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Secretary

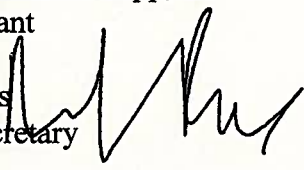
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

October 5, 2013

MEMORANDUM FOR: Admiral Robert J. Papp, Jr.
Commandant

FROM: Rand Beers
Acting Secretary 

SUBJECT: Guidance for Implementation of Pay Our Military Act

Appropriations provided under the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 13-6) expired at midnight on Monday, September 30, 2013. Hours before that occurred, the Congress passed and the President signed the Pay Our Military Act. That Act provides appropriations for specified purposes while interim or full-year appropriations for fiscal year 2014 are not in effect, as is currently the case.

The Act appropriated such sums as are necessary to provide pay and allowances to members of the Armed Forces, to include the members of the U.S. Coast Guard and Reservists on active duty. The Act also appropriates such sums as are necessary to provide pay and allowances to the civilian personnel of the U.S. Coast Guard "whom the Secretary ... determines are providing support to members of the Armed Forces" performing active service during such period. The term "pay and allowances" includes annual leave and sick leave. The Act also appropriates such sums as are necessary to provide pay and allowances to contractors whom the Secretary determines are providing support to members of the Armed Forces in active service and the U.S. Coast Guard, in coordination with the Office of the General Counsel, will provide further analysis of this portion of the law.

This Memorandum provides instructions for identifying those civilian personnel within the U.S. Coast Guard who "are providing support to members of the Armed Forces" within the meaning of the Act. This guidance must be used in identifying these employees. The guidance does not identify every activity performed by the U.S. Coast Guard's large civilian workforce, but rather it provides overarching direction and general principles for making these determinations. It should be applied prudently, and in a manner that promotes consistency across the U.S. Coast Guard, and in coordination with the Department of Defense.

The standard of "support to members of the Armed Forces" requires a focus on those employees whose responsibilities contribute to the mission execution, morale, well-being, and readiness of covered military members. Every U.S. Coast Guard employee makes an essential contribution to the Department's ability to carry out our missions of preventing terrorism and enhancing security; managing our borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience in defending the Nation. Congress did not, however, enact a statute

to continue the appropriations for all of the Department's activities, or all of the U.S. Coast Guard's activities, or for the pay and allowances of all of U.S. Coast Guard personnel. Instead, we must determine who provides support to the members of the U.S. Coast Guard in active service, in a way that respects Congress's appropriation. First, I have determined that this standard includes all U.S. Coast Guard employees who are performing activities deemed "exempt" pursuant to the "U.S. Department of Homeland Security Procedures Relating to a Federal Funding Hiatus, September 2013," because these support activities are felt directly by covered members of the U.S. Coast Guard.

Second, I have determined that this standard includes those U.S. Coast Guard employees whose responsibilities provide support to service members performing active service and their families. Examples of this category include:

- Commands and staffs, including subordinate commands and staffs, directly responsible for conduct, performance and oversight of Coast Guard operations, including planning, command and control, force allocation, readiness and sustainability. This includes Area commanders and staffs, District commanders and staffs, and all subordinate units.
- Health, Safety and Work Life staff.
- Director of Operational Logistics (DOL) units and staff.
- Logistics and Service Centers supporting operational units.
- Acquisition Program oversight and management staff.
- Base personnel staff.
- Intelligence functions.
- Criminal Investigation functions not already exempt.
- Transition Assistance Programs for Military Members in active service.
- Activities related to the repair and maintenance of Coast Guard operational assets at the unit level.
- Training activities related to military readiness.
- Supply chain management activities in support of near term military readiness.
- Human Resources activities including Pay and Personnel Center, Personnel Service Center and District, Area and Headquarters staffs engaged in Human Resources activity.
- Installation Support and Facilities maintenance.
- Payroll activities.
- Legal advice or guidance to military members to allow military members to execute their functions.
- Necessary support including administration, command, control, and communications, and legal support for all above functions.

Third, this standard also encompasses those employees whose responsibilities contribute to sustaining the long-term military readiness and which, if interrupted by the lapse in appropriations, will have a negative impact on service members' ability to conduct assigned missions in the future. To fall within this third category, there must be a causal connection between the failure to perform the activity during the duration of an appropriations lapse and a negative impact on military members in the future. In other words, if the activity is not performed over the duration of an appropriations lapse, would it be possible to identify a negative impact that will be felt by military

members at some time in the future? In undertaking this analysis, it should be assumed that regular appropriations will be restored within the near term. Delays in the availability of new or repaired equipment would be one such impact. Examples of this category include:

- All activities related to the repair and maintenance of Coast Guard operational assets at the intermediate and depot level.
- Supply chain management activities in support of long term mission readiness.
- Finance Center and other financial management and procurement activities necessary to support military personnel.
- Necessary support, including administrative and legal support, for all above functions.

Those employees of the Department who do not fall within the scope of the Act (unless they have been determined to be “exempt”) include:

- National Vessel Documentation Center.
- National Maritime Center.
- Congressional Affairs.
- Work done in support of non-USCG activities and Agencies with the exception of work done in support of DOD.

As I stated above, those employees who fall outside the scope of the Act perform work that is critically important to the strength of the U.S. Coast Guard, and our Nation. Those falling outside the scope of the Act include men and women who have devoted their lives to service of this country, whose work on our behalf and on behalf of the Nation is enormously valuable, and critical to the maintenance of our military readiness over the long term.

The Act provides appropriations for personnel; it does not provide appropriations for equipment, supplies, materiel, and all the other things that the Department needs to keep operating efficiently, except as provided by the provision relating to contractors. While the Act permits the U.S. Coast Guard to bring many of its civilian employees back to work, and to pay them, if Congress continues to fail to enact an appropriation, many of these workers will cease to be able to do their jobs. Critical parts, or supplies, will run out, and there will be limited authority for the U.S. Coast Guard to purchase more. If there comes a time that workers are unable to do their work, the Department will be forced once again to send them home.

The Commandant will take the lead in overseeing the implementation of this guidance, assisted by other offices as necessary.