



**Federal Aviation
Administration**

Bylaws for the Commercial Space Transportation Advisory Committee (COMSTAC)

August 23, 2010

**Office of Commercial Space Transportation
Federal Aviation Administration
800 Independence Avenue S.W., Room 331
Washington, D.C. 20591**

Section I: Purpose

The purpose of the Department of Transportation (DOT) Commercial Space Transportation Advisory Committee (COMSTAC) is to provide advice and recommendations to the Federal Aviation Administration (FAA) on a broad range of issues dealing with the U.S. commercial space transportation industry. The FAA Administrator is the COMSTAC sponsor. The Office of Commercial Space Transportation (AST) furnishes support services for operating the COMSTAC.

As deemed necessary, the FAA Associate Administrator for Commercial Space Transportation may convene working groups or task force groups to support the COMSTAC's functions. All activities of such groups and the COMSTAC will comply with the Federal Advisory Committee Act (FACA), (5 U.S.C. App. 2) (Pub. L. 92-463; 86 Stat. 770), and the requirements in 41 CFR Parts 101-6 and 102-3, Federal Advisory Committee Management; Final rule. (66 F.R. 37728, July 19, 2001).

Section II: Authority

The Secretary of Transportation has determined that the establishment of the COMSTAC is in the public interest. The COMSTAC is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter (FAA Order 1110.124F), filed with the Congress on November 17, 2008.

Section III: Membership Selection and Appointment

Members of the COMSTAC are appointed by the U.S. Secretary of Transportation after recommendation by the FAA Administrator. The FAA will select members for appointment based on specific needs of the FAA and COMSTAC in order to balance those viewpoints required to effectively address critical industry issues and DOT/FAA policy issues under consideration.

COMSTAC members are appointed for a two-year term, with each member eligible for reappointment for a successive term. The Designated Federal Officer (DFO) will contact each member before the term expires to confirm that the member and the FAA share an interest in the member's reappointment. If a COMSTAC member cannot serve a full term, the Associate Administrator for Commercial Space Transportation shall designate a person to fill the vacancy for the remainder of such term. That person shall be designated as an interim member.

A COMSTAC member who decides to resign his or her seat on the COMSTAC must submit a letter of resignation to the COMSTAC Chairperson and to the DFO. Once the resignation is accepted, AST will initiate the appointment process for a successor.

Section IV: Meeting Procedures

The COMSTAC will meet twice a year in May and October (or as otherwise agreed between the FAA and the COMSTAC). Working Groups will meet as needed. The DFO will call the meetings in consultation with the Chairperson following these considerations:

A. Agenda: The DFO will prepare the agenda for all meetings. DOT/FAA will distribute the agenda to the COMSTAC before each meeting and will publish an outline of the agenda

with the notice of the meeting in the Federal Register. Any COMSTAC member may submit items for the agenda to the DFO or the Chairperson. Non-members, including members of the public, may also submit agenda items to the DFO.

B. Minutes and Records: The COMSTAC's DFO will prepare minutes of each meeting and send them to the Chairperson. The Chairperson will distribute copies to each COMSTAC member and request approval of the minutes within a specified time period. Once approved by the COMSTAC, minutes of open meetings will be published on the AST website and will be 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 (FOIA), 5 U.S.C. § 552. The minutes will include a record of the persons present (including the names of COMSTAC members, names of staff, and the names of members of the public who made written or oral presentations). The minutes will also include a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the COMSTAC. All documents, reports, or other materials prepared by, or for the COMSTAC constitute official government records and must be maintained following DOT/FAA and FACA policies and procedures.

C. Open Meetings. Unless otherwise determined in advance, all meetings (including Working Group meetings) of the COMSTAC will be open to the public. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the COMSTAC during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be available to the public for review or copying at the time of the scheduled meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the determination of the Chairperson, offer oral comment at such meeting. The Chairperson may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the COMSTAC through the DFO at any time.

D. Closed Meetings: Meetings of the COMSTAC will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by the FAA Administrator 30 days in advance of the session. Where the DFO has determined in advance that discussions during a COMSTAC 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 (GISA), 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 Chairperson will order such discussion to cease and will schedule it for closed session. Notices of closed meetings will be published in the Federal Register at least 15 calendar days in advance.

Section V: Voting

When a decision or recommendation of the COMSTAC is required, the Chairperson will request a motion for a vote. Any member, including the Chairperson, may make a motion for a vote. A second to a motion will not be required to bring any issue to vote. Generally, votes will be cast at the COMSTAC meetings. Some votes, such as approval of meeting minutes, may be done via email. When an email vote is appropriate, the Chairperson will present the issue and request a response within a certain time period. All votes must be cast by the set deadline. Members must respond to all requests for a vote.

For votes at meetings of the full COMSTAC, a quorum of twelve (12) persons is required. A majority vote is required to pass a motion. Changes to the Bylaws require 2/3 of the entire COMSTAC to vote in favor of the change. Only full COMSTAC members may vote on any motion. The Associate Administrator for Commercial Space Transportation must approve any change to the Bylaws.

DOT/FAA reserves the right to replace any member who is unable to participate fully in the COMSTAC's voting procedures or who misses three (3) consecutive votes cast on separate days.

Section VI: Working Groups

COMSTAC may establish Working Groups to address key industry topics as needed. The COMSTAC Chairperson, in coordination with the Associate Administrator for Commercial Space Transportation will designate the Working Groups, determine the issues they are to address, and determine the length of their existence. Members of the public are welcome to participate in the Working Group meetings and other activities.

Section VII: Selection of Committee Officials

The FAA Administrator appoints the COMSTAC Chairperson after recommendation by the FAA Associate Administrator for Commercial Space Transportation. The FAA Associate Administrator for Commercial Space Transportation appoints the COMSTAC Vice-Chairperson.

The COMSTAC Chairperson selects the Working Group Chairpersons and Deputy Working Group Chairpersons with input from the Working Group members and the concurrence of the FAA Associate Administrator for Commercial Space Transportation. Working Group Chairpersons and Deputy Working Group Chairpersons must be COMSTAC members.

Section VIII: Role of Committee Officials

Chairperson: The Chairperson works with the DFO to establish priorities, identify issues to be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the COMSTAC's membership. In addition, the Chairperson is responsible for certifying the accuracy of minutes developed by the COMSTAC to document its meetings.

Vice Chairperson: The Vice Chairperson works with the Chairperson. If the Chairperson is unavailable, the Vice Chairperson will serve in his or her place.

Working Group Chairperson: The Working Group Chairperson will set the agenda for Working Group meetings in coordination with the DFO. The Working Group Chairperson will lead Working Group meetings, assume responsibility for issues assigned to the Working Group, gather input from the public, and report back to the full COMSTAC.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the COMSTAC's activities. By Law, the DFO must: (1) approve or call the meeting of the COMSTAC; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) Chair meetings of the COMSTAC, when so directed by the Administrator of General Services, or the designee. In addition, the DFO is responsible for providing adequate staff support to the COMSTAC, including the performance of the following functions: (1) Notifying members of the time and place for each meeting; (2) Maintaining records of all meetings, including subgroup or working group activities, as required by Law; (3) maintaining the roll; (4) Preparing the minutes of all meetings of the COMSTAC's deliberations, including subgroup and working group activities; (5) attending to official correspondence; (6) maintaining official COMSTAC records and filing all papers and submissions prepared for or by the COMSTAC, including those items generated by subgroups and working groups; (7) acting as the COMSTAC's agent to collect, validate, and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including the annual report as required by FACA.

Section IX: Role of COMSTAC Members

COMSTAC membership includes the responsibility to attend COMSTAC meetings personally. DOT/FAA reserves the right to replace any member who is unable to participate fully in the COMSTAC or who misses two (2) consecutive meetings. Alternate members will not be permitted to represent those individuals appointed by DOT/FAA without written agreement from the COMSTAC Chairperson and the DFO at least five business days before the full COMSTAC meeting.

COMSTAC members may be asked to join one or more of the Working Groups. They should select the Working Group where they can best contribute their expertise.

Voting responsibilities are detailed in Section V.

Section X: Expenses and Reimbursement.

Expenses related to managing the COMSTAC will be borne by AST.

Section XI: Additional Information

The General Services Administration's Committee Management Secretariat is responsible for government-wide oversight of advisory committees. The Secretariat will provide advice to other Federal agencies as needed to ensure compliance with all federal advisory committee statutes and regulations.