

UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES

COAST GUARD

NATIONAL NAVIGATION SAFETY ADVISORY COMMITTEE CHARTER

**1. Advisory Committee's Official Designation:**

National Navigation Safety Advisory Committee.

**2. Authority:**

The National Navigation Safety Advisory Committee (Committee) was authorized 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 codified in 46 U.S.C. § 15107. 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 provide advice to the Secretary of Homeland Security through the Commandant of the United States Coast Guard on matters relating to maritime collisions, rammings, and groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations and equipment; routing measures; marine information; and aids to navigation systems.

**4. Description of Duties:**

The Committee will submit in writing, to the Secretary of the 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. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendation:**

The Committee provides advice and recommendations to the Secretary of Homeland Security through the Commandant of the United States Guard and the Director of Marine Transportation Systems, United States Coast Guard.

**6. Support:**

The Department of Homeland Security is responsible for providing financial and administrative support to the Committee via the Office of Navigation Systems (CG-NAV), United States Coast Guard.

**7. Estimated Annual Operating Costs and Staff Years:**

The estimated annual operating costs will be approximately \$153,314 which includes 0.45 staff year of support.

**8. Designated Federal Officer:**

A full-time employee of United States Coast Guard is appointed by the U.S. Coast Guard Director of Marine Transportation Systems as the Committee Designated Federal Officer (DFO). The DFO must:

- A. Ensure their advisory Committee activities comply with the Act, FACA Final Rule, their agency administrative procedures, and any other applicable laws and regulations;
- B. Approve or call all meetings of the advisory Committee or subcommittee;
- C. Approve the agenda, except that this requirement does not apply to a Presidential advisory Committee;
- D. Attend all advisory Committee and subcommittee meetings for their duration;
- E. Fulfill the requirements under § 10(b) of the Act (codified at 5 U.S.C. 1009(b));
- F. Adjourn any meeting when the DFO determines it to be in the public interest;
- G. Chair any meeting when directed by the agency head;
- H. Maintain information on advisory Committee activities and provide such information to the public, as applicable; and
- I. Ensure advisory Committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.* FACA overview, ethics training) for efficient operation and compliance with the Act and FACA Final Rule.

Also, the DFO should ensure a public facing website is created and maintained for the advisory Committee to which they are assigned according to 41 CFR § 102-3.10(b).

**9. Estimated Number and Frequency of Meetings:**

It is expected the Committee will meet at least twice a year, but it must hold a meeting at least once a year. Meetings may be 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 DFO 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 DFO 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. Termination:**

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, which was established by an Act of Congress, be filed each successive 2-year period.

**12. Membership and Designation:**

The Committee is composed of not more than 21 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 procedures in 46 U.S.C. § 15107 and 15109, the Secretary of Homeland Security will appoint persons to represent the viewpoints and interests of one of the following groups or organizations, and at least one member will be appointed to represent each membership category:

- a. Commercial vessel owners or operators
- b. Professional mariners
- c. Recreational boaters
- d. The recreational boating industry
- e. State agencies responsible for vessel or port safety
- f. The Maritime Law Association

In accordance with 46 U.S.C. § 15107(c)(4), the Secretary of Homeland Security shall, based on the needs of the U.S. Coast Guard, determine the number of members of the Committee who represent each entity specified in each category and should not be construed to require an equal distribution of members representing each entity.

Appointments will be made without regard to political affiliation.

Members serve as representatives of their respective category and are not Special Government Employees as defined in 18 U.S.C. § 202(a). As representatives, the members are expected to represent and speak on behalf of interests, views, or biases of a recognizable group of persons or class of stakeholders.

In order for the Department to fully leverage broad-ranging experience and education, the

National Navigation Safety Advisory Committee must be diverse with regard to the stakeholders represented. 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 the agency's administrative jurisdiction related to the functions of the Committee, may designate a representative to attend any Committee meeting, and that representative may participate as an observer at Committee meetings that relate to such matter.

The term of each member of the Committee 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. 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 additional year, until a successor is appointed. In the event the Committee terminates, all appointments to the Committee will terminate.

The Committee will elect/re-elect a Chair and Vice Chair from among the Committee's members. The Vice Chair will act as the Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The term of office of the Chair and Vice Chair will be 3 years or until a new Chair or Vice Chair has been appointed. A person may serve as the Chair or Vice Chair only if that person is also serving as a member of the Committee. If the term of a Chair or Vice Chair ends and a successor has not been appointed, the current Chair or Vice Chair may continue to serve in the same capacity for up to one additional year or until a successor is appointed, whichever comes first.

**13. Subcommittees:**

The Chair may establish and disestablish subcommittees consistent with the Committee's charter subject to the approval of the DFO. 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 Chair 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 5212.12 (series), "Records & Information Management Program Roles and Responsibilities." 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:**

10/9/2024  
Department Approval Date

10/9/2024

GSA Committee Management Secretariat  
Consultation Date

10/11/2024

Date Filed with Congress