

**U.S. DEPARTMENT OF TRANSPORTATION  
MARITIME ADMINISTRATION  
CHARTER FOR THE  
U.S. MARITIME TRANSPORTATION SYSTEM  
NATIONAL ADVISORY COMMITTEE**

- 1. COMMITTEE'S OFFICIAL DESIGNATION:** The Committee shall be known as the U.S. Maritime Transportation System National Advisory Committee (MTSNAC or Committee).
  
- 2. AUTHORITY:** This charter renews the U.S. Maritime Transportation System National Advisory Committee (MTSNAC), formerly named the U.S. Marine Transportation System National Advisory Council.
  - a. The Committee is established pursuant to section 55603 of Title 46, and in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.
  - b. The Secretary of Transportation delegated to the Maritime Administrator authority to carry out functions related to the MTSNAC under 49 CFR § 1.93(a). The MTSNAC is in the public interest and supports the Maritime Administration (MARAD) in performing its duties and responsibilities.
  
- 3. OBJECTIVES AND SCOPE OF ACTIVITIES:** The objective of this Committee is to identify and seek solutions to impediments hindering effective use of short sea transportation. The Committee will provide information, advice, and recommendations to the U.S. Secretary of Transportation (Secretary), through the Maritime Administrator (Administrator), on matters relating to the U.S. maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the U.S. Merchant Marine. The Committee will not exercise program management responsibilities and will make no decisions directly affecting the programs on which it provides advice; decisions directly affecting implementation of maritime policy will remain with the Administrator.

The Administrator will use the advice, information and recommendations generated by the MTSNAC for an array of policy deliberations and for interagency discussions on the implementation of a National Maritime Strategy. It is at the discretion of the Administrator to present any recommendation of the MTSNAC to the Secretary. The Secretary and Administrator may accept or reject a recommendation made by the MTSNAC and is not bound to pursue any recommendation from the MTSNAC. In the exercise of his or her discretion, the Secretary, Administrator, or his or her designee, may withdraw a task being considered by the MTSNAC at any time.

- 4. DESCRIPTION OF DUTIES:** The MTSNAC shall undertake information-gathering activities, develop technical advice and present recommendations to the Administrator on matters including but not limited to the following:
  - a. How to address impediments hindering effective use of short sea transportation, including the expansion of America's Marine Highways, as directed in 46 U.S.C. § 55603<sup>1</sup>;
  - b. Approaches to expand the use of the Marine Transportation System for freight and passengers;
  - c. Methods to grow the capacity of U.S. international gateway ports to accommodate larger vessels;
  - d. Improve waterborne transport to reduce congestion and increase mobility throughout the domestic transportation system;
  - e. Strengthen maritime capabilities essential to economic and national security;
  - f. Modernize the maritime workforce and inspire and educate the next generation of mariners;
  - g. Encourage the continued development maritime innovation; and,

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<sup>1</sup> 46 U.S.C. § 55603 establishes the Short Sea Transportation program, which the Maritime Administration administers under the name "America's Marine Highway Program." The term short sea is recognized worldwide as a maritime service for all types of cargo that is of short distance that does not cross an ocean. The U.S. program differs in that it is restricted to working with containerized, trailerized or unitized freight services provided by documented vessels on routes between U.S. ports, or ports in the Great Lakes between Canada and the U.S.

- h. Actions MARAD can take to meet its mission to foster, promote, and develop the maritime industry of the United States.

For the purpose of carrying out its duties, the Committee may invite subject matter experts to comment and participate in meetings after consultation with the Designated Federal Officer (DFO).

5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:** The Committee reports to the Administrator.
6. **SUPPORT:** MARAD will provide administrative support and technical advice to the Committee.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:** Annual administrative operating costs are estimated at \$150,000, plus the equivalent of one Federal full-time equivalent (FTE).
8. **DESIGNATED FEDERAL OFFICER:** The Administrator shall designate a full-time or permanent part-time MARAD employee to serve as the DFO for the MTSNAC.

The DFO will:

- a. Provide tasks or specific requests for recommendations, advice or analysis concerning marine transportation;
  - b. Assist in developing plans for the activities of the Committee and its subcommittees;
  - c. Serve as liaison between the Committee and other relevant Department of Transportation offices and Federal entities;
  - d. Coordinate invitations for subject matter experts to comment and participate in meetings in accordance with Department of Transportation policy and the Federal Advisory Committee Act;
  - e. Call meetings of the Committee after consultation with the Chair and determine the date, time and location where they will be held;
  - f. Formulate and approve an agenda, in consultation with the Chair, for each meeting;
  - g. Notify all Committee members of the date, time, place, and agenda for any meeting;
  - h. Provide administrative support for all meetings of the Committee, including the designation of an Agency liaison or acting DFO;
  - i. Attend each Committee and subcommittee meeting and ensure compliance with the FACA;
  - j. Maintain all MTSNAC files and disseminating information in accordance with applicable statutes, resolutions, and instructions;
  - k. Adjourn any meeting when it is determined to be in the public interest; and,
  - l. Chair meetings when directed to do so by the Administrator.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Committee will be expected to meet at least three times per fiscal year. Committee meetings may be conducted via teleconference as long as adequate public access can be provided. The agenda for each meeting shall be developed and approved in advance by the DFO. The following procedures shall govern the conduct of MTSNAC meetings:
    - a. Notice of the meeting shall be published in the *Federal Register* at least 15 calendar days prior to the date of the meeting. Notice shall include the agenda, date, time, location, and purpose of the meeting.
    - b. Each meeting of the MTSNAC will be open to the public, except as provided under Section 10(d) of FACA (5 U.S.C. App. § 10(d)), as implemented by 41 CFR § 102-3, the Government in the Sunshine Act (5 U.S.C. § 552b(c)), and DOT Order 1120.3B. Interested persons may attend meetings, appear before the Committee as time permits, and provide oral or written comments to the committee. Persons wishing to appear before the MTSNAC must notify the DFO at the beginning of the meeting. Written materials may be submitted to the MTSNAC at any time by notifying the DFO.

- c. Each meeting will be held at a reasonable time, in a place reasonably accessible to the public, and in a room large enough to accommodate MTSNAC members, staff, and interested members of the public.

**10. DURATION:** Pursuant to 46 U.S.C. § 55603, MTSNAC is a continuing committee, subject to renewal every two years.

**11. TERMINATION:** This charter shall terminate two years after its effective date unless renewed in accordance with FACA and other applicable requirements.

**12. MEMBERSHIP AND DESIGNATION:** The Committee will be comprised of no less than 25 voting members who will represent points of view held by organizations, associations, or classes of individuals relevant to the U.S. marine transportation system. Individual members, and not their organizations, are appointed to the Committee. The Maritime Administrator will seek a membership that is fairly balanced in terms of points of view of the affected interests.

Pursuant to 46 U.S.C. § 55603, MTSNAC membership will include a representative of the Environmental Protection Agency, other Federal entities, state and local entities, and private sector entities. The Federal entities include the Department of Commerce, U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Customs and Border Protection. The Administrator may appoint additional representatives from other Federal Agencies as deemed appropriate.

Members appointed solely for their personal expertise will serve as Special Government Employees. The Committee shall include representatives of State and local governmental entities as well as private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, in addition to representatives from academia and labor.

Committee members will serve two-year terms, with no more than two consecutive term reappointments, and approximately one-third of members' terms of office shall expire every two years. All members are appointed by, and serve at the pleasure of, the Administrator. Terms may be staggered by the Administrator to establish continuity among the membership in subsequent years. Members shall continue to serve until their replacement has been appointed. Completion of terms beyond two years is contingent upon the renewal of the Committee's charter.

In the event of a mid-term vacancy on the MTSNAC, a replacement member may be appointed by the Administrator. A member appointed to fill a mid-term vacancy shall serve the remainder of the term and the appointment may be extended into the next term at the discretion of the Administrator.

Members of the MTSNAC serve without compensation. While engaged in the work of the MTSNAC, all members may be allowed reasonable travel, subsistence, and other necessary expenses, including per diem in lieu of subsistence, in accordance with the rates and rules set under the Federal Travel Regulations.

**13. SUBCOMMITTEES:** The MARAD Administrator or DFO may create subcommittees or work groups. All subcommittees and work groups shall report all of their recommendations and advice to the full MTSNAC for deliberation and discussion. All reports of the subcommittees shall be submitted to the DFO, Chair and Vice Chair of the Committee.

**14. RECORDKEEPING:** The records of the Committee, formally and 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. Subject to the Freedom of Information Act, 5 U.S.C. § 552, the Committee's documents shall be available for public inspection and copying at a single location in the offices of the Committee sponsor until the Committee ceases to exist.

**15. FILING DATE:** The filing date of this charter is September 21, 2016. If not renewed, this charter will expire on September 21, 2018.