

PAY OUR COAST GUARD PARITY ACT OF 2019

—————
JUNE 11, 2019.—Ordered to be printed
—————

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 367]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 367) making appropriations for Coast Guard pay in the event an appropriations Act expires before the enactment of a new appropriations Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose of Legislation	3
Background and Need for Legislation	3
Hearings	3
Legislative History and Consideration	4
Committee Votes	4
Committee Oversight Findings	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	8
Duplication of Federal Programs	8
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	8
Federal Mandates Statement	8
Preemption Clarification	8
Advisory Committee Statement	9
Applicability to Legislative Branch	9
Section-by-Section Analysis of the Legislation	9
Changes in Existing Law Made by the Bill, as Reported	10

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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 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 respect to members of the Coast Guard; and

“(C) the temporary continuation of a basic allowance of housing for dependents of members 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, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career 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 dependents 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 appropriations for the Coast Guard for a fiscal year is not enacted before the beginning of such fiscal year (and no joint resolution making continuing appropriations 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.”

PURPOSE OF LEGISLATION

The purpose of H.R. 367, as amended, the Pay Our Coast Guard Parity Act of 2019, is to amend title 14, United States Code, to provide permanent authority to appropriate funds for Coast Guard pay during a Coast Guard-specific funding lapse.

BACKGROUND AND NEED FOR LEGISLATION

Except when it operates as a service in the Navy, which has not happened since World War II, the U.S. Coast Guard operates as a service in the Department of Homeland Security (DHS). Therefore, it is the only U.S. Armed Force not funded through the Department of Defense (DoD). Instead, it is funded as a component under DHS. From mid-December 2018 to late January 2019, a lapse in federal appropriations occurred for some federal agencies; including the Department of Homeland Security. Given that the DoD had already received a full-year appropriation prior to the lapse in appropriation, the Coast Guard was the only Armed Force not funded during the lapse in appropriation.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 367, as amended:

The Subcommittee on Coast Guard and Maritime Transportation held a hearing on March 6, 2019, entitled, “U.S. Maritime and Shipbuilding Industries: Strategies to Improve Regulation, Economic Opportunities, and Competitiveness.” The Subcommittee received testimony from RADM Mark H. Buzby (USN Ret.), Administrator, Maritime Administration, Department of Transportation; RADM John Nadeau, Assistant Commandant for Prevention Policy, United States Coast Guard; RADM Michael A. Alfultis, President, State University of New York Maritime College; Mr. John E. Crowley, Jr., President, National Association of Waterfront Employers; Mr. Michael Roberts, Senior Vice President and General Counsel, Crowley Maritime, testifying on behalf of American Maritime Part-

nership; Mr. Augustin Tellez, Executive Vice President, Seafarers International Union, testifying on behalf of American Maritime Officers, Masters, Mates and Pilots, and The Seafarers International Union; and Ms. Jennifer A. Carpenter, Executive President and Chief Operating Officer, The American Waterways Operators. Topics discussed included impacts of the recent government shutdown and lapse in appropriations on the Coast Guard workforce and the Coast Guard's regulatory missions.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 367 was introduced in the House on January 9, 2019, by Mr. DeFazio, Mr. Mast, Mr. Thompson of Mississippi, and Mr. Garamendi; and referred to the Committee on Appropriations, and the Committee on Transportation and Infrastructure. Within the Committee, H.R. 367 was referred to the Subcommittee on Coast Guard and Maritime Transportation.

The Subcommittee on Coast Guard and Maritime Transportation was discharged from further consideration of H.R. 367 on March 27, 2019.

The Full Committee met in open session to consider H.R. 367 on March 27, 2019, and ordered the measure to be reported favorably to the House, as amended, by voice vote, with a quorum present.

The Committee took the following actions:

An Amendment in the Nature of a Substitute offered by Mr. DeFazio, (#1); was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 367, as amended.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

enclosed cost estimate for H.R. 367, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 2019.

Hon. PETER A. DEFAZIO,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 367, the Pay Our Coast Guard Parity Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL,
Director.

Enclosure.

At a Glance			
H.R. 367, Pay Our Coast Guard Parity Act of 2019			
As ordered reported by the House Committee on Transportation and Infrastructure on March 27, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	14,294	30,706
Revenues	0	0	0
Deficit Effect	0	14,294	30,706
Spending Subject to Appropriation (Outlays)	0	0	n.e.
Pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	> \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated			
The bill would			
<ul style="list-style-type: none"> Provide mandatory funding for the Coast Guard (USCG) to cover the cost of pay and benefits for certain personnel in the event of a lapse in discretionary appropriations for the USCG Specify the conditions under which that authority would apply 			
Estimated budgetary effects would primarily stem from			
<ul style="list-style-type: none"> Permitting the USCG to incur obligations and expend federal funds without further legislation 			
Areas of significant uncertainty include			
<ul style="list-style-type: none"> The conditions under which the bill's authority would be triggered The timing and duration of possible lapses in discretionary appropriations The size and composition of the group that would qualify for pay and benefits in the event of a lapse in funding 			
Detailed estimate begins on the next page.			

Bill summary: Under current law, most of the Coast Guard's personnel-related spending is subject to appropriation. H.R. 367 would provide mandatory funding for pay, allowances, and benefits for

certain personnel in the event of a lapse in discretionary appropriations for its activities. Under the bill, that authority would be triggered only if discretionary appropriations for the Department of Defense (DoD) were in place for the current year and would be available for a maximum of 180 days in any fiscal year.

Estimated Federal cost: The estimated budgetary effect of H.R. 367 is shown in Table 1. The costs of the legislation fall within budget functions 050 (national defense) and 400 (transportation).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 367

	By fiscal year, millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019– 2024	2019– 2029
Increases in Direct Spending													
Estimated Budget													
Authority	0	2,698	2,774	2,857	2,940	3,024	3,108	3,193	3,280	3,370	3,460	14,294	30,706
Estimated Outlays ..	0	2,698	2,774	2,857	2,940	3,024	3,108	3,193	3,280	3,370	3,460	14,294	30,706

Components may not sum to totals because of rounding.

Basis of estimate: Under H.R. 367, mandatory appropriations would be available, under certain circumstances, to provide pay and allowances to military members of the USCG (including active-duty members and reservists). The bill also would allow the service to provide pay and benefits to civilian and contract employees who the Commandant determines are eligible for that compensation. That latter group would include people who support the USCG or other armed forces, are excepted from furlough, or perform emergency work.

Spending under H.R. 367 could only occur if future laws providing appropriations for DoD were in place. In that sense, such spending could be considered to be contingent on—and attributable to—future legislation. On the other hand, if DoD’s funding were already in place prior to a lapse in discretionary funding for the USCG, the authorities specified in H.R. 367 would automatically take effect in the absence of any future legislation. Moreover, in CBO’s view, H.R. 367 would change current law by authorizing the USCG to obligate funds in the absence of future legislation. As a result, for this estimate, CBO has classified the potential budgetary effects of H.R. 367 as an increase in direct spending.

Direct spending: Using information from the USCG about the expected costs of providing pay, allowances, and benefits in 2019, CBO estimates that outlays for those purposes will total about \$5 billion for the fiscal year. That amount includes roughly \$4 billion in pay and allowances for military personnel (including active-duty members and reservists) and nearly \$1 billion for pay and benefits for civilian employees. In addition, CBO estimates that payments to USCG contractors in 2019 will include about \$120 million in personnel-related costs. That estimate is based on information from DoD about the proportion of its personnel that typically are engaged through contracts to perform work or services in support of military functions.

Under H.R. 367, CBO estimates new direct spending for the USCG’s personnel-related costs would total roughly \$2.7 billion in 2020 and \$30.7 billion over the 2020–2029 period. That estimate reflects 180 days’ worth of costs that CBO expects could be in-

curred in each of the next 10 years. It incorporates CBO's projections of annual increases to military and civilian pay, and it accounts for information from the USCG about anticipated growth in the service's force strength.

In addition to providing mandatory appropriations for pay, allowances, and benefits to current USCG employees and contractors, H.R. 367 would provide funding for retirement benefits to USCG retirees. Under current law, although annual appropriation acts provide the budgetary resources needed to pay such benefits, spending for USCG retired pay—which is governed by underlying laws regarding military retirement that specify benefit formulas and eligibility criteria—is classified as mandatory. As a result, CBO estimates that enacting that provision of H.R. 367 would not affect direct spending.

Spending subject to appropriation: If a lapse in discretionary appropriations triggers the authority under the bill, the resulting increases in mandatory funding under the bill would reduce the need for future appropriations to the USCG for pay, allowances, and benefits for affected personnel. However, because H.R. 367 would not affect the amount of funding authorized to be appropriated to the USCG in future years, this estimate does not reflect any potential reductions in spending subject to appropriation. (Under current law, no such authorizations have been enacted beyond 2019.)

Uncertainty: Whether the authority provided under H.R. 367 were triggered in the future, and the timing and magnitude of resulting direct spending, would depend on future legislative decisions of the Congress. As a result, CBO's estimate of additional direct spending under H.R. 367 is uncertain.

For example, if the Congress were to continue to provide discretionary appropriations for the USCG in future years, direct spending under H.R. 367 would probably be much less than indicated in this estimate. Historically, lapses in discretionary appropriations have been relatively infrequent and short-lived. CBO has no basis, however, for predicting the timing or duration of future lapses in discretionary funding.

In addition, the amount of mandatory budget authority provided under H.R. 367 would depend on the number of personnel who would receive compensation under the bill, which is uncertain. Overall costs would depend on the size of the USCG workforce, which would depend on future administrative decisions about desired military force strength. Furthermore, whereas all military personnel would qualify for pay and allowances under H.R. 367, the Commandant of the USCG would determine which civilian employees and contractors would qualify for pay and benefits. Also, because the current structure of the USCG's payments to contractors does not identify personnel-related costs, that component of CBO's estimate, which relies on historical analyses of comparable costs for DoD, is particularly uncertain.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 2.

TABLE 2.—CBO'S ESTIMATE OF PAY-AS-YOU-GO EFFECTS OF H.R. 367

	By fiscal year, millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019– 2024	2019– 2029
	Net Increase in the Deficit												
Statutory Pay-As- You-Go Effect	0	2,698	2,774	2,857	2,940	3,024	3,108	3,193	3,280	3,370	3,460	14,294	30,706

Increase in long-term deficits: CBO estimates that enacting H.R. 367 would increase on-budget deficits by more than \$5 billion in all of the four consecutive 10-year periods beginning in 2030.

Mandates: None.

Estimate prepared by: Federal Costs: Megan Carroll Mandates: Jon Sperl.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis; Theresa Gullo, Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, is to provide permanent authority to appropriate funds for Coast Guard pay during a Coast Guard-specific funding lapse.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 367, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is in-

tended to preempt state, local, or tribal law. The Committee finds that H.R. 367, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation, as amended.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title

This section provides that this bill may be cited as the “Pay Our Coast Guard Parity Act of 2019.”

Sec. 2. Findings

This section states that Congress finds that the Coast Guard is at all times a military service and branch of the Armed Forces and that 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.

This section amends title 14, United States Code, to provide permanent authority to appropriate funds for Coast Guard pay during a Coast Guard-specific funding lapse. Specifically, it provides funds for:

- Pay and allowances for active duty and reserve members of the Coast Guard;
- Pay and allowances for qualified civilian employees of the Coast Guard;
- Pay and allowances for qualified contractors of the Coast Guard;
- The payment of death gratuities with respect to members of the Coast Guard;
- The payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services with respect to members of the Coast Guard;
- The temporary continuation of a basic allowance of housing for dependents of members of the Coast Guard dying on active duty; and
- Coast Guard retired pay and benefits.

This section defines a “Coast Guard-specific funding lapse” to occur when appropriations lapse for the Coast Guard but not for the Department of Defense.

This section also states that funds made available under it shall be available until the enactment into law of certain superseding ap-

appropriations or resolutions, the termination of availability of appropriations for the Department of Defense, or the date that is 180 days after the beginning of the Coast Guard-specific funding lapse.

This section also states that expenditures made pursuant to this new authority 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.

This section further states that appropriations and funds made available by 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, United States Code.

Finally, this section defines the terms “qualified civilian employee” and “qualified contract employee” to include persons providing support to members of the Coast Guard or another Armed Force or performing work as an excepted employee or an employee performing emergency work.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

* * * * *

SUBTITLE II—PERSONNEL

* * * * *

CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

Sec.
2701. Procurement of personnel.

* * * * *

SUBCHAPTER III—PAYMENTS

2761. Persons discharged as result of court-martial; allowances to.

* * * * *

2780. *Pay; continuation during lapse in appropriations.*

* * * * *

SUBCHAPTER III—PAYMENTS

* * * * *

§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 respect to members of the Coast Guard; and*

(C) *the temporary continuation of a basic allowance of housing for dependents of members 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, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career 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 dependents 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 appropriations for the Coast Guard for a fiscal year is not enacted before the beginning of such fiscal year (and no joint resolution making continuing appropriations 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.

* * * * *