



In accordance with 46 U.S.C. §15109(f)(2)(B), the Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

Any Federal agency with matters under that agency's administrative jurisdiction related to the function of the Committee may designate a representative to attend any Committee meeting, and that representative may participate as an observer at meetings at which such matters are discussed.

The Committee will submit, in writing, to the Department of Homeland Security its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

Section 2. Appointment.

- a. Members of the Committee are appointed by and serve at the pleasure of the Secretary upon the recommendation of the Commandant of the United States Coast Guard. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or to vote.
- b. Members of Committee, with the exception of the members appointed under ARTICLE III, § 1, ¶ i, are appointed as Representative Members.
- c. A member appointed under ARTICLE III, § 1, ¶ i, will be considered a Special Government Employee as defined in [18 U.S.C. § 202\(a\)](#). A Special Government Employee member is subject to Federal conflict of interest laws and Government-wide standard of conduct regulations and required to file a New Entrant Confidential Financial disclosure report annually and complete ethics training.

Section 3. Terms of Office.

- a. The term of each Committee member will expire on December 31 of the third full year after the effective date of his or her appointment. Each member serves at the pleasure of the Secretary. When the term of a member ends and a successor has not been appointed, he or she may continue to serve as a member for up to 1 additional year, until a successor is appointed. No member may serve more than 6 consecutive years. In the event the Committee terminates, all appointments to the Committee will terminate.
- b. Former members may reapply for membership in a representative category for which qualified after a period of 1 year.
- c. A vacancy on the Committee will be filled in the same manner as

the original appointment, with the exception that under 46 U.S.C. 15109(f)(8), the Secretary may reappoint a member of the Committee for any term, other than the first term of the member without soliciting, receiving, or considering nominations for such appointment..

Section 4. Certification of Non-Lobbyist Status.

Two members from the general public of the Committee are appointed in their individual capacity and are designated as Special Government Employee as defined in [18 U.S.C. § 202\(a\)](#). Federally registered lobbyists are not eligible to serve on federal advisory Committees in their individual capacity. *See Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, 79 Fed. Reg. 47,482* (Aug. 13, 2014). Special Government Employee members of the National Towing Safety Advisory Committee may not be federally registered lobbyists. If at any time after appointment, a Committee Special Government Employee member registers as a Federal lobbyist with the Secretary of the U.S. Senate or with the Clerk of the House Representatives (as such term is defined in [2 U.S.C. § 1602](#)), he or she must immediately inform the Designated Federal Officer. Registered lobbyists are lobbyists to register with the Secretary of the Senate and Clerk of the House Representatives. Also, before October 1st of each year, Special Government Employee members of the National Towing Safety Advisory Committee appointed that year must (1) complete and sign the Department of Homeland Security Declaration Regarding Lobbyist Status form certifying that he or she is not registered as a Federal lobbyist or (2) inform the Designated Federal Officer that he or she does not qualify to complete the form. National Towing Safety Advisory Committee Special Government Employee members must submit this Declaration to the Designated Federal Officer. Special Government Employee members who register as a lobbyist after the appointment or reappointment to the Committee will be replaced. The Designated Federal Officer will ensure that Special Government Employee candidates for appointment are not federally registered lobbyists, required by [2 U.S.C. § 1603](#) to register with the Secretary of the U.S. Senate and Clerk of the House of the Representatives.

Section 5. Security Clearances. The Secretary may require an individual to have passed an appropriate security background examination before appointment to the Committee.

Section 6. Members' Responsibilities.

- a. Membership of the Committee is constructed to balance many aspects and viewpoints of the towing industry, therefore, member attendance and participation at meetings is vital. Members are expected to personally attend and participate at Committee meetings. The Commandant of the

Coast Guard will recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced on the Committee.

- b. Members of the Committee may be recommended for removal for reasons such as, but not limited to:
  - 1. Missing two consecutive meetings without a valid reason that is acceptable to the Chairman of the Committee and the Designated Federal Officer, or not participating in the Committee's work;
  - 2. Members in their individual capacity registering as a lobbyist after appointment;
  - 3. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 7. Restriction on Members' Activities.

- a. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The Committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the Committee, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the Committee are advisors to the agency and have no authority to speak for the Committee, the Coast Guard or for the Department outside the Committee structure.
- d. Members may not testify before Congress in their capacity as a member of the Committee. If requested to testify before Congress, members of the Committee:
  - 1. Cannot represent or speak for the Committee, Department of Homeland Security, any agency, or the Administration in their testimony;
  - 2. Cannot provide information or comment on Committee recommendations that are not yet publicly available;
  - 3. May state they are a member of the Committee; and,
  - 4. May speak to their personal observations as to their service on the Committee.



Officer must:

1. Approve or convene meetings of the Committee and its subcommittees;
  2. Approve agendas for Committee and subcommittee meetings;
  3. Attend all meetings;
  4. Adjourn meetings when such adjournment is in the public interest; and,
  5. Chairman meetings of the Committee when directed to do so by the Director, Commercial Regulations and Standards.
- b. In addition, the Designated Federal Officer is responsible for assuring administrative support functions are performed, including the following:
1. Notifying members of the time and place of each meeting;
  2. Tracking all recommendations of the Committee;
  3. Maintaining the record of members' attendance;
  4. Preparing the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities;
  5. Attending to official correspondence;
  6. Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
  7. Reviewing and updating information on Committee activities in the Shared Management System (aka, *Federal Advisory Committee Act* database) on a monthly basis;
  8. Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
  9. Preparing and handling all reports, including the annual report as required by the *Federal Advisory Committee Act*.

Section 3. Alternate Designated Federal Officer. An Alternate Designated Federal Officer serves as an assistant to the Designated Federal Officer and performs the functions of the Designated Federal Officer as required by the Federal Advisory Committee Act in the Designated Federal Officer's absence. An Alternate Designated Federal Officer is appointed by the Office Chief, Operating and Environmental Standards (CG-OES).

## **ARTICLE V**

### **MEETING PROCEDURES**

Public meetings are the prescribed forum in which the National Towing Safety Advisory Committee conducts business, engages in discussion and consideration of proposed Task Statements and officially receives and responds to Task Statements issued by the Designated Federal Officer.

As such, meetings will be formally structured and will be conducted in accordance with the requirements of the Committee Charter and the Committee Bylaws at all times.

Section 1. Meeting Schedule and Call of Meetings.

- a. It is expected the Committee will meet at least twice a year, but they must hold a meeting at least once a year. Additional meetings may be called by the Designated Federal Officer. The Designated Federal Officer must attend each meeting of the Committee.
- b. All meetings of subcommittees must be approved in advance by the Designated Federal Officer, who must participate in each approved meeting.

Section 2. Agenda. Agendas for each Committee meeting will be developed by the Designated Federal Officer in consultation with the Committee Chairman and or Vice Chairman. Once an agenda has been approved by the Designated Federal Officer, he or she will be responsible for distributing the final agenda to the Committee. The Designated Federal Officer will also be responsible for ensuring that for each meeting the agenda are published in the *Federal Register* a minimum of 15 calendar days in advance of the meeting date.

Section 3. Quorum. A quorum (50 percent, plus one of the appointed membership) of the Committee is required to vote on issues being addressed during a Committee meeting. The Designated Federal Officer will determine if a quorum exists prior to each meeting of the Committee. If a quorum does not exist, the meeting may continue but the Committee may take no action or the meeting may be cancelled at the discretion of the Designated Federal Officer.

Section 4. Tasks.

- a. Authority to assign tasks. The Designated Federal Officer retains sole authority for assigning all task statements to the Committee for consideration. The Designated Federal Officer may receive suggestions from Committee members, the public or the Agency in the formation of a Task Statement. It is the responsibility of the Designated Federal Officer to determine if the task is in accordance with the duties of the Committee as specified in the Committee's approved Charter. If, after review, the Designated Federal Officer determines the assigned task is in accordance with the duties of the Committee, the Designated Federal Officer will place the presentation of the assigned task on the agenda for the next meeting. The Designated Federal Officer shall also ensure that a copy of the assigned task is placed on the Committee website in advance of the Committee meeting to ensure the public has an opportunity to view the

assigned Task Statement.

- b. Task Statement Vetting Committee. The Designated Federal Officer may establish a Task Statement Vetting Committee for the specific purpose of coordinating the development of Task Statements for the National Towing Safety Advisory Committee's consideration.
  1. The Vetting Committee members will be appointed by majority vote National Towing Safety Advisory Committee.
  2. The Vetting Committee will be composed of at least five members of the National Towing Safety Advisory Committee in good standing. Only National Towing Safety Advisory Committee members in good standing may be part of the Vetting Committee and may vote to refer a draft Task Statement to the National Towing Safety Advisory Committee.
  3. A member of the Tug and Barge Sector as well as a member representing mariners must be part of the Vetting Committee.
  4. A majority vote of the Vetting Committee members is required for a proposed Task Statement to be forwarded to the Designated Federal Officer for approval.
  5. The Designated Federal Officer has final approval regarding any Task Statement referred from the Vetting Committee to the National Towing Safety Advisory Committee in accordance with ARTICLE V, § 4, of these Bylaws.
- c. Selection of Subcommittee Chair. Once a new Task Statement has been presented to the Committee, the Committee will select a member (or members) to serve as the chair of the subcommittee to whom the task will be assigned. The Chair of the subcommittee is responsible for organizing the subcommittee, preparing minutes of meeting from the subcommittee meetings, and for presenting the subcommittee's recommendations to the Committee.

Section 5. Voting Procedures.

- a. Any item being presented to the Committee for the Committee's approval must be made available to the public in advance of a Committee meeting, must be discussed by the Committee during the meeting, and must receive a majority vote from the Committee.
- b. Only Committee members present at a meeting may vote on an item under consideration. No proxy votes will be allowed.



All votes must be recorded in the minutes of the meeting (or on the transcript if one is produced).

Section 6. Transcripts/Minutes.

- a. The Designated Federal Officer will normally arrange for a transcript to be completed for each open Committee meeting. In the event a transcript is not produced, the Designated Federal Officer will (in consultation with the Chairman or Vice Chairman) prepare minutes of each meeting and distribute copies to each Committee member. Transcripts and/or Minutes of open Committee meetings will be posted on the Committee's public website and in the [www.regulations.gov](http://www.regulations.gov) online docket for the *Federal Register* notice that announced the meeting. Minutes of closed meetings will also be available to the public upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the *Freedom of Information Act* ([5 U.S.C. § 552](http://www.uscourts.gov/5U.S.C.%20%26%20552)).
- b. The minutes will include a record of:
  1. The time, date, and place of the meeting;
  2. A list of all attendees including members, staff and the public;
  3. An accurate description of each matter discussed and the resolution, if any, made by the Committee;
  4. Copies of reports or other documents received, issued, or approved by the Committee; and
  5. An accurate description of public participation, including oral and written statements provided.
- c. The Designated Federal Officer must ensure that the Chairman or Vice Chairman certifies the minutes within 90 calendar days of the meeting to which they relate.

Section 7. Open Meetings. Unless otherwise determined in advance, all meetings of the Committee shall be open and announced to the public in a notice published in the *Federal Register* at least 15 calendar days before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the Committee. *Federal Register* notices announcing meetings will inform the public of the procedure for submitting a written statement to the Committee. To submit a written statement, members of the public should provide the written statement to the Designated Federal Officer in advance of a Committee meeting or they may present the

material to the Committee during the ‘public comment’ portion of the meeting. All materials provided to the Committee will be posted to the Committee’s public website and made available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

Section 8. Closed Meetings. All or parts of meetings of the Committee may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the component head issues a written determination that there is justification for closure under the provisions of the *Government in the Sunshine Act* (Sunshine Act), [5 U.S.C. § 552b](#). Where the Designated Federal Officer has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Designated Federal Officer or Chairman (or Vice Chairman) will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by Designated Federal Officer, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

## **ARTICLE VI EXPENSES AND REIMBURSEMENTS**

Financial support for meetings may be provided by the Office of Operating and Environmental Standards. All expenditures associated with the Committee must be approved by the Designated Federal Officer (or Alternate) in advance of being obligated. Committee members may be issued Invitational Travel Authorization for each official Committee meeting and may be reimbursed for travel and per diem expenses as noted in the each individual’s orders.

## **ARTICLE VII ADMINISTRATION**

The Office of Operating and Environmental Standards is responsible for providing financial and administrative support to the Committee. The Designated Federal Officer manages all Committee affairs and will provide necessary clerical support.

## **ARTICLE VIII SUBCOMMITTEES**

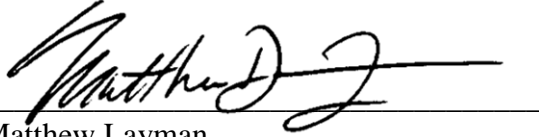
The Chairman may establish subcommittees for any purpose consistent with the



**ARTICLE XI**

**BYLAWS APPROVAL AND AMENDMENTS**

The Designated Federal Officer may amend these bylaws at any time, and the amendments will become effective immediately upon approval unless another time is specified by the Designated Federal Officer.

A handwritten signature in black ink, appearing to read "Matthew Layman", written over a horizontal line.

Matthew Layman  
Alternate Designated Federal Officer

.Date approved: 21 MAY 2021