

Coast Guard, DHS

§5.01

33 CFR part or section where identified and described	Current OMB control No.
Section 154.107	2115-0097
Section 154.110	2115-0077
Section 154.300	2115-0083 and 0078
Section 154.300 through 154.325.	2115-0078
Section 154.740	2115-0096, 0506
Section 154.804	2115-0581
Section 154.806	2115-0581
Section 155.107	2115-0097
Section 155.740	2115-0120
Section 155.750	2115-0120
Section 155.820(a)-(c)	2115-0096
Section 155.820(d)	2115-0506
Section 156.107	2115-0097
Section 156.120	2115-0506
Section 156.150	2115-0506
Section 156.170	2115-0096
Part 156, Subpart B	2115-0539
Part 157	2115-0518; 0503 and 0520
Section 157.23	2115-0520
Section 157.37	2115-0520
Section 157.49	2115-0520
Part 158	2115-0543
Section 158.140	2115-0543 and 0544
Section 158.150	2115-0543 and 0544
Section 158.165	2115-0543 and 0544
Section 158.190	2115-0543 and 0544
Part 160	2115-0540
Part 161	2115-0540
Part 164	2115-0540
Part 165	2115-0540
Section 165.803(i)	2115-0092
Section 173.23	2115-0009
Section 173.25	2115-0009
Section 173.27	2115-0009
Section 173.55	2115-0010
Section 173.71	2115-0009
Section 179.13	2115-0035
Section 179.15	2115-0035
Section 181.21 through 181.31.	2115-0573
Part 183	2115-0573

- 5.05 Organization.
- 5.07 Administration.
- 5.09 Eligibility for membership.
- 5.11 Membership in military organizations.
- 5.13 Application for membership.
- 5.15 Admission to membership.
- 5.17 Disenrollment.
- 5.19 Training.
- 5.21 Ranks, titles, designations, or grades.
- 5.23 Advancement.
- 5.25 Honorary members.
- 5.27 Assignment to specific duties.
- 5.29 Assignment to duty on a motorboat, yacht, aircraft, or radio station.
- 5.31 Power and authority.
- 5.33 Training, examination, and assignment.
- 5.35 Use of facilities.
- 5.37 Offer of facilities.
- 5.39 Acceptance of facilities.
- 5.41 Emergencies.
- 5.43 Public vessels, aircraft, and radio stations.
- 5.45 Return of facility.
- 5.47 Auxiliary ensign.
- 5.48 Auxiliary Patrol Boat ensign.
- 5.49 Reimbursement for expenses.
- 5.55 Compensation.
- 5.57 Traveling expenses and per diem.
- 5.59 Medical treatment and hospitalization.
- 5.61 Uniforms.
- 5.63 Insignia.
- 5.65 Medals.
- 5.69 Limitations of rights, privileges, and benefits.

AUTHORITY: 14 U.S.C. 633, 892; Pub. L. 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.

SOURCE: CGFR 48-64, 13 FR 8393, Dec. 28, 1948, unless otherwise noted.

§5.01 Definitions.

Certain terms used in this part are defined as follows:

(a) *Act* means the Coast Guard Auxiliary and Reserve Act of 1941, as amended, and recodified by Act of August 4, 1949, as 14 U.S.C. 821 through 832.

(b) *Auxiliary* means the United States Coast Guard Auxiliary established pursuant to the Act.

(c) *Commandant* means the Commandant of the United States Coast Guard.

(d) *Member* means any person who is a member of the Auxiliary.

(e) *Vessel* means a motorboat or yacht.

(f) *Motorboat* means any documented or numbered vessel propelled by machinery, not more than 65 feet in length measured end to end over the deck excluding sheer.

[CGD 84-050, 49 FR 26584, June 28, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §4.02, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

PART 5—COAST GUARD AUXILIARY

- Sec.
- 5.01 Definitions.
- 5.03 Purpose.

§ 5.03

(g) *Yacht* means either (1) any documented or numbered vessel used exclusively for pleasure, or (2) any sailboat used exclusively for pleasure over 16 feet in length measured from end to end over the deck excluding sheer.

(h) *Radio station* means any equipment (including a building which houses such equipment) the use of which to transmit communications by radio is authorized pursuant to law.

(i) *Aircraft* means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(j) *Secretary* means the Secretary of Homeland Security when the Coast Guard operates in the Department of Homeland Security or the Secretary of the Navy when the Coast Guard operates as part of the Navy.

(k) *Facility or facilities* means a vessel, aircraft, and/or radio station.

[CGFR 48-64, 13 FR 8393, Dec. 28, 1948, as amended by CGFR 59-58, 24 FR 10717, Dec. 25, 1959; CGD 96-026, 61 FR 33662, June 28, 1996; USCG-2003-14505, 68 FR 9534, Feb. 28, 2003]

§ 5.03 Purpose.

The Auxiliary was created in order to assist the Coast Guard to:

(a) Promote safety and to effect rescues on and over the high seas and on navigable waters.

(b) Promote efficiency in the operation of motorboats and yachts.

(c) Foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts.

(d) Facilitate other operations of the Coast Guard.

§ 5.05 Organization.

The Auxiliary is a nonmilitary organization administered by the Commandant, under the direction of the Secretary.

§ 5.07 Administration.

Any authority vested in the Commandant by this part may be delegated by him to such personnel of the Coast Guard, in such manner and to such extent, as he deems necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

33 CFR Ch. I (7-1-03 Edition)

§ 5.09 Eligibility for membership.

To be eligible for membership in the Auxiliary, a person (male or female) must be over 17 years of age; a citizen of the United States or of its Territories and possessions; and either own not less than a twenty-five percent interest in a motorboat, yacht, aircraft, or radio station; or have had such special training or experience as to qualify him in the opinion of the Commandant, for duty in the Auxiliary.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.11 Membership in military organizations.

Members of the Auxiliary may also be enrolled, enlisted or commissioned in the Coast Guard Reserve. Membership in the Auxiliary is not a bar to membership in any other naval or military organization.

§ 5.13 Application for membership.

Application for membership in the Auxiliary shall be made on the prescribed form which may be obtained from the Commander of the Coast Guard district in which located. Membership is based on the needs of the Auxiliary and will necessarily vary in the various Coast Guard districts.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.15 Admission to membership.

An applicant who is accepted for membership shall be enrolled in the Auxiliary and shall be issued a membership certificate and identification card. Mere ownership of such a certificate or card shall not entitle a member of the Auxiliary to be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Coast Guard Reserve.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.17 Disenrollment.

A member of the Auxiliary shall be disenrolled on request; upon ceasing to possess the qualifications for membership; for cause; upon direction of the Commandant; or upon death.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

Coast Guard, DHS

§ 5.39

§ 5.19 Training.

The Commandant may authorize members of the Auxiliary to pursue correspondence courses conducted by the Coast Guard Institute at cost when the furnishing of such courses does not interfere with other regular Coast Guard activities.

§ 5.21 Ranks, titles, designations, or grades.

The members of the Auxiliary shall have such ranks, titles, designations, or grades, pursuant to their qualifications, as the Commandant considers necessary for the administration and operation of the Auxiliary.

§ 5.23 Advancement.

The Commandant shall prescribe the circumstances and qualifications under which members of the Auxiliary may be advanced.

§ 5.25 Honorary members.

For conspicuous service to or active interest in the Auxiliary, the Commandant may award any person with honorary membership in the Auxiliary. An honorary member of the Auxiliary, solely by reason of such honorary membership, shall not be entitled to any of the rights, benefits, privileges, duties, or obligations of regular members of the Auxiliary.

§ 5.27 Assignment to specific duties.

Members of the Auxiliary shall not be assigned to specific duties until they have been found, after appropriate training and examination, to be competent to perform such duties.

§ 5.29 Assignment to duty on a motorboat, yacht, aircraft, or radio station.

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.

§ 5.31 Power and authority.

Members of the Auxiliary, when assigned to specific duties shall, unless otherwise limited by the Commandant, be vested with the same power and au-

thority, in execution of such duties, as members of the regular Coast Guard assigned to similar duties.

§ 5.33 Training, examination, and assignment.

The Commandant will prescribe the type of training, qualifications and examinations required before a member of the Auxiliary shall be deemed qualified to perform certain duties, and will prescribe the circumstances and manner in which certain members of the Auxiliary shall be authorized to perform regular and emergency specific duties.

§ 5.35 Use of facilities.

Section 826 of Title 14, U.S. Code, reads as follows:

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.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.37 Offer of facilities.

Any member of the Auxiliary desiring to place a vessel, aircraft, or radio station at the disposal of the Coast Guard pursuant to the Act and the regulations in this part, shall communicate with the Commander of the Coast Guard district in which located indicating in such communication which facility is offered. Except in emergencies, an offer to the Coast Guard must be made on the prescribed form.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.39 Acceptance of facilities.

No vessel, aircraft or radio station shall be deemed loaned to the Coast Guard until an acceptance, on the prescribed form, has been signed on behalf of the Coast Guard by a person authorized by the Commandant to sign such acceptance and a complete inventory of consumable and expendable stores

§5.41

and equipment has been made and mutually settled by the owner and the representative of the Coast Guard.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§5.41 Emergencies.

In an emergency, as declared by the Commandant, the offer of a vessel, aircraft, or radio station may be made without the use of the prescribed form, and such facility may be accepted on behalf of the Coast Guard without the use of the acceptance section of the above form or the inventory last above mentioned.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§5.43 Public vessels, aircraft, and radio stations.

While assigned to Coast Guard duty as authorized herein:

(a) Any motorboat or yacht shall be deemed to be a public vessel of the United States, and within the meaning of section 827 of title 14, U.S. Code, shall be deemed to be a vessel of the United States Coast Guard.

(b) Any aircraft shall be deemed to be a vessel of the United States Coast Guard within the meaning of section 828 of title 14, U.S. Code, and shall be deemed to be a "public aircraft" within the meaning of the act of June 23, 1958 (72 Stat. 737; 49 U.S.C. 1301).

(c) Any radio station shall be deemed to be a radio station of the United States Coast Guard and a "Government station" within the meaning of section 829, title 14, U.S. Code.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§5.45 Return of facility.

A vessel, aircraft, or radio station placed at the disposal of the Coast Guard for a specific period, shall be returned at the expiration of such period, unless circumstances or emergent need make the return impracticable at that time. The Commandant will determine the method, time, and documents to be exchanged upon the return to the owner of any facility. The property shall be reinventoried as of the time, date and place of redelivery, and mutually settled by the owner and the representative of the Coast Guard. Should the vessel have been accepted under emergent conditions, any claim for lost

33 CFR Ch. I (7-1-03 Edition)

equipment or stores must be supported by invoices showing the date of purchase and the cost thereof by the person submitting claim therefor. The representative of the Coast Guard shall take all proper precautions to protect the interest of the owner as well as that of the United States.

§5.47 Auxiliary ensign.

(a) The Coast Guard Auxiliary ensign is a distinguishing mark, authorized by the Secretary, and may be displayed by any vessel, aircraft, or radio station at such times and under such circumstances as may be authorized by the Commandant. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in §5.67 of this part.

(b) The field of the Auxiliary ensign is medium blue (Coast Guard blue) with a broad diagonal white slash upon which a matching blue Coast Guard Auxiliary emblem is centered. The white slash shall be at a 70 degree angle, rising away from the hoist.

(c) The Auxiliary emblem consists of a disk with the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "U.S. COAST GUARD AUXILIARY" all in front of two crossed anchors.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987; 52 FR 37716, Oct. 8, 1987]

§5.48 Auxiliary Patrol Boat ensign.

(a) The Coast Guard Auxiliary Patrol Boat ensign is authorized to be flown on all Auxiliary Operational Facility vessels under orders. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in §5.67 of this part.

(b) The field of the Auxiliary Patrol Boat ensign is white. A medium blue (Coast Guard blue) Coast Guard Auxiliary emblem is centered on a broad diagonal red (Coast Guard red) slash which is at a 70 degree angle, rising toward the hoist. The red (Coast Guard red) slash is followed, away from the hoist, by two narrow, parallel stripes, first a white stripe and then a medium blue (Coast Guard blue) stripe. The entire design is centered on the ensign.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987]

§ 5.49 Reimbursement for expenses.

Any person whose facility has been offered to and accepted by the Coast Guard may be reimbursed for the actual necessary expenses of operating that facility, in accordance with applicable statutes and the procedures prescribed by the Commandant.

[USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 5.55 Compensation.

No member of the Auxiliary shall receive any compensation for his services as a member of the Auxiliary.

§ 5.57 Traveling expenses and per diem.

A member of the Auxiliary, when assigned to specific duties, may be paid actual necessary traveling expenses, including a per diem allowance, in conformity with Comptroller's Manual, U.S. Coast Guard.

[CGFR 49-46, 14 FR 7528, Dec. 16, 1949, as amended by CGFR 61-55, 26 FR 10571, Dec. 28, 1961]

§ 5.59 Medical treatment and hospitalization.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing patrol duty or any other specific duty to which he has been assigned, such member or his beneficiary shall be entitled to the same benefits as are now or as may hereafter be provided for temporary members of the Coast Guard Reserve who suffer physical injury or death resulting from physical injury incurred in line of duty. Members of the Auxiliary who contract sickness or disease while performing patrol duty or any other specific duty to which they have been assigned shall be entitled to the same hospital treatment as is afforded members of the Regular Coast Guard.

§ 5.61 Uniforms.

Members of the Auxiliary may purchase from the Coast Guard at actual cost such uniforms as may be authorized by the Secretary. Such uniforms may be worn by members of the Auxiliary under such circumstances and upon such occasions as may be authorized by the Commandant.

§ 5.63 Insignia.

Insignia, as authorized by the Secretary, may be purchased from the Coast Guard at actual cost and may be worn by members of the Auxiliary under such circumstances, at such places, and upon such occasions as may be prescribed by the Commandant.

§ 5.65 Medals.

The Commandant may make awards, including medals, to members of the Auxiliary.

§ 5.69 Limitations of rights, privileges, and benefits.

Section 893 of Title 14, U.S. Code, reads as follows:

Members of the Auxiliary and temporary members of the Reserve shall be entitled only to such rights, privileges, and benefits as are specifically set forth for them in this title or as may be specifically provided for them in any other Act of Congress. Any Act of Congress which grants rights, privileges, or benefits generally to military personnel, or among others, to personnel of the Coast Guard and the Coast Guard Reserve, without specifically granting such rights, privileges, or benefits to members of the Auxiliary or temporary members of the Reserve, shall not be deemed applicable to members of the Auxiliary or to temporary members of the Reserve.

[CGFR 59-58, 24 FR 10718, Dec. 25, 1959]

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

Subpart 6.01—Definitions

Sec.

- 6.01-1 Commandant.
- 6.01-2 District Commander.
- 6.01-3 Captain of the Port.
- 6.01-4 Waterfront facility.
- 6.01-5 Security zone.
- 6.01-6 Area Commander.

Subpart 6.04—General Provisions

- 6.04-1 Enforcement.
- 6.04-5 Preventing access of persons, articles or things to vessels, or waterfront facilities.
- 6.04-6 Establishing security zones; prohibitions with respect thereto.
- 6.04-7 Visitation, search, and removal.
- 6.04-8 Possession and control of vessels.