

**CHARTER
U.S. MARINE TRANSPORTATION SYSTEM
NATIONAL ADVISORY COUNCIL**

1. **PURPOSE.** This charter establishes the Marine Transportation System National Advisory Council (MTSNAC) and sets forth guidelines for its operation. MTSNAC shall serve as a deliberative body to advise the Secretary of Transportation, via its Sponsor, the Administrator of the Maritime Administration, on matters relating to the Marine Transportation System (MTS) – waterways, ports, and their intermodal connections.

2. **SCOPE AND OBJECTIVES.** The Council is an advisory body and will not develop regulations, formulate policy, or determine Federal budget priorities. The Council shall provide advice and make recommendations to the Secretary of Transportation, through the Sponsor, concerning the following matters:

- a. Waterways, ports, their intermodal connections and services required to meet current and future MTS needs.
- b. National strategy, policy, and goals in the areas of safety, environment, mobility, competitiveness, and security of the MTS.
- c. Strategies to ensure a safe, environmentally sound, and secure MTS that improves the global competitiveness and national security of the U.S.
- d. International standards on the delivery and collection of maritime information and data.
- e. Issues and concerns brought to the Council by elements of the marine transportation industry.
- f. Such other matters, related to those above, that the Secretary may charge the Council with addressing.

3. **DUTIES.**

- a. **Reports.** The Council shall periodically submit reports to the Secretary of Transportation, through the Sponsor, on the status of the MTS and critical issues it faces. The reports shall include recommendations for such action, as the Council deems advisable. Each recommendation of the Council must have the majority vote of those members present and voting. Minority opinions may also be reported.
- b. **Powers.** For the purpose of carrying out its duties, the Council may hold hearings, including inviting witnesses to testify, and sit and act at such times and places, as the Council may deem advisable.

4. **DURATION.** The duration of the Council shall be continuing.
5. **OFFICIAL TO WHOM COUNCIL REPORTS.** The Council reports to the Secretary of Transportation, through the Sponsor, the Administrator of the Maritime Administration.
6. **SPONSOR AND SUPPORT SERVICE.** The Administrator of the Maritime Administration is designated as the Sponsor of the Council. The Sponsor is responsible for the following:
 - a. Initiate Council action documents.
 - b. Provide staff, secretarial, and other support services.
 - c. Ensure that the Council complies with the requirements of this Charter, relevant to GSA regulations, and DOT policy on committee management.
7. **MEMBERSHIP.** The Council shall be composed of representatives from not more than 30 non-Federal organizations from the marine transportation industry as designated by the Secretary of Transportation. The member organizations shall represent a cross section of the diverse components that comprise the MTS including private sector organizations and state and local public entities. Non-Federal organizations representing the following specific interest groups may be asked to name a representative to the Council: vessel operators, ports, stevedores, terminal operators, shippers, labor, shipyards, intermodal operators, state and local government, metropolitan planning organizations, recreational boating, environmental, and academia. Examples of organizations included in the vessel operator category are owners of oceangoing, inland and Great Lakes cargo vessels, passenger ships, ferries, dredges, pilot boats, and commercial fishing vessels. The Council Sponsor or Chairperson may appoint additional persons to subcommittees of the MTSNAC to assist the Council in the performance of its functions.
8. **TERM OF OFFICE.** There are two types of Council appointments: members serving 3-year terms and a nucleus of permanent charter members. Permanent charter members will include the following sectors: ports, labor, and carrier/terminal management. Of the remaining non-permanent members, one-third will rotate off each year. A vacancy in the Council shall not affect its powers. A replacement shall be selected in the same manner in which the original appointment was made.
9. **APPOINTMENT OF OFFICERS.** Chairperson and Vice Chairperson shall be designated annually by members of the Council in cooperation with the Sponsor. Their duties are as follows:
 - a. The Chairperson is the presiding officer of the Council and guides its efforts to the effective completion of its assigned tasks. The Chairperson will provide leadership

and adherence to the agenda, maintain order, and conduct each meeting in accordance with the rules governing meetings. The Chairperson is responsible for the management of the Council, the conduct of all Council activities, and certifying the accuracy of minutes of each Council meeting.

- b. The Vice Chairperson shall assume and perform the duties of the Chairperson in the event the Chairperson is absent or unavailable.

10. EXECUTIVE DIRECTOR.

- a. The Executive Director is a full time salaried officer or employee of the Maritime Administration.
- b. The Executive Director will furnish administrative and staff support to the Council to include the following:
 - (1) Assistance in developing agenda items in close consultation with the Chairperson.
 - (2) Preparing recommendations and resolutions, which reflect the determination of the Council on substantive issues as required.
 - (3) Assistance in developing plans for the activities of the Council and subcommittees of the Council.
 - (4) Notifying members of Council meetings and agenda items.
 - (5) Maintaining records of Council activities and disseminating information in accordance with applicable statutes, resolutions or instructions.

11. MEETINGS.

- a. Meetings of the Council are held at the call of or with the advance approval of the Chairperson. At least two meetings will be held each calendar year. Additional meetings may be held and meetings may be canceled or rescheduled by the Chairperson.
- b. Each meeting shall be conducted in the presence of the Executive Director who shall have the authority to adjourn the meeting whenever he/she considers it to be in the public interest.
- c. Robert's Rules of Order (Revised) are the parliamentary authority for Council meetings in all cases not otherwise specified in this Charter.

12. **PUBLIC NOTICE OF AND ACCESS TO MEETINGS.** Except as provided below, each meeting shall be open to the public. Timely notice of each meeting shall be published in the Federal Register, and the Chairperson shall prescribe procedures to provide for other types of public notice to ensure that all interested persons are provided notice of each meeting prior thereto. Interested persons shall be permitted to attend, appear before, or file statements with the Council, subject to such reasonable procedures as the Chairperson may prescribe. When such meetings have been determined by the Secretary of Transportation to be concerned with matters listed in 5 U.S.C. 552b(c), meetings are not required to be open, and interested persons 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 the policy of 5 U.S.C. 552(b).
13. **QUORUM.**
- a. A quorum at meetings exists when at least half of the member organizations' representatives and the Executive Director are present.
 - b. In voting at meetings the majority vote of member organizations present prevails.
 - c. Matters may also be referred to the Council by the Secretary and/or the Sponsor at times when there is no meeting scheduled. In voting by mail when a meeting is not in session, the majority vote of member organizations presently appointed and serving prevails. A blank vote or non-receipt of votes will not be counted.
14. **SUBCOMMITTEES.** The Chairperson is authorized to establish subcommittees of the Council, which shall be subject to the provisions of this charter and may include persons who are not members of the Council. The Chairperson may also appoint to any subcommittee persons who shall participate fully in the work of the subcommittee but not have a vote in subcommittee deliberations.
15. **DOCUMENTATION.**
- a. Subject to 5 U.S.C. 552, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were available to, or prepared for or by the Council 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.
 - b. Detailed minutes of each meeting of the Council 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. The Council Chairperson shall certify the accuracy of all minutes.

16. COMPENSATION FOR MEMBERS. 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, as authorized by law. Members shall not be compensated for their work on the Council.

17. ESTIMATED ANNUAL COST. Annual administrative operating costs are estimated at \$225,000, plus three Federal worker-years.

18. EFFECTIVE DATE. This charter was filed on 1/6/2008 and will terminate 2 years after this date unless renewed in accordance with FACA and other applicable requirements.