

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL MERCHANT MARINER MEDICAL ADVISORY COMMITTEE

CHARTER

1. Advisory Committee's Official Designation:

National Merchant Mariner Medical Advisory Committee

2. Authority:

The National Merchant Mariner Medical Advisory Committee (Committee) was authorized 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. § 15104. The Committee operates under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. chapter 10) 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 (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.

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. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendation:

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. 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 Mariner Medical Advisory Committee is \$ 189,244, which includes 0.75 staff years of 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). The DFO must:

- A. Ensure their advisory Committee activities comply with the *Act*, FACA Final Rule, their agency administrative procedures, and any other applicable laws and regulations;
- B. Approve or call all meetings of the advisory Committee or subcommittee;
- C. Approve the agenda, except that this requirement does not apply to a Presidential advisory Committee;
- D. Attend all advisory Committee and subcommittee meetings for their duration;
- E. Fulfill the requirements under § 10(b) of the *Act* (codified at 5 U.S.C. 1009(b));
- F. Adjourn any meeting when the DFO determines it to be in the public interest;
- G. Chair any meeting when directed by the agency head;
- H. Maintain information on advisory Committee activities and provide such information to the public, as applicable; and
- I. Ensure advisory Committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.* FACA overview, ethics training) for efficient operation and compliance with the Act and FACA Final Rule.

Also, the DFO should ensure a public facing website is created and maintained for the advisory Committee to which they are assigned according to 41 CFR § 102-3.10(b).

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 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 or ADFO who will make the 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 subject to the availability of funds, but such expenses including travel and per diem, must be approved in advance by the DFO or ADFO. 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. Termination:

This charter shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with 5 U.S.C. § 1013(b)(2) 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 and Designation:

The Committee shall consist of 14 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. § 15104:

- (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.

Members are representatives of their respective groups and are not Special Government Employees as defined in 18 U.S.C. § 202(a). As representatives, the members are expected to represent and speak on behalf of interests, views, or biases of a recognizable group of persons or class of stakeholders.

Appointments will be made without regard to political affiliation.

In order for the Department to fully leverage broad-ranging experience and education, the National Merchant Mariner Medical 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 Committee meetings that relate to such matter.

The term of each Committee member will expire on December 31 of the third full year after the effective date of the 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 additional year, until a successor is appointed. In the event the Committee terminates, all appointments to the Committee will terminate

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.” 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:

10/30/2024

Department Approval Date

10/30/2024

CMS Consultation Date

11/1/2024

Date Filed with Congress