

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL MARITIME SECURITY ADVISORY COMMITTEE CHARTER

1. Committee's Official Designation:

National Maritime Security Advisory Committee

2. Authority:

The National Maritime Security Advisory Committee (Committee) was authorized on December 4, 2018, by § 602 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, Pub. L. No. 115-282, 132 Stat. 4190 and is codified in 46 U.S.C. § 70112. The Committee must operate under the provisions of the *Federal Advisory Committee Act* and 46 U.S.C. § 15109.

3. Objectives and Scope of Activities:

The Committee shall advise the Secretary of Homeland Security on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

- A. state, local, and tribal governments;
- B. relevant public safety and emergency response agencies;
- C. relevant law enforcement and security organizations;
- D. maritime industry;
- E. port owners and operators; and
- F. terminal owners and operators.

4. Description of Duties:

The Committee will submit in writing to the Secretary 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 Inspections and Compliance of the 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 Port and Facility Compliance, United States Coast Guard.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Maritime Security Advisory Committee is \$95,000, which includes 1.5 staff years of support.

8. Designated Federal Officer:

A full-time employee of the United States Coast Guard is appointed by the Director of Inspections and Compliance as the Designated Federal Officer. The Designated Federal Officer or 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 public interest, and chairs a meeting in the absence of the 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. 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, but such expenses, including travel and per diem, must be approved in advance by the 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 departmental 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, which was established

by an Act of Congress, be filed each successive two-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 at least eight members, but not more than 21 members with particular expertise, knowledge, and experience in matters relating to the function of the Committee. Following procedures in 46 U.S.C. §70112(a)(3)(c), the Secretary will appoint at least one person to the following membership positions on the Committee:

- Port authorities.
- Facilities owners and operators.
- Terminal owners and operators.
- Vessel owners and operators.
- Maritime labor organizations.
- The academic community.
- State and local governments.
- The maritime industry.

The members listed above are appointed as Representative members to represent the interests of their respective organizations or associations and are not Special Government Employees as defined in 18 U.S.C. §202(a) .

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 National Maritime Security 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 United States.

Under 46 U.S.C. 15109(f)(4), members will be required to have passed an appropriate security background examination at the Secret level before 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 their appointment. Each member serves at the pleasure of the

Secretary of Homeland Security. 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 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 will be one year and can be extended for an additional year until a successor is appointed. 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:

3/16/2022
Department Approval Date

3/25/2022
Committee Management Secretariat
Consultation Date

3/30/2022
Date Filed with Congress