OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND
COMPLIANCE

04/19/15

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed is a copy of the charter that renews the Inland Waterways Users Board, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Library of Congress, the Senate Armed Services Committee, the Senate Appropriations Committee, and the House Appropriations Committee.

Sincerely,

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

1 Enclosure
As stated

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND
COMPLIANCE

04/19/15

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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04/19/15

The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

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WASHINGTON, DC 20301-9010

OVERSIGHT AND
COMPLIANCE

04/19/15

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

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9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND
COMPLIANCE

04/19/15

Library of Congress
Federal Advisory Committee Desk
Government Documents Section
101 Independence Avenue, S.E.
Washington, D.C. 20540

Dear Sir or Madam,

Enclosed is a copy of the charter that renews the Inland Waterways Users Board, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

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Sincerely,

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

1 Enclosure
As stated

Charter
Inland Waterways Users Board

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

2. Authority: The Secretary of Defense, pursuant to 33 U.S.C. § 2251(a) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. §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 paragraph four 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.

   According to 33 U.S.C. § 2251(b), the Board shall:

   a. Develop and make recommendations to the Secretary of the Army and Congress regarding the inland waterways and inland harbors of the United States.

   b. For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Board shall provide:

      1) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary of the Army regarding construction and rehabilitation priorities and spending levels;

      2) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to 33 U.S.C. § 2282d;

      3) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

      4) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels;

      5) advice and recommendations on the development of a long-term capital investment program in accordance with 33 U.S.C. § 2251(d).

   c. Pursuant to 33 U.S.C. §§ 2251(c) and (e), the Chair of the Board shall appoint a representative of the Board to serve as an advisor to the project development team for a

qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States. The Chair of the Board and the project development team member appointed by the Chair may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

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

   The Secretary of the Army, pursuant to DoD policy, may act upon the Board's advice and recommendations. The Secretary shall:

   a. communicate not less frequently than once each quarter to the Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

   b. submit to the Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

6. Support: The Department of Defense (DoD), through the Department of the Army, shall provide support for the performance of the Board's functions and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 ("the Sunshine Act") (5 U.S.C. § 552b, as amended), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost for the Board, to include travel, meetings, and contract support, is approximately $350,000.00. The estimated annual personnel cost to the DoD is 2.4 full time equivalents.

8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee designated in accordance with governing DoD policies and procedures.

   In addition, the Board's DFO is required to be in attendance at all meetings of the Board and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly designated to the Board according to DoD policies and procedures, shall attend the entire duration of the meetings of the Board or any subcommittees.

   The DFO, or the Alternate DFO, shall call all meetings of the Board and any subcommittees; prepare and approve all meeting agendas; and adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public's interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: Pursuant to 33 U.S.C. § 2251(b), the Board shall meet not less frequently than semiannually.

10. Duration: The need for this advisory function is on a continuing basis, although the charter will be subject to periodic review.

11. Termination: The Board shall terminate upon repeal of 33 U.S.C. § 2251.

12. Membership and Designation: Pursuant to 33 U.S.C. § 2251(a), the Board shall be composed of eleven members, who shall be appointed as representative members as directed by 33 U.S.C. § 2251(f)(2). Based upon the Secretary of the Army's recommendation, the Secretary of Defense shall invite primary commercial users and shippers of the inland and intracoastal waterways to serve on the Board. Commercial users and shippers invited to serve on the Board shall designate an individual, subject to Secretary of Defense approval, to represent the organization's interests.

    The Department of Defense, when considering prospective users and shippers to be represented on the Board, shall ensure selections represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration 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 and intracoastal waterways.

    A primary user or shipper may be represented on the Board, at the request of the Secretary of the Army and with the approval of the Secretary of Defense, for a two-year term of service. A user or shipper may be represented on the Board no more than two terms of service (four years), without prior approval of the Secretary of Defense. A user or shipper may be subsequently represented on the Board, but only after being off the Board for at least two years.

    In addition to the primary users and shippers invited by the Secretary of Defense, the Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Board. These observers, who have no voting rights, shall each be a full-time or permanent part-time employee of his or her respective agency.

    Pursuant to 33 U.S.C. § 2251(a), the Secretary of the Army shall designate one Board member to serve as the Board's Chairperson. The Secretary of the Army may also designate a Vice Chair.

    With the exception of reimbursement of official Board-related travel and per diem, all Board members shall serve without compensation.

13. Subcommittees: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task groups, or working

groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army. Currently, the Board does not use subcommittees. If the Department determines that the establishment of subcommittees is warranted, the Board's charter and membership balance plan must be amended prior to such establishment.

14. Recordkeeping: The records of the Board shall be handled according to section 2, General Records Schedule 26 and the 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, as amended).

15. Filing Date: April 19, 2015