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NMC Policy Letter 05-02
14 January 2002

From: Commanding Officer, National Maritime Center
To: Distribution

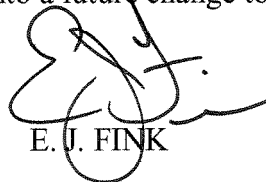
Subj: ADMINISTRATION OF OATHS TO APPLICANTS FOR MERCHANT MARINERS'
CREDENTIALS

1. PURPOSE. This policy letter provides guidance about the administration of the statutorily required oaths to applicants for merchant mariner's credentials.
2. ACTION.
 - a. Commanding officers of units with a Regional Examination Center (REC) attached shall be guided by the information in this policy letter for the administration of oaths to applicants for merchant mariners' credentials.
 - b. Commanding officers of units with marine safety responsibilities should bring this policy letter to the attention of the maritime industry with interests in marine personnel issues and to institutions that offer U. S. Coast Guard approved training.
 - c. This policy letter will be distributed by electronic means only. It is available on the World Wide Web at <http://www.uscg.mil/STCW/m-policy.htm>.
3. BACKGROUND. An applicant for a mariner's credential is required by law to take an oath. The references that pertain to the administration of oaths to applicants for licenses and certificates of registry are different from the requirements that apply to applicants for merchant mariner's documents (MMD). The specific references are noted in the enclosures.
4. DISCUSSION.
 - a. The requirements for the administration of oaths are discussed in separate enclosures. When an applicant is participating in a transaction where the requirements of both enclosures apply, the most stringent requirements shall take precedence.
 - b. To provide expedited service to mariners, some practices were previously accepted for local administration of oaths. These practices have been reviewed in light of the limitations of the laws, regulations, and policies and, in some cases, require change. These changes may cause inconveniences for mariners required to travel long distances to comply with the standards for issuance of oaths. Operational commanders may consider designating other Coast Guard units to work in consort with the RECs and provide certain limited services, such as the administration of oaths, the acceptance of applications for MMDs, or other similar

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services that do not require special qualifications or training. If it is decided to use the services of other Coast Guard units to provide customer services for the convenience of mariners, the cognizant local REC should provide specific guidance to the other unit.

c. This information will be incorporated into a future change to the Marine Safety Manual.



E. J. FINK

Encl: (1) Administration of oaths to applicants for licenses and certificates of registry
(2) Administration of oaths to applicants for merchant mariner's documents

Copy: Commandant (G-MSO)
Area Commanders (Am)
All District Commanders (m)
All OCMI's
All Activity Commanders
All RECs

ADMINISTRATION OF OATHS TO APPLICANTS FOR LICENSES
AND CERTIFICATES OF REGISTRY

Ref: (a) Title 46, United States Code, Section 7105
(b) Title 46, Code of Federal Regulations, Section 10.202(d)
(c) COMDTINST M16000.8B, Marine Safety Manual Volume III

1. Reference (a) broadly requires that applicants for a license or certificate of registry be administered an oath before a "designated official." Reference (b) narrows the broad language of the statute to a requirement that the oath be administered by "a designated Coast Guard official." Reference (c) provides that "Commissioned and warrant officers assigned to REC duty are authorized by the Commandant under 14 U. S. C. 636 to administer all oaths."

2. Reference (c) states that in circumstances where the application will be processed entirely by mail, that the oath may be administered by a certified notary public. However, reference (b) requires that the oath be administered by a "designated Coast Guard official" and the notary does not meet the requirements of the regulations. Therefore, a notary may not be used to administer the required oath for an original license or a certificate of registry. No oath is required for renewals of these credentials.

3. In summary, the following officials may administer oaths to applicants for licenses and certificates of registry:

a. Officers in Charge, Marine Inspection;

b. Commissioned and warrant officers of the U. S. Coast Guard assigned to duty in an REC; and

c. Other officials employed by the Coast Guard, either civilian or military, who are authorized in writing by the OCMI to administer such oaths. This includes Coast Guard Auxiliary personnel when engaged on official Coast Guard duties. When using a Coast Guard Auxiliarist, the Auxiliary member should not have any civilian relationship that could be considered a conflict of interest.

4. If approved by the cognizant area commander and district commander, commanding officers of units with an REC attached, may authorize Coast Guard personnel at other units to administer oaths to provide customer service to applicants for licenses and certificates of registry. This authorization may be extended to any military or civilian Coast Guard member at those units, including Coast Guard Auxiliary members.

ADMINISTRATION OF OATHS TO APPLICANTS FOR
MERCHANT MARINER'S DOCUMENTS

- Ref: (a) Title 46, United States Code, Section 7305
(b) Title 46, Code of Federal Regulations, Section 12.02-15
(c) COMDTINST M16000.8B, Marine Safety Manual Volume III
(d) Title 46, Code of Federal Regulations, Section 12.02-9

1. Reference (a) states that an applicant for an MMD shall take an oath, but it does not designate before whom. Reference (b) states that an applicant for an MMD shall take an oath before an Officer in Charge, Marine Inspection or other official authorized to give such oath, or a commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636. Reference (c) provides that the "oath must be administered by authorized Coast Guard personnel." It goes further and permits that transactions handled entirely by mail may have the oath administered by a certified notary public.

2. In summary, the following officials may administer oaths to applicants for MMDs:

- a. Officers in Charge, Marine Inspection;
- b. Commissioned officers of the U. S. Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636; and
- c. Other officials employed by the Coast Guard, either civilian or military, who are authorized to administer such oaths. This includes Coast Guard Auxiliary personnel engaged on official Coast Guard business [subject to the limitations noted in enclosure (1)].

3. Reference (d) includes a requirement for an applicant for a MMD to "appear in person before the Officer in Charge, Marine Inspection, or other person authorized to issue documents." The regulations further state that MMDs may be issued at any Marine Inspection Office. In view of the international recognition conferred on the holder of an MMD and in light of the events on 11 September 2001 it is essential that an applicant for an original MMD meet the requirement to appear in person for validation of the applicant's identity.

4. If approved by the cognizant area commander and district commander, commanding officers of units with an REC attached, may authorize Coast Guard personnel (military, civilian, or Auxiliarist) at other marine safety units to accept applications for MMDs, to verify a mariner's identity, and to administer oaths to provide customer service to applicants for MMDs. This authorization may be extended to any military or civilian Coast Guard member at those units, including Coast Guard Auxiliary members.