

Public Law 104–324 104th Congress
“Coast Guard Authorization Act of 1996”

TITLE IV—COAST GUARD AUXILIARY

SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY. (a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows: “§821. Administration of the Coast Guard Auxiliary “(a) The Coast Guard Auxiliary is a nonmilitary 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) 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).

46 USC 6102 note.

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“(6) Other matters related to noncontractual civil liability. “(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.”. (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following: “821. Administration of the Coast Guard Auxiliary.”. **SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.** (a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows: “§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.”. (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following: “822. Purpose of the Coast Guard Auxiliary.”. SEC. 403. MEMBERS OF THE AUXILIARY; STATUS. (a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 823 the following new section: “§823a. Members of the Auxiliary; status “(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 noncontractual civil liability. “(7) Compensation for work injuries under chapter 81 of title 5.

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“(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). “(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.”. (b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 14, United States Code, is amended by inserting the following new item after the item relating to section 823: “823a. Members of the Auxiliary; status.”. SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES. (a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking “specific”. (b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking “specific” each place it appears. (c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking “specific” each place it appears. SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS. (a) IN GENERAL.—Section 141 of title 14, United States Code, is amended— (1) by striking the section heading and inserting the following: “§141. Cooperation with other agencies, States, territories, and political subdivisions”; (2) in the first sentence of subsection (a), by inserting after “personnel and facilities” the following: “(including members of the Auxiliary and facilities governed under chapter 23)”; and (3) by adding at the end of subsection (a) the following new sentence: “The

Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.”. (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following: “141. Cooperation with other agencies, States, territories, and political subdivisions.”. SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows: “§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.”.

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SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT. Section 828 of title 14, United States Code, is amended to read as follows: “§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.”. SEC. 408. DISPOSAL OF CERTAIN MATERIAL. Section 641(a) of title 14, United States Code, is amended— (1) by inserting after “with or without charge,” the following: “to the Coast Guard Auxiliary, including any incorporated unit thereof,”; and (2) by striking “to any incorporated unit of the Coast Guard Auxiliary,”.