

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE

CHARTER

1. Committee's Official Designation:

National Merchant Marine Personnel Advisory Committee

2. Authority:

The National Merchant Marine Personnel Advisory Committee (Committee) was established on December 4, 2018, by § 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, (Pub. L. No. 115-282, 132 Stat 4192), and is codified in 46 U.S.C. § 15103. The Committee must operate under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. Appendix) and 46 U.S.C. § 15109.

3. Objectives and Scope of Activities:

The function of the Committee is to provide advice to the Secretary of Homeland Security through the Commandant of the United States Coast Guard on matters relating to personnel in the United States Merchant Marine including the training, qualifications, certification, documentation, and fitness of mariners.

4. Description of Duties:

The Committee will submit in writing to the Secretary of Homeland Security its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

The duties of the Committee are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The Committee provides advice and recommendations to the Secretary of Homeland Security through the Commandant of the United States Coast Guard and Director of Commercial Regulations and Standards, United States Coast Guard.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security is responsible for providing financial and administrative support to the Committee via the Office of Merchant Mariner Credentialing, United States Coast Guard.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Merchant Marine Personnel Advisory Committee is \$130,000 which includes approximately 0.30 years of staff support.

8. Designated Federal Officer:

A full-time employee of the United States Coast Guard is appointed by the Director of Commercial Regulations and Standards as the Committee Designated Federal Officer (DFO). A full-time or permanent part-time employee of the United States Coast Guard is appointed by the Director of Commercial Regulations and Standards as the Merchant Marine Personnel Advisory Committee Alternate Designated Federal Officer (ADFO). The DFO the ADFO approves or calls Committee and subcommittee meetings, approves meeting agendas, attends all Committee and subcommittee meetings. The DFO adjourns any meeting when they determine adjournment to be in the public interest, and chairs meetings in the absence of the Chair and Vice Chair.

9. Estimated Number and Frequency of Meetings:

It is expected the Committee will meet at least twice a year, but must hold a meeting at least once a year. Meetings may be held in person, virtual or hybrid of in person and virtual depending on the needs of the Committee to allow maximum flexibility. Meetings are held at the call of the Secretary of Homeland Security or a majority of the members of the Committee subject to the approval of the DFO who will make the arrangements for the meeting including publishing a timely notice in the Federal Register. Members may be reimbursed for actual and reasonable expenses incurred in the performance of their duties subject to the availability of funds, but such expenses including travel and per diem, must be approved in advance by the DFO. Committee meetings are open to the public unless a determination is made by the appropriate Department of Homeland Security official in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with Government in the Sunshine Act (Sunshine Act), 5 U.S.C. § 552b(c).

10. Duration:

Under 46 U.S.C. § 15109(m), the Committee is authorized to continue until September 30, 2029.

11. Effective Period for this Charter:

This charter shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with Section 14(b)(2) of the *Federal Advisory Committee Act* which directs that a charter for a Committee such as this one, established by an Act of Congress, be filed each successive 2-year period. No charter for this Committee may be effective after September 30, 2029, unless the statutory termination date for this Committee is extended by an Act of Congress.

12. Member Composition and Election of Officers:

The Committee shall consist of 19 members who are appointed by and who serve at the pleasure of the Secretary of Homeland Security. Each member has particular expertise, knowledge, and experience in matters relating to the function of the Committee.

Following the procedures in 46 U.S.C. § 15109, the Secretary of Homeland Security will appoint persons to the following membership positions on the Committee consistent with 46 U.S.C. § 15103:

- (A) Nine members shall represent mariners and, of the nine—
 - (i) Each shall—
 - (I) be a citizen of the United States; and
 - (II) hold an active license or certificate issued under 46 U.S.C. chapter 71 or a merchant mariner document issued under 46 U.S.C. chapter 73.
 - (ii) Three shall be deck officers who represent merchant marine deck officers and, of the three—
 - (I) two shall be licensed for oceans any gross tons;
 - (II) one shall be licensed for inland river route with a limited or unlimited tonnage;
 - (III) two shall have a master's license or a master of towing vessels license;
 - (IV) one shall have significant tanker experience; and
 - (V) to the extent practicable—
 - (aa) one shall represent labor; and
 - (bb) one shall represent management;
 - (iii) Three shall be engineering officers who represent merchant marine engineering officers and, of the three—
 - (I) two shall be licensed as a chief engineer any horsepower;
 - (II) one shall be licensed as either a limited chief engineer or a designated duty engineer; and
 - (III) to the extent practicable—
 - (aa) one shall represent labor; and
 - (bb) one shall represent management;
 - (iv) Two shall be unlicensed seaman who represent merchant marine unlicensed seaman and, of the two—
 - (I) one shall represent able-bodied seamen; and
 - (II) one shall represent qualified members of the engine department; and
 - (v) One shall be a pilot who represents merchant marine pilots.
- (B) Six members shall represent marine educators and of the six—
 - (i) Three shall be marine educators who represent maritime academies and, of the three—
 - (I) two shall represent State maritime academies (and are jointly recommended by such academies); and
 - (II) one shall represent either the State maritime academies or the United States Merchant Marine Academy; and
 - (ii) Three shall be marine educators who represent other maritime training institutions and, of the three, one shall represent the small vessel industry;

- (C) Two members shall represent shipping companies employed in ship operation management; and,
- (D) Two members shall represent the general public.

Members in paragraphs (A), (B), and (C) are appointed to represent the interest of their respective groups and viewpoints and are not Special Government Employees as defined in 18 U.S.C. § 202(a).

Members appointed to represent the general public in paragraph (D) will serve as Special Government Employees as defined in 18 U.S.C. § 202(a). The members in paragraph (D) are subject to the Federal conflict of interest laws and standard of conduct regulations and required to file a New Entrant Confidential Financial Disclosure Report annually and complete ethics training.

In accordance with 46 U.S.C. § 15109(f)(2)(B), the Secretary of Homeland Security shall not seek, consider, or otherwise use information concerning political affiliation of a nominee in making an appointment to the Committee.

In order for the Department to fully leverage broad-ranging experience and education, the National Merchant Marine Personnel Advisory Committee must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the nation's people.

Any Federal agency with matters under that agency's administrative jurisdiction related to the function of the Committee may designate a representative to attend any Committee meeting, and that representative may participate as an observer at meetings at which such matters are discussed.

The term of each Committee member will expire on December 31 of the third full year after the effective date of his or her appointment. Each member serves at the pleasure of the Secretary of Homeland Security. The Secretary of Homeland Security may reappoint a member of the Committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment. When the term of a member ends and a successor has not been appointed, they may continue to serve as a member for up to one (1) additional year, until a successor is appointed. In the event the Committee terminates, all appointments to the Committee will terminate.

Officers:

The Committee will elect a Chair and Vice Chair from among the Committee's members. The Vice Chair will act as Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The term of office of the Chair and Vice Chair may be up to three years, and Officers may serve more than one term. A person may serve as Chair or Vice Chair only if that person is also serving as a member of the Committee.

13. Subcommittees:

The Chair may establish and disestablish subcommittees for any purpose consistent with the Committee’s charter subject to the approval of the DFO. Subcommittees may not work independently of the chartered Committee and must report their findings, recommendations, and advice to the Committee for full deliberation and vote. Subcommittees have no authority to make decisions on behalf of the Committee. They may not provide findings, recommendations, or advice directly to the Federal Government or any other entity. Only Committee members may serve as the Chair of a subcommittee.

14. Recordkeeping:

The records of the Committee, formally established subcommittees or other subgroups of the Committee, are handled in accordance with General Records Schedule 6.2 and Commandant Instruction 5212.12B, “Records & Information Management Program Roles and Responsibilities” (https://cg.portal.uscg.mil/sites/externaldata/Directives/CI_5212_12B.pdf). These records will be available for public inspection and copying, in accordance with the *Freedom of Information Act* (5 U.S.C. § 552).

15. Filing Date:

11/02/2022

Department Approval Date

11/02/2022

CMS Consultation Date

11/02/2022

Date Filed with Congress