

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

**NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE
CHARTER**

1. Committee's Official Designation:

National Commercial Fishing Safety Advisory Committee

2. Authority:

The National Commercial Fishing Safety Advisory Committee ("Committee") was established on December 4, 2018, by § 601 of the *Frank LoBiondo Coast Guard Authorization Act for Fiscal Year 2018* (Pub. L. No. 115-282, 132 Stat. 4192), amended by § 8335 of the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021* (Pub. L. No. 116-283, 134 Stat 4706), and codified in 46 U.S.C. § 15102. 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:

- 1) advise and provide recommendations in writing to the Secretary of Homeland Security through the Commandant of the United States Coast Guard on matters relating to the safe operation of commercial fishing industry vessels to which Chapter 45, Title 46 of the United States Code applies, including the matters of:
 - (A) navigation safety;
 - (B) safety equipment and procedures;
 - (C) marine insurance;
 - (D) vessel design, construction, maintenance, and operation;
 - (E) personnel qualifications and training;
- 2) review regulations proposed under Chapter 45, Title 46 of the United States Code (during preparation of the regulations); and
- 3) review marine casualties and investigations of vessels covered by Chapter 45, Title 46 of the United States Code and make recommendations to the Secretary of Homeland Security to improve safety and reduce vessel casualties.

4) Description of Duties:

The Committee will submit in writing to the Secretary of Homeland Security through the Commandant of the United States Coast Guard, 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 Inspections and Compliance, United States Coast Guard.

6) Agency Responsible for Providing Necessary Support:

The Department of Homeland Security is responsible for providing financial, technical, and administrative support to the Committee via the Coast Guard's Office of Commercial Vessel Compliance and Fishing Safety.

7) Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Commercial Fishing Safety Advisory Committee is \$454,342, which includes 1.4 staff years of support.

8) Designated Federal Officer:

A full-time employee of the United States Coast Guard is appointed by the Director of Inspections and Compliance as the Committee Designated Federal Officer. An Alternate Designated Federal Officer may also be appointed. The Designated Federal Officer or Alternate Designated Federal Officer approves or calls Committee and subcommittee meetings, approves meeting agendas, attends all Committee meetings, and may delegate a United States Coast Guard employee to attend subcommittee meetings. The Designated Federal Officer or Alternate Designated Federal Officer adjourns any meeting when they determine adjournment to be in the public interest, and chairs meetings in the absence of the Chairman or Vice Chairman.

9) Estimated Number and Frequency of Meetings:

The Committee shall meet at least twice each year but may meet more frequently as needs may require. As a result of exceptional circumstances, meetings may be held in person, virtual, or a 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 or Alternate Designated Federal Officer who will make 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 Designated Federal Officer or Alternate Designated Federal Officer in accordance with 46 U.S.C § 15109(c) and the Joint Travel Regulations. 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 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 that statutory termination date for this Committee is extended by an Act of Congress.

12) Member Composition and Election of Officers:

The Committee shall consist of 18 members appointed by the Secretary of Homeland Security. Each member of the Committee shall have 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:

- (A) 10 members shall represent the commercial fishing industry and
 - i. as a group, shall together reflect a regional and representational balance; and
 - ii. as individuals, shall each have experience
 - 1. in the operation in which chapter 45 of Title 46, United States Code applies; or
 - 2. as a crew member or processing line worker on a fish processing vessel.
- (B) 1 member shall represent naval architects and marine engineers.
- (C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of Title 46, United States Code applies.
- (D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel

qualifications.

(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of Title 46 United States Code applies.

(F) 1 member shall represent owners of vessels to which chapter 45 of Title 46 United States Code applies.

(G) 3 members shall represent the general public and, to the extent possible, shall include-

- i. an independent expert or consultant in maritime safety;
- ii. a marine surveyor who provides services to vessels to which chapter 45 of Title 46 United States Code applies; and
- iii. a person familiar with issues affecting fishing communities and the families of fishermen.

Except for the members in paragraph (G), members serve as representatives of their respective interests, associations, or organizations and are not Special Government Employees as defined in 18 U.S.C. § 202(a).

Members in paragraph (G) serve as Special Government Employees as defined in 18 U.S.C. § 202(a). The members in paragraph (G) are 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.

Appointments will be made without regard to political affiliation.

In order for the Department to fully leverage broad-ranging experience and education, the National Commercial Fishing Safety 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 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 the appointment. Each member serves at the pleasure of the Secretary of Homeland Security, but the Secretary of Homeland Security must have just cause to remove a member before the end of the member's term. 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, that member may continue to serve as a member for up to 1(one) additional year or until a successor is appointed, whichever is earlier. Members of the Committee may not serve more than three terms. In the event the Committee terminates, all appointments to the Committee will terminate.

13) Officers:

The Committee will elect a Chairman and Vice Chairman from the Committee’s members each calendar year. 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 three years if elected annually. A person may serve as Chairman or Vice Chairman only if that person is also serving as a member of the Committee. As is appropriate to achieve Committee initiatives, the Chairman of the Committee shall seek expertise from the fishing industry, marine safety experts, the shipbuilding industry, and others as the Committee determines appropriate.

14) Subcommittees:

The Chairman may establish and 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 the 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.

15) Recordkeeping:

The records of the Committee, formally established subcommittees, and other subgroups of the Committee are handled in accordance with General Records Schedule 6.2 and Commandant Instruction 5212.12B, “Records and Information Management Program Roles and Responsibilities.” (https://media.defense.gov/2022/Jul/08/2003032282/-1/-1/0/CI_5212_12B.PDF). These records will be available for public inspection and copying, in accordance with the *Freedom of Information Act* (5 U.S.C. § 552).

16) Filing Date:

7/10/2024

Department Approval Date

7/11/2024

CMS Consultation Date

7/12/2024

Date Filed with Congress