
Section A. Public Law Excerpts

Introduction The Auxiliary is a non-military organization established by Congress and administered by the Coast Guard. Auxiliarists must be aware of the organizational responsibilities and limitations intended by Congress. From these basic laws come the Commandant's authority to promulgate pertinent instructions and regulations to properly administer the Auxiliary within the Coast Guard framework.

A.1. Authority The following partial excerpts are from 14 U.S.C. – Coast Guard, and provide the basis for the Auxiliary.

**A.2. Sec. 639 -
Penalty For
Unauthorized
Use of Words
"Coast Guard"**

No individual, association, partnership or corporation shall, without authority of the Commandant, use the combination of the letters "USCG" or "USCGR," the words "Coast Guard," "United States Coast Guard," "Coast Guard Reserve," "United States Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," "Life Saving Service," or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that any such individual, association, partnership or corporation has any connection with the Coast Guard. No individual, association, partnership or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than \$1,000, or imprisoned not more than one (1) year, or both.

Note: Any items of clothing or any other paraphernalia which may be perceived by members of the general public to establish an official relationship with the Coast Guard or the Coast Guard Auxiliary in a commercial context are prohibited. Any member who acts contrary to this provision may be subject to disciplinary action if the actual intent of the wearing or display is to advance falsely an endorsement. Actual intent may be established upon a showing of prior conduct contrary to this provision.

**A.3. Sec. 821 -
Administration
of the Coast
Guard
Auxiliary**

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- (a) *The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.*
- (b) *Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the following:*
- (1) *Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).*
 - (2) *Section 2733 of title 10 (popularly known as the Military Claims Act).*
 - (3) *Section 30101 of title 46 (popularly known as the Admiralty Extension Act).*
 - (4) *Chapter 309 of title 46 (known as the Suits in Admiralty Act).*
 - (5) *Chapter 311 of title 46 (known as the Public Vessels Act).*
 - (6) *Other matters related to non-contractual civil liability.*
- (c) *The National Board of the Auxiliary, and any Coast Guard Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.*
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(d)

(1) *Except as provided in paragraph (2), personal property of the Auxiliary shall not be considered property of the United States.*

(2) *The Secretary may treat personal property of the Auxiliary as property of the United States –*

(A) for the purposes of

(i) The statutes and matters referred to in paragraphs (1) through (6) of subsection (b); and

(ii) Section 641 of this title; and

(B) as otherwise provided in this chapter.

(3) *The Secretary may reimburse the Auxiliary, and each organizational element and unit of the Auxiliary, for necessary expenses of operation, maintenance, and repair or replacement of personal property of the Auxiliary.*

(4) *In this subsection, the term “personal property of the Auxiliary” means motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment that is under the administrative jurisdiction of the Coast Guard Auxiliary or an organizational element or unit of the Auxiliary and that is used solely for the purpose described in this subsection.*

**A.4. Sec. 822 -
Purpose of the
Coast Guard
Auxiliary**

The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.

**A.5. Sec. 823 -
Eligibility,
Enrollments**

The Auxiliary shall be composed of citizens of the United States and its territories and possessions, who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations, or who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations.

**A.6. Sec. 823a -
Members of the
Auxiliary;
Status**

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- (a) *Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.*
- (b) *A member of the Auxiliary while assigned to duty shall be deemed to be a Federal employee only for the purposes of the following:*
- (1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).*
 - (2) Section 2733 of title 10 (popularly known as the Military Claims Act).*
 - (3) The Act of March 3, 1925 (46 App. U.S.C. § 781-790; popularly known as the Public Vessels Act).*
 - (4) The Act of March 9, 1920 (46 App. U.S.C. § 741-752; popularly known as the Suits in Admiralty Act).*
 - (5) The Act of June 19, 1948 (46 App. U.S.C. § 740; popularly known as the Admiralty Extension Act).*
 - (6) Other matters related to non-contractual civil liability.*
 - (7) Compensation for work injuries under Chapter 81 of title 5.*
 - (8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. § 3721).*
 - (9) On or after January 1, 2001, Section 651 of Public Law 104-208.*
- (c) *A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.*
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**A.7. Sec. 824 -
Disenrollment**

Members of the Auxiliary may be disenrolled pursuant to applicable regulations.

**A.8. Sec. 825 -
Membership in
Other
Organizations**

Members of the Auxiliary may be appointed or enlisted in the Reserve, pursuant to applicable regulations, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization.

**A.9. Sec. 826 -
Use of
Member's
Facilities**

The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

**A.10. Sec. 827 -
Vessel Deemed
Public Vessel**

While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.

**A.11. Sec. 828 -
Aircraft
Deemed Public
Aircraft**

While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.

**A.12. Sec. 829 -
Radio Station
Deemed
Government
Station**

Any radio station, while assigned to authorized Coast Guard duty, shall be deemed to be a radio station of the Coast Guard and a "government station."

**A.13. Sec. 830 -
Availability of
Appropriations**

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- (a) *Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized duties and for actual necessary expenses of operation of any motorboat, yacht, aircraft, or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation" as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, or radio station rests with the Coast Guard.*
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**A.14. Sec. 831 -
Assignment and
Performance of
Duties**

No member of the Auxiliary solely by reason of such membership, shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Reserve, except that any such member may, under applicable regulations, be assigned duties, which, after appropriate training and examination, [the Auxiliarist] has been found competent to perform, to effectuate the purposes of the Auxiliary. No member of the Auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless [the member] has been designated by authority of the Commandant to perform such duty. When any member of the Auxiliary is assigned to such duty [that member] may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expense, including per diem allowance in conformity with standardized Government Travel Regulations in lieu of subsistence, while traveling and while on duty away from home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government, and no per diem shall be paid for any period while such member is performing duty on a vessel.

**A.15. Sec. 832 -
Injury or Death
in Line of Duty**

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any duty to which the member is assigned by competent Coast Guard authority, such member or beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded members of the Coast Guard. The performance of a duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary.

**A.16. Sec. 892 -
Penalty**

Whoever, without proper authority, flies from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Auxiliary shall be fined not more than \$500.
