

118TH CONGRESS  
1ST SESSION

# H. R. 5842

To amend title 14, United States Code, to make appropriations for Coast Guard pay in the event an appropriations Act expires before the enactment of a new appropriations Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2023

Mr. GREEN of Tennessee (for himself, Mr. McCAUL, Mr. GIMENEZ, Mr. HIGGINS of Louisiana, Mr. EZELL, Mr. BRECHEEN, Ms. DE LA CRUZ, Mr. GUEST, and Mr. WALTZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 14, United States Code, to make appropriations for Coast Guard pay in the event an appropriations Act expires before the enactment of a new appropriations Act, 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 “Coast Guard Sustained  
5 Funding Act of 2023”.

1 **SEC. 2. PAY; CONTINUATION DURING LAPSE IN APPROPRIA-**  
2 **TIONS.**

3 (a) IN GENERAL.—Chapter 27 of title 14, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 2780. Pay; continuation during lapse in appropria-**  
7 **tions**

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

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

15 “(2) to provide pay and benefits to qualified ci-  
16 vilian employees of the Coast Guard; and

17 “(3) to provide pay and benefits to qualified  
18 contract employees of the Coast Guard.

19 “(b) APPLICATION OF ANTI-DEFICIENCY ACT.—Sec-  
20 tion 1341 of title 31 (commonly referred to as the ‘Anti-  
21 Deficiency Act’) shall apply to operations carried out  
22 under this section, except—

23 “(1) in the case of law that expressly authorizes  
24 incurring obligations in advance of appropriations;

1           “(2) operations that involve emergencies involv-  
2           ing the safety of human life or the protection of  
3           property; and

4           “(3) with respect to functions necessary to dis-  
5           charge the congressional duties of the President.

6           “(c) COAST GUARD-SPECIFIC FUNDING LAPSE.—For  
7           purposes of this section, a Coast Guard-specific funding  
8           lapse occurs in any case in which a general appropriation  
9           bill providing appropriations for the Coast Guard for a  
10          fiscal year is not enacted before the beginning of such fis-  
11          cal year (and no joint resolution making continuing appro-  
12          priations for the Coast Guard is in effect).

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

17                 “(1) The enactment into law of an appropria-  
18                 tion (including a continuing appropriation) for such  
19                 purpose.

20                 “(2) The enactment into law of the applicable  
21                 regular or continuing appropriations resolution or  
22                 other Act without any appropriation for such pur-  
23                 pose.

24          “(e) DEFINITIONS.—In this section:

1           “(1) QUALIFIED CIVILIAN EMPLOYEE.—The  
2 term ‘qualified civilian employee’ means a civilian  
3 employee of the Coast Guard who the Commandant  
4 determines is—

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

7                   “(B) performing work as an excepted em-  
8 ployee or an employee performing emergency  
9 work, as such terms are defined by the Office  
10 of Personnel Management.

11           “(2) QUALIFIED CONTRACT EMPLOYEE OF THE  
12 COAST GUARD.—The term ‘qualified contract em-  
13 ployee of the Coast Guard’ means an individual per-  
14 forming work under a contract who the Com-  
15 mandant determines is—

16                   “(A) providing support to military mem-  
17 bers or qualified civilian employees of the Coast  
18 Guard or another Armed Force; or

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

21           (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 27 of title 14, United States Code, is amended by add-  
23 ing at the end the following:

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