

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE CHARTER

1. Committee’s Official Designation:

National Offshore Safety Advisory Committee

2. Authority:

The National Offshore Safety Advisory Committee (“the Committee”) was established 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 amended by § 8331 of the *Elijah E. Cummings Coast Guard Authorization Act of 2020*, Pub. L. No. 116-283. That authority is codified in 46 U.S.C. § 15106. The Committee must operate under the provisions of the *Federal Advisory Committee Act* (Public Law 117-286, 5 U.S.C., ch. 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 the Department of Homeland Security on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

4. Description of Duties:

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. 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 Homeland Security through the Commandant of the United States Coast Guard and the Director of Commercial Regulations and Standards, United States Coast Guard.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security is responsible for providing financial and administrative support to the Committee via the Office of Operating and Environmental Standards, primarily the Vessel and Facility Operating Standards Division, United States Coast Guard.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the Committee is \$165,000, which includes approximately 1.25 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 Designated Federal Officer. The Designated Federal Officer or the Alternate Designated Federal Officer approves or calls Committee and subcommittee meetings, approves meeting agendas, and attends all Committee and subcommittee meetings. The Designated Federal Officer adjourns any meeting when they determine adjournment to be in the public interest, and chairs meetings in the absence of 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 may 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 or a majority of the members of the Committee, subject to the approval of the Designated Federal Officer who will make arrangement for the meeting including publishing a timely notice in the *Federal Register*. All travel for Committee business must be approved in advance by the Designated Federal Officer. 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 46 U.S.C. § 15109(m), the Committee is authorized to continue until September 30, 2029.

11. Effective Period for this Charter:

This charter shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with section 14(b) (2) of *Federal Advisory Committee Act* 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 that statutory termination date for this Committee is extended by an Act of Congress.

12. Member Composition and Election of Officers:

The Committee will consist of 15 members who are appointed by the Secretary of Department of Homeland Security. Except for the member representing the general public, each member shall have particular expertise, knowledge and experience regarding the technology, equipment and techniques that are used or are being developed for use in the exploration for and the recovery of offshore mineral resources. Following the procedures in 46 U.S.C. § 15109, the Secretary of the Department of Homeland Security will appoint persons to the following membership positions on the Committee:

- a) Two members shall represent entities engaged in the production of petroleum;
- b) Two members shall represent entities engaged in offshore drilling;
- c) Two members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore operations;
- d) One member shall represent entities engaged in the construction of offshore facilities;
- e) One member shall represent entities providing diving services to offshore industry
- f) One member shall represent entities providing safety and training services to the offshore industry;
- g) One member shall represent entities providing subsea engineering construction, or remotely operated vehicle support to the offshore industry;
- h) Two members shall represent individuals employed in offshore operations and, of the two, one shall have recent practical experience on a vessel or offshore unit involved in the offshore industry;
- i) One member shall represent national environmental entities and entities providing environmental protection, compliance, or response services to the offshore industry;
- j) One member shall represent entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska; and
- k) One member shall represent the general public (but not a specific environmental group).

The members referred to in (a) through (j) are representatives of their respective industries and are not Special Governmental Employees as defined in 18 U.S.C. § 202(a).

The member referred to in (k) serves as a Special Governmental Employee as defined in 18 U.S.C. § 202(a). As a Special Government Employee, the member in paragraph (k) who represents the general public is subject to the Federal conflict of interest laws and standard of conduct regulations and required to file a New Entrant Confidential Financial Disclosure Report annually and complete ethics training before participating as a member.

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

In order for the Department to fully leverage broad-ranging experience and education, the 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 meetings at which such matters are discussed.

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 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 (1) additional year, until a successor is appointed. In the event the Committee terminates, all appointments to the Committee will 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 Officers may not serve more than two consecutive terms. A person may serve as Chairman or Vice-Chairman only if that person is also serving as a member of the Committee.

13. Subcommittees:

With the approval of the Designated Federal Officer, 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 Committee and may not report directly to the Federal government or any other entity. Only Committee members may serve as the Chairman 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" (<https://uscg.sharepoint-mil.us/sites/USCGReferences/directives/Directives/Forms/sort.aspx?id=%2Fsites%2FUSCGReferences%2Fdirectives%2FDirectives%2FCI%5F5212%5F12B%2Epdf&parent=%2Fsites%2FUSCGReferences%2Fdirectives%2FDirectives>).

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:

7/5/2023
Department Approval Date

7/24/2023
CMS Consultation Date

7/31/2023
Date Filed with Congress