

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL BOATING SAFETY ADVISORY COMMITTEE CHARTER

1. Committee's Official Designation:

National Boating Safety Advisory Committee

2. Authority:

The National Boating 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. § 15105](#). 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 provide advice to the Secretary of the Department of Homeland Security through the Commandant of the United States Coast Guard on matters relating to national boating safety.

4. Description of Duties:

The Committee will submit in writing to the Secretary of the Department of Homeland Security (DHS) 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 the Department 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 and administrative support to Committee via the Office of Auxiliary and Boating Safety, United States Coast Guard.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Boating Safety Advisory Committee is \$156,767.00, which includes 1.0 years of staff 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. The Designated Federal Officer or Alternate Designated Federal Officer approves or calls Committee and subcommittee meetings, approves 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 the Chairman and Vice-Chairman.

9. Estimated Number and Frequency of Meetings:

It is expected the National Boating Safety Advisory Committee will meet at least twice a year, but they must hold a meeting at least once a year. Virtual meetings are encouraged. 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 subject to the availability of funds, 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 shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with [Section 14\(b\)](#) 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 be composed of 21 members who are appointed by and who serve at the pleasure of the Secretary of Homeland Security. Each member has particular expertise, knowledge, and experience regarding recreational boating safety. Following procedures in [46 U.S.C. § 15109](#), the Secretary will appoint persons to the membership.

- (a) Seven members shall represent State officials responsible for State boating safety programs;

- (b) Seven members shall represent recreational vessel and associated equipment manufacturers; and
- (c) Seven members shall represent the general public or national recreational boating organizations and, of the seven, at least five shall represent national recreational boating organizations.

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

A member(s) referred to in (c) who represents the general public serves as a Special Government Employee as defined in [18 U.S.C. § 202\(a\)](#). As a Special Government Employee, the member in (c) 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.

In accordance with [46 U.S.C. § 15109\(f\)\(2\)\(B\)](#), the Secretary of the Department 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 DHS to fully leverage broad-ranging experience and education, the National Boating Safety Advisory Committee must be diverse with regard to professional and technical expertise. DHS 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 the Department 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, he or she may continue to serve as a member for up to 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:

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.

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:

January 31, 2022
Department Approval Date

February 8, 2022
CMS Consultation Date

March 2, 2022
Date Filed with Congress