

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:

Pursuant to [46 U.S.C. § 15105](#), this charter establishes the National Boating Safety Advisory Committee. On December 4, 2018, [§ 601](#) of the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Pub. L. No. 115-282) repealed [46 U.S.C. § 13110](#), which authorized the National Boating Safety Advisory Council and replaced it with [46 U.S.C. § 15105](#), which created the National Boating Safety Advisory Committee. The committee operates under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. Appendix) in addition to the administrative provisions for the National Maritime Transportation Advisory Committees in [46 U.S.C. § 15109](#). [Section 9\(c\)](#) of *Federal Advisory Committee Act* states that a committee may not meet or take any action until its charter has been filed.

3. Objectives and Scope of Activities:

The National Boating Safety Advisory Committee provides advice and recommendations to the Secretary of the Department of Homeland Security through the Commandant of the United States Coast Guard on matters relating to recreational boating safety.

The National Boating Safety Advisory Committee is responsible for specific assignments and may conduct studies, inquiries, workshops and fact finding in consultation with individuals and groups in the private sector and/or with state and local government jurisdictions.

4. Description of Duties:

The duties of the National Boating Safety Advisory Committee are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The National Boating Safety Advisory 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.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security shall be responsible for providing financial and administrative support to the Committee. Within the Department, the United States Coast Guard's Office of Auxiliary and Boating Safety will provide this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Boating Safety Advisory Committee is \$217,000, which includes one staff year of support.

8. Designated Federal Officer:

A full-time employee of the United States Coast Guard is appointed as the National Boating Safety Advisory Committee Designated Federal Officer. The Designated Federal Officer or Alternate Designated Federal Officer approves or calls Committee meetings, approves meeting agendas, attends all Committee and subcommittee meetings. The Designated Federal Officer adjourns any meeting when he/she determines 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:

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 arrangements 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 § 601(d) of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, the National Boating Safety Advisory Committee is authorized to continue with an approved charter until September 30, 2027.

11. Effective Period for this Charter:

Charter Date: March 30, 2020

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, 2027, unless that statutory termination date for this Committee is extended by an Act of Congress.

This charter is in effect for two years from the date it is filed with Congress unless sooner terminated.

12. Member Composition and Election of Officers:

The National Boating Safety Advisory 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. § 15105](#), the Secretary will appoint persons to the following 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.

Except for the members representing the general public in (C), 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\(a\)](#). Any members in (C) who represent the general public serve as Special Government Employees as defined in [18 U.S.C. § 202\(a\)](#). As a Special Government Employee, the members in paragraph (C) who represent the public are subject to the federal conflict of interest laws and standard of conduct regulations and required to file a New Entrant Report Confidential Financial Disclosure Report (OGE Form 450).

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, but the Secretary must have just cause to remove a member before the end of the member's term. 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 one additional year, until a successor is appointed. No member may serve more than six consecutive years, unless the Secretary of the Department of Homeland Security waives the term limit for that specific member. 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 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 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.

14. Record Keeping:

The records of the National Boating Safety Advisory 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 shall be available for public inspection and copying, in accordance with the *Freedom of Information Act* ([5 U.S.C. § 552](#)).

15. Filing Date:

January 29, 2020
Department Approval Date

March 27, 2020
CMS Consultation Date

March 30, 2020
Date Filed with Congress