

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE

CHARTER

1. Committee's Official Designation:

Commercial Fishing Safety Advisory Committee.

2. Authority:

As provided for in Title 46, United States Code, Section 4508 (as amended by Section 604 of the *Coast Guard Authorization Act of 2010*, Public Law 111-281 and Section 10 of the *Coast Guard Authorization Act of 2010*, Public Law 115-282), this charter continues the Commercial Fishing Safety Advisory Committee. This statutory committee is established in accordance with and operates under the provisions of the *Federal Advisory Committee Act* (Title 5, United States Code, Appendix).

3. Objectives and Scope of Activities:

The Commercial Fishing Safety Advisory Committee may advise, consult with, report to, and make recommendations to the Secretary of the Department of Homeland Security and United States Coast Guard on matters and actions relating to the safe operation of vessels to which Chapter 45 of Title 46 United States Code applies, including navigational safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training. The Commercial Fishing Safety Advisory Committee may review proposed regulations under Chapter 45 of Title 46 United States Code.

The Commercial Fishing Safety Advisory Committee may also make available to Congress any information, advice, and recommendations that the Committee is authorized to give to Secretary of the Department of Homeland Security and United States Coast Guard.

4. Description of Duties:

The duties of the Commercial Fishing Safety Advisory Committee are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The Commercial Fishing Safety Advisory Committee shall provide advice and recommendations to the Secretary of the Department of Homeland Security through the Commandant, 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 Commercial Fishing Safety Advisory Committee. Within the Department of Homeland Security, the Office of Commercial Vessel Compliance, Fishing Vessels Division, United States Coast Guard, provides this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the Commercial Fishing Safety Advisory Committee is approximately \$110,000, which includes 0.75 staff years of support.

8. Designated Federal Officer:

A full-time employee of the Coast Guard is appointed by the Coast Guard Director of Inspections and Compliance as the Commercial Fishing Safety Advisory Committee Designated Federal Officer. The Designated Federal Officer or an Alternate Designated Federal Officer approves or calls Commercial Fishing Safety Advisory Committee meetings, approves meeting agendas, attends all committee and subcommittee meetings, adjourns any meeting when the Designated Federal Officer determines adjournment to be in the public interest, and chairs meetings when directed to do so by the Director of Inspections and Compliance.

9. Estimated Number and Frequency of Meetings:

Meetings of the Commercial Fishing Safety Advisory Committee must be held with the approval of the Designated Federal Officer. The committee shall meet at least once during each calendar year. Members may be reimbursed for travel and per diem, and all travel for Commercial Fishing Safety Advisory Committee business 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 Title 5, United States Code, subsection (c) of section 552b.

10. Duration:

As authorized in Section 604 of the *Coast Guard Authorization Act of 2010*, (Public Law 111-281), the Commercial Fishing Safety Advisory Committee will continue until September 30, 2020.

11. Termination:

This charter is in effect until September 30, 2020.

12. Member Composition:

The Commercial Fishing Safety Advisory Committee shall consist of 18 members who are appointed by and serve at the pleasure of the Secretary of Department of Homeland Security upon recommendation by the Commandant of the United States Coast Guard. Each member has particular expertise, knowledge, and experience regarding the commercial fishing industry.

- a. Ten members who shall represent the commercial fishing industry and who—
 - i. reflect a regional and representational balance; and
 - ii. have experience in the operation of vessels to which Chapter 45 of Title 46, United States Code applies, or as a crew member or processing line worker on a fish processing vessel;

- b. Three members who shall include, whenever possible—
 - (1) an independent expert or consultant in maritime safety;
 - (2) a marine surveyor who provides services to vessels to which Chapter 45 of Title 46, United States Code applies; and
 - (3) a person familiar with issues affecting fishing communities and families of fishermen;

- c. One member each of whom shall represent—
 - i. naval architects and marine engineers;
 - ii. manufacturers of equipment for vessels to which Chapter 45 of Title 46, United States Code applies;
 - iii. education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications;
 - iv. underwriters that insure vessels to which Chapter 45 of Title 46, United States Code applies; and

- v. owners of vessels to which Chapter 45 of Title 46, United States Code applies.

The members referred to in paragraphs a. and c., above, are appointed to express the viewpoint of non-governmental entities, recognizable groups, or stakeholders that have interests in the subject matter under the Committee's charge and are not Special Government Employees as defined in Section 202(a) of Title 18, United States Code.

The members referred to in paragraph b., above, are appointed and serve as Special Government Employees as defined in Section 202(a) of Title 18, United States Code, and must comply with the ethics program requirements for SGE appointment, including annually filing of a new entrant Confidential Financial Disclosure Report as well as completion of annual ethics training.

Members shall serve a term of office of three years and cannot exceed two consecutive terms. Approximately one-third of members' terms of office expire each year. A member appointed to fill an unexpired term serves the remainder of that term. In the event the Commercial Fishing Safety Advisory Committee terminates, all appointments to the committee terminate.

The Secretary of the Department of Homeland Security shall, and any other interested agency may, designate a representative to participate as an observer with the committee. These representatives shall, as appropriate, report to and advise the committee on matters relating to vessels to which Chapter 45 of Title 46 United States Code applies which are under the jurisdiction of their respective agencies.

Officers:

The Chairperson and Vice-Chairperson of the Commercial Fishing Safety Advisory Committee are elected by members of the Committee. The Vice Chairperson will act as the Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson. The term of office of the Chairperson and Vice-Chairperson will be one year, and individuals may serve more than one term.

13. Subcommittees:

The Designated Federal Officer may approve the establishment of subcommittees for any purpose consistent with this charter. Such subcommittees may not work independently of the chartered committee and must present their work to the Commercial Fishing Safety Advisory Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Commercial Fishing Safety Advisory Committee and may not report directly to the Federal government or any other entity.

14. Recordkeeping:

The records of the Commercial Fishing Safety Advisory Committee, formally or informally established subcommittees or other subgroups of the committee, shall be 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* (Section 552, Title 5, United States Code).

15. Filing Date:

March 21, 2019

Department Approval Date

April 3, 2019

GSA Committee Management Secretariat
Consultation Date

April 23, 2019

Date Filed with Congress