

National Shipper Advisory Committee

1. Official Designation

The National Shipper Advisory Committee

2. Authorities

This statutory committee is established pursuant to 46 U.S.C. Chapter 425, and in accordance with the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App.

3. Objectives, Scope of Activity, and Duties

- a. As set out in 46 U.S.C. § 42502(b), the function of the National Shipper Advisory Committee (Committee) is to advise the Federal Maritime Commission (Commission) on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.
- b. The Committee provides the Commission with information, insight, and expertise pertaining to conditions in the ocean freight delivery system.
- c. The Committee provides recommendations on existing or proposed Commission policies and regulations pertaining to competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.
- d. The Committee may provide suggestions for new Commission policies or regulations pertaining to competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.
- e. The Commission will consult the Committee on significant agency actions relating to the Committee's functions.
- f. The duties of the Committee are solely advisory, and the Commission is not obligated to act upon recommendations of the Committee.

4. Membership

- a. The Committee will be comprised of 12 representatives of entities who export cargo using ocean common carriers, and 12 representatives of entities who import cargo using ocean common carriers. Committee membership will reflect a balanced mix of commodities shipped, ports used, geographic areas served, and origins of cargo.
- b. Status of Members – Committee members are not considered employees of the Federal Government except as permitted by law. Members of the Committee shall serve without compensation. Members serve on the Committee at the pleasure of the Commission.
- c. Terms – A member's term will expire on December 31 of the third full year after the effective date of the appointment. After a member's term expires, the member may continue to serve for up to one year until a successor is appointed. The Commission may reappoint a member to a new term.

- d. Vacancies - The Commission will publish notice in the *Federal Register* of any vacancies on the Committee and will receive and consider nominations.
- e. Ethics Requirements – Except for members who qualify as special Government employees (SGEs), members appointed to represent the interests of a particular group or entity are not subject to Federal rules and requirements that would interfere with that representation. 46 U.S.C. § 42503(d)(1). Non-SGE members may be required to comply with Federal rules and laws governing employee conduct that will not impact their ability to represent the interests they were appointed to serve. Members who qualify as SGEs shall demonstrate that they are in compliance with applicable ethics laws and regulations and comply with any requests or measures necessary to allow the designated agency ethics official (DAEO) to access and review financial disclosure reports and conduct a conflict-of-interest analysis.

5. Officers

- a. A Chair and Vice Chair will be elected by the Committee from among the Committee's members. The Vice Chair will act as Chair in the Chair's absence or vacancy.
- b. Subcommittees and working groups may be established by the Chair for any purpose consistent with the function of the Committee.

6. Agency Support and Estimated Annual Cost to Operate

- a. The Commission is responsible for providing the services and support considered by the Commission to be necessary for the conduct of Committee functions.
- b. The Committee shall report to the Commission, through the Commission's Secretary in the capacity as Committee Management Official (CMO).
- c. The Commission's Secretary will be the Designated Federal Officer (DFO) for the Committee. The DFO will:
 - i. Approve or call all Committee or subcommittee meetings
 - ii. Approve all agendas
 - iii. Attend all meetings
 - iv. Adjourn any meeting when the DFO determines adjournment to be in the public interest
 - v. Chair meetings when so directed by the Commission
- d. The estimated annual cost to the Government for operating the Committee is \$ 1500 and less than .20 of a full-time equivalent.

7. Meetings

- a. The Committee will meet not less than once each year and as needed for consultation by the Commission.
- b. Meetings will be held at Commission headquarters in Washington D.C., or virtually using video meeting technology, at the discretion of the Commission.
- c. The Chair will submit all agendas to the Designated Federal Officer for review and approval.
- d. Meetings shall be open to the public, except that all or part of a meeting may be closed to the public as permitted by law.

- e. At all meetings of the Committee, a majority of the membership shall be necessary and sufficient to constitute a quorum for the transaction of business.

8. Subcommittees

The Chair of the Committee may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the Committee. Subcommittees report back to the Committee and not to the Commission.

9. Records and Reports

- a. All advice, reports, and recommendations will be submitted in writing to the Commission at a frequency determined by the Committee.
- b. The Commission will respond to and publish each Committee recommendation within 60-days.
- c. Any advice, report, or recommendation of the Committee will also be sent by the Commission to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.
- d. The records of the National Shipper Advisory Committee and its subcommittees shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection in an electronic format, in accordance with the Freedom of Information Act, 5 U.S.C. § 552.

10. **Termination Date** – Pursuant to 46 U.S.C. § 42503(k), the Committee shall terminate on September 30, 2029.

11. **Charter Filing Date** – June 7, 2021.

Daniel B. Maffei

Chairman, Federal Maritime Commission