

U.S. Department of
Homeland Security

United States
Coast Guard



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NMC Guidance Document 04-06

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From: Commanding Officer, U. S. Coast Guard National Maritime Center
To: Distribution

Subj: SERVICES TO MARINERS AT REGIONAL EXAMINATION CENTER (REC)
REMOTE LOCATIONS OR BY REC TRAVELING EXAMINATION TEAMS

Ref: (a) Title 46 CFR Chapter I, Subchapter B
(b) National Maritime Center Policy Letter 05-02, *Administration of Oaths to Applicants for Merchant Mariners' Credentials*
(c) Marine Safety Manual Vol. III COMDTINST M16000.8B

1. Purpose. Reference (a) requires applicants for Merchant Mariner's Documents, Licenses and Certificates of Registry (COR) to make a personal appearance at an REC to be fingerprinted and identified. This document provides guidance about procedures for processing applicants for those credentials at REC field locations remote from each main regional REC office. This guidance does not replace applicable legal requirements. It is not intended to, nor does it impose, legally-binding requirements on any party.
2. Action. If District Commanders and Commanding Officers of units with an REC decide to use designated officials at locations remote from the main REC office to process applicants, the guidance contained in this document should be followed to provide consistency. The guidance in this document is not all-inclusive; other arrangements that provide an equivalent level of security, accountability, and process integrity may be utilized after approval by the National Maritime Center.
3. Directives Affected. Reference (b), NMC Policy Letter 05-02, *Administration of Oaths to Applicants for Merchant Mariner's Credentials* is cancelled.
4. Background.
 - a. In Interim Rules published January 6, 2004 for MMDs (69 FR 531) and January 13, 2006 for Licenses and CORs (71 FR 2154), reference (a) was modified to establish new regulatory requirements for the identification of applicants as well as for identifying those applicants to ensure that those credentials are not inadvertently issued to unqualified persons. In general, these regulations require that an applicant appear at an REC to be fingerprinted and show proof of identification as part of the application process.
 - b. The Coast Guard received numerous complaints from the public about the costs, lost time, and inconvenience caused by these appearance requirements. Many applicants reside in locations remote from the main REC office, and these regulations have caused undue hardships on those applicants. The overwhelming number of public comments to the docket

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for both rulemakings concerned the requirement to personally appear at an REC. While the Coast Guard is sympathetic to those concerns, the requirements in reference (a) are important to national security.

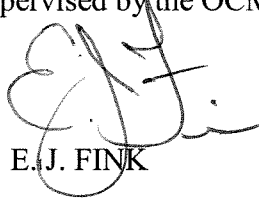
- c. In addition to fingerprinting and identification checks, applicants for original credentials are required by Title 46, U. S. Code, 7105 to be administered an oath before a designated Coast Guard official.

5. Discussion.

- a. The following options are available to provide relief to the public. Each District Commander and Commanding Officer of a unit with an REC may select those options that will be the most effective considering the number and nature of their constituents, the area served, and resources available.
 - 1. Establish REC Remote Locations for the performance of fingerprinting, identification, and administration of oaths. Procedures for this are discussed in enclosure (1).
 - 2. In situations where there are 10 or more applicants requesting services, the applicants as a group may request the REC to send a representative to provide services at a location convenient to the group. In this situation, if resources permit and the Officer in Charge, Marine Inspection (OCMI) approves, the REC should follow the guidance in reference (c) that applies to a Traveling Examination Team (TET). The group of applicants must agree to reimburse the Coast Guard for the travel and per diem costs in accordance with Title 46, U. S. Code, 7504.
- b. The REC Remote Locations and TETs are extensions of the REC and will satisfy the appearance requirements established in Reference (a).
- c. Auxiliarists are an invaluable asset and may be used to augment Coast Guard forces at a main REC office, as part of a TET, and in REC Remote Locations discussed in paragraph 5.a. The use of Coast Guard Reservists and Auxiliarists is discussed in enclosure (2).
- d. Persons performing services for the public at RECs must be properly trained and established procedures must be followed. This will ensure that procedures essential to national security are not compromised. Persons performing those services at REC Remote Locations or as part of a TET should be designated in writing by the Officer in Charge, Marine Inspection (OCMI).
- e. An applicant for an MMD, License, or COR must have submitted an application and paid the evaluation fee before he or she may use the services provided by a TET or REC Remote Location.
- f. After an applicant has been processed by a TET or REC Remote Location, the TET or REC Remote Location should provide the following to the cognizant REC main office for processing of the mariner's application:
 - (1) Cover sheet (Attachment (A) to enclosure (1))

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- (2) Two completed fingerprint cards;
- (3) Completed SF-86;
- (4) Copies of the two forms of ID presented;
- (5) Completed copy of attachment (B) to enclosure (1), if applicable;
- (6) Applicant's photographs, if applicable; and
- (7) A copy of the Auxiliarist's qualification letter signed by the OCMI if the applicant's information will be sent to an REC not supervised by the OCMI who signed the letter.



E.J. FINK

- Encl: (1) Duties Performed by at an REC Remote Location or by a TET with Respect to
Merchant Mariners' Applications
(2) Requirements for REC Remote Locations

DUTIES PERFORMED AT AN REC REMOTE LOCATION OR BY A TET WITH
RESPECT TO MERCHANT MARINERS' APPLICATIONS

The verification of identity, taking of fingerprints, and administration of oaths for merchant mariner applicants may be performed at REC Remote Locations or by REC Traveling Examination Teams (TETs) in locations other than the REC main location (hereinafter referred to as "alternate REC locations"). For each applicant who receives REC services at an alternate REC location, the Designated Coast Guard Official (DCGO) should complete a copy of Attachment (A) to this enclosure and forward it along with other required information and the applicant's photographs, if any, to the main location of the cognizant REC.

1. IDENTIFICATION

- a. DCGOs qualified as forensic document examiners (FDE) will conduct the identification (ID) and citizenship verification of applicants. The DCGO shall examine the applicant's photo identification to verify that the individual is, in fact, the person who is requesting to be fingerprinted. The ID forms presented shall be compared to current standard ID forms using an *ID Checking Guide* to determine if they appear to be valid. The DCGO will make copies of the documents submitted and forward them to the main location of the cognizant REC for processing. Persons not qualified as an FDE may not perform the identification function.
- b. If the applicant requests that the information be forwarded to an REC other than the REC sponsoring the remote location, the DCGO should include a copy of his or her qualification letter signed by the OCMI in the forwarded documents.
- c. If the applicant is seeking an MMD or an STCW certificate, he or she should provide the required pictures to the DCGO at the identification process. If they are not provided, the identification process is incomplete and must be repeated when the photographs are available. The identification process must be completed before the applicant may be fingerprinted.

2. FINGERPRINTING

- a. USE OF LIVE SCAN. Livescan equipment should only be used by a DCGO that has been trained in its use and in accordance with established CG procedures.
- b. USE OF FINGERPRINT CARDS. Persons taking fingerprints manually using fingerprint cards must be trained in the proper procedures for taking fingerprints. The following information applies:

(1) Only fingerprint cards with the following printed in the ORI block may be used: DCCG0000, U. S. Coast Guard, Washington DC. All entries on the card must be typed or printed in black ink. Do not use hi-lighter markings on the card;

- (2) Leave the block for the employer's address blank. The REC that processes the fingerprint cards will enter their address in that block;
- (3) The OCA number will be provided by the REC;
- (4) For the reason fingerprinted, enter: USCG License/COR, USCG License/MMD, or USCG MMD; and
- (5) The applicant shall be fingerprinted twice using a new fingerprint card each time.

3. ADMINISTRATION OF OATHS

The oath is a formal acknowledgment by the applicant of his or her responsibilities when serving under the authority of a mariner's credentials. It should be administered with an appropriate degree of solemnity. The applicant and the DCGO should both be standing, and the applicant requested to raise his or her right hand. The DCGO should then read the oath and the applicant should respond with "I do" or a similar acknowledgment.

a. APPLICANTS FOR LICENSES

(1) Title 46, United States Code (46 USC), Section 7105 broadly requires that applicants for a license or certificate of registry be administered an oath before a "designated official." Title 46, Code of Federal Regulations (46 CFR) 10.202(d) narrows the broad language of the statute to a requirement that the oath be administered by "a designated Coast Guard official." COMDTINST M16000.8B, Marine Safety Manual Volume III (MSM) 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) The use of a notary public to administer an oath does not meet the requirements of the regulations.

(3) No oath is required for renewals of licenses.

(4) 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 Reserve and Auxiliary personnel engaged in official Coast Guard duties.

(5) District Commanders and Commanding Officers of units with an REC attached, may authorize Coast Guard Active Duty and Reserve personnel, Auxiliarists, and civilian personnel, at other units to administer oaths and to provide customer service to applicants for licenses and certificates of registry.

b. APPLICANTS FOR A MERCHANT MARINER'S DOCUMENT

(1) 46 USC 7305 states that an applicant for an MMD shall take an oath, but it does not designate before whom. 46 CFR 12.02-15 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. The MSM provides that the oath must be administered by authorized Coast Guard personnel. The MSM also permits that transactions handled entirely by mail may have the oath administered by a certified notary public; however, this policy is outdated and will be changed.

(2) The use of a notary public to administer an oath does not meet the requirements of the regulations.

(3) 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 Reserve and Auxiliary personnel engaged in official Coast Guard duties.

(4) District Commanders and Commanding Officers of units with an REC attached may authorize Coast Guard Active Duty, Reservist, Auxiliarists and designated civilian personnel from other units to administer oaths to provide customer service to applicants for MMDs.

FINGER PRINT AND OATH DATA SHEET

PLEASE PRINT NEATLY

Last Name First Name Middle Name

Social Security Number Aliases (maiden or nickname) Date of Birth (YYMMDD)

Mailing address (Street, City, State, Zip Code)

Country of Citizenship Place of Birth (City, State)

M / F
Gender Race (Asian, Black, White/Caucasian, Latino, American Indian, Other)

Color Eyes (Black, Blue, Brown, Green, Gray, Hazel, Maroon, Multicolored, Pink, Other)

Color Hair (Bald, Black, Blond/Strawberry, Blue, Brown, Green, Gray/Partially Gray, Orange Purple, Pink, Red/Auburn, Sandy, White, Other)

Height (feet-inches) Weight (pounds)

Is applying at REC _____ for:

_____ Original License or COR	_____ Original MMD	_____ Duplicate License
_____ Upgrade License or COR	_____ Upgrade MMD	_____ Duplicate MMD
_____ Renewal License or COR	_____ Renewal MMD	
_____ Endorse License or COR	_____ Endorse MMD	

Printed Name of CG Official Title and Unit Signature of CG Official

Date Prints Taken ID's used for Identification

OATH (If needed) I do solemnly swear or affirm that I will faithfully and honestly, according to my best skill and judgment, and without concealment or reservation, perform all the duties required of me by the laws of the United States. I will faithfully and honestly carry out the lawful orders of my superior officers aboard a vessel.

Signature of Applicant Signature of Coast Guard Official

REQUIREMENTS FOR REC REMOTE LOCATIONS

1. MILITARY RESERVE PERSONNEL. Coast Guard Reserve Personnel may be used to augment RECs or to perform duties at REC Remote Locations.

a. TRAINING. The REC must ensure that Reservists are adequately trained to perform the tasks they are assigned. Most of this training will be on-the-job; however, in some cases more formal training may be necessary. For example, the training in forensic document examination is provided by Immigration and Customs Enforcement. Some RECs may have this training available locally. Others may need to have it scheduled and funded by the National Maritime Center (NMC). RECs that require this training for Reservists may contact the NMC to see when this training may be available.

b. STATUS. Reservists should be in Inactive Duty for Training (IDT) status and not Inactive Ready Reserve (IRR) and should be on official orders. Reservists will be issued Active Duty Special Work in support of the Active Component (ADSW-AC) orders. Funding and FTE must be authorized before orders are issued.

c. TRAVEL ORDERS. RECs should ensure that Reservists are not expected to bear financial burdens that are the responsibility of the Coast Guard. If local travel is performed, the traveler should be reimbursed for mileage, fares, tolls, and similar expenses. Reservists should be on official orders at all times, even if performing duties at a site near their residence, to ensure the member has liability coverage in case of an accident. If TAD travel is performed, the traveler should be on official TAD orders and reimbursed for lodging, meals, and incidental expenses.

d. CONFLICTS. A Reservist should not be placed into a position where there are the appearances of, or an actual, conflict of interest. This would apply particularly for a Reservist who was, or is, employed in the maritime industry. The Reservist should not be performing duties relating to processing current or former employers or co-workers.

2. AUXILIARISTS. Coast Guard Auxiliarists are an invaluable source of volunteers to the RECs in the performance of their duties and responsibilities. The following are guidelines for the employment of Auxiliarists to perform duties as Designated Coast Guard Officials (DCGOs) authorized by District and Sector Commanders to verify identity, fingerprint and administer oaths to applicants for Merchant Mariner's Documents, Licenses and/or Certificates of Registry:

a. TRAINING. The REC must ensure that Auxiliarists are adequately trained to perform the tasks they are assigned. Most of this training will be on-the-job; however, in some cases more formal training may be necessary. For example, the training in forensic document examination is provided by Immigration and Customs Enforcement. Some RECs may have this training available locally. Others may need to have it scheduled and funded by the National Maritime Center (NMC). RECs that require this training for Auxiliarists may contact the NMC to see when this training may be available.

b. WORK OPPORTUNITY. Auxiliarists are volunteers. Those units that successfully employ Auxiliarists to assist are those that have created an environment to attract and retain Auxiliarists. Auxiliarists should be given the opportunity to acquire training, perform desirable assignments, and have their work-hour needs met.

c. COMMITMENT. The use of Auxiliarists involves a dual commitment between the Auxiliarist and the unit where he or she is assigned. After agreeing to assist an REC and be trained, the Auxiliarist should be accepted as another member of the unit and afforded the same rights and privileges as other unit members as regulations and policy permit. For example, if parking is provided at the unit, the Auxiliarist should also be afforded the right to park at the unit (subject to meeting requirements that apply to all drivers such as adequate insurance). The Auxiliarist should commit to providing his or her services to the unit on a regular, mutually-agreeable schedule. Auxiliarists should wear their uniform while performing duties in support of an REC.

d. PERSONNEL SECURITY. Auxiliarists who are assisting the REC by performing administrative duties should have received a favorable determination on a personnel security investigation (PSI) at the operations support (OS) level. Those Auxiliarists who are performing fingerprinting, identification functions, or who may have regular access to an applicant's personal information should have received a favorable determination on a PSI at the direct operations (DO) level. Auxiliarists must also sign a non-disclosure form, Attachment (A) to this enclosure.

e. TRAVEL ORDERS: Auxiliarists pay out-of-pocket for many routine expenses; however, RECs should ensure that Auxiliarists are not expected to bear financial burdens that are the responsibility of the Coast Guard. If local travel is performed, the traveler should be reimbursed for mileage, fares, tolls, and similar expenses. Auxiliarists should be on official orders when they are performing services in support of the REC, even if performing duties at a site near their residence, to ensure the member has liability coverage in case of an accident. If TAD travel is performed, the traveler should be on official TAD orders and reimbursed for lodging, meals, and incidental expenses.

f. CONFLICTS. Auxiliarists should not be placed into a position where there may be a perceived, or actual, conflict of interest. This would apply particularly for Auxiliarists who were, or are, employed in the maritime industry. The Auxiliarist should not be performing duties relating to processing current or former employers or co-workers.

3. REQUIREMENTS FOR AN REC REMOTE LOCATION. An REC Remote Location may be established for any period of time as determined by the OCMI or District Commander. REC Remote Locations may be established under a variety of physical conditions. Some may be temporary; others may be on a semi-permanent basis. In general, an REC Remote Location will need to have access to copying facilities. Telephone services are useful, but not essentials. The best location is usually another Coast Guard unit; however, security concerns may prohibit this. Other possibilities

include fire stations, schools, and civic buildings. Appropriate notice of the location and hours of operation of the remote location should be published.

NON-DISCLOSURE AGREEMENT
FOR PROCESSING MERCHANT MARINER RECORDS

All Merchant Mariner Records, including written documents and electronic data, are to be regarded as personal and for official use only.

I understand that I am intending to be legally bound and I hereby accept the obligations contained in this Agreement in consideration of my being granted access to personal information, which includes any documentation, or electronic data in a merchant mariner's records.

I understand that all information in connection with processing applications for mariners' credentials that has been, or will be seen by me in the course of my assigned duties as an authorized person and member of the Coast Guard Auxiliary is privileged information.

I understand that I have a personal duty not to disclose, communicate, or publish, in any form, any information regarding the handling of applications for mariners' credentials to any unauthorized person or organization, whether during or after the performance of my duties with the Coast Guard Auxiliary.

I understand that access to an applicant's information is to be limited to that information necessary for me to fulfill my obligations for the performance on my assigned duties.

I understand that should I breach an undertaking made in this document, it may result in a disciplinary proceeding being brought against me, which may include disenrollment from the Coast Guard Auxiliary, as well as being liable for civil damages in a civil suit brought by a damaged party and that party's attorneys' fees. Further, any violation of this non-disclosure duty contained herein will be considered a violation of the Privacy Act, Title 5, United States Code, Section 55(a) and I expressly acknowledge that I may be subject to criminal prosecution for any violation of this Act.

Signature: _____ Date: _____

Full Name: _____

Address: _____

USCG Auxiliary Member No: