

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of sixth month following July 1952, see section 802 of act July 9, 1950.

[§§ 759a to 761. Omitted]

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 759a, added act Aug. 10, 1956, ch. 1041, §16(a), 70A Stat. 626; amended Sept. 24, 1963, Pub. L. 88-130, §1(12), 77 Stat. 190, related to wartime appointments and promotions. See section 710 of this title.

Section 760, acts Aug. 4, 1949, ch. 393, 63 Stat. 553; Oct. 31, 1951, ch. 655, §15, 65 Stat. 715; Aug. 3, 1956, ch. 926, §2(a), 70 Stat. 981; May 14, 1974, Pub. L. 93-283, §1(12), 88 Stat. 141, related to disability or death benefits for temporary members. See section 707 of this title.

Section 2(b) of act Aug. 3, 1956, provided that the amendments made by that section [amending subsec. (a) and adding subsec. (e) of section 760] applied only to benefits for months beginning after the month in which it was enacted [August, 1956].

Section 2(c) of act Aug. 3, 1956, provided that the entitlement of any person to benefits under the Federal Employees' Compensation Act [act Sept. 7, 1916, ch. 458, 39 Stat. 742, repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, see section 8101 et seq. of Title 5, Government Organization and Employees] as it was in effect before the enactment of this section [Aug. 3, 1956] was not affected by this section.

Section 761, act Aug. 4, 1949, ch. 393, 63 Stat. 554, related to members of the Reserve engaging in civil occupations.

[§ 762. Repealed. Pub. L. 93-174, §2(2), Dec. 5, 1973, 87 Stat. 692]

Section, acts Aug. 4, 1949, ch. 393, §1, 63 Stat. 554; Aug. 10, 1956, ch. 1041, §17, 70A Stat. 626; Sept. 18, 1970, Pub. L. 91-402, §1(1), 84 Stat. 838, related to Women's Reserve.

[§§ 763 to 765. Omitted]

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002.

Section 763, added Pub. L. 87-704, §1(a), Sept. 27, 1962, 76 Stat. 632, related to a certificate of honorable service of temporary members. See section 708 of this title.

Section 764, added Pub. L. 92-479, §1, Oct. 9, 1972, 86 Stat. 794, related to active duty for emergency augmentation of regular forces. See section 712 of this title.

Section 765, added Pub. L. 93-283, §1(13), May 14, 1974, 88 Stat. 141, related to enlistment of members engaged in schooling. See section 713 of this title.

[§§ 770 to 798. Omitted]

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1002. Similar provisions are now set out in section 720 et seq. of this title.

Section 770, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1547; amended Pub. L. 91-402, §1(2), Sept. 18, 1970, 84 Stat. 839, defined terms. See section 720 of this title.

Section 2 of Pub. L. 91-402 provided that Reserve officers in each grade who were recommended as qualified for promotion under laws and regulations in effect the day before the effective date of that Act [Sept. 18, 1970] but not promoted to the grade for which recommended, be placed on a list in order of precedence, and promoted as if selected for promotion in the approved report of a selection board convened under the provisions of title 14, as amended by that Act [enacting sections 796 to 798

and amending sections 762, 770, 772, 774, 775, 780 to 782, 784, 787, 790, and 791 of this title], that Reserve officers who failed of selection for promotion to the next higher grade under laws and regulations in effect the day before the effective date of that Act be deemed to have failed of selection for promotion to the next higher grade under the provisions of title 14 as amended by that Act, and that the enactment of that Act did not terminate the appointment of any officer.

Section 771, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 89-444, §1(24), June 9, 1966, 80 Stat. 197; Pub. L. 93-174, §2(3), Dec. 5, 1973, 87 Stat. 692, related to applicability of sections 770 to 798 of this title. See section 721 of this title.

Section 772, added Pub. L. 85-861, §5(2), Sept. 2, 1958, 72 Stat. 1548; amended Pub. L. 86-559, §2(1), June 30, 1960, 74 Stat. 280; Pub. L. 91-402, §1(3), Sept. 18, 1970, 84 Stat. 839, related to authorized number of officers. See section 724 of this title.

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.	
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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.

§ 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 ele-

ments 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 26¹ 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.

(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).

¹ So in original. Probably should be 171.