

§ 5.46

§ 5.46 Auxiliary patrol ensign.

(a) *Description.* The field of the Auxiliary patrol 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.

(b) *Display.* Vessels that have been accepted as facilities shall display the Auxiliary patrol ensign when on patrol, whether or not the vessel is underway. The Auxiliary patrol ensign must be displayed at the mast head or from the most conspicuous hoist.

§ 5.47 Coast Guard ensign.

(a) *Description.* The Coast Guard ensign is described in 33 CFR 23.15.

(b) *Display.* Vessels that have been accepted as facilities and that have a Coast Guard commissioned, warrant or non-commissioned officer onboard shall display the Coast Guard ensign in place of the Auxiliary patrol ensign while on patrol, whether or not the vessel is underway. The Coast Guard ensign must be displayed at the mast head or from the most conspicuous hoist.

§ 5.48 Marking of aircraft.

(a) Aircraft owned by members of the Auxiliary or that are personal property of the Auxiliary may also display the Auxiliary emblem on both sides of the vertical stabilizer (outside of the stabilizer for twin tail aircraft) or on both sides of the fuselage aft of the wing.

(b) Aircraft which are accepted as facilities may be marked with the Auxiliary mark (§ 5.43) and/or the word “RESCUE” on the underside of the wing or fuselage for easier identification from the ground.

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

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Coast Guard, DHS**§ 6.04-1****Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities**

6.19-1 Primary responsibility.

AUTHORITY: 40 Stat. 220, as amended; 50 U.S.C. 70051.

SOURCE: E.O. 10173, 15 FR 7012, Oct. 20, 1950, unless otherwise noted.

CROSS REFERENCE: For regulations implementing the general enforcement provisions contained in Subparts 6.01—Definitions and 6.04—General Provisions, see part 125 of this chapter.

Subpart 6.01—Definitions**§ 6.01-1 Commandant.**

Commandant as used in this part, means the Commandant of the United States Coast Guard.

§ 6.01-2 District Commander.

District Commander as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 6.01-3 Captain of the Port.

Captain of the Port, as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the Captain of the Port's assigned area. In addition, the District Commander will be Captain of the Port with respect to the remaining areas in the District not assigned to officers designated by the Commandant as Captain of the Port.

[E.O. 14116, 89 FR 13971, Feb. 26, 2024]

§ 6.01-4 Waterfront facility.

Waterfront facility. “Waterfront facility,” as used in this part, means all piers, wharves, docks, or similar structures to which vessels may be secured and naval yards, stations, and installations, including ranges; areas of land, water, or land and water under and in immediate proximity to them; buildings on them or contiguous to them and equipment and materials on or in them.

[E.O. 13143, 64 FR 68273, Dec. 6, 1999]

§ 6.01-5 Security zone.

Security zone, as used in this part, means all areas of land, water, or land and water, which are so designated by the Captain of the Port for such time as the Captain of the Port deems necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

[E.O. 14116, 89 FR 13971, Feb. 26, 2024]

§ 6.01-6 Area Commander.

Area Commander, as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard Area.

[E.O. 13273, 67 FR 56215, Sept. 3, 2002]

§ 6.01-7 Damage.

Damage, as used in this part in connection with any data, information, network, program, system, or other digital infrastructure, has the meaning ascribed to “damage” under 18 U.S.C. 1030(e)(8).

[E.O. 14116, 89 FR 13971, Feb. 26, 2024]

§ 6.01-8 Cyber incident.

Cyber incident, as used in this part, has the meaning ascribed to an “incident” under 44 U.S.C. 3552(b)(2).

[E.O. 14116, 89 FR 13971, Feb. 26, 2024]

Subpart 6.04—General Provisions**§ 6.04-1 Enforcement.**

(a) The rules and regulations in this part shall be enforced by the Captain of the Port under the supervision and general direction of the District Commander, Area Commander, and the Commandant. All authority and power vested in the Captain of the Port by the regulations in this part shall be deemed vested in and may be exercised by the District Commander, Area Commander, and the Commandant.

(b) The rules and regulations in this part may be enforced by any other officer or petty officer of the Coast Guard designated by the District Commander, Area Commander, or the Commandant.

§ 6.04-5

(c) Any authority or power under this part vested in, delegated to, or exercised by a member of the Coast Guard shall be subject to the direction of the Secretary of the Department in which the Coast Guard is operating.

(d) Actions taken and decisions made under this part can be appealed through the procedures outlined in 33 CFR 160.7.

[E.O. 13273, 67 FR 56215, Sept. 3, 2002, as amended by USCG-2021-0348, 87 FR 3222, Jan. 21, 2022]

§ 6.04-5 Preventing access of persons, articles, or things, including any data, information, network, program, system, or other digital infrastructure, to vessels, or waterfront facilities.

The Captain of the Port may prevent any person, article, or thing, including any data, information, network, program, system, or other digital infrastructure, from boarding or being taken or placed on board any vessel or entering or being taken into or upon or placed in or upon any waterfront facility whenever it appears to the Captain of the Port that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any vessel, or waterfront facility, including any data, information, network, program, system, or other digital infrastructure therein or thereon, or waters of the United States, or to secure the observances of rights and obligations of the United States.

[E.O. 14116, 89 FR 13971, Feb. 26, 2024]

§ 6.04-6 Establishing security zones; prohibitions with respect thereto.

The Captain of a Port may establish security zones subject to the terms and conditions specified in § 6.01-5. No person or vessel shall enter a security zone without the permission of the Captain of the Port. No person shall board or take or place any article or thing, including any data, information, network, program, system, or other digital infrastructure, on board any vessel in a security zone without the permission of the Captain of the Port. No person shall take or place any article or thing upon any waterfront facil-

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ity in any such zone without such permission.

[E.O. 14116, 89 FR 13972, Feb. 26, 2024]

§ 6.04-7 Visitation, search, and removal.

As consistent with law, the Captain of the Port may cause to be inspected and searched at any time any vessel, waterfront facility, or security zone, or any person, article, or thing, including any data, information, network, program, system, or other digital infrastructure thereon or therein, within the jurisdiction of the United States, may place guards upon any such vessel, waterfront facility, or security zone and may remove therefrom any and all persons, articles, or things, including any data, information, network, program, system, or other digital infrastructure, not specifically authorized by the Captain of the Port to go or remain thereon or therein.

[E.O. 14116, 89 FR 13972, Feb. 26, 2024]

§ 6.04-8 Possession and control of vessels.

The Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under the Captain of the Port's jurisdiction, whenever it appears to the Captain of the Port that such action is necessary in order to secure such vessel from damage or injury, including damage to any data, information, network, program, system, or other digital infrastructure thereon or therein, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

[E.O. 14116, 89 FR 13972, Feb. 26, 2024]

§ 6.04-11 Assistance of other agencies.

The Captain of the port may enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this part.

Coast Guard, DHS**§ 6.12-1****Subpart 6.10—Identification and Exclusion of Persons From Vessels and Waterfront Facilities****§ 6.10-1 Issuance of documents and employment of persons aboard vessels.**

No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any person be employed on a merchant vessel of the United States unless the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the security of the United States: *Provided*, That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

[E.O. 10352, 17 FR 4624, May 21, 1952]

§ 6.10-5 Access to vessels and waterfront facilities.

Any person on board any vessel or any person seeking access to any vessel or any waterfront facility within the jurisdiction of the United States may be required to carry identification credentials issued by or otherwise satisfactory to the Commandant. The Commandant may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 6.10-7 Identification credentials.

The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card unless the Commandant is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would not be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast

Guard Port Security Card when the Commandant is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as the Commandant may designate in lieu of the Coast Guard Port Security Card.

[E.O. 14116, 89 FR 13972, Feb. 26, 2024]

§ 6.10-9 Appeals.

Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this subpart, shall have the right of appeal, and the Commandant shall appoint Boards for acting on such appeals. Each such Board shall, so far as practicable, be composed of one Coast Guard officer, one member drawn from management, and one member drawn from labor. The members drawn from management and labor shall, upon suitable security clearance, be nominated by the Secretary of Labor. Such members shall be deemed to be employees of the United States and shall be entitled to compensation under the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a) while performing duties incident to such employment. The Board shall consider each appeal brought before it and, in recommending final action to the Commandant, shall insure the appellant all fairness consistent with the safeguarding of the national security.

Subpart 6.12—Supervision and Control of Explosives or Other Dangerous Cargo**§ 6.12-1 General supervision and control.**

The Captain of the Port may supervise and control the transportation, handling, loading, discharging, stowage, or storage of hazardous materials on board vessels as covered by the regulations in 49 CFR parts 170–189, 46 CFR parts 150–156, 46 CFR parts 146–148 and the regulations governing tank vessels (46 CFR parts 30–39).

[CGD 77-228, 43 FR 53427, Nov. 16, 1978]

§ 6.12-3

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§ 6.12-3 Approval of facility for dangerous cargo.

The Commandant may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 6.12-1, and may require the owners, operators, masters, and others concerned to secure permits for such handling, storage, loading, and unloading from the Captain of the Port, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Commandant may prescribe.

Subpart 6.14—Security of Waterfront Facilities and Vessels in Port

§ 6.14-1 Safety measures.

The Commandant, in order to achieve the purposes of this part, may prescribe such conditions and restrictions relating to the safety of waterfront facilities and vessels in port as the Commandant finds to be necessary under existing circumstances. Such conditions and restrictions may extend, but shall not be limited to, the inspection, operation, maintenance, guarding, and manning of, and fire-prevention measures for, such vessels and waterfront facilities. Such conditions and restrictions relating to the safety of waterfront facilities and vessels in port may also extend to measures the Commandant finds to be necessary under existing circumstances to prevent, detect, assess, and remediate an actual or threatened cyber incident that could cause damage or injury to vessels, harbors, ports, or waterfront facilities.

[E.O. 14116, 89 FR 13972, Feb. 26, 2024]

§ 6.14-2 Condition of waterfront facility a danger to vessel.

Whenever the Captain of the Port finds that the mooring of any vessel to a wharf, dock, pier, or other waterfront structure would endanger such vessel, or any other vessel, or the harbor or any facility therein by reason of conditions existing on or about such wharf, dock, pier, or other waterfront struc-

ture, including inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, damage to any data, information, network, program, system, or other digital infrastructure, actual or threatened cyber incident, or unsatisfactory operation, the Captain of the Port may prevent the mooring of any vessel to such wharf, dock, pier, or other waterfront structure until the unsatisfactory condition or conditions so found are corrected, and the Captain of the Port may, for the same reasons, after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other waterfront structure.

[E.O. 14116, 89 FR 13973, Feb. 26, 2024]

Subpart 6.16—Sabotage and Subversive Activity

§ 6.16-1 Reporting of sabotage, subversive activity, or an actual or threatened cyber incident.

Evidence of sabotage, subversive activity, or an actual or threatened cyber incident involving or endangering any vessel, harbor, port, or waterfront facility, including any data, information, network, program, system, or other digital infrastructure thereon or therein, shall be reported immediately to the Federal Bureau of Investigation, the Cybersecurity and Infrastructure Security Agency (for any cyber incident), and the Captain of the Port, or to their respective representatives.

[E.O. 14116, 89 FR 13973, Feb. 26, 2024]

§ 6.16-3 Precautions against sabotage.

The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo, including any data, information, network, program, system, or other digital infrastructure thereon or therein, from sabotage.

[E.O. 14116, 89 FR 13973, Feb. 26, 2024]

Coast Guard, DHS**§ 8.3****Subpart 6.18—Penalties****§ 6.18-1 Violations.**

Section 2, Title II of the act of June 15, 1917, as amended, 46 U.S.C. 70052, provides as follows:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000.

[E.O. 10173, 15 FR 7012, Oct. 20, 1950, as amended by USCG-2020-0304, 85 FR 58276, Sept. 18, 2020]

Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities**§ 6.19-1 Primary responsibility.**

Nothing contained in this part shall be construed as relieving the masters, owners, operators, and agents of vessels or other waterfront facilities from their primary responsibility for the protection and security of such vessels or waterfront facilities, including any data, information, network, program, system, or other digital infrastructure thereon or therein.

[E.O. 14116, 89 FR 13973, Feb. 26, 2024]

PART 8—UNITED STATES COAST GUARD RESERVE

Sec.

8.1 Functions of the Coast Guard Reserve.
8.3 Organization of the Coast Guard Reserve.

8.5 Regulations for the Coast Guard Reserve.

8.7 Information.

AUTHORITY: 14 U.S.C. 503.

SOURCE: CGD 79-105, 48 FR 36449, Aug. 11, 1983, unless otherwise noted.

§ 8.1 Functions of the Coast Guard Reserve.

(a) The Coast Guard Reserve is a component of the Coast Guard. The Coast Guard Reserve trains personnel for mobilization and for augmentation of the regular Coast Guard.

(b) Members of the Coast Guard Reserve can be used for:

1. Partial or full mobilization under 10 U.S.C. 12301;

(2) Voluntary or involuntary call-up for emergency augmentation of the regular Coast Guard during time of serious natural or man-made disaster under 14 U.S.C. 3713; and

(3) Augmentation of the regular Coast Guard during active duty or inactive duty for training.

(c) A member of the Reserve on active duty or inactive duty training has the same authority, rights, and privileges in the performance of that duty as a member of the regular Coast Guard of corresponding grade or rating.

[CGD 79-105, 48 FR 36449, Aug. 11, 1983, as amended by CGD 97-028, 62 FR 33361, June 19, 1997; USCG-2020-0304, 85 FR 58276, Sept. 18, 2020]

§ 8.3 Organization of the Coast Guard Reserve.

(a) The Coast Guard Reserve is organized, trained and equipped under the direction of the Commandant.

(b) The Director of Reserve and Training is responsible for the overall administration and supervision of the Reserve.

(c) In Atlantic Area, Integrated Support Commands have responsibility for local Reserve issues; however, in Pacific Area, responsibility for local Reserve issues remains with District Commanders.

(d) Most Coast Guard Reservists are fully integrated into active duty Coast Guard units. There, Reservists perform the same duties and have the same responsibilities as their active duty counterparts. Their integrated work