

FAA | AST Commercial Space Transportation

Introduction to the Federal Advisory Committee Act (FACA) Requirements and COMSTAC Operating Procedures

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Federal Aviation
Administration

Federal Advisory Committee Act (FACA)

- FACA governs COMSTAC's activities
 - FACA, Title 5 of the United States Code, Chapter 10
- FACA states that:
 - Unless specified by law or presidential directive, advisory committees must be used solely for advisory functions;
 - Standards and uniform procedures should govern the advisory committee's establishment, operation, administration, and duration; and
 - Congress and the public must be kept informed of the advisory committee's purpose, membership, activities, and cost.
- FACA also includes requirements on:
 - Advisory committee procedures,
 - Meetings,
 - Publication of notices in the *Federal Register*,
 - Annual reports,
 - Federal officer or employee attendance, and
 - Recordkeeping requirements.



Establishing a Federal Advisory Committee (FAC)

- A notice to the public in the Federal Register is required when a discretionary advisory committee is established, renewed, or re-established.
- Advance notice must appear at least 15 calendar days before the charter is filed.
- Requirement for advanced notice does not apply to advisory committee renewals, which may be published concurrently with the filing of the charter.
- A formal charter must be prepared and must be filed with the agency head, the Library of Congress, the appropriate standing committees of the Senate and the House of Representatives, and the Committee Management Secretariat (CMS) before the FAC can meet or take any action.
- The charter is informed by, and must be consistent with, the Membership Balance Plan that is prepared for each FAC.
- A FAC automatically terminates two years after its date of establishment unless the statutory authority used to establish the FAC provides a different duration or the charter is renewed.



FACA Requirements

- FACA requires that, when conducting meetings, the FAA must:
 - Prepare a notice of meeting for publication in the *Federal Register* at least 15 calendar days before the meeting.
 - Keep detailed meeting minutes.
 - Certify the accuracy of meeting minutes.
 - Make all documents **used by or provided to the** committee available to the public.
 - Provide an annual report documenting the meetings, the number of recommendations received, accepted in full, partial, and not accepted, travel, etc.



Meeting Requirements

- Each advisory committee meeting is held at a reasonable time and in a manner or place reasonably accessible to the public, to include facilities that are readily accessible to and usable by persons with disabilities.
- The following activities of an advisory committee are not subject to the notice and open meeting requirements of FACA.
 - *Preparatory work.* Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a meeting of the advisory committee, or to draft position papers for deliberation by the advisory committee; and
 - *Administrative work.* Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or to receive administrative information from a Federal officer or agency.

Designated Federal Officer (DFO) or DFO Designee Responsibilities

- Perform the duties assigned to the DFOs pursuant to FACA and its implementing regulations;
- Prepare required FACA committee documentation, including charters and membership balance plans, in accordance with Agency and GSA formatting guidelines;
- Ensure that all individuals recommended for appointment to a committee are properly vetted;
- Manage technical, administrative, and other arrangements for meetings;
- Ensure detailed minutes of each FACA committee meeting, including ones that are closed or partially closed to the public, are kept, and ensure they are certified in accordance with 41 CFR 102-3.165;
- Complete the Annual Comprehensive Review and keep the GSA FACA database up-to-date;
- Manage committee records in accordance with General Records Schedule 6.2; and
- Take annual FACA training.



Specific COMSTAC and FAA Items

- COMSTAC members are the COMSTAC members
 - You were chosen based on your knowledge and experience to represent the industry as a whole. There are no “company V” seats on COMSTAC.
 - You are encouraged to use your staffs to support the proposed taskings, research, recommendation development, opinions, etc. as COMSTAC works through tasks. Bringing those ideas forward is the members responsibility.
 - Your support staffs are welcome to listen in and support you, but they support you. Any recommendations, questions, comments, etc. should come from the member
 - If you cannot make a workgroup meeting, a support staff person can attend and take notes. However, they are not your substitute and cannot speak on your behalf



COMSTAC and FAA Specific (cont)

- Participation:
 - Generally two public meetings a year; projected dates for this year and next calendar year:
 - April 22, 2025
 - October 2025
 - Please let the Chair know as soon as possible that you will not be able to attend. We will ask you to step down if your schedules become too busy that you must miss two or more public meetings
 - Attending meetings is more than signing in at the beginning and at the end. There are votes taken during the public meeting, and you need to be present to vote



COMSTAC and FAA Specific (cont)

- Public meetings – minutes are taken and the public listens
- Workgroup meetings – information and administrative meetings:
 - Minutes are not taken
 - Free and open discussion among members
 - Generally, I will be in attendance (please invite me to all workgroup meetings)
- This is your opportunity to help AST, FAA, DOT, and the US Government improve how we serve the commercial space transportation industry, the American public, and indeed the world.
- **Please submit potential COMSTAC tasking topics to your Chair and Vice Chair for consideration**



FAA Links

- Public website

COMSTAC website: https://www.faa.gov/space/additional_information/comstac/

- Internal FAA Sharepoint which can be used as a collaboration site.

COMSTAC Sharepoint Page:

<https://ksn2.faa.gov/ast/Home/COMSTAC/SitePages/Home.aspx>

(If you do not have access to this website, please let me know and we will get that fixed.)



Questions

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