
 20 ginning of such chapter is amended by adding at the end
 21 the following new item:

“2130. Promotion to certain grades for officers with critical skills: captain, com-
 mander, lieutenant commander, lieutenant.”.

1 **SEC. 4. CAREER INTERMISSION PROGRAM.**

2 (a) IN GENERAL.—Subchapter I of chapter 25 of title
3 14, United States Code, is amended by adding at the end
4 the following:

5 **“§ 2514. Career flexibility to enhance retention of**
6 **members**

7 “(a) PROGRAMS AUTHORIZED.—The Commandant
8 may carry out a program under which members of the
9 Coast Guard may be inactivated from active service in
10 order to meet personal or professional needs and returned
11 to active service at the end of such period of inactivation
12 from active service.

13 “(b) PERIOD OF INACTIVATION FROM ACTIVE SERV-
14 ICE; EFFECT OF INACTIVATION.—

15 “(1) IN GENERAL.—The period of inactivation
16 from active service under a program under this sec-
17 tion of a member participating in the program shall
18 be such period as the Commandant shall specify in
19 the agreement of the member under subsection (c),
20 except that such period may not exceed three years.

21 “(2) EXCLUSION FROM YEARS OF SERVICE.—
22 Any service by a Reserve officer while participating
23 in a program under this section shall be excluded
24 from computation of the total years of service of
25 that officer pursuant to section 14706(a) of title 10.

1 “(3) EXCLUSION FROM RETIREMENT.—Any pe-
2 riod of participation of a member in a program
3 under this section shall not count toward—

4 “(A) eligibility for retirement or transfer
5 to the Ready Reserve under either chapter 571
6 or 1223 of title 10; or

7 “(B) computation of retired or retainer
8 pay under chapter 71 or 1223 of title 10.

9 “(c) AGREEMENT.—Each member of the Coast
10 Guard who participates in a program under this section
11 shall enter into a written agreement with the Commandant
12 under which that member shall agree as follows:

13 “(1) To accept an appointment or enlist, as ap-
14 plicable, and serve in the Coast Guard Ready Re-
15 serve during the period of the inactivation of the
16 member from active service under the program.

17 “(2) To undergo during the period of the inac-
18 tivation of the member from active service under the
19 program such inactive service training as the Com-
20 mandant shall require in order to ensure that the
21 member retains proficiency, at a level determined by
22 the Commandant to be sufficient, in the military
23 skills, professional qualifications, and physical readi-
24 ness of the member during the inactivation of the
25 member from active service.

1 “(3) Following completion of the period of the
2 inactivation of the member from active service under
3 the program, to serve two months as a member of
4 the Coast Guard on active service for each month of
5 the period of the inactivation of the member from
6 active service under the program.

7 “(d) CONDITIONS OF RELEASE.—The Commandant
8 shall prescribe regulations specifying the guidelines re-
9 garding the conditions of release that must be considered
10 and addressed in the agreement required by subsection
11 (c). At a minimum, the Commandant shall prescribe the
12 procedures and standards to be used to instruct a member
13 on the obligations to be assumed by the member under
14 paragraph (2) of such subsection while the member is re-
15 leased from active service.

16 “(e) ORDER TO ACTIVE SERVICE.—Under regula-
17 tions prescribed by the Commandant, a member of the
18 Coast Guard participating in a program under this section
19 may, in the discretion of the Commandant, be required
20 to terminate participation in the program and be ordered
21 to active service.

22 “(f) PAY AND ALLOWANCES.—

23 “(1) BASIC PAY.—During each month of par-
24 ticipation in a program under this section, a member
25 who participates in the program shall be paid basic

1 pay in an amount equal to two-thirtieths of the
2 amount of monthly basic pay to which the member
3 would otherwise be entitled under section 204 of title
4 37 as a member of the uniformed services on active
5 service in the grade and years of service of the mem-
6 ber when the member commences participation in
7 the program.

8 “(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

9 “(A) PROHIBITION.—A member who par-
10 ticipates in such a program shall not, while par-
11 ticipating in the program, be paid any special
12 or incentive pay or bonus to which the member
13 is otherwise entitled under an agreement under
14 chapter 5 of title 37 or section 1925 of this title
15 that is in force when the member commences
16 participation in the program.

17 “(B) NOT TREATED AS FAILURE TO PER-
18 FORM SERVICES.—The inactivation from active
19 service of a member participating in a program
20 shall not be treated as a failure of the member
21 to perform any period of service required of the
22 member in connection with an agreement for a
23 special or incentive pay or bonus under chapter
24 5 of title 37 that is in force when the member
25 commences participation in the program.

1 “(3) RETURN TO ACTIVE SERVICE.—

2 “(A) SPECIAL OR INCENTIVE PAY OR
3 BONUS.—Subject to subparagraph (B), upon
4 the return of a member to active service after
5 completion by the member of participation in a
6 program—

7 “(i) any agreement entered into by
8 the member under chapter 5 of title 37 for
9 the payment of a special or incentive pay
10 or bonus that was in force when the mem-
11 ber commenced participation in the pro-
12 gram shall be revived, with the term of
13 such agreement after revival being the pe-
14 riod of the agreement remaining to run
15 when the member commenced participation
16 in the program; and

17 “(ii) any special or incentive pay or
18 bonus shall be payable to the member in
19 accordance with the terms of the agree-
20 ment concerned for the term specified in
21 clause (i).

22 “(B) LIMITATION.—

23 “(i) IN GENERAL.—Subparagraph (A)
24 shall not apply to any special or incentive
25 pay or bonus otherwise covered by that

1 subparagraph with respect to a member if,
2 at the time of the return of the member to
3 active service as described in that subpara-
4 graph—

5 “(I) such pay or bonus is no
6 longer authorized by law; or

7 “(II) the member does not satisfy
8 eligibility criteria for such pay or
9 bonus as in effect at the time of the
10 return of the member to active serv-
11 ice.

12 “(ii) PAY OR BONUS CEASES BEING
13 AUTHORIZED.—Subparagraph (A) shall
14 cease to apply to any special or incentive
15 pay or bonus otherwise covered by that
16 subparagraph with respect to a member if,
17 during the term of the revived agreement
18 of the member under subparagraph (A)(i),
19 such pay or bonus ceases being authorized
20 by law.

21 “(C) REPAYMENT.—A member who is in-
22 eligible for payment of a special or incentive
23 pay or bonus otherwise covered by this para-
24 graph by reason of subparagraph (B)(i)(II)
25 shall be subject to the requirements for repay-

1 ment of such pay or bonus in accordance with
2 the terms of the applicable agreement of the
3 member under chapter 5 of title 37.

4 “(D) REQUIRED SERVICE IS ADDI-
5 TIONAL.—Any service required of a member
6 under an agreement covered by this paragraph
7 after the member returns to active service as
8 described in subparagraph (A) shall be in addi-
9 tion to any service required of the member
10 under an agreement under subsection (c).

11 “(4) TRAVEL AND TRANSPORTATION ALLOW-
12 ANCE.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), a member who participates in a pro-
15 gram is entitled, while participating in the pro-
16 gram, to the travel and transportation allow-
17 ances authorized by section 474 of title 37
18 for—

19 “(i) travel performed from the resi-
20 dence of the member, at the time of release
21 from active service to participate in the
22 program, to the location in the United
23 States designated by the member as the
24 member’s residence during the period of
25 participation in the program; and

1 “(ii) travel performed to the residence
2 of the member upon return to active serv-
3 ice at the end of the participation of the
4 member in the program.

5 “(B) SINGLE RESIDENCE.—An allowance
6 is payable under this paragraph only with re-
7 spect to travel of a member to and from a sin-
8 gle residence.

9 “(5) LEAVE BALANCE.—A member who partici-
10 pates in a program is entitled to carry forward the
11 leave balance existing as of the day on which the
12 member begins participation and accumulated in ac-
13 cordance with section 701 of title 10, but not to ex-
14 ceed 60 days.

15 “(g) PROMOTION.—

16 “(1) OFFICERS.—

17 “(A) IN GENERAL.—An officer partici-
18 pating in a program under this section shall
19 not, while participating in the program, be eligi-
20 ble for consideration for promotion under chap-
21 ter 21 or 37 of this title.

22 “(B) RETURN TO SERVICE.—Upon the re-
23 turn of an officer to active service after comple-
24 tion by the officer of participation in a pro-
25 gram—

1 “(i) the Commandant may adjust the
2 date of rank of the officer in such manner
3 as the Commandant shall prescribe in reg-
4 ulations for purposes of this section; and

5 “(ii) the officer shall be eligible for
6 consideration for promotion when officers
7 of the same competitive category, grade,
8 and seniority are eligible for consideration
9 for promotion.

10 “(2) ENLISTED MEMBERS.—An enlisted mem-
11 ber participating in a program shall not be eligible
12 for consideration for advancement during the period
13 that—

14 “(A) begins on the date of the inactivation
15 of the member from active service under the
16 program; and

17 “(B) ends at such time after the return of
18 the member to active service under the program
19 that the member is treatable as eligible for pro-
20 motion by reason of time in grade and such
21 other requirements as the Commandant shall
22 prescribe in regulations for purposes of the pro-
23 gram.

24 “(h) CONTINUED ENTITLEMENTS.—A member par-
25 ticipating in a program under this section shall, while par-

1 participating in the program, be treated as a member of the
 2 Armed Forces on active duty for a period of more than
 3 30 days for purposes of—

4 “(1) the entitlement of the member and of the
 5 dependents of the member to medical and dental
 6 care under the provisions of chapter 55 of this title;
 7 and

8 “(2) retirement or separation for physical dis-
 9 ability under the provisions of chapter 61 of title 10
 10 and chapters 21 and 23 of this title.”.

11 (b) CLERICAL AMENDMENT.—The analysis for such
 12 chapter is amended by inserting after the item relating
 13 to section 2513 the following:

“2514. Career flexibility to enhance retention of members.”.

14 **SEC. 5. EMPLOYMENT ASSISTANCE.**

15 (a) IN GENERAL.—Subchapter I of chapter 27 of title
 16 14, United States Code, is amended by adding at the end
 17 the following:

18 **“§ 2713. Employment assistance**

19 “(a) IN GENERAL.—In order to improve the accuracy
 20 and completeness of a certification or verification of job
 21 skills and experience required by section 1143(a)(1) of
 22 title 10, the Secretary shall—

23 “(1) establish a database to record all training
 24 performed by members of the Coast Guard that may

1 have application to employment in the civilian sector;
2 and

3 “(2) make unclassified information regarding
4 such information available to States and other po-
5 tential employers referred to in section 1143(c) of
6 title 10 so that State and other entities may allow
7 military training to satisfy licensing or certification
8 requirements to engage in a civilian profession.

9 “(b) FORM OF CERTIFICATION OR VERIFICATION.—
10 The Secretary shall ensure that a certification or
11 verification of job skills and experience required by section
12 1143(a)(1) of title 10 is rendered in such a way that
13 States and other potential employers can confirm the ac-
14 curacy and authenticity of the certification or verification.

15 “(c) REQUESTS BY STATES.—A State may request
16 that the Secretary confirm the accuracy and authenticity
17 of a certification or verification of jobs skills and experi-
18 ence provided under section 1143(c) of title 10.”.

19 (b) CLERICAL AMENDMENT.—The analysis for such
20 chapter is amended by inserting after the item relating
21 to section 2712 the following:

“2713. Employment assistance.”.

○