

Section 777, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to recommendations for promotion of officers previously removed from active status. See section 733 of this title.

Section 778, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to suspension of sections 770 to 798 of this title in war or national emergency. See section 722 of this title.

Section 779, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550, related to sea or foreign service requirements.

Section 780, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1550; amended Pub. L. 91-402, §1(6), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(5), (6), Dec. 5, 1973, 87 Stat. 692, related to recommendations of selection boards. See section 729 of this title.

Section 781, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(7), Sept. 18, 1970, 84 Stat. 840, related to precedence in grades of officers. See section 725 of this title.

Section 782, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1551; amended Pub. L. 91-402, §1(8), Sept. 18, 1970, 84 Stat. 840, related to running mates. See section 726 of this title.

Section 783, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to promotion zones. See section 731 of this title.

Section 784, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(9), Sept. 18, 1970, 84 Stat. 841, related to date of rank upon promotion. See section 736 of this title.

Section 785, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to limitations on consideration for promotion.

Section 786, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552, related to qualifications for promotion. See section 734 of this title.

Section 787, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1552; amended Pub. L. 91-402, §1(10), Sept. 18, 1970, 84 Stat. 841; Pub. L. 93-174, §2(7), Dec. 5, 1973, 87 Stat. 692, related to failure of selection and elimination. See section 740 of this title.

Section 787a, added Pub. L. 86-559, §2(3), June 30, 1960, 74 Stat. 281, provided for elimination from active status of excessive numbers to provide a flow of promotions. See section 741 of this title.

Section 788, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to effect of removal by President or failure of consent of Senate. See section 738 of this title.

Section 789, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1553, related to maximum ages for retention in active status. See section 742 of this title.

Section 790, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 91-402, §1(11), Sept. 18, 1970, 84 Stat. 841, related to types of promotion. See section 737 of this title.

Section 791, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554; amended Pub. L. 88-130, §1(13), Sept. 24, 1963, 77 Stat. 190; Pub. L. 91-402, §1(12), Sept. 18, 1970, 84 Stat. 842, related to promotion of officers on active duty. See section 728 of this title.

Section 792, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to appointment of former Navy and Coast Guard officers. See section 744 of this title.

Section 793, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, related to grades upon relief of retired officers. See section 746 of this title.

Section 794, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1554, authorized Secretary to promulgate regulations. See section 633 of this title.

Section 795, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1555, related to effect of sections 770 to 798 of this title on retirements and retired pay. See section 723 of this title.

Section 796, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842; amended Pub. L. 93-174, §2(8), Dec. 5, 1973, 87 Stat. 692, related to failure of selection for promotion. See section 739 of this title.

Section 797, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 842, related to acceptance of promotion and oath of office. See section 735 of this title.

Section 798, added Pub. L. 91-402, §1(13), Sept. 18, 1970, 84 Stat. 843, related to maximum service in grade of rear admiral. See section 743 of this title.

## CHAPTER 23—COAST GUARD AUXILIARY

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### AMENDMENTS

2012—Pub. L. 112-213, title II, §215(b), Dec. 20, 2012, 126 Stat. 1555, substituted "Eligibility; enrollments" for "Eligibility, enrollments" in item 823.

1996—Pub. L. 104-324, title IV, §§401(b), 402(b), 403(b), Oct. 19, 1996, 110 Stat. 3923, 3924, inserted "of the Coast Guard Auxiliary" after "Administration" in item 821, inserted "of the Coast Guard Auxiliary" after "Purpose" in item 822, and added item 823a.

### § 821. Administration of the Coast Guard Auxiliary

(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<sup>1</sup> 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).

<sup>1</sup> So in original. Probably should be 171.

(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.

(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 purposes described in this subsection.

(Aug. 4, 1949, ch. 393, 63 Stat. 555; Pub. L. 104-324, title IV, §401(a), Oct. 19, 1996, 110 Stat. 3922; Pub. L. 108-293, title II, §226, Aug. 9, 2004, 118 Stat. 1041; Pub. L. 109-304, §17(c), Oct. 6, 2006, 120 Stat. 1707.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§260, 263 (Feb. 19, 1941, ch. 8, title I, §§1, 4, 55 Stat. 9, 10).

This section continues the Auxiliary, redefining it as a nonmilitary organization, and providing for its administration. 81st Congress, House Report No. 557.

#### AMENDMENTS

2006—Subsec. (b)(3) to (5). Pub. L. 109-304 added pars (3) to (5) and struck out former pars. (3) to (5) which read as follows:

“(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).”

2004—Subsec. (d). Pub. L. 108-293 added subsec. (d).

1996—Pub. L. 104-324 inserted “of the Coast Guard Auxiliary” after “Administration” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Coast Guard Auxiliary established on February 19, 1941, is a nonmilitary organization administered by the Commandant under the direction of the Secretary.”

#### USE OF COAST GUARD AUXILIARY

Pub. L. 99-640, §9, Nov. 10, 1986, 100 Stat. 3548, provided that:

“(a) It is the sense of the Congress that the Coast Guard Auxiliary performs a broad range of services in behalf of the safety and security of the American people, and that the continued strength and vitality of the Coast Guard Auxiliary is important to the United States.

“(b)(1) The Secretary of Transportation shall investigate and submit to the Congress a report within 1

year after the date of enactment of this Act [Nov. 10, 1986] regarding—

“(A) the extent to which membership of the Coast Guard Auxiliary has declined in recent years and the causes of such decline;

“(B) the effect, if any, on the maritime community of any such decline in the performance levels of the Coast Guard Auxiliary in the areas of life-saving, assistance to persons in distress, safety patrols and inspections, and support missions for the Coast Guard; and

“(C) the effect, if any, of the Coast Guard’s non-emergency assistance policy on the overall effectiveness of the Coast Guard Auxiliary.

“(2) The report submitted by the Secretary under this section shall include such recommendations for legislative and administrative action as the Secretary considers appropriate to achieve and maintain the Coast Guard Auxiliary at its optimum strength.”

#### § 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 555; Pub. L. 104-324, title IV, §402(a), Oct. 19, 1996, 110 Stat. 3923.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §261 (Feb. 19, 1941, ch. 8, title I, §2, 55 Stat. 9; Sept. 30, 1944, ch. 453, §1, 58 Stat. 759).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

1996—Pub. L. 104-324 inserted “of the Coast Guard Auxiliary” after “Purpose” in section catchline and amended text generally. Prior to amendment, text read as follows: “The purpose of the Auxiliary is to assist the Coast Guard:

“(a) to promote safety and to effect rescues on and over the high seas and on navigable waters;

“(b) to promote efficiency in the operation of motorboats and yachts;

“(c) to foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts; and

“(d) to facilitate other operations of the Coast Guard.”

#### § 823. Eligibility; enrollments

The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

(1) who—

(A) are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

(B) by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary; and

(2) who may be enrolled therein pursuant to applicable regulations.

(Aug. 4, 1949, ch. 393, 63 Stat. 555; Pub. L. 112-213, title II, §215(a), Dec. 20, 2012, 126 Stat. 1555.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§262, 351 (Feb. 19, 1941, ch. 8, title I, §3, title III, §301, 55 Stat. 9, 13; Oct.