

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
NATIONAL MERCHANT MARINER MEDICAL ADVISORY COMMITTEE
CHARTER

1. Committee's Official Designation:

National Merchant Mariner Medical Advisory Committee

2. Authority:

The National Merchant Mariner Medical Advisory Committee was established on December 4, 2018, by [§ 601 of the Frank LoBiondo Coast Guard Authorization Act of 2018](#). The statutory authority is codified in [46 U.S.C. § 15104](#). The Committee operates under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. Appendix) in addition to the provisions applicable to all National Maritime Transportation Advisory Committees in [46 U.S.C. § 15109](#).

3. Objectives and Scope of Activities:

The function of the Committee is to advise, consult with, and make recommendations to the Secretary of the Department of Homeland Security through the Commandant of the United States Coast Guard on matters relating to (1) medical certification determinations for the issuance of licenses, certification of registry, and merchant mariners' documents with respect to merchant mariners; (2) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (3) medical examiner education; and (4) medical research..

The Committee may be responsible for specific assignments and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with state and local government jurisdictions in compliance with the *Federal Advisory Committee Act*.

4. Description of Duties:

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 the Department of Homeland Security through the Commandant of the United States Coast Guard and the Director of Commercial Regulations and Standards.

6. Agency Responsible for Providing Necessary Support:

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

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the Committee is \$125,142, 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 U.S. Coast Guard Director of Commercial Regulations and Standards as the Committee's Designated Federal Officer. The Designated Federal Officer or the Alternate Designated Federal Officer approves or calls Committee meetings, approves meeting agendas, attends all Committee and subcommittee meetings. The Designated Federal Officer adjourns any meeting when he/she determines adjournment to be in the public interest, and chairs meetings in the absence of the Chairman and Vice-Chairman.

9. Estimated Number and Frequency of Meetings:

It is expected the Committee will meet at least twice a year, but it must hold a meeting at least once a year. Meetings are held at the call of the Secretary or a majority of the members of the Committee, subject to the approval of the Designated Federal Officer who will make arrangement 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, but such expenses, including travel and per diem, must be approved in advance by the Designated Federal Officer in accordance with 46 U.S.C. § 15109(c) and the [Joint Travel Regulations](#). 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 the *Government in the Sunshine Act (Sunshine Act)*, [5 U.S.C § 552b\(c\)](#).

10. Duration:

Under § 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, the Committee is authorized to continue operating until September 30, 2027.

11. Effective Period for this Charter:

This charter is effective from the date it is filed with Congress until it is replaced by a newly filed charter. [Section 14\(b\) \(2\) of the Federal Advisory Committee Act](#) directs that a charter for a Committee such as this one, which was established by an Act of Congress, be filed each successive 2-year period. No charter for this Committee may be effective after September 30,

2027, unless that 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 fourteen members with 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 will appoint persons to the following membership positions on the Committee:

a. Nine shall represent health-care professionals and have particular expertise, knowledge, and experience regarding the medical examinations of merchant mariners or occupational medicine.

b. Five shall represent professional mariners and have particular expertise, knowledge, and experience in occupational requirements for mariners.

All of the members are representatives of their respective groups and are not Special Government Employees as defined in [18 U.S.C. § 202\(a\)](#).

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 31st of the third full year after the effective date of his or her appointment. Each member serves at the pleasure of the Secretary. The Secretary 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, he or she may continue to serve as a member for up to one 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 Chairman and Vice-Chairman from among the Committee's members. The Vice-Chairman will act as Chair in the absence or incapacity of the Chairman or in the event of a vacancy in the office of the Chairman. The term of office of the Chair and Vice-Chairman may be up to two years, and Officers may serve more than one term. A person may serve as Chairman or Vice-Chairman only if that person is also serving as a member of the Committee.

13. Subcommittees:

The Chairman may establish and disestablish subcommittees for any purpose consistent with the function of the Committee. Such subcommittees may not work independently of the chartered

Committee and must present their work to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Committee and may not report directly to the Federal Government or any other entity.

14. Recordkeeping:

The records of the Committee, formally and informally established subcommittees or other subgroups of the Committee, shall be handled in accordance with [General Records Schedule 6.2](#) or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the *Freedom of Information Act* ([5 U.S.C § 552](#)).

15. Filing Date:

April 20, 2020
Department Approval Date

October 15, 2020
CMS Consultation Date

November 2, 2020
Date Filed with Congress