COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE BYLAWS

ARTICLE I AUTHORITY

As provided for in Title 46, United States Code, Section 4508, and as amended by Section 604 of the *Coast Guard Authorization Act of 2010*, (P. L. 111-281), the Secretary of Department of Homeland Security has established the Commercial Fishing Safety Advisory Committee. The committee is established in accordance with and operates under the provisions of the *Federal Advisory Committee Act,* (Title 5, United States Code, Appendix).

ARTICLE II PURPOSE

The Commercial Fishing Safety Advisory Committee provides advice and recommendations to the United States Coast Guard and the Department of Homeland Security on matters relating to the safe operation of commercial fishing industry vessels. The Commercial Fishing Safety Advisory Committee may advise, consult with, report to, and make recommendations to the Secretary of the Department of Homeland Security and United States Coast Guard on matters and actions relating to the safe operation of vessels to which Chapter 45 of Title 46 United States Code applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualification and training. The Commercial Fishing Safety Advisory Committee may review proposed regulations under Chapter 45 of Title 46 United States Code. The Commercial Fishing Safety Advisory Committee may also make available to Congress any information, advice, and recommendations that the committee is authorized to give to Secretary of the Department of Homeland Security and the United States Coast Guard.

ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES

Section 1 Composition. The Commercial Fishing Safety Advisory Committee shall consist of 18 members who are appointed by and serve at the pleasure of the Secretary of the Department of Homeland Security upon recommendation by the Commandant of the United States Coast Guard. Each member has particular expertise, knowledge, and experience regarding the commercial fishing industry.

(a) Ten members who shall represent the commercial fishing industry and who—

(1) reflect a regional and representational balance; and
(2) have experience in the operation of vessels to which Chapter 45 of Title 46, United States Code applies, or as a crew member or processing line worker on a fish processing vessel;

(b) Three members who shall include, whenever possible—

(1) an independent expert or consultant in maritime safety;

(2) a marine surveyor who provides services to vessels to which Chapter 45 of Title 46, United States Code applies; and
(3) a person familiar with issues affecting fishing communities and families of fishermen;

(c) One member each of whom shall represent—

(1) naval architects and marine engineers;
(2) manufacturers of equipment for vessels to which Chapter 45 of Title 46, United States Code applies;
(3) education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications;
(4) underwriters that insure vessels to which Chapter 45 of Title 46, United States Code applies; and
(5) owners of vessels to which Chapter 45 of Title 46, United States Code applies.

Section 2 Appointments. Members of the Commercial Fishing Safety Advisory Committee are appointed by and serve at the pleasure of the Secretary of Department of Homeland Security upon the recommendation of the Director of Inspections and Compliance through the Commandant. 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 vote. Members appointed to the "General Public" category positions will serve as Special Government Employees.

Section 3 Terms of Office. A Commercial Fishing Safety Advisory Committee member serves a term of office of up to three years, and may be re-appointed. A member cannot serve for more than six consecutive years. Approximately one-third of members' terms of office expire each year. If a vacancy occurs in the membership of the Commercial Fishing Safety Advisory Committee, another member will be appointed to fill the vacancy for the remainder of the vacated term. In the event the committee terminates, all appointments to the committee shall terminate.

Section 4 Certification of Non-Lobbyist Status. The three members of the Commercial Fishing Safety Advisory Committee who are (a) an independent expert or consultant in maritime safety, (b) a marine surveyor who provides services to vessels to which Chapter 45 of Title 46, United States Code applies, or (c) a person familiar with issues affecting fishing communities and families of fishermen, would be someone appointed in their individual capacity and would be designated as Special Government Employee as defined in 202(a) of Title 18, United States Code. Registered lobbyists are not eligible to serve on federal advisory committees in their individual capacity- see "Revise Guidance Notice (79 FR 47482, August 13, 2014).

Special Government Employee members of the committee may not be registered lobbyists. If at any time after appointment, the committee's 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, he or she must immediately inform the Designated Federal Officer. Also, before October of each year, each Special Government Employee committee member appointed that year must (1) complete and sign the Department of Homeland Security Declaration Regarding Lobbyist Status From certifying that he or she is not a registered as a Federal lobbyist, or, (2) inform the Designated Federal Officer that he or she does not qualify to complete the form. Special Government Employee committee members must submit this Declaration to the Designated Federal Officer. Special Government Employee committee members who register as a lobbyist after the appointment or reappointment to Commercial Fishing Safety Advisory Committee will be replaced. The Designated Federal Officer will assure that Special Government Employee candidates for appointment are not lobbyists registered under as defined in Title 2 United States Code, Section 1602 who are required by Title 2 United States Code, Section 1603 to register with the Secretary of the Senate and Clerk of the House Representatives.

Section 5 Security Clearances. Members of the Commercial Fishing Safety Advisory Committee are not required to obtain or hold a Federal Government security clearance.

Section 6 Members' Responsibilities. Because the membership of the Commercial Fishing Safety Advisory Committee is constructed to balance as many aspects and viewpoints of the industry as possible, member attendance and participation at meetings is vital. Members are expected to personally attend and participate at committee meetings. The Director of Inspections and Compliance, through the Commandant, shall recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced on the committee.

Members of the Commercial Fishing Safety Advisory Committee may be recommended for removal for reasons such as, but not limited to:

a. Missing two consecutive meetings, or not participating in the committee's work;
b. Registering as a lobbyist after appointment; or
c. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 7 Restrictions 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 Commercial Fishing Safety 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 Commercial Fishing Safety Advisory Committee are advisors to the agency and have no authority to speak for the committee, the United States Coast Guard, or for a Department outside the committee structure.
d. Members may not testify before Congress in their capacity as a member of the Commercial Fishing Safety Advisory Committee. If requested to testify before Congress, members of the Commercial Fishing Safety Advisory 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.
e. If speaking outside the committee structure at other forums or meetings, the restrictions in subsection d. also apply.

ARTICLE IV OFFICIALS

Section 1 Chairperson and Vice Chairperson. The Chairperson and Vice-Chairperson are elected by the Committee annually. The Chairperson shall conduct each meeting in general accordance with *Robert's Rules of Order*, provide an opportunity for participation by each member and by public attendees, ensure adherence to the agenda, maintain order, and prepare any recommendation submitted to the Coast Guard. The Vice-Chairperson will act as Chairperson in the absence or incapacity of the Chairperson or in the event of a vacancy in the office of the Chairperson. The term of office of the Chairperson and Vice-Chairperson will be one year, and a member may serve more than one term in either of these positions.

Section 2 Designated Federal Officer. The Designated Federal Officer serves as the Department's agent for all matters related to the Commercial Fishing Safety Advisory Committee and is appointed by the Director of Inspections and Compliance. In accordance with the provisions of the *Federal Advisory Committee Act*, the Designated Federal Officer must:
a. Approve or call meetings of the committee and its subcommittees;
b. Approve agendas for committee and subcommittee meetings;
c. Attend all meetings;
d. Adjourn meetings when such adjournment is in the public interest; and,
e. Chair meetings of the committee when directed to do so by the Director of Inspections and Compliance.

In addition, the Designated Federal Official is responsible for assuring administrative support functions are performed, including the following:

a. Notifying members of the time and place of each meeting;
b. Tracking all recommendations of the committee;
c. Maintaining the record of members' attendance;
d. Preparing the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities;
e. Attending to official correspondence;
f. Maintaining official records and filing all papers and submissions prepared for or by the committee, including those items generated by subcommittees and working groups;
g. Reviewing and regularly updating information on committee activities in the Shared Management System (*Federal Advisory Committee Act* database);
h. Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
i. Preparing and handling all reports, including the annual report as required by *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 Chief, Office of Commercial Vessel Compliance.

ARTICLE V MEETING PROCEDURES

Section 1 Meeting Schedule and Call of Meetings. The Commercial Fishing Safety Advisory Committee shall meet at least once during each calendar year at the call of the Designated Federal Officer, and additional meetings may be held with the approval of the Designated Federal Officer. The Designated Federal Officer must attend all committee, subcommittee, and/or work group meetings. The Designated Federal Officer shall approve or call committee, subcommittee, and working group meetings. The Designated Federal Officer will determine the location of meetings and meeting dates.

Section 2 Agenda. The Agenda is developed by the Designated Federal Officer in consultation with the Chairperson of the committee. The Designated Federal Officer approves the agenda for all committee and subcommittee meetings, distributes the agenda to members prior to the meeting, and publishes the agenda in the *Federal Register* a minimum of 15 calendar days in advance of the meeting date.

Section 3 Quorum. A quorum for the Commercial Fishing Safety Advisory Committee is the presence of fifty percent plus one of the appointed committee members. A quorum of the committee is required to vote on issues being addressed. The

Designated Federal Officer will determine if a quorum exists at the beginning of each meeting of the Commercial Fishing Safety Advisory Committee. If a quorum does not exist, the meeting may continue, but no action may be taken by the members present.

Section 4 Voting Procedures. The Chairperson of the committee shall conduct each meeting in general accordance with *Robert's Rules of Order*. Voting will be conducted by voice and/or hand votes and recorded in the minutes. Only Commercial Fishing Safety Advisory Committee members present at a meeting may vote on an item under consideration. No proxy votes will be allowed. Recommendations to the Coast Guard will generally be made through a resolution recorded in the minutes of the meeting, but may be submitted by formal letter or report from the Chairperson to the Designated Federal Officer as may be necessary.

Section 5 Task Statements. 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 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.

When a new tasking has been assigned to the committee by the Designated Federal Officer, the committee shall establish a subcommittee and designate a member to serve as the subcommittee chairperson who will be responsible for preparing responses for the assigned tasking. The subcommittee chairperson will be responsible for organizing the subcommittee, preparing a summary of the subcommittee meeting, and presenting the subcommittee's recommendations to the committee for formal consideration and approval.

Section 6 Minutes. An audio record of Commercial Fishing Safety Advisory Committee meetings is made, if possible, and then converted to transcript. A summary or minutes of the meeting may be made from these records. The Designated Federal Officer will prepare minutes of each meeting and distribute copies to each committee member. Minutes of open meetings are 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 of a committee meeting 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 Designated Federal Officer assures that the committee Chairperson certifies the minutes within 90 calendar days of the meeting to which they relate, and the committee will formally approve the summary/minutes at the next scheduled meeting.

Section 7 Open Meetings. Unless otherwise determined in advance, all meetings of the Commercial Fishing Safety 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 Commercial Fishing Safety Advisory Committee at any time. All materials provided to the committee shall be 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. Procedures for the public to make oral comments during or filing written statements at a Commercial Fishing Safety Advisory Committee meeting will be clearly detailed in the *Federal Register* notice of the meeting.

Section 8 Closed Meetings. All or parts of meetings of the Commercial Fishing Safety Advisory Committee may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the appropriate Department of Homeland Security official makes such a determination in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with Title 5, United States Code, subsection (c) of section 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, 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 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 a notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by the 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

The United States Coast Guard, Office of Commercial Vessel Compliance, Fishing Vessels Division is responsible for providing financial support to Commercial Fishing Safety Advisory Committee. Expenditures for committee activities must be approved in advance by the Designated Federal Officer. Members may be issued invitational orders to the meetings, and if so, will be reimbursed for travel and per diem expenses at the prevailing government rates.

ARTICLE VII ADMINISTRATION

The United States Coast Guard, Office of Commercial Vessel Compliance, Fishing Vessels Division is responsible for clerical and administrative support to Commercial Fishing Safety Advisory Committee.

ARTICLE VIII SUBCOMMITTEES

The Designated Federal Officer may approve the establishment of subcommittees for any purpose consistent with the committee charter. Such subcommittees may not work independently of the chartered committee and must present their work to the Commercial Fishing Safety Advisory Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Commercial Fishing Safety Advisory Committee and may not report directly to the Federal government or any other entity.

Subcommittees, or working groups, may be established as necessary at each meeting by tasking from the Designated Federal Officer and concurrence of the Chairperson. Members will be designated by assignment, or on a volunteer basis, but proper balance and representation will be ensured by the Chairperson. The term of a subcommittee may be for one meeting, or can be carried over to future meetings as necessary.

ARTICLE IX RECORDKEEPING

The records of the Commercial Fishing Safety Advisory Committee, as well as formally and informally established subcommittees or other work groups of the Commercial Fishing Safety Advisory Committee, 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 and copying, in accordance with the *Freedom of Information Act* (Title 5 United States Code, Section 552).

ARTICLE X RECOMMENDATIONS AND REPORTING

Reports and/or recommendations from the Commercial Fishing Safety Advisory Committee to the Coast Guard must be approved by the committee as a whole by majority vote. Recommendations to the Coast Guard will generally be made through a resolution recorded in the minutes of the meeting, but may be submitted by a formal letter or report from the Chairperson to the Designated Federal Officer, as may be necessary. The Designated Federal Officer will track recommendations and report back to the committee at future meetings on the status or actions taken regarding the recommendations.

ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS

The Designated Federal Officer may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.

Jennifer F. Williams

Jennifer F. Williams
Captain, U.S. Coast Guard
Designated Federal Officer

Date approved: 14 OCT 2016