

**Great Lakes Pilotage Advisory Committee**  
**Bylaws**

**ARTICLE I AUTHORITY**

As provided for in 46 U.S.C. § 9307, the Great Lakes Pilotage Advisory Committee (Committee) is established. This statutory Committee is established in accordance with and shall operate under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. 10).

**ARTICLE II PURPOSE**

The function of the Committee is to provide advice to the Secretary of Homeland Security on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

**ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES**

The Committee shall consist of eight members appointed by and serving at the pleasure of the Secretary of Homeland Security upon recommendation by the Commandant, U.S. Coast Guard. Each member shall have at least five years of practical experience in maritime operations except as noted in Section 1 (F) below. As specified in 46 U.S.C. § 9307(b), the membership of the Committee shall include:

Section 1 Composition.

- (A) The President of each of the three Great Lakes pilotage districts, or the President's representative;
- (B) One member chosen from among nominations made by vessel operators that contract for Great Lakes pilotage services;
- (C) One member chosen from among nominations made by Great Lakes port authorities and marine terminals;
- (D) One member chosen from among nominations made by shippers whose cargos are transported through Great Lakes ports;
- (E) One member chosen from among nominations made by Great Lakes maritime labor organizations; and;
- (F) A member, who
  - (i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and
  - (ii) may be appointed without regard to requirement that each member have 5 years of practical experience in maritime operations.

Members serving under paragraphs (A) through (F) serve as Representative members, represent the viewpoints of their respective interests and are not Special Government Employees as defined in section 18 U.S.C. § 202(a).

In order for the Department to fully leverage broad-ranging experience and education, the Great Lakes Pilotage Advisory Committee must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a Committee that reflects the diversity of the Nation's people.

Section 2. Appointment

- a. Members of the Committee, including those members appointed to fill an unexpired term, are appointed by, and serve at the pleasure of the Secretary of Homeland Security upon the recommendation of the Commandant of the U.S. Coast Guard.
- b. Members of Great Lakes Pilotage Advisory Committee are appointed as Representative members.

Section 3. Terms of Office.

- a. The cohort of representatives described in Article III, Section I (A) shall serve terms running concurrently with their terms as president of their respective pilotage associations.
- b. The cohort of representatives described in Article III, Section I (B) — (F) shall serve three-year terms, and may be reappointed to one additional term, as per the process identified in Article III, Section 2, serving not more than six consecutive years unless the Secretary of the Department of Homeland Security waives the term limit for that specific member.
  - i. These terms shall be staggered so that approximately one-third of the members' terms expire each year.
  - ii. Individuals may be reappointed to one additional term, serving not more than six consecutive years.
- c. The individual described in Article III, Section 1 (F) shall serve a three-year term and may be appointed to additional terms with the approval of the Secretary of the Department of Homeland Security.
- d. A member appointed to fill an unexpired term shall serve the remainder of that term.
- e. In the event the Committee terminates, all appointments to the Committee shall terminate.

Section 4. Certification of Non-Lobbyist Status.

Registered lobbyists, are not eligible to serve on federal advisory committees in an individual capacity. See *"Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, 79 FR 47482 (August 13, 2014)*. In addition, lobbyists who serve as Representatives are no longer permitted to serve on DHS FACA. For former lobbyists, there must be two years after de-registration before they may serve on a DHS FACA. Lobbyists who are currently serving as Representatives on DHS FACA may continue to serve until the expiration of their term. Registered lobbyists are lobbyists as defined in 2 U.S.C. § 1602 who are required by 2 U.S.C § 1603 to register with the Secretary of the U.S. Senate or with the Clerk of the House Representatives.

Section 5. Security Clearances. Not applicable

Section 6. Members' Responsibilities.

- a. Member attendance and participation at meetings is vital, because the membership of the Great Lakes Pilotage Committee is constructed to balance as many aspects and viewpoints of the industry as possible. Members are expected to personally attend and participate at Committee meetings or participate via telephone or video conference. The Designated Federal Officer (DFO) may notify the Commandant of the Coast Guard to recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced.
- 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 reason that is acceptable to the DFO, or not participating in the Committee's work;
  2. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined in Article III, Section 7.

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 regulations concerning Great Lakes Pilotage and relevant regulatory actions. In their capacities as members of the Great Lakes Advisory Committee, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.

- c. Members of the Great Lakes Pilotage Advisory Committee are advisors to the Agency and have no authority to speak for the Committee, the United States Coast Guard, the Department of Homeland Security, or for the United States Government outside the Committee structure.
- d. Members may not testify before Congress in their capacity as a member of the Great Lakes Advisory Committee. If requested to testify before Congress, members of the Committee:
  - 1. Cannot represent or speak for the Committee, the Department, 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.
- e. If speaking outside the committee structure at other forums or meetings, the restrictions in Article III, 'Section 6(d) also apply.

#### **ARTICLE IV            OFFICIALS**

Officials shall, at all times, preside over meetings to promote and ensure the most orderly and expeditious proceedings of official business. The primary duty of Officials is to promote consistency with the requirements of the Committee Charter and the Committee Bylaws.

##### Section 1.        Chairperson and Vice Chairperson.

- a. One of the members of the Committee is elected as the Chairperson and Vice Chairperson by the Committee every two (2) years. Elections may be held either in a public meeting or during an administrative session. No later than six months prior to the end of the incumbent's term of office, the Great Lakes Pilotage Advisory Committee must have recommendations with primary and alternate candidates.
- b. In the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson, the Vice Chairperson will act as Chairperson for the remainder of the two (2) year period.
- c. The Chairperson's duties shall include, but are not limited to:
  - 1. Coordinate with the DFO to prepare an agenda for approval by the DFO prior to a meeting of the Committee and/or its subcommittees.
  - 2. Inform the DFO in establishing the priorities of the Committee.
  - 3. Conduct each meeting in general accordance with Roberts' Rules of Order, provide an opportunity for participation by each member and by any interested public attendee, ensure adherence to the agenda, and

maintain order. After the meeting conclusion, the Chair will prepare all recommendations for submission to the Coast Guard and certify the minutes within 90 days.

Section 2. Designated Federal Officer.

- a. The DFO serves as the Secretary's agent for all matters related to the Great Lakes Pilotage Advisory Committee and is appointed by the Director of Marine Transportation Systems, United States Coast Guard. In accordance with the provisions of the *Federal Advisory Committee Act*, the Designated Federal Officer must:
  1. Approve or call meetings of the Committee and its subcommittees;
  2. Approve agendas for Committee and subcommittee meetings;
  3. Adjourn meetings he or she is attending when such adjournment is in the public interest;
  4. Approve establishment of subcommittees, designate a member of the Great Lakes Pilotage Advisory Committee to chair the subcommittee, approve the subcommittee's membership, and provide the subcommittee task statement.
  5. Chair Meetings of the Committee when directed to do so by the Director of Marine Transportation Systems, United States Coast Guard.
  6. Designate an individual to carry out the duties and responsibilities of the Alternate Designated Federal Officer.
- b. The Alternate Designated Federal Officer (ADFO) is responsible for assuring administrative support functions are performed, including the following:
  1. Carrying out the duties and responsibilities of the DFO in the DFO's absence at a committee meeting;
  2. Notifying members of the time and place of each meeting;
  3. Provide tasking to the Committee on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.
  4. Tracking all recommendations of the Committee;
  5. Maintaining the record of members' attendance;
  6. Determining the time and method of election of the Chairperson and Vice Chairperson of the Committee;
  7. Preparing the minutes of all meetings of the Committee's deliberations, including subcommittee, and working group activities;
  8. Attending to official correspondence;
  9. Maintaining official records, applications for appointments, and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
  10. Reviewing and updating information on Committee activities in the Shared Management System (aka, the Federal Advisory Committee Act database) on a monthly basis;

- I 1. Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
12. Preparing and handling all reports, including the annual report as required by the *Federal Advisory Committee Act*.

## **ARTICLE V            MEETING PROCEDURES**

Public meetings are the prescribed forum in which the Great Lakes Pilotage Advisory Committee conducts business, engages in discussion, and officially receives and responds to tasking issued by the DFO. As such, meetings shall be formally structured and shall be conducted in accordance with the requirements of the Great Lakes Pilotage Advisory Committee Charter and Great Lakes Pilotage Advisory Committee Bylaws at all times.

### Section 1.     Meeting Schedule and Call of Meetings.

- a. The Great Lakes Advisory Committee shall meet at least once each calendar year. Meetings may be held at the call of the DFO or a majority of the Committee. The DFO and/or ADFO must attend each meeting of the Committee.
- b. All meetings of the Committee and subcommittees must be approved in advance by the DFO.

### Section 2.     Agenda.

Agendas for each Committee meeting shall be developed by the DFO in consultation with the Committee Chair. Once the agenda has been approved by the DFO, the DFO will be responsible for distributing the final agenda to the Committee. The DFO will also be responsible for ensuring that for each meeting the agenda is published in the Federal Register a minimum of 15 calendar days before the meeting date.

### Section 3.     Quorum.

A quorum is all but one of the appointed members of the Committee. After taking roll call at the beginning of each meeting the DFO will determine if a quorum exists. If a quorum does not exist, the meeting may continue but no action may be taken by the Committee or the meeting may be cancelled at the discretion of the DFO.

### Section 4.     Voting Procedures.

Any recommendations to the Secretary must have been approved by at least by all but one of the members serving on the Committee. Any Subcommittee report or recommendation presented to the Committee for Committee's approval must be made available to the public in advance of a Committee meeting and must be discussed by the Committee during the meeting. Only Committee members present at the 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.

Section 5. Minutes.

The DFO will prepare the minutes of each meeting and distribute copies to each Committee member. Minutes of open meetings will be made available to the public upon request. 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*.

The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees including members, staff and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Committee;
- d. Copies of reports or other documents received, issued, or approved by the Committee; and
- e. An accurate description of public participation, including oral and written statements provided.

The DFO assures that the Chairperson or Vice-Chairperson certifies the minutes within 90 calendar days of the meeting to which they relate.

Section 6. Open Meetings.

Unless otherwise determined in advance, all meetings of the Great Lakes Advisory Committee shall be open and announced to the public in a notice published in the Federal Register at least fifteen 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 Great Lakes Advisory Committee. Federal Register notices announcing meetings will inform the public of the procedure for submitting written statement to the Committee. To submit a written statement, members of the public should provide 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 7. 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 Agency head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the *Government in the Sunshine Act*. Where the DFO 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 DFO or Chairperson 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 DFO, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

## **ARTICLE VI EXPENSES AND REIMBURSEMENTS**

U.S. Coast Guard Headquarters, Office of Waterways and Ocean Policy, and its Great Lakes Pilotage Division, may provide financial support for meetings. All expenditures associated with Committee activities must be approved by the DFO (or ADFO) in advance of being obligated. At the discretion of the DFO, Committee members may be issued Invitational Travel Authorization for each official Committee meeting and are entitled to receive reimbursement for travel or transportation expenses under 5 U.S.C. § 5703 and as noted in the individual orders.

## **ARTICLE VII ADMINISTRATION**

U.S. Coast Guard Headquarters, Office of Waterways and Ocean Policy, and its Great Lakes Pilotage Division, are responsible for providing administrative support to the Committee. The DFO manages all Committee affairs and will provide the necessary clerical support.

## **ARTICLE VIII SUBCOMMITTEES**

Establishment. The DFO may establish and disestablish subcommittees for any purpose consistent with the Committee's charter. The term of service of a subcommittee shall be established in the subcommittee's task statement. The DFO must notify the Coast Guard Group Federal Officer (GFO) when a subcommittee is established. The GFO will notify the Department of Homeland Security Committee Management Officer (CMO), who will enter the subcommittee's name into the Committee's section of General Services Administration's FACA Database. The DFO must maintain the subcommittee's FACA Database information while the subcommittee is operating.

When a subcommittee is disestablished, the DFO must notify the GFO. The GFO will notify the CMO, who then deletes the subcommittee from the General Service Administration's FACA database.

Restriction on activities. Subcommittees may not work independently of the chartered Committee and must report their findings, recommendations, and advice to the Committee for the Committee's full deliberation and vote. Subcommittees have no authority to make decisions on behalf of the Committee. They may not provide findings, recommendations, or advice directly to the Agency. They may only report directly to the Committee.



Membership. Subcommittee members are appointed by the Chair from members of the parent Committee. A subcommittee must have a Chair and at least one other member from the parent Committee. A subcommittee may not, however, include all members of the parent Committee.

Meetings. The subcommittee should engage with members of the interested public to the greatest extent possible. Only subcommittee members, however, may vote on recommendations to the parent Committee. Quorum requirements do not apply to subcommittee meetings.

## **ARTICLE IX            RECORDKEEPING**

The ADFO is responsible for maintaining all records of the Great Lakes Advisory Committee and its formally established subcommittees or other subgroups of the Committee. Records shall be handled in accordance with General Records Schedule 6.2 and Commandant Instruction 5212.12B, “Records & Information Management Program Roles and Responsibilities” ([https://cg.portal.uscg.mil/sites/externaldata/Directives/CI\\_5212\\_12B.pdf](https://cg.portal.uscg.mil/sites/externaldata/Directives/CI_5212_12B.pdf)). These records will be available for public inspection and copying in accordance with the *Freedom of Information Act* (5 U.S.C. § 552).

Applications for appointments shall be maintained by the ADFO and handled in accordance with applicable laws and regulations pertaining to the *Federal Advisory Committee Act* Committees, protection of personal identifying information and the Privacy Act.

## **ARTICLE X            RECOMMENDATIONS AND REPORTING**

Recommendations and reports received by the Committee from a subcommittee must be fully discussed, deliberated, and voted on in an open meeting. Reports and or recommendations from a subcommittee that have been properly reviewed and accepted by the Committee must be forwarded to the DFO with a cover letter signed by the Chairperson (or Vice-Chairperson) indicating the approval by the Committee and any actions recommended by the Committee. The DFO shall provide a report to the Committee, during an open meeting, on the status of any recommendations and or reports received by the Committee in the previous two years and what actions have been taken on the recommendations.

**ARTICLE XI            BYLAWS APPROVAL AND AMENDMENTS**

The DFO may amend these bylaws provided such amendments are consistent with the statute and charter at any time, and the amendments shall become effective immediately upon approval.

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Kevin C. Kiefer  
Designated Federal Officer

Date approved: 2 MAY 2023