

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*. The statutory authority is codified in [46 U.S.C. § 15103](#). The Committee operates under the provisions of the *Federal Advisory Committee Act*, as amended (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 personnel in the United States Merchant Marine including the training, qualifications, certification, documentation, and fitness of mariners.

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

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 USCG’s 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 \$125,000, 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's Designated Federal Officer. The Designated Federal Officer or the Alternate Designated Federal Officer approves or calls Committee meetings, approves meeting agendas, and attends all Committee and subcommittee meetings. The Designated Federal Officer adjourns any meeting when he/she determines adjournment to be in 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 they 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 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, 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 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(a) of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, 46 U.S.C. §15109(l), the Committee is authorized to continue 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 *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 19 members with particular expertise, knowledge, and experience in matters relating to the function of the Committee. Following procedures in 46 U.S.C. §§ 15103 and 15109, the Secretary will appoint persons to the following membership positions on the Committee:

- (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;
 - (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). A member of the Committee shall not be considered an employee of the Federal Government by reason of service on the Committee, except for the purposes of 5 U.S.C. § 81, 28 U.S.C. § 171 and any other federal law relating to tort liability.

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 Report Confidential Financial Disclosure Report (OGE Form 450).

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

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 Secretary may appoint a federal employee to serve as a member of the Committee to represent the interests of the United States Merchant Marine Academy after consultation with the Secretary of Transportation, and be exempt from the application requirements.

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. The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee. The Secretary may reappoint a member 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 terminate.

Officers:

The Committee will elect a Chairman and Vice-Chairman from among the Committee's members. The Vice-Chairman will act as Chairman 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 Chairman

and Vice-Chairman may be up to two years, and both 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 or 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 National Merchant Marine Personnel Advisory 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:

June 2, 2020
Department Approval Date

November 2, 2020
CMS Consultation Date

November 2, 2020
Date Filed with Congress