

Section 773, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(2), June 30, 1960, 74 Stat. 281, related to constructive credit upon initial appointment. See section 727 of this title.

Section 774, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(4), Sept. 18, 1970, 84 Stat. 839, related to eligibility for promotion and retention in active status. See section 732 of this title.

Section 775, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1549; amended Pub. L. 91-402, §1(5), Sept. 18, 1970, 84 Stat. 839; Pub. L. 93-174, §2(4), Dec. 5, 1973, 87 Stat. 692, related to appointment of selection boards. See section 730 of this title.

Section 776, added Pub. L. 85-861, §1, §5(2), Sept. 2, 1958, 72 Stat. 1549, related to Reserve officer's grade on entry upon active duty. See section 745 of this title.

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

Sec.	Administration of the Coast Guard Auxiliary.
821.	Purpose of the Coast Guard Auxiliary.
822.	Eligibility, enrollments.
823.	Members of the Auxiliary; status.
823a.	
824.	Disenrollment.
825.	Membership in other organizations.
826.	Use of member's facilities.
827.	Vessel deemed public vessel.
828.	Aircraft deemed public aircraft.
829.	Radio station deemed government station.
830.	Availability of appropriations.
831.	Assignment and performance of duties.
832.	Injury or death in line of duty.

### AMENDMENTS

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.

### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 141 of this title; title 46 section 13109.

## § 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 sub-

section (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<sup>1</sup> (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.

(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.

(Aug. 4, 1949, ch. 393, 63 Stat. 555; Pub. L. 104-324, title IV, § 401(a), Oct. 19, 1996, 110 Stat. 3922.)

#### 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.

#### REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in subsec. (b)(1), is classified generally to section 1346(b) and chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure. Title 28 does not contain a chapter 26.

The Public Vessels Act, referred to in subsec. (b)(3), is act Mar. 3, 1925, ch. 428, 43 Stat. 1112, as amended, which is classified generally to chapter 22 (§781 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see Short Title note set out under section 781 of Title 46, Appendix, and Tables.

The Suits in Admiralty Act, referred to in subsec. (b)(4), is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§741 et seq.) of Title 46, Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 741 of Title 46, Appendix, and Tables.

#### AMENDMENTS

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.”

#### CROSS REFERENCES

Commandant—

Delegation of powers by Secretary, see section 631 of this title.

Powers in general, see section 93 of this title.

Secretary—

Powers in general, see section 92 of this title.

Supervision of commandant’s execution of powers and functions, see section 632 of this title.

### § 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.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 821 of this title.

### § 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.

<sup>1</sup> See References in Text note below.

(Aug. 4, 1949, ch. 393, 63 Stat. 555.)

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.

**§ 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<sup>1</sup> (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.

(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).<sup>1</sup>

(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.)

REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in subsec. (b)(1), is classified generally to section 1346(b) and chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure. Title 28 does not contain a chapter 26.

The Public Vessels Act, referred to in subsec. (b)(3), is act Mar. 3, 1925, ch. 428, 43 Stat. 1112, as amended, which is classified generally to chapter 22 (§781 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see Short Title note

<sup>1</sup> See References in Text note below.

set out under section 781 of Title 46, Appendix, and Tables.

The Suits in Admiralty Act, referred to in subsec. (b)(4), is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§741 et seq.) of Title 46, Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 741 of Title 46, Appendix, and Tables.

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 REFERRED TO IN OTHER SECTIONS

This section is referred to in section 828 of this title.

**§ 824. Disenrollment**

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

(Aug. 4, 1949, ch. 393, 63 Stat. 555.)

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.

**§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 555.)

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.

**§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 555; Aug. 3, 1950, ch. 536, §35, 64 Stat. 408.)

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

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

**§ 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.

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

## 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

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.”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 2110.

**§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 556; Pub. L. 104-324, title IV, § 407, Oct. 19, 1996, 110 Stat. 3925.)

## 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

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.”

**§ 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” 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; 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.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 266b (Feb. 19, 1941, ch. 8, title I, § 7B, as added Sept. 30, 1944, ch. 453, § 4, 58 Stat. 760).

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

## AMENDMENTS

1986—Pub. L. 99-640 substituted “section” for “Section”.

1976—Pub. L. 94-546 substituted “Section 305 of the Communications Act of 1934 (47 U.S.C. 305)” for “chapter 5, of Title 47”.

**§ 830. Availability of appropriations**

(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.

(b) The Secretary may pay interest on a claim under this section in any case in which a payment authorized under this section is not made within 60 days after the submission of the claim in a manner prescribed by the Secretary. The rate of interest for purposes of this section shall be the annual rate established under section 6621 of the Internal Revenue Code of 1954.<sup>1</sup>

(Aug. 4, 1949, ch. 393, 63 Stat. 556; Pub. L. 99-640, § 8, Nov. 10, 1986, 100 Stat. 3548; Pub. L. 104-324, title IV, § 404(a), Oct. 19, 1996, 110 Stat. 3924.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 267 (Feb. 19, 1941, ch. 8, title I, § 8, 55 Stat. 10; June 6, 1942, ch. 385, § 1(1), 56 Stat. 329; Sept. 30, 1944, ch. 449, § 2, 58 Stat. 757; Sept. 30, 1944, ch. 453, § 5, 58 Stat. 760).

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

## REFERENCES IN TEXT

Section 6621 of the Internal Revenue Code of 1954, referred to in subsec. (b), was redesignated section 6621 of the Internal Revenue Code of 1986 by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, and is classified to section 6621 of Title 26, Internal Revenue Code.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-324 struck out “specific” after “authorized”.

1986—Pub. L. 99-640 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 831. Assignment and performance of duties**

No member of the Auxiliary, solely by reason of such membership, shall be vested with, or ex-

<sup>1</sup> See References in Text note below.

ercise, 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, he 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 he has been specifically designated by authority of the Commandant to perform such duty. Members of the Auxiliary, when assigned to duties as herein authorized shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in the execution of such duties, as members of the regular Coast Guard assigned to similar duty. When any member of the Auxiliary is assigned to such duty he may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 556; Pub. L. 104-324, title IV, § 404(b), Oct. 19, 1996, 110 Stat. 3924.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §268 (Feb. 19, 1941, ch. 8, title I, §9, 55 Stat. 10; July 11, 1941, ch. 290, §10(1), 55 Stat. 587; Sept. 30, 1944, ch. 453, §6, 58 Stat. 761).

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

#### AMENDMENTS

1996—Pub. L. 104-324 struck out “specific” after “assigned” and after “when assigned to”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 828 of this title.

### § 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 he has been assigned by competent Coast Guard authority, such member or his 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 556; Pub. L. 93-283, §1(15), May 14, 1974, 88 Stat. 141; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; Pub. L.

104-324, title IV, §404(c), Oct. 19, 1996, 110 Stat. 3924.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §270 (Feb. 19, 1941, ch. 8, title I, §11, as added Sept. 30, 1944, ch. 453, §7, 58 Stat. 761).

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

#### AMENDMENTS

1996—Pub. L. 104-324 struck out “specific” after “performing any” in two places and after “performance of a”.

1984—Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men after “treatment afforded”.

1974—Pub. L. 93-283 included time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary as the performance of a specific duty.

### CHAPTER 25—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

Sec.

- |      |  |
|------|--|
| 891. | Flags; pennants; uniforms and insignia.  |
| 892. | Penalty.   |
| 893. | Limitation on rights of members of the Auxiliary and temporary members of the Reserve. |
| 894. | Availability of facilities and appropriations.   |

#### § 891. Flags; pennants; uniforms and insignia

The Secretary may prescribe one or more suitable distinguishing flags, pennants, or other identifying insignia to be displayed by the motorboats, yachts, aircraft, and radio stations owned by members of the Auxiliary and one or more suitable insignia which may be worn by members of the Reserve or the Auxiliary, and may prescribe one or more suitable uniforms which may be worn by members of the Auxiliary. Such flags, pennants, uniforms, and insignia may be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to current appropriations from which purchase of these articles is authorized.

(Aug. 4, 1949, ch. 393, 63 Stat. 557.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §352 (Feb. 19, 1941, ch. 8, title III, §302, 55 Stat. 13; Sept. 30, 1944, ch. 453, §9, 58 Stat. 761).

Said section has been divided. The first two sentences are placed in this section. The last sentence is placed in section 892 of this title.

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

#### CROSS REFERENCES

Coast Guard ensigns and pennants, see section 638 of this title.

#### § 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 Reserve or the Auxiliary shall be fined not more than \$500.

(Aug. 4, 1949, ch. 393, 63 Stat. 557.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §352 (Feb. 19, 1941, ch. 8, title III, §302, 55 Stat. 13; Sept. 30, 1944, ch. 453, §9, 58 Stat. 761).