

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL TOWING SAFETY ADVISORY COMMITTEE CHARTER

1. Committee's Official Designation:

National Towing Safety Advisory Committee

2. Authority:

The National Towing Safety Advisory Committee (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. That authority is codified in [46 U.S.C. § 15108](#). The Committee operates under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. Appendix) in addition to the administrative provisions for National Maritime Transportation Advisory Committees in [46 U.S.C. § 15109](#).

3. Objectives and Scope of Activities:

The function of the Committee is to advise, consult with, and make recommendations to the Secretary of Homeland Security on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

4. Description of Duties:

The Committee will submit, in writing, to the Department of Homeland Security its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

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 U.S. Coast Guard, Office of Operating and Environmental Standards, primarily the Vessel and Facility Operating Standards Division, provides this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Towing Safety Advisory Committee is \$300,000, which includes 2.5 staff years of 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 Alternate Designated Federal Officer approves or calls Committee and subcommittee meetings, approves all meeting agendas, 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 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*. Members may be reimbursed for actual and reasonable expenses incurred in the performance of their duties, but such expenses, including travel and per diem, 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 is effective from the date it is filed with Congress until it is replaced by a newly filed charter. Section 14(b) (2) of *Federal Advisory Committee Act* 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. 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 18 members with particular expertise, knowledge, and experience regarding one or more of the following subjects: shallow-draft inland navigation, coastal waterway navigation, and towing safety. Following procedures in [46 U.S.C. § 15109](#), the Secretary will appoint persons to the following membership positions on the Committee:

- a. Seven members shall represent the barge and towing industry, reflecting a regional geographic balance.
- b. One member shall represent the offshore mineral and oil supply vessel industry.
- c. One member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.
- d. One member shall represent the masters of towing vessels in offshore service who hold active licenses.
- e. One member shall represent masters of active ship docking or harbor towing vessels.
- f. One member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.
- g. Two members shall represent port districts, authorities, or terminal operators.
- h. Two members shall represent shippers and of the two, one shall be engaged in the shipment of oil or hazardous materials by barge.
- i. Two members shall represent the general public.

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

The members referred to in (i) serve as Special Governmental Employees as defined in [18 U.S.C. § 202\(a\)](#). As a Special Government Employees, the members in paragraph (i) who represents the general public 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.

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

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. The Secretary 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. Each member serves at the pleasure of the Secretary. When the term of a member ends and a successor has not been appointed, he or she may continue to serve as a member for up to 1 additional year, until a successor is appointed. No member may serve more than 6 consecutive years. 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 3 years, and Officers may serve more than one term. A person may serve as Chairman or Vice-Chairman only if that person is also serving as a member of the Committee.

13. Subcommittees:

The Chairman may establish and disestablish subcommittees for any purpose consistent 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.

14. Recordkeeping:

The records of the Committee, formally and informally established subcommittees or other subgroups of the Committee, are handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. 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:

Septemeber 4, 2021

Department Approval Date

October 5, 2021

Committee Management Secretariat
Consultation Date

October 15, 2021

Date Filed with Congress