Section A. Creation of the Auxiliary

Introduction

In 1939, Congress established a U.S. Coast Guard Reserve administered by the Commandant and composed of unpaid, volunteer U.S. citizens who owned motorboats or yachts. In 1941, Congress created a military Reserve and renamed the original volunteer Reserve as the Coast Guard Auxiliary.

A.1. Purpose

Title 14 United States Code (U.S.C.) contains the laws of a general and permanent nature about the Coast Guard.

A.1.a. 14 U.S.C. § 822

The original 14 U.S.C. § 822 stated:

> *"The purpose of the Auxiliary is to assist the Coast Guard:*
>
> *(1) To promote safety and to effect rescues on and over the high seas and on navigable waters;*
>
> *(2) To promote efficiency in the operation of motorboats and yachts;*
>
> *(3) To foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts;*
>
> *(4) To facilitate other operations of the Coast Guard."*

A.1.b. Act of September 30, 1944

The aims above fell into two major categories stated in a memorandum to Congress, accompanying the draft of the proposed bill ultimately enacted as the Act of September 30, 1944, Chapter 453, 58 Stat. 759 (1944) as follows:

> *"The primary purpose of the establishment of the Coast Guard Auxiliary was to indoctrinate all owners and operators of small craft in safety requirements in the operation and navigation of small craft. A secondary purpose of the institution of the Coast Guard Auxiliary was to utilize the Auxiliary craft and personnel, after suitable training and indoctrination in carrying out certain duties of the Coast Guard with particular inference to those concerned with the safety of navigation."*

A.1.c. 14 U.S.C. § 823

The Auxiliary is a valuable resource in securing the interest of boaters in the Coast Guard's boating safety program. 14 U.S.C. § 823 provided that the Auxiliary shall be composed of U.S. citizens who own motorboats, yachts, aircraft, radio stations, or who, because of training or experience, are deemed by the Commandant to be qualified for membership in the Auxiliary. The statement accompanying this legislation indicated the respective roles contemplated for owners of motorboats, yachts, aircraft, or radio stations. The statement reflects the distinction which must exist between the preventive and remedial activities of the Coast Guard as the foremost maritime Federal Government safety agency:

> *"On the preventive side, the Coast Guard could better promote safety in operation of small boats if it brings into a voluntary civilian organization persons interested in the safe operation of motorboats and yachts."*

A.2. Legislation Affecting the Auxiliary

On 19 October 1996, the Coast Guard Authorization Act of 1996 (Public Law No. 104-324, 110 Stat. 3901) was signed into law. This law was the first major legislation affecting the Auxiliary since its establishment in 1939. These amendments to 14 U.S.C. made the following major changes to the Auxiliary.

A.2.a. 14 U.S.C. § 822

14 U.S.C. § 822 expanded the purpose of the Auxiliary to read,

> *"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."*

In addition, the legislation expanded the Commandant's authority to use the Auxiliary to assist other Federal agencies, State authorities, and local governments in areas in addition to recreational boating safety.

A.2.b. 14 U.S.C. § 821(a)

14 U.S.C. § 821(a) established an organizational structure for the Auxiliary and authorized the Commandant to grant the organization and its leaders such rights, privileges, powers, and duties consistent with 14 U.S.C. and other applicable provisions of law. The Commandant is also specifically authorized to delegate management of the Auxiliary to Auxiliary elected and appointed leaders to the extent considered necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

A.2.c. 14 U.S.C. § 823(a)	14 U.S.C. § 823(a) designated each Auxiliary organizational element and unit, when acting within the scope of assigned responsibilities, as a U.S. instrumentality for certain matters related to non-contractual civil liability. While assigned to duty, Auxiliarists are considered to be Federal employees for certain purposes. For example, an Auxiliarist may be entitled to the same legal protection afforded other Coast Guard personnel in the event a third party sues the Auxiliarist for claims allegedly arising from acts committed by the Auxiliarist acting within the scope of assigned duties.
A.2.d. 14 U.S.C. § 827 and 828	14 U.S.C. § 827 and 828 clarified that Auxiliary vessels and aircraft, while assigned to authorized Coast Guard duty, are deemed to be public vessels and aircraft of the U.S. and of the Coast Guard. In addition, qualified Auxiliary pilots while assigned to duty are deemed to be Coast Guard pilots. All these provisions provide greater liability protection to Auxiliarists while assigned to authorized Coast Guard duty.
A.2.e. 14 U.S.C. § 821(c)	14 U.S.C. § 821(c) authorized the Auxiliary National Board and the Boards of any Coast Guard Auxiliary district or region to form a corporation under State law in accordance with the policies established by the Commandant. These corporations are not deemed to be Federal instrumentalities.
A.3. Role of the Auxiliary	The Coast Guard is a military service and is a component of the U.S. Armed Forces. The Coast Guard Auxiliary is a component of Coast Guard Forces like the active duty, Reserve, and civilian components. Thus, the Auxiliary may be referred to and considered to be included under the general organizational umbrella of the Coast Guard. Auxiliarists are not contractually bound, enlisted, or commissioned officers, but are volunteers pledged to serve in the Coast Guard Auxiliary. The Coast Guard is also charged with many civil responsibilities in addition to its military missions.
A.3.a. Non-Military	In contrast to Coast Guard active duty personnel and Reserve military components, the Auxiliary is specifically declared by statute to be non-military. This definition puts the Auxiliary's role entirely within the Coast Guard's civil function responsibilities. The Auxiliary's role does not extend to any Coast Guard military or direct law enforcement missions assigned to active or Reserve forces.
A.3.b. Administrative Authority	The Auxiliary's role is further defined by the Commandant's administrative authority. The Commandant determines how the Auxiliary may assist in performing Coast Guard civil missions. The Commandant also determines how the Auxiliary may assist the Coast Guard by prescribing training and qualifications necessary to provide this assistance and to perform such activities.

A.3.c. Role and Relationship to Other Coast Guard Elements	The Auxiliary's role and relationship to other Coast Guard elements are defined by statutory law and administrative regulation. Coast Guard active duty personnel and Reserve forces have exclusive responsibility for Coast Guard military missions. Coast Guard active duty personnel, civilian employees, Reserve, and Auxiliarists, as specifically directed by the Commandant, perform the civil missions.
A.4. Appearance	Often the public does not differentiate between Coast Guard active duty and the Auxiliary, especially when the uniform is worn. Coast Guard active duty members are bound by strict military grooming and weight standards. Realizing that the Auxiliary is made up entirely of volunteers, the active duty grooming and appearance standards are relaxed as they apply to Auxiliarists. As a matter of pride, all Auxiliary members should set the goal to strive to attain the same standards as active duty members. Auxiliarists who wear the Auxiliary uniform will be held to higher grooming and appearance standards than those who wear the Auxiliary Blue Blazer outfit. The Auxiliary Blue Blazer outfit is optional apparel and is authorized for activities described in Chapter 10.
A.4.a. Uniforms	Auxiliarists are authorized to wear Coast Guard uniforms with the appropriate Auxiliary insignia, with the exception of full dress (swords, large medals, and white gloves) and dress (large medals and white gloves) uniforms. Uniforms shall be worn as prescribed in Coast Guard Uniform Regulations, COMDTINST M1020.6 (series), except as noted in Chapter 10 of this Manual.
A.4.b. Grooming	Auxiliarists who desire to wear their hair, jewelry, or maintain a general appearance different from that described in Chapter 10 shall wear the Auxiliary Blue Blazer outfit instead of the Auxiliary uniform. Waivers for any deviations from the grooming and appearance standards described in Chapter 10 must be submitted through the chain to the appropriate Director.
A.4.c. Weight Standards	The Auxiliary does not have a weight standards program, but all members should set the goal to strive to meet the same standards as the active duty. Auxiliary members are encouraged to eat a balanced diet and maintain a medically recommended weight level that is conducive to a long and healthy life. Auxiliarists who wear the Auxiliary uniform shall ensure that it fits properly and presents a trim, military appearance. The uniform should be tailored if an Auxiliarist loses or gains weight. Any Auxiliarist who has difficulty maintaining a properly fitted uniform, shall wear the Auxiliary Blue Blazer outfit as appropriate.