

(5) Chapter 311 of title 46 (known as the Public Vessels Act).

(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 901 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, § 821; 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; Pub. L. 114-120, title II, § 209(14), Feb. 8, 2016, 130 Stat. 41; renumbered § 3901 and amended Pub. L. 115-282, title I, §§ 119(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4236, 4240.)

#### 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

2018—Pub. L. 115-282, § 119(b), renumbered section 821 of this title as this section.

Subsec. (b). Pub. L. 115-282, § 123(b)(2), substituted “section 3902” for “section 822” in introductory provisions.

Subsec. (d)(2)(A)(ii). Pub. L. 115-282, § 123(b)(2), substituted “section 901” for “section 641”.

2016—Subsec. (b)(1). Pub. L. 114-120 substituted “Chapter 171” for “Chapter 26”.

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, required the Secretary of Transportation to investigate and submit to Congress a report within 1 year after Nov. 10, 1986, regarding the membership decline in the Coast Guard Auxiliary, its effect on the maritime community, and recommendations for legislative and administrative action to achieve and maintain the Coast Guard Auxiliary at its optimum strength.

#### § 3902. Purpose of the Coast Guard Auxiliary

(a) IN GENERAL.—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) LIMITATION.—The Auxiliary may conduct a patrol of a waterway, or a portion thereof, only if—

(1) the Commandant has determined such waterway, or portion thereof, is navigable for purposes of the jurisdiction of the Coast Guard; or

(2) a State or other proper authority has requested such patrol pursuant to section 701 of this title or section 13109 of title 46.

(Aug. 4, 1949, ch. 393, 63 Stat. 555, § 822; Pub. L. 104-324, title IV, § 402(a), Oct. 19, 1996, 110 Stat. 3923; Pub. L. 114-120, title II, § 205(a), Feb. 8, 2016, 130 Stat. 36; renumbered § 3902 and amended Pub. L. 115-282, title I, §§ 119(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4236, 4240.)

#### 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

2018—Pub. L. 115-282, § 119(b), renumbered section 822 of this title as this section.

Subsec. (b)(2). Pub. L. 115-282, § 123(b)(2), substituted “section 701” for “section 141”.

2016—Pub. L. 114-120 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.”

#### § 3903. 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))—