

U.S. DEPARTMENT OF TRANSPORTATION – MARITIME ADMINISTRATION
CHARTER FOR THE
UNITED STATES MERCHANT MARINE ACADEMY BOARD OF VISITORS

1. Committee’s Official Designation: The Committee shall be known as the United States Merchant Marine Academy Board of Visitors (hereinafter referred to as “the Board”).
2. Authority: This charter establishes the Board pursuant to 46 U.S.C. § 51312 (as amended), and sets forth policies for its operation. The Board is established in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2, as amended), and 41 CFR § 102-3.50(a).
3. Objectives and Scope of Activities: The Board shall provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy (hereinafter referred to as “the Academy”), as set out below in paragraph four.
4. Description of Duties: The Board shall provide independent advice and recommendations concurrently to the President of the United States, the Secretary of Transportation (hereinafter referred to as “the Secretary”), the Maritime Administrator (hereinafter referred to as “the Administrator”), and Superintendent of the Academy (hereinafter referred to as “the Superintendent”) on matters related to the state of morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods of the Academy, and any other matters relating to the Academy that the Board decides to consider.

The Board shall visit the Academy annually on a date selected by the Board, in consultation with the Secretary and the Superintendent. In cooperation with the Superintendent, the Board or its members may make other visits to the Academy in connection with the duties of the Board.

While visiting the Academy, members of the Board shall have reasonable access to the grounds, facilities, midshipmen, faculty, staff, and other personnel of the Academy for the purpose of carrying out the duties of the Board.

The Board shall submit a written report to the President within 60 days after its annual visit to the Academy, to include the Board’s actions, views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, if approved by a majority of the members of the Board, shall be submitted to the President within 60 days after the approval. Any report submitted to the President shall be concurrently submitted to the Secretary, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Armed Services of the U.S. House of Representatives.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the President of the United States. The Secretary, in accordance with U.S. Department of Transportation (hereinafter referred to as the “Department”) policies and procedures, may act upon the Board’s advice and recommendations. The Department is responsible for fulfilling the requirements of subsection 6(b) of the FACA.

6. Support: The Department, through the Secretary, shall provide support, as deemed necessary, for the performance of the Board's functions, select a Designated Federal Officer to support the performance of the Board's functions, and, in cooperation with the Administrator and Superintendent, advise the Board of any institutional issues, consistent with applicable laws concerning the disclosure of information, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing Department policies and procedures.

In addition, each Chairman of the Committee on Commerce, Science and Transportation of the Senate and of the Committee on Armed Services of the U.S. House of Representatives may designate staff members of such Committee to serve as staff for the Board, without additional reimbursement except for travel and per diem for official travel.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$12,000. The estimated annual personnel cost to the Department is 0.8 full-time equivalents (FTEs).

8. Designated Federal Officer (DFO): The Board's DFO shall be a full-time or permanent part-time Department employee, and shall be appointed in accordance with governing Department policies and procedures.

The Board's DFO must be in attendance at all Board and Subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the DFO, an Alternate DFO, duly appointed to the Board according to Department policies and procedures, shall attend the entire duration of the Board or Subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the Board's and Subcommittees' meetings; prepare and approve all meeting agendas; ensure detailed minutes of each advisory committee meeting are taken and maintained, including meetings that are closed or partially closed to the public; adjourn any meeting when the DFO or the Alternate DFO determines adjournment to be in the public interest or required by governing regulations or Department policies and procedures; and chair meetings when directed to do so by the President or designee.

9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Board's DFO, in consultation with the Chairman. The estimated number of Board meetings is three per year with at least one (1) time per year at the Academy. The date of the Academy visit shall be selected by the Board, in consultation with the Secretary and the Superintendent.

10. Duration: Continuing

11. Termination: This charter shall terminate 2 years after its filing date unless renewed in accordance with FACA.

12. Membership and Designation: The Board, pursuant to 46 U.S.C. § 51312, shall be constituted biennially and composed of 13 appointed members and 6 *ex officio* members. The Board membership shall include:

- a. Two (2) Senators appointed by the Chairman of the Committee on Commerce, Science, and Transportation of the Senate in consultation with the ranking member of such Committee;
- b. Three (3) Members of the U.S. House of Representatives appointed by the Chairman of the Committee on Armed Services of the U.S. House of Representatives in consultation with the ranking member of such Committee;
- c. One (1) Senator appointed by the Vice President, who shall be a member of the Committee on Appropriations of the Senate;
- d. Two (2) Members of the U.S. House of Representatives appointed by the Speaker of the U.S. House of Representatives, in consultation with the Minority Leader, at least 1 of whom shall be a member of the Committee on Appropriations of the U.S. House of Representatives;
- e. Five members designated by the President. Of the individuals appointed by the President, at least two (2) shall be graduates of the Academy; at least one (1) shall be a senior corporate officer from a United States maritime shipping company that participates in the Maritime Security Program, or in any Maritime Administration program providing incentives for companies to register their vessels in the United States, and this appointment shall rotate biennially among such companies; and one or more may be a Senate-confirmed Presidential appointee, a member of the Senior Executive Service, or an officer of flag-rank from the Coast Guard, the National Oceanic and Atmospheric Administration, or any of the military services that commission graduates of the Academy, other than the individuals who are members of the Board under 46 U.S.C. § 51312(b)(1)(F)(i) and (ii);
- f. As *ex officio* members—
 - (i) the Commander of the Military Sealift Command;
 - (ii) the Deputy Commandant for Operations of the Coast Guard;
 - (iii) the chairman of the Committee on Commerce, Science, and Transportation of the Senate;
 - (iv) the chairman of the Committee on Armed Services of the U.S. House of Representatives;
 - (v) the chairman of the Advisory Board to the Academy established under 46 U.S.C. § 51313; and
 - (vi) the Member of the U.S. House of Representatives for the Congressional district in which the Academy is located, as a nonvoting member, unless such Member of the U.S. House of Representatives is appointed as a voting member of the Board under subparagraph (B) or (D) of Section 51312(b).

Each member of the Board, other than an *ex officio* member, shall serve for a term of 2 years commencing at the beginning of each Congress. Such member shall continue to serve until a successor is appointed unless he or she is no longer a Member of Congress.

If a member of the Board is no longer able to serve on the Board or resigns, the Designated Federal Officer, in consultation with the Secretary and the Maritime Administration's Office of Congressional Affairs, shall immediately notify the person who appointed such member. Not later than 60 days after that notification, such person shall designate a replacement to serve the remainder of such member's term.

On a biennial basis, the Board shall select from among its members a Member of the U.S. House of Representatives or a Senator to serve as the Chairman. A Member of the U.S. House of Representatives and a Member of the Senate shall alternately be selected as the Chairman. An individual may not serve as a Chairman for consecutive terms.

Board members who are full-time or permanent part-time Federal officers and employees shall be appointed as regular government employees or *ex officio members* as appropriate. Board members designated by the President, who are appointed solely for their expertise and are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as special government employees under the authority of 5 U.S.C. § 3109. Members will serve without compensation, however, members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

The Board may call upon advisers for consultation regarding the execution of the Board's responsibility or to assist in the preparation of a report, and these advisers shall serve without compensation but shall be allowed travel expenses, including per diem

If the Military Sealift Commander, the Deputy Commandant for Operations of the Coast Guard, or any senior corporate officer from a United States maritime shipping company or any Senate-confirmed Presidential appointee, Senior Executive Service member, or flag-rank officer appointed by the President under 46 U.S.C. § 51312(b)(2)(B) or (C) is unable to attend any meetings or visits or otherwise fulfill his or her responsibilities, he or she may designate another individual to serve as a substitute member of the Board, on a temporary basis, to attend or participate in such activity. A substitute member must be a Senate-confirmed presidential appointee, a Senior Executive Service member, or a flag-rank officer employed by the Coast Guard or the Military Sealift Command. A substitute member shall fully participate in the Board's proceedings and activities, including preparation of reports related to any proceedings or activities in which the substitute member participated. Further, no later than 15 days following the substitute member's participation in any Board activities, he or she shall report on those activities to the member who appointed him or her.

13. Subcommittees: The Department may create subcommittees or work groups. All Subcommittees and work groups shall report all their recommendations and advice to the full Board for deliberation and discussion, and must not provide advice or work products directly to the Department.

14. Recordkeeping: The records of the Board, as well formally and informally established Subcommittees, shall be handled according to General Record Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, the Board's documents shall be available for public inspection and copying at MARAD Headquarters, 1200 New Jersey Avenue SE, W28-314, Washington, D.C. 20590 the office of the DFO until the Board ceases to exist.

15. Filing Date: The filing date of this charter is October 24, 2017.