Charter for the
Marine Transportation System National Advisory Council

1. Committee's Official Designation. MARINE TRANSPORTATION SYSTEM NATIONAL ADVISORY COUNCIL (the Council).

2. Authority. The Council is constituted pursuant to the Energy Independence and Security Act of 2007 (PL. 110-140) and in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

The Secretary of Transportation (the Secretary) delegated this authority to the Maritime Administrator on August 26, 2008.

3. Objectives and Scope of Activities. This Council is an advisory group only, and will not develop regulations, formulate policy, create incentives, or determine Federal budget priorities. The Council shall respond to requests from its sponsor, as designated in Paragraph 5, to provide advice and make recommendations to the Secretary via the sponsor on the following matters, which are listed in no particular order:

a. Impediments that hinder the effective use and expansion of America's Marine Highways as directed in Section 55603 of the Energy Independence and Security Act of 2007, and making recommendations to expand the use of the marine transportation system for freight and passengers;

b. Waterways and ports, and their intermodal road, rail, and marine highway connections and actions required to meet current and future national transportation system integration needs;

c. Strategy, policy, and goals to ensure an environmentally responsible and safe system that improves the global competitiveness and national security of the U.S.;

d. Guidelines for the development of a national freight policy from a marine transportation perspective and;

e. Such other matters, related to those above, that the Secretary or sponsor may charge the Council with addressing.

4. Description of Duties.

a. The members of the Council shall:

i. Attend Council meetings;

ii. Gather information as necessary to discuss issues presented by the sponsor;

iii. Submit reports, periodically or as requested by the Secretary or sponsor, regarding significant issues facing the Marine Transportation System and;

iv. Provide written advice to the sponsor. Objecting positions will be identified in these reports.

b. For the purpose of carrying out its duties, the Council may hold meetings, including inviting subject matter experts to comment and participate in meetings, as the Council may deem advisable.

5. Agency or Official to Whom the Committee Reports. The Council reports to the Maritime Administrator (sponsor).

6. Support. As the sponsor, the Administrator of the Maritime Administration is responsible for providing guidance to the Council, as well as staff, secretarial, and other support services. The sponsor is also responsible for ensuring that the Council complies with the requirements of this charter, relevant regulations, FACA, and U.S. Department of Transportation (DOT) policy on committee management.

7. Estimated Annual Operating Costs and Staff Years. Annual administrative operating costs are estimated at $150,000, plus the equivalent of one Federal worker-year.

8. Designated Federal Officer. The Designated Federal Officer (DFO) shall be an existing full-time, salaried employee of the Maritime Administration, who will furnish support services to the Council, including:

a. Provide specific requests for recommendations, advice, or analysis concerning Marine Transportation System-related issues;

b. Prepare recommendations and resolutions, which reflect the determination of the Council on substantive issues as required;

c. Assist in developing plans for the activities of the Council and subcommittees, including preparing and approving meeting agendas;

d. Notify members of Council meetings and agenda items;

e. Serve as liaison between the Council and other relevant departmental offices and Federal entities;

f. Maintain records of Council activities and disseminating information in accordance with applicable statutes, resolutions, or instructions;

g. Attend all Council and subcommittees meetings and ensuring compliance with FACA;

h. Approve or call all of the advisory committee's and subcommittees' meetings;

i. Adjourn any meeting when the DFO determines adjournment to be in the public interest and;

j. Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings. Meetings of the Council are held at the call of or with the prior written approval of the Executive Committee (see paragraph 11 for description of Executive Committee). Approximately two meetings will be held each fiscal year, which can be conducted via teleconference, with adequate public access, if necessary. In determining meeting location, the Executive Committee, in consultation with the sponsor will consider principal meeting topics, scheduling, and cost efficiencies.

PUBLIC NOTICE OF AND ACCESS TO MEETINGS.
Except as provided below, each meeting shall be open to the public. Meetings may be held by teleconference. Timely notice of each meeting shall be published in the *Federal Register*, and the Chair may prescribe other types of public notice as well. Interested persons shall be permitted to attend, appear before, or file statements with the Council, subject to procedures established by the Chair. When meetings have been determined by the Secretary to be concerned with matters listed in 5 U.S.C. 552(b), meetings are not required to be open, and interested parties shall not be permitted to attend or appear. Any such determination shall be in writing and shall contain the reasons therefore. If such a determination is made, the Council shall publish a summary of its activities and such related matters as would be informative to the public consistent with policy of 5 U.S.C. 552(b).

QUORUM
A meeting can only be held if a quorum is present. A quorum at a meeting exists when at least half the member organizations and the Chair (or designated representative) and one Vice Chair are present.

If a quorum is declared, a majority vote of the Council members recognized as present will prevail. Objecting positions will be identified with the vote. Voting may be conducted via teleconference, but members cannot vote by proxy. Council subcommittees will also use a plurality vote when conducting business.

Matters may also be referred to the Council by the sponsor at times when there is no meeting scheduled. Appropriate public notice will be provided in such cases.

10. Duration. Pursuant to 46 U.S.C. Section 55603, the need for this advisory function is on a continuing basis; however, it is of 2-year duration and subject to renewal every two years in accordance with applicable law.

11. Membership and Designation.

COMPOSITION OF THE COUNCIL.
The Council shall be composed of an Executive Committee and approximately 26 other members, who will serve as Special Government Employees, Representative members, or members from both categories, as determined by the Secretary, for a total of approximately 29 members. To effectively deal with the diversity of complex challenges that the marine transportation system presents, members shall reflect a cross section of maritime industries and port and water stakeholders from the private sector, in addition to labor and Federal (including the Environmental Protection Agency), State, and local public entities.

TERM OF OFFICE.
Council members will serve 2-year terms, with no more than two consecutive term re-appointments, and approximately one-third of members' terms of office shall expire every 2 years. Initial terms may be staggered by the Secretary to establish continuity among the membership in subsequent years.

THE EXECUTIVE COMMITTEE.
The Council will be administratively governed by an Executive Committee composed of a Chair and two Vice Chairs. The Executive Committee, in consultation with the DFO, will set agendas and produce minutes of Council meetings, and undertake any other administrative action determined to be necessary to support the Council.

Composition of the Executive Committee will be as follows:

a. The Chair shall be designated by the Secretary for a 2-year term. The Chair will provide leadership and adhere to the agenda, sustain order, and conduct each meeting. The Chair is responsible for the management of the Council, the conduct of all Council activities, and certifying the accuracy of the minutes of each Council meeting.

b. The First Vice Chair shall be a member of the Council designated by the sponsor for a 2-year term.

c. The Second Vice Chair shall be a member of the Council chosen by the other members for a term of 2 years.

COMPENSATION.
While engaged in the work of the Council, 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. All expenditures under this provision must receive prior written authorization by the Secretary or Sponsor.

ATTENDANCE OF MEMBERS

Consistent participation of all members is critical to the effective functioning of the Council. Any member absent from any two meetings in a calendar year may be replaced by the Secretary.

VACANCIES

In the event of a mid-term vacancy on the Council, a replacement member may be appointed by the Secretary. A member appointed to fill an unexpired term shall serve the remainder of that term except in the case of a late-term vacancy, in which case the Secretary may appoint a replacement member to fill the unexpired term and one full term after the current term expires.

12. Subcommittees. The sponsor has the authority to create subcommittees. Subcommittees must report back to the Council and do not provide advice or work products directly to the sponsor. All reports of the subcommittees shall be submitted to the Chair of the Council, who will promptly forward said reports to the sponsor. The Maritime Administration has identified the following subcommittees that the Council will have at a minimum. Others may be added as needed.

a. Marine Highways;

b. Education and workforce;

c. Ports and intermodal connections;

d. Vessels and operations and;

e. System Performance Measures

The Chairs of the subcommittees shall be members of the Council and appointed by the Executive Committee, in consultation with the sponsor. Subcommittee membership will be approved by the sponsor in consultation with the Council Chair. Subcommittees may include persons who are not members of the Council; however, they do not have a vote in subcommittee deliberations. A majority of the subcommittee members must also be full Council members.

13. Recordkeeping. The records of the Council, formally and informally established subcommittees, or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, the Council's documents shall be available for public inspection and copying at a single location in the offices of the Council sponsor until the Council ceases to exist.

Notes of each Council meeting shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council.

14. Filing Date. This charter is effective on April 14, 2010, which is the date it was filed with Congress, and will expire 2 years after this date, unless renewed in accordance with FACA and other applicable requirements.