

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE

CHARTER

1. Committee's Official Designation:

National Commercial Fishing Safety Advisory Committee

2. Authority:

The National Commercial Fishing 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 statutory authority is codified in [46 U.S.C. § 15102](#). The Committee operates under the provisions of the *Federal Advisory Committee Act* as amended (5 U.S.C. Appendix) in addition to the provisions applicable to all the 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 the Secretary of the Department of Homeland Security through the Commandant of the United States Coast Guard on matters relating to safe operation of commercial fishing industry vessels including the matters of--

- (A) navigation safety
- (B) safety equipment and procedures
- (C) marine insurance
- (D) vessel design, construction, maintenance, and operation; and
- (E) personnel qualifications and training and review regulations proposed under Chapter 45, Title 46 (during preparation of the regulations).

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

4. Description of Duties:

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 USCG's Director of Inspections and Compliance.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security is responsible for providing financial and administrative support to the Committee. Within the Department of Homeland Security, the Coast Guard's Office of Commercial Vessel Compliance and Fishing Safety, provides this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Commercial Fishing Safety Advisory Committee is \$180,000, which includes one staff year of support.

8. Designated Federal Officer:

A full time employee of the 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 meetings, approves meeting agendas, attends all Committee meetings, and may delegate a Coast Guard employee to attend 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 once per calendar year, but may meet more frequently as needs may require. 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 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 § 601(a) of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, 46 U.S.C. § 15109 (l), the Committee is authorized to continue until September 30, 2027.

11. Effective Period for this Charter:

This charter is effective for two years from the date it is filed with Congress unless 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.

12. Member Composition and Election of Officers:

The Committee shall consist of 18 members appointed by the Secretary of Homeland Security. Each member of the Committee shall have particular expertise, knowledge, and experience regarding Commercial Fishing safety. Following procedures in 46 U.S.C. §§ 15102 and 15109, the Secretary will appoint persons to the following membership:

- (A) 10 members shall represent the commercial fishing industry and-
 - (i) as a group, shall together reflect a regional and representational balance; and
 - (ii) as individuals each shall have experience –
 - (I) in the operation in which chapter 45 of this title applies; or
 - (II) as a crew member or processing line worker on a fish processing vessel.
- (B) 1 member shall represent naval architects and marine engineers.
- (C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.
- (D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.
- (E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.
- (F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.
- (G) 3 members shall represent the general public and to the extent possible , shall include-
 - (i) an independent expert or consultant in maritime safety,
 - (ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and
 - (iii) a person familiar with issues affecting fishing communities and the families of fishermen.

Except for the members in (G), 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\(a\)](#).

Members in (G) serve as Special Government Employees as defined in [18 U.S.C. § 202\(a\)](#). Special Government Employees are subject to the Federal conflict of interest

laws and standard of conduct regulations and are required to file a New Entrant confidential disclosure report annually.

In accordance with 46 U.S.C. § 15109(f)(2)(B), the Secretary shall not seek, consider, or otherwise use information concerning 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. 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. 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. 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. In the event the Committee terminates, all appointments to the Committee will terminate.

Officers:

The Committee will elect a Chairman and Vice-Chairman from the Committee's members each calendar year. 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 three years if elected annually, 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 chair subcommittees.

14. Recordkeeping:

The records of the National Commercial Fishing 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:

July 13, 2020
Department Approval Date

October 19, 2020
CMS Consultation Date

October 29, 2020
Date Filed with Congress