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MEMORANDUM OF UNDERSTANDING BETWEEN THE

U. S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

AND THE

U. S. PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish the relationship between the U. S. Public Health Service (USPHS) and the U. S. Coast Guard (USCG). Pursuant to the provisions of 42 USC 215(a) and 14 USC 141(b) the USPHS and the USCG hereby enter into an agreement for the detail of USPHS commissioned officers to the USCG.

II. BACKGROUND

The USPHS is responsible for the health care of USCG beneficiaries in accordance with 42 USC 253. The closure of many USPHS facilities in 1981 reduced the ability of USPHS to meet its obligation to the Coast Guard. In recognition of that fact, 14 USC 93 was amended in October 1982 by the addition of subsection (r) authorizing the Commandant of the USCG to provide health care to USCG beneficiaries. The 1984 USCG Authorization Act (PL 98-557) of October 1984 amended certain sections of Chapter 55, 10 USC by transferring responsibility for administration of that chapter on behalf of the USCG from the Department of Health and Human Services to the Department of Transportation. This MOU is entered into to provide the framework within which both organizations meet their obligations under the law.

III. PREVIOUS AGREEMENT

The Memorandum of Understanding between the USCG and USPHS of 15 May 1980 is canceled and superseded by this document.

IV. APPLICABILITY OF LAWS

The USPHS and USCG recognize the authority and applicability of the various laws impacting both services. USPHS personnel detailed to the USCG are considered to be members of the Armed Forces for the purposes of determining applicability of various statutes to USPHS commissioned officers. Listed below are some of the laws considered to be of mutual significance to both agencies:

- A. 42 USC 215(a): USPHS personnel detailed to the USCG are subject to the laws for the governing of the USCG.
- B. 10 USC 802(a)(8): USPHS personnel assigned to the USCG are subject to the Uniform Code of Military Justice.

- C. 42 USC 213: USPHS commissioned officers detailed to the USCG and their surviving beneficiaries are entitled to the rights, privileges, immunities, and benefits accorded to commissioned officers of the United States Army on account of active military service, except for retired pay and uniform allowances which are addressed by the provisions of other laws. This section of the law is a broad entitlement, therefore all the specific entitlements will not be itemized in the MOU. Some important examples are:

Medical care

Use of exchanges and commissaries

Detail to the USCG is defined as active military service in the Armed Forces for certain laws administered by the Veterans' Administration

Period of detail credited toward longevity increases in pay

- D. 28 USC 2671 - 2680, 1346(b) and 42 USC 233(f): USPHS personnel detailed to the USCG remain subject to the provisions of these laws with regard to suits or claims of personal injury arising from their conduct while acting within the scope of their office or employment.
- E. 18 USC 203, 205, 207, 208, 209: USPHS personnel detailed to the USCG remain subject to the provisions of these laws which deal with various aspects of conflict of interest.
- F. 42 USC 202 et seq.: USPHS personnel detailed to the USCG remain subject to the provisions of these laws which provide broad authority and direction for the administration and supervision of the USPHS by the Secretary, Department of Health and Human Services. This section of the law permits execution of many administrative functions by USPHS for USPHS personnel detailed to the Coast Guard, for example: pay, promotion, separation, etc. It is not a bar, however, to the USCG exercising its authority over USPHS personnel detailed to the USCG relative to the laws for governing the USCG. See paragraph A. above.
- G. 12 USC 1715M: USPHS personnel detailed to the USCG are entitled to payment of mortgage insurance premiums.
- H. 26 USC 217: USPHS personnel detailed to the USCG are exempt from restrictions in this section against claiming moving expenses as federal income tax deductions.
- I. 26 USC 1034h: USPHS personnel detailed to the USCG may suspend reporting of income for federal tax purposes derived from sale of residence for the period specified.
- J. 42 USC 207(a): The USPHS commissioned officer assigned as Chief Medical Officer of the USCG (Office of Health Services, USCG) shall hold the grade corresponding to that of major general (O-8).

V. USCG RESPONSIBILITIES

- A. Determine the extent of health care services necessary to meet Coast Guard requirements.
- B. Exercise all responsibility for the in-house Coast Guard Health Service Program.
- C. Notify the USPHS annually of the number of reimbursable personnel needed to meet Coast Guard requirements.
- D. Notify the Surgeon General, USPHS of all adverse or disciplinary actions taken against USPHS personnel arising from application of the Uniform Code of Military Justice (UCMJ) or other laws governing the USCG.
- E. Consider USPHS personnel not detailed to the USCG for assignment to USCG billet vacancies when initiating recruitment action.
- F. Make timely report to the Director, Commissioned Personnel Operations Division, USPHS Headquarters of any serious, life-threatening illness or any hospitalization of a USPHS officer which has the potential for becoming a disability evaluation system case.
- G. Make timely report to the Compensation Branch, Commissioned Personnel Operations Division of any change in dependency status of a USPHS officer affecting the rate of quarters allowance. Additionally, the USCG will report the occupancy or vacating of public quarters by USPHS officers, which quarters have been furnished without charge or under rental or other agreements.
- H. Initiate requests for required field investigations for sensitive positions and associated security clearances and notify USPHS of the results of such investigations.
- I. Issue both permanent change of station (PCS) orders for transfers within USCG and temporary duty travel orders for USPHS personnel detailed to USCG. A copy of each PCS order will be promptly provided to the Director, Commissioned Personnel Operations Division, USPHS Headquarters.
- J. Pay mortgage insurance premiums to which USPHS personnel detailed to the USCG are entitled.
- K. Request concurrence of the Surgeon General prior to the permanent assignment of USPHS personnel detailed to the USCG, to other than an organizational component of USCG or DOT.

VI. USPHS RESPONSIBILITIES

- A. The Surgeon General will exercise professional oversight of USPHS officers detailed to the USCG. Such oversight will be coordinated with and exercised through the Commandant.

- B. The Surgeon General will, with the advice and consent of the Commandant, assign a U. S. Public Health Service officer to serve as the Chief Medical Officer, U. S. Coast Guard.
- C. Administer the personnel and payroll support system for USPHS commissioned officers detailed to the Coast Guard.
- D. Reassign within six months USPHS personnel out of the USCG detail who are not adaptable to military duty with the USCG or for whom a programmatic need no longer exists.
- E. Designate USPHS officers detailed to the USCG, when qualified and mutually agreed upon by the USPHS and the USCG, to serve as members of various USPHS personnel boards. Additionally, when appropriate, designate USPHS officers detailed to the USCG to be members of professional advisory committees impacting USPHS personnel detailed to the USCG.
- F. Continue to exempt USPHS personnel detailed to the USCG from reduction in strengths to the USPHS.
- G. Provide commissioned officer professional personnel for assignment to the Coast Guard on a reimbursable basis. In making such assignments USPHS will attempt to provide the special professional categories, grades, and numbers requested by the Commandant.
- H. Provide a USPHS commissioned officer, other than one currently detailed to the USCG, to sit as a nonvoting member on Assignment Panels convened by the USCG for the purpose of assigning USPHS officers to positions in the USCG.
- I. Issue all PCS travel orders involving details from USPHS to initial USCG duty station, and from final USCG duty station.

VII. PERSONNEL AND FINANCIAL PROCEDURES

- A. All travel and transportation of USPHS Personnel detailed to USCG will be in accordance with the Joint Travel Regulations of the Uniformed Services as implemented by USCG regulations.
- B. Reimbursable Costs to USPHS - The following expenses incident to the employment and travel of personnel will be paid by USPHS directly to the individual, and the USCG will reimburse the USPHS for the associated costs.
 - 1. All pay and allowances, including base pay, quarters and subsistence allowances, special pay, continuation pay, variable special pay, board certified pay, retention special pay, incentive special pay, longevity increases, periodic pay increases, etc., in accordance with Title 37, United States Code.

2. Travel and transportation entitlements pursuant to USPHS personnel orders for PCS for USPHS personnel detailed to duty with the USCG, including: calls to active duty, separations, inactivations, or retirements; and applicable lump sum leave entitlements.
3. All actuarial costs including the Federal Government's share of the cost for Servicemen's Group Life Insurance, Social Security coverage, and similar costs.
4. Contingency Expense - If any of the following events should occur to USPHS personnel on detail to the USCG, the expenses indicated will be paid by USPHS directly to the survivors.
 - a. In the event of the death of USPHS personnel, expenses for:
 - (1) Transportation of dependents and shipment of household effects to a place selected by the survivors.
 - (2) Burial, including transportation of body to place of interment.
 - (3) Six months' pay death gratuity.
 - (4) Lump sum leave payment for earned but unused annual leave not covered by VII.B.2 above.
 - b. In the event of death of a dependent, transportation of the remains to the place of burial.
- C. Method of Reimbursement - USPHS will bill the USCG Treasury account on a monthly basis for expenses incurred in the preceding month for the items covered in Section VII.B., using Treasury TFS Form 7306.
- D. Direct Cost to USCG - The following expenses incident to the employment and travel of USPHS personnel on detail to the USCG will be paid by USCG directly to those USPHS personnel.
 1. PCS travel and transportation allowances for the transfer of USPHS personnel within USCG pursuant to orders issued by USCG.
 2. Temporary duty travel performed by USPHS personnel detailed to USCG pursuant to orders issued by USCG.
 3. In the event of illness, any necessary transportation to and from medical facilities for examination and treatment.
 4. In the event of an evacuation, any necessary travel and transportation allowances for detailed personnel and their dependents as authorized by the Joint Travel Regulations.

5. In the event the individual is officially reported as being absent for a period of more than 29 days in a missing status, expenses for transportation of dependents and shipment of household effects to a place selected by the survivors as authorized by the Joint Travel Regulations.
- E. Direct Cost to USPHS - USPHS will pay directly for permanent change of station travel and transportation for USPHS personnel being transferred back to USPHS under USPHS personnel orders.
- F. The period of each detail shall be indefinite unless limited for medical reason or USCG programmatic requirement as specified in USPHS personnel order. Each detail will be requested by the USCG and is subject to the approval of the Surgeon General.
- G. Assignment and supervision of USPHS personnel detailed to the USCG will be exercised by the Commandant. Reference 42 USC 215(a) and 14 USC 632.
- H. All formal communications between either the USCG or the USPHS, and USPHS personnel detailed to the USCG, shall be via the chain of command as defined and designated by the USCG. Communications not properly transmitted will be returned to the originator for proper routing.
- I. The USCG will inform the USPHS in a timely manner of any adverse action taken against USPHS personnel detailed to the USCG as a result of administrative or UCMJ proceedings. If adverse action of a serious nature, such as confinement, reduction in grade, etc. is anticipated the USCG will notify the USPHS before the fact. The USPHS will effect court-martial sentences over which the USCG has no administrative control, e.g., forfeiture of pay and allowances, reduction in grade, and separation from the USPHS. Voluntary or involuntary transfer back to USPHS of USPHS personnel detailed to the USCG for the purpose of avoiding court-martial shall not be permitted.
- J. USPHS personnel detailed to the USCG are subject to return to USPHS for assignment upon written request of the Surgeon General with the concurrence of the Commandant.
- K. USPHS personnel detailed to the USCG may, at their request, return to USPHS for career enhancing or training assignments with the mutual consent of the USCG and USPHS. Such assignments will normally not exceed two years and offer equal or higher organization position than their current assignment. Personnel so reassigned retain exemption from reductions in strength as per VI.F. above for the duration of the assignment, but not to exceed a period of two years. They will be available for return to the USCG at the conclusion of their USPHS assignment. Reciprocally, USPHS personnel not detailed to the USCG may be detailed to the USCG under these same provisions. Special status and circumstances attending these assignments shall be documented in the personnel orders.

- L. The USPHS officer appointed Chief Medical Officer, U. S. Coast Guard (Chief, Office of Health Services, USCG) will normally serve a tour of no less than four but no more than five years unless a modification of that tour of duty is requested by the Commandant and approved by the Surgeon General. A formal selection board will be convened by direction of the Commandant, approximately six months prior to the completion of the Chief Medical Officer's tour in order to review candidates, including any nominations made by the Surgeon General, to relieve the incumbent at the end of the tour. The selection board will be comprised of five members appointed by the Commandant. Two members shall be active duty USPHS officers in the grade of O-8. The Chief, Office of Personnel, USCG shall be a permanent member of the board. The remaining two members shall be active duty USCG officers in the grade of O-8 or above, the senior officer of which, shall serve as the President of the Board. The precept to the board shall be prepared by the Commandant and will define the Board's responsibility and provide selection and eligibility criteria. The Commandant will consult with the Surgeon General in preparing the precept. Upon convening, the Board will be briefed by both the Surgeon General and the Commandant. Following consultation with the Surgeon General, the Commandant will forward his nomination for the position to the Surgeon General for assignment.
- M. USPHS personnel detailed to the USCG will wear USCG uniforms with appropriate USPHS insignia and devices. Uniforms shall be worn in accordance with USCG Uniform Regulations. USPHS personnel, regardless of grade, are entitled to a one-time uniform allowance. Additional allowances are not authorized when the officer is detailed to USCG.
- N. USPHS personnel detailed to the USCG are eligible for both USPHS and USCG awards. Awards from both the USPHS and the USCG for the same action will not be permitted.
- O. Leave, Liberty, Honors, Entitlements, and Other Considerations.
1. All leaves of absence (sick and annual) must be authorized or approved by leave granting authorities designated by USCG. The USCG shall report immediately all periods of AWOL to the USPHS so that pay can be withheld.
 2. Leave will be authorized and recorded in accordance with USCG regulations and policies. Leave will be reported to the USPHS in accordance with the USPHS Commissioned Corps Personnel Manual when certification of leave balance is required.
 3. The leave record will be maintained by the designated leave granting authorities in the USCG.
 4. Liberty (station leave) may be granted by the leave granting authority without charge to annual leave.

5. Administration of sick leave for USPHS officers detailed to the USCG will be in accordance with procedures set forth in USCG regulations.
- P. Reports on the effectiveness and performance of USPHS officers detailed to the USCG will be submitted annually, using Form PHS-838, and at such other times as required by USPHS, in accordance with the USCG Personnel Manual and other appropriate instructions. The USCG will have access to the permanent record for the purpose of review. USPHS shall provide USCG with a copy of the full file on each individual upon initial detail to USCG. All files of personnel detailed to USCG shall be updated routinely by providing copies of all additions to each file to USCG.
- Q. As part of the personnel and pay support system noted in VI.8 above, the USPHS administers a special pay program for medical and dental officers. USCG recommendations for Retention Special Pay (RSP) and Continuation Pay (CP) for USPHS officers detailed to the USCG shall normally be honored by the USPHS. If USCG recommendations conflict with USPHS policy, the matter will be reviewed and problems resolved in accordance with established USPHS policy and procedures.
- R. All requests for long-term training of USPHS commissioned officers on detail to USCG will be initiated by the officer concerned. Requests for USCG sponsored training will be processed under USCG training policies and copies of approvals submitted to Commissioned Personnel Operations Division, USPHS. All costs for such approved training will be borne by USCG. The dates of initiating and closing the training assignment will be promptly reported to USPHS. During any such training assignments applicable restrictions concerning Medical and Dental special pay, as provided for in Title 37, USC, shall apply. Any active duty obligation incurred from USCG sponsored and funded training will be fulfilled by serving with the USCG and will be subject to USCG rules concerning obligated service. If the request is for USPHS sponsored training, the application will be forwarded to the USPHS with USCG endorsement. Any active duty obligation incurred from USPHS sponsored training will be fulfilled under USPHS training policies.

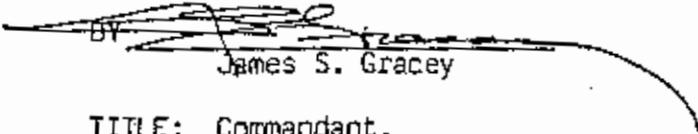
VIII. TERM OF AGREEMENT

This Memorandum of Understanding is effective when signed. It may be modified by the mutual consent of the USCG and the USPHS, or terminated by either party upon sixty days written notice to the other party.

APPROVED AND ACCEPTED FOR THE
UNITED STATES COAST GUARD

APPROVED AND ACCEPTED FOR THE
UNITED STATES PUBLIC HEALTH SERVICE

BY


James S. Gracey

TITLE: Commandant,
U. S. Coast Guard

DATE 6-27-85

BY


C. Everett Koop

TITLE: Surgeon General,
U. S. Public Health Service

DATE July 3, 1985

Amendment to the Memorandum of Understanding (MOU)
of July 1985 between the
U.S. Coast Guard, Department of Transportation and
the U.S. Public Health Service,
Department of Health and Human Services

I. Purpose

The purpose of this amendment is to provide for the assignment of U.S. Public Health Service commissioned officers to the U.S. Coast Guard in the event of mobilization of U.S. Coast Guard Forces.

II. Applicability of Laws

In addition to those laws set forth in paragraph IV of the Memorandum of Understanding, Title 42 U.S.C., Sections 204, 212, 216, and 217 provide for a Commissioned Regular Corps of Public Health Service Officers, a Reserve Corps for duty in the U.S. Public Health Service during times of national emergency, involuntary recall of retired Regular or Reserve Corps Officers when the Commissioned Corps constitutes a branch of the United States land or naval forces, and provide that the President, by Executive Order, may declare the Commissioned Corps to be a military service in time of war or emergency involving the national defense.

III. Mobilization

In the event of the mobilization of U.S. Coast Guard Forces or the transfer of the U.S. Coast Guard to the U.S. Navy, the existing detail of U.S. Public Health Service Commissioned Officers to the U.S. Coast Guard will continue, and the U.S. Public Health Service will augment the number of U.S. Public Health Service Commissioned Officers detailed to the U.S. Coast Guard by up to a maximum of 160 additional officers. Subsequent to approval by the U.S. Coast Guard and the Public Health Service, officers identified for mobilization with the U.S. Coast Guard will participate in a minimum of 5 days training annually at U.S. Coast Guard units in preparation for mobilization.

The U.S. Coast Guard will pay all travel, per diem and other costs associated with mobilization training. The U.S. Public Health Service will pay all other costs including base pay and allowances, special pay, continuation pay, retention pay, board certified pay, longevity increases, actuarial costs, death gratuities, etc.

In the event of mobilization, financial procedures will be in accordance with paragraph VII of the basic MOU.

In the case of other emergency requirements imposed by Executive Order 12655 for responses to emergency situations, specific requests for use of resources will be in accordance with plans developed under this MOU.

Detailed plans for mobilization augmentation and requests for Executive Order 12655 resources will be separately developed, maintained and reviewed as necessary by the appropriate U.S. Coast Guard and U.S. Public Health Service staffs.

APPROVED AND ACCEPTED FOR THE
UNITED STATES COAST GUARD

BY


Paul A. Yost, Jr.

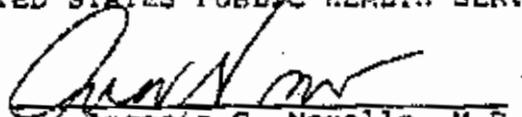
TITLE: Commandant
U. S. Coast Guard

DATE

3/23/90

APPROVED AND ACCEPTED FOR THE
UNITED STATES PUBLIC HEALTH SERVICE

BY


Antonia C. Novello, M.D.

TITLE: Surgeon General
U. S. Public Health Service

DATE

Mar 20 1990