

§ 5.03

(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.

§ 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

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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]

§ 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

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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 authority, 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 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]