

Summary of Section Changes to Auxiliary Policies
Auxiliary Manual, COMDTINST M16790.1G
03 March 2014

CHAPTER 3

- 3.A. Introduction
- 3.H.5.a.(1) Upon Request

CHAPTER 4

- 4.C.3. District Directorate Chief (DDC)
- 4.D.2.b. ANACO Duties
- 4.G.6. Flotilla and Division Staff Officers List
- 4.G.7. Assistant District Staff Officers
- 4.H.5. Disputes or Interpretations

CHAPTER 5

- 5.G.1. Tax Liability for Auxiliary Units
- 5.H.1.c. Solicited Gifts
- 5.H.1.d. Unsolicited Gifts
- 5.H.3. Sale of Items
- 5.H.4. Contract Review
- 5.M.1.a. Organization
- 5.M.2.d. Legal Services

CHAPTER 6

- 6.D. Introduction
- 6.D.1. Sample
- 6.E.3. New Partnerships
- 6.E.4. MOU/MOA

**Coast Guard Auxiliary Manual, COMDTINST M16790.1G – Change 1
Chapter 3**

3.A. Introduction (page 3-3) – Replace the first (1st) paragraph with the following text...

The Auxiliary is an organization of uniformed volunteers. Pursuant to provisions of this chapter, membership is open to any citizen of the U.S. and its territories and possessions who is seventeen years of age or older and a member of the Coast Guard Auxiliary Association, Inc. (CGAuxA, Inc.). Membership is predicated on full and successful completion of the Auxiliary enrollment application, including the passing of the New Member Exam and acknowledgement of CGAuxA, Inc. membership. It is also predicated upon receipt of a favorable (FAV) Personnel Security Investigation (PSI) in accordance with the Personnel Security and Suitability Program Manual, COMDTINST M5520.12 (series), and paragraph C.3. of this chapter.

3.H.5.a.(1) Upon Request (page 3-54) – Replace the first (1st) paragraph with the following text...

An Auxiliarist may request disenrollment at any time at his/her prerogative. An Auxiliarist's withdrawal of consent to maintain his/her membership in the Coast Guard Auxiliary Association, Inc. shall constitute a request for disenrollment. Any request for disenrollment must be in writing and be submitted to the FC. The FC shall promptly forward all such requests to the Director, with a copy to the DCDR and the DSO-HR. Appropriate efforts should be made by the Auxiliarist's chain of leadership to determine the reason for such request before it is forwarded and processed to completion by the Director, but nothing shall unduly hinder an Auxiliarist's desire to disenroll.

**Coast Guard Auxiliary Manual, COMDTINST M16790.1G – Change 1
Chapter 4**

4.C.3. District Directorate Chief (DDC) (page 4-14) – Replace final paragraph with the following text...

The DSO-DV, DSO-FN, DSO-LP, and DFSO may organizationally report to the DCO, DCOS, or a DDC as district/regional needs dictate. The DSO-LP shall also consult with the ANACO-CC through the Area Assistant Chief Counsel.

4.D.2.b. ANACO Duties (page 4-19) – Replace final paragraph with the following text...

The ANACO-CC shall be a licensed attorney, duly admitted to practice law, who shall serve as legal advisor to the NACO, provide counsel to the Chief Director, on Auxiliary issues and review significant legal issues arising within Auxiliary units. A Deputy Chief Counsel (ANACO-CCd) is authorized to assist the ANACO-CC and the Assistant Chief Counsels as assigned. ANACO-CCd shall be a licensed attorney, duly admitted to practice law and is authorized to wear the DIR insignia. Additionally, there shall be Area Assistant Chief Counsels for Atlantic Area – East, Atlantic Area – West, and Pacific Area to assist DNACOs and DSO-LPs in their respective areas. The Area Assistant Chief Counsels shall be licensed attorneys authorized to wear the DVC insignia. Assistant Chief Counsels may also be appointed to address specific legal subject areas (e.g., tax, corporate, copyright, legislation). Such Assistant Chief Counsels shall be licensed attorneys, duly admitted to practice law, authorized to wear the DVC insignia. Assistant Chief Counsels shall report to the ANACO-CC through the ANACO-CCd.

4.G.6. Flotilla and Division Staff Officers List (page 4-40) – Re-title and replace first paragraph with the following text...

District, Division, and Flotilla Staff Officers List

To carry out the Auxiliary program, DCDRs and FCs may appoint up to sixteen (16) flotilla and division staff officers only from the group listed below, unless specifically authorized by the NACO and Chief Director. The DCO may appoint up to twenty-one (21) DSOs from the group listed below. An appointed DSO - Legal/Parliamentarian (DSO-LP) shall be a duly licensed attorney, admitted to practice law within one of the states of the district. If an attorney is not available to serve, the ANACO-CC shall designate a national staff attorney to handle that district's legal matters. In such case, an appointed DSO-LP may serve as the District Parliamentarian.

4.G.7. Assistant District Staff Officers (page 4-43) – Replace first paragraph with the following text...

DCOs may create assistant District Staff Officer (ADSO) positions for any program area including assistants to the DSO-LP. An ADSO-LP shall be an attorney duly licensed and admitted to practice in one of the states within his/her district. The DSO, in accordance with district policy, may delegate to an ADSO any authority and responsibility given to the DSO, except in those cases in which the DSO is specifically designated to perform an activity or duty. The DSO's delegation constitutes assignment to duty in accordance with 14 U.S.C. § 831. Appointments may be apportioned according to need in the various functional areas. Examples of appropriate ADSOs are:

4.H.5. Disputes or Interpretation (page 4-47) – Replace with the following text...

Disputes or requests pertaining to interpretation of flotilla, division, and district standing rules shall be forwarded to the DCO for determination in consultation with the DSO-LP. A copy of the final determination shall be forwarded to the Area Assistant Chief Counsel. Issues regarding national standing rules shall be referred to the NACO for determination in consultation with the ANACO-CC. The ANACO-CC shall maintain a historical record of all such interpretations for the benefit and reference of all DSO-LPs.

**Coast Guard Auxiliary Manual, COMDTINST M16790.1G – Change 1
Chapter 5**

5.G.1. Tax Liability for Auxiliary Units (page 5-33) – Replace with the following text...

In addition to the exemption from filing Federal and State income tax returns and paying Federal and State income taxes, Auxiliary units may also be exempt from payment of State sales and use taxes on items the Auxiliary unit purchases. Auxiliary members assigned to duty whose overnight lodging will be reimbursed by the Coast Guard, the Coast Guard Auxiliary, or the Coast Guard Auxiliary Association, Inc. may also be exempt from the payment of sales, use, or occupancy taxes associated with room rentals or other services. The granting of State sales use and occupancy tax exemptions varies from State-to-State, and may require the issuance of a State Sales Tax Exemption number or the use of special forms. The exemption, if granted, may only be used for services or the purchase of Auxiliary unit property, which is paid for or reimbursed with Auxiliary, Coast Guard, or Coast Guard Auxiliary Association, Inc. funds, and is not available for individual purchase by Auxiliarists. In some cases, the exemption is only available if the purchase is made with a Government purchase order and paid for by Government check or credit card. Sales tax exemption forms, where issued, shall be applied for by the appropriate DSO-LP who shall maintain records of the sales tax exemption status of each unit in the district. In addition, the appropriate DSO-LP shall be able to provide information and guidance to Auxiliary unit leaders and conference coordinators assigned to negotiate contracts for conferences within the district.

5.H.1.c. Solicited Gifts (page 5-36) – Replace third (3rd) paragraph with the following text...

Solicitation may be exercised at the district, division, or flotilla organizational level. However, neither solicitation nor subsequent acceptance may occur unless and until the DCO and the Director both give advance written permission (e-mail is acceptable). Such permission shall not be given without first obtaining written advice and guidance (e-mail is acceptable) from the DSO-LP, who shall also perform a prohibited source determination with respect to the proposed solicitation in accordance with Appendix D. The DSO-LP shall furnish a copy of the prohibited source determination (e-mail is acceptable) to the Area Assistant Chief Counsel. Just because a gift source may be determined to be a prohibited source, that does not, by itself, mean that soliciting and accepting from that source is precluded. However, the DSO-LP, the DCO, and the Director must thoroughly review all Appendix D factors and Auxiliary policy considerations before permitting solicitation in such circumstances.

5.H.1.d. Unsolicited Gifts (page 5-38) – Replace sixth (6th) and seventh (7th) paragraphs with the following text...

The DCO shall act as the Auxiliary gift acceptance authority, accepting gifts on behalf of the Auxiliary, for unsolicited gift offers at the district, division, or flotilla level, and if the market value of the offered gift does not exceed \$5,000. Acceptance of such offers shall not be made without first notifying the Director, and obtaining written advice and guidance (e-mail is acceptable) from the DSO-LP, who shall also perform a prohibited source determination in accordance with Appendix D. The DSO-LP shall furnish a copy of the written advice and prohibited source determination (e-mail is acceptable) to the DCO and Area Assistant Chief Counsel. Just because a gift source may be determined to be a prohibited source that does not, by itself, mean that accepting from that source is precluded. However, the DSO-LP, the DCO, and the Director must thoroughly review all Appendix D factors and Auxiliary policy considerations before acceptance in such circumstances.

For unsolicited gift offers having a market value in excess of \$5,000 but no greater than \$50,000, the DCO shall forward the gift offer (e-mail is acceptable), with an acceptance recommendation, the advice and guidance of the DSO-LP, and the prohibited source analysis, to the Director and to the Area Assistant Chief Counsel (e-mail is acceptable). The Director shall determine whether or not to authorize the DCO to accept this type of gift offer, and will so notify the DCO. If the Director determines that the DCO is not the appropriate Auxiliary gift acceptance authority, then the Director shall forward the package to the Chief Director for processing by the NACO as the Auxiliary gift acceptance authority as described above. Unsolicited gift offers whose market value is in excess of \$50,000 shall be forwarded to the NACO for processing as the Auxiliary gift acceptance authority.

5.H.3. Sale of Items (page 5-41) – Replace third (3rd) and fourth (4th) paragraphs with the following text...

Auxiliary sale of items cannot occur unless and until the DCO and the Director both give advance written permission (e-mail is acceptable). Such permission shall not be given without first obtaining written advice and guidance (e-mail is acceptable) from the DSO-LP. The DSO-LP, the DCO, and the Director must consider, among other factors, the propriety of the items and any applicable local laws and ordinances. The Area Assistant Chief Counsel shall be notified of the intent of such sale whenever the anticipated value is greater than \$5,000 whether it involves the sale value of a single item or the cumulative sale value of multiple items associated with a single event (e.g., a flotilla fund raising event). The Area Assistant Chief Counsel shall also be notified whenever the actual value turns out to be greater than \$5,000 if not originally notified based on the original estimate.

The Coast Guard Auxiliary logo, mark, emblem, alternate emblem, and ensign are legally protected intellectual property and may not be licensed to or used on any commercial product without the approval of the Chief Director via the NACO or the NACO's designated representative.

Purchase of items for resale shall be from the AUXCEN operated by the CGAuxA, Inc. unless the items are not reasonably available from the AUXCEN. The DSO-LP, the DCO, and the Director shall develop appropriate guidelines regarding the purchase of property by Auxiliary elements for the purpose of subsequent sale. A copy of the guidelines so developed shall be forwarded to the Area Assistant Chief Counsel.

5.H.4. Contract Review (page 5-42) – Replace with the following text...

The DSO-LP shall review and approve as to its legality any and all regional Auxiliary contracts. If ever in doubt or in question about contract provisions or a prohibited source determination analysis, the DSO-LP shall advise and seek guidance from the DCO, the Director, and the Area Assistant Chief Counsel to achieve resolution. The Director may consult in such matters with the cognizant Coast Guard district legal office. Final Auxiliary contract approval authority shall reside with the DCO or appropriate elected leader or staff officer, except that the legality of entering into the contract shall be determined by the DSO-LP, or where appropriate, the ANACO-CC.

5.M.1.a. Organization (page 5-69) - Replace the second (2nd) paragraph with the following text...

CGAuxA, Inc. has multiple classes of membership including all members of the Auxiliary except honorary and retired members. Membership in CGAuxA, Inc. is directly linked to Auxiliary membership. As long as an individual is a member of the Auxiliary, he/she must consent to membership in the CGAuxA, Inc. An individual may not retain his/her Auxiliary membership if he/she terminates his/her CGAuxA, Inc. membership.

5.M.2.d. Legal Services (page 5-71) - Replace with the following text...

Before initiating any effort to create a district/region corporation, the DCO shall seek the advice of the DSO-LP and the Director in writing (email is acceptable) to determine whether forming such a corporation is necessary. The DSO-LP shall promptly forward a copy to the Area Assistant Chief Counsel (e-mail is acceptable). If it is determined that a valid reason exists to

form a district corporation, approval shall be sought from the Chief Director via the Director. The DSO-LP, if directed, and if admitted to practice law in the state in which the incorporation will be filed, is authorized to incorporate approved district corporations, to seek tax-exempt status, and to provide other necessary legal services, on behalf of such corporation as an Auxiliarist. A copy of the corporate charter and by-laws shall be forwarded to the Director's office for approval, filing, and record purposes.

**Coast Guard Auxiliary Manual, COMDTINST M16790.1G – Change 1
Chapter 6**

6.D. Introduction (page 6-13) - Replace the first (1st) paragraph with the following text...

Under the authority of 14 U.S.C. § 92(f), 821, 822 and 49 CFR 1.46(b), all Auxiliary FCs, DCDRs, DCOs and NEXCOM are delegated the authority to negotiate, execute, renew, modify, and end licenses and similar use agreements for the Auxiliary's use of real property from Federal and non-Federal entities. This authority shall not be exercised unless the ANACO-CC or appropriate DSO-LP has reviewed and approved, or negotiated if necessary, the license or similar agreement. This authority is not to be construed as authority to activate, deactivate, move facilities, or spend appropriated funds. Delegation or re-delegation of this authority is permitted only as follows:

6.D.1. Sample (page 6-13) - Replace with the following text...

Sample license agreement provisions, such as for the use of private space for public education classes, member training, unit meetings, exhibitions at boat shows, or area conferences, are available from the DSO-LP and the Area Assistant Chief Counsel. Auxiliarists shall use those provisions as directed by the DSO-LP. If licensors insist on using their own license agreement form, the DSO-LP shall ensure, as a minimum, the Federal Tort Claims Act Liability provision in the sample license agreement is substituted for any liability, indemnification, or hold harmless provisions specified in the licensor's agreement and that any clause exposing the unit or Auxiliary to liquidated damages is stricken.

No license agreement that by its terms will be in force for a period of three or more years shall be signed unless reviewed and approved by the appropriate DSO-LP, DCO, and the ANACO-CC. The Director shall be advised of the intent to approve such license agreements (email is acceptable).

6.E.3. New Partnerships (page 6-16) - Replace with the following text...

The Coast Guard Auxiliary also participates in partnership agreements with outside agencies. If a partnership program is desired, the cognizant District Commander's legal staff, DCO's legal staff, NACO, Chief Director, and Commandant (CG-0944) will review and develop an appropriate course of action consistent with policy and long-range goals of the Auxiliary program. Final approval of any course of action shall be made by the Chief Director.

6.E.4. MOU/MOA (page 6-16) - Replace the third (3rd) paragraph with the following text...

The Director shall ensure that an MOU/MOA to which the Auxiliary is a signatory is reviewed and approved by the DCO, DSO-LP, district legal office, and appropriate DSOs and district program offices. The DCO shall ensure review and approval by the NACO. The DCO, DCAPT, DCDR, or FC, as appropriate, may serve as signature authority for such MOUs/MOAs. This authority may be delegated to the DCOS, VCDR, or VFC if the corresponding elected leader is unable to sign. The Chief Director shall ensure similar review at the Coast Guard Headquarters level for an MOU/MOA with service-wide implications. The NACO may serve as signature authority for such MOUs/MOAs. This authority may be delegated to the VNACO or an elected DNACO if the NACO is unable to sign.