OFFICE OF THE SECRETARY OF DEFENSE
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ADMINISTRATION AND
MANAGEMENT

March 21, 2011

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Inland Waterways Users Board*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Inland Waterways Users Board* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-601-6148.

James D. Freeman II
Deputy Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter

CHARTER
INLAND WATERWAYS USERS BOARD

1. Committee's Official Designation: The Committee shall be known as the Inland Waterways Users Board (hereafter referred to as "the Board").

2. Authority: The Secretary of Defense, pursuant to 33 U.S.C. § 2251, the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix), and 41 CFR § 102-3.50(a) established the Board.

3. Objectives and Scope of Activities: The Board shall provide independent advice and recommendations on matters relating to the U.S. inland waterways and inland harbors, as set out in (4) below.

4. Description of Duties: The Board shall provide the Secretary of Defense through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, independent advice and recommendations on matters relating to construction and rehabilitation priorities and spending levels on the commercial navigation features and components of the U.S. inland waterways and inland harbors as defined in Public Law 95-502 and amended by Public Law 99-662.

   The Board shall annually file their recommendations with the Secretary of the Army and with the Congress.

   The Secretary of the Army may act upon the Board's advice and recommendations.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers.

6. Support: The Department of Defense, through the Department of the Army, shall provide support as deemed necessary for performance of the Board's functions, and shall ensure compliance with the requirements of the Federal Advisory Committee Act of 1972 and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b).

7. Estimated Annual Operating Costs and Staff Years: It is estimated that the annual operating costs, to include travel costs, meeting and contract support is approximately $350,000.00. The estimated annual personnel cost to the Department of Defense is 2.0 full-time equivalents (FTE).

8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures.

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In addition, the Designated Federal Officer is required to be in attendance at all meetings, however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.

9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Chairperson. Pursuant to 33 U.S.C. § 2251(b), the Board shall meet at least semi-annually.

10. Duration: Pursuant to 33 U.S.C. § 2251, the need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.

11. Termination: The Board shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense extends it.

12. Membership and Designation: Pursuant to 33 U.S.C. § 2251(a), the Board shall be composed of eleven members appointed by the Secretary of Defense. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intra-coastal waterways for commercial purposes. Due considerations shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways.

    Board members appointed by the Secretary of Defense, who are not full-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109, and these individuals shall serve as Special Government Employees. Board members shall, with the exception of travel and per diem for official travel, serve without compensation.

    Board members shall serve two-year terms, with their appointments renewed on an annual basis by the Secretary of Defense. No member, unless otherwise selected by the Secretary of the Army and approved by the Secretary of Defense, shall serve more than four consecutive years on the Board. Appointments vacated prior to the expiration of the term of appointment shall be filled only for the remainder of the term.

    The Secretary of the Army shall select the Board's Chairperson and Vice-Chairperson from the total membership, and these individuals shall serve at the discretion of the Secretary of the Army. The Vice Chairperson will act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

    The Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation and Commerce may designate, representatives to act as non-voting observers of the Board. In addition, the Secretary of the Army through the Secretary

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of Defense may appoint consultants with special expertise to assist the Board on an ad hoc basis.

13. Subcommittees: With DoD approval, the Board is authorized to establish subcommittees, as necessary and consistent with its mission and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and other appropriate federal regulations.

    Such subcommittees shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board, nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

    Subcommittee members, who are not Board members, shall be appointed in the same manner as the Board members. Such individuals, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis.

14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date:

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