

(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, § 823; Pub. L. 112-213, title II, § 215(a), Dec. 20, 2012, 126 Stat. 1555; renumbered § 3903, Pub. L. 115-282, title I, § 119(b), Dec. 4, 2018, 132 Stat. 4236.)

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. 26, 1942, ch. 628, 56 Stat. 990; Sept. 30, 1944, ch. 453, § 2, 58 Stat. 760).

All reference to the Philippine Islands is eliminated. Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 823 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “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.”

§ 3904. 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 171 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 noncontractual 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).¹

(9) 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.

(Added Pub. L. 104-324, title IV, § 403(a), Oct. 19, 1996, 110 Stat. 3923, § 823a; amended Pub. L. 107-295, title IV, § 415, Nov. 25, 2002, 116 Stat. 2121; Pub. L. 109-304, § 17(c), Oct. 6, 2006, 120 Stat. 1707; Pub. L. 114-120, title II, § 209(15), Feb. 8, 2016, 130 Stat. 41; Pub. L. 115-232, div. C, title XXXV, § 3533(i), Aug. 13, 2018, 132 Stat. 2321; renumbered § 3904, Pub. L. 115-282, title I, § 119(b), Dec. 4, 2018, 132 Stat. 4236.)

REFERENCES IN TEXT

The Military Personnel and Civilian Employees' Claims Act of 1964, referred to in subsec. (b)(8), is Pub. L. 88-558, Aug. 31, 1964, 78 Stat. 767, as amended, which enacted sections 240 to 243 of former Title 31, Money and Finance, amended section 2735 of Title 10, Armed Forces, and repealed section 490 of this title and section 2732 of Title 10, and which was repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance. For disposition of sections of former Title 31 into revised Title 31, see Table preceding section 101 of Title 31. For complete classification of this Act to the Code, see Tables.

Section 651 of Public Law 104-208, referred to in subsec. (b)(9), is section 101(f) [title VI, § 651] of Pub. L. 104-208, which is set out as a note under section 8133 of Title 5, Government Organization and Employees.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 823a of this title as this section.

Subsec. (b)(9). Pub. L. 115-232 substituted “Section” for “On or after January 1, 2001, section”.

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).”

2002—Subsec. (b)(9). Pub. L. 107-295 added par. (9).

§ 3905. Disenrollment

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

(Aug. 4, 1949, ch. 393, 63 Stat. 555, § 824; renumbered § 3905, Pub. L. 115-282, title I, § 119(b), Dec. 4, 2018, 132 Stat. 4236.)

HISTORICAL AND REVISION NOTES

Experience has shown that it is desirable to have a statute definitely providing for separation of Auxiliaries from the organization. 81st Congress, House Report No. 557.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 824 of this title as this section.

§ 3906. Membership in other organizations

Members of the Auxiliary may be appointed or enlisted in the Reserve, pursuant to applicable

¹ See References in Text note below.

regulations, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization.

(Aug. 4, 1949, ch. 393, 63 Stat. 555, §825; renumbered §3906, Pub. L. 115-282, title I, §119(b), Dec. 4, 2018, 132 Stat. 4236.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §264 (Feb. 19, 1941, ch. 8, title I, §5, 55 Stat. 10).

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

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 825 of this title as this section.

§ 3907. Use of member's facilities

(a) MOTOR BOATS, YACHTS, AIRCRAFT, AND RADIO STATIONS.—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.

(b) MOTOR VEHICLES.—The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motor vehicle (as defined in section 30102 of title 49) placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.

(Aug. 4, 1949, ch. 393, 63 Stat. 555, §826; Aug. 3, 1950, ch. 536, §35, 64 Stat. 408; Pub. L. 109-241, title II, §208(a), July 11, 2006, 120 Stat. 522; Pub. L. 115-232, div. C, title XXXV, §3533(j), Aug. 13, 2018, 132 Stat. 2321; renumbered §3907, Pub. L. 115-282, title I, §119(b), Dec. 4, 2018, 132 Stat. 4236.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §265 (Feb. 19, 1941, ch. 8, title I, §6, 55 Stat. 10; Nov. 23, 1942, ch. 639, §2(1), 56 Stat. 1021; Sept. 30, 1944, ch. 453, §3, 58 Stat. 760).

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

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 826 of this title as this section.

Subsec. (b). Pub. L. 115-232 substituted “section 30102 of title 49” for “section 154 of title 23, United States Code”.

2006—Pub. L. 109-241 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1950—Act Aug. 3, 1950, struck out comma after “Secretary” and substituted “any” for “and” after “Secretary”.

§ 3908. 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 937 and 938 of this title and other applicable provisions of law.

(Aug. 4, 1949, ch. 393, 63 Stat. 555, §827; Pub. L. 104-324, title IV, §406, Oct. 19, 1996, 110 Stat. 3924;

renumbered §3908 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., §266 (Feb. 19, 1941, ch. 8, title I, §7, 55 Stat. 10).

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

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “sections 937 and 938” for “sections 646 and 647”.

Pub. L. 115-282, §119(b), renumbered section 827 of this title as this section.

1996—Pub. L. 104-324 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Any motorboat or yacht, while assigned to authorized Coast Guard duty shall be deemed to be a public vessel of the United States, and within the meaning of section 646 of this title shall be deemed to be a vessel of the Coast Guard.”

§ 3909. 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 937 and 938 of this title and other applicable provisions of law. Subject to the provisions of sections 3904 and 3912 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.

(Aug. 4, 1949, ch. 393, 63 Stat. 556, §828; Pub. L. 104-324, title IV, §407, Oct. 19, 1996, 110 Stat. 3925; renumbered §3909 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., §266a (Feb. 19, 1941, ch. 8, title I, §7A, as added Sept. 30, 1944, ch. 453, §4, 58 Stat. 760).

The last clause of said section is eliminated because it might be construed to exempt planes of members from being licensed according to law.

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

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “sections 937 and 938” for “sections 646 and 647” and “sections 3904 and 3912” for “sections 823a and 831”.

Pub. L. 115-282, §119(b), renumbered section 828 of this title as this section.

1996—Pub. L. 104-324 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Any aircraft, while assigned to authorized Coast Guard duty shall be deemed to be a vessel of the Coast Guard within the meaning of section 646 of this title.”

§ 3910. 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” within the meaning of section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(Aug. 4, 1949, ch. 393, 63 Stat. 556, §829; Pub. L. 94-546, §1(38), Oct. 18, 1976, 90 Stat. 2522; Pub. L. 99-640, §10(a)(8), Nov. 10, 1986, 100 Stat. 3549; re-