

# Aviation Rulemaking Advisory Committee (ARAC) Bylaws

Effective Date: September 16, 2016

## Section I: Purpose

The Federal Aviation Administration (FAA) Aviation Rulemaking Advisory Committee (ARAC) provides advice and recommendations to the FAA on a broad range of rulemaking activity.

The ARAC will undertake only FAA-assigned tasks and manage administrative issues, including the review and approval of recommendation reports. The ARAC, in coordination with the FAA, may establish subcommittees and/or working groups to support completion of the ARAC's tasks. A subcommittee does not work independently of the ARAC. All subcommittee recommendation reports are submitted to the ARAC for deliberation, discussion and approval. Working groups are *ad hoc* and therefore temporary in nature. Working groups address a specific task and dissolve upon completion of the assignment.

## Section II: Authority

The FAA Administrator determined the establishment of the ARAC is in the public interest. The ARAC is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter (FAA Order 1110.119R), filed with the Congress on September 17, 2016. All activities of the ARAC, including its technical support groups, will comply with FACA, (Title 5 of the United States Code (5 U.S.C.) App. 2) (Pub. L. 92-463; 86 Stat. 770), and the requirements in 41 Code of Federal Regulations (CFR) parts 101-6 and 102-3, Federal Advisory Committee Management; Final rule. (66 F.R. 37728, July 19, 2001).

The FAA Administrator is the ARAC's sponsor; the ARAC reports to the Administrator, through the Associate Administrator for Aviation Safety (AVS-1); and the Office of Rulemaking (ARM) provides support services.

## Section III: Membership Selection and Appointment

### A. ARAC

The ARAC currently consists of 26 voting member organizations, selected by the FAA Administrator, through the AVS-1. The member organizations represent parties of the aviation community directly and indirectly impacted by FAA regulations.

Member organizations nominate, and AVS-1 designates, ARAC member representatives who (1) hold appropriate authority in the designated organization to speak for it and the community or industry represented; (2) are not registered lobbyists participating on ARAC if participating in their "individual capacity" (registered lobbyists are allowed to participate on ARAC in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.) or state or local government"); (3) provide a balance in points of view regarding the functions and tasks to be performed by the ARAC.

AVS-1 also designates the Chairperson and the Vice Chairperson, who serve two-year terms. Normally, the Vice Chairperson will succeed the Chairperson.

The ARAC voting member associations and organizations are:

1. Aerospace & Defense Industries Association of Europe (ASD)
2. Aerospace Industries Association (AIA)
3. Aeronautical Repair Station Association (ARSA)
4. Air Line Pilots Association, International (ALPA)
5. Airlines for America (A4A)
6. Aircraft Electronics Association (AEA)
7. Aircraft Owners and Pilots Association (AOPA)
8. Airline Dispatchers Federation (ADF)
9. Airports Council International, N.A. (ACI)
10. Association of Flight Attendants (AFA)
11. Aviation Consumer Action Project (ACAP)
12. Boeing Commercial Airplane Group
13. Cargo Airline Association (CAA)
14. Experimental Aircraft Association (EAA)
15. Embry-Riddle Aeronautical University (ERAU)
16. General Aviation Manufacturers Association (GAMA)
17. Helicopter Association International (HAI)
18. International Association of Machinists and Aerospace Workers (IAMAW)
19. National Air Carrier Association, Inc. (NACA)
20. National Air Disaster Foundation (NADF)
21. National Association of Flight Instructors (NAFI)
22. National Business Aviation Association, Inc. (NBAA)
23. National Organization to Insure a Sound-control Environment (N.O.I.S.E)
24. Pratt & Whitney (P&W)
25. Regional Airline Association (RAA)
26. National Air Traffic Controllers Association (NATCA)

At the FAA's discretion, additional organizations may be added to the ARAC.

The European Aviation Safety Agency and Transport Canada Civil Aviation participate as non-voting members of ARAC. The FAA may consider other Civil Aviation Authorities for non-voting status upon request.

## **B. Subcommittee**

ARAC, in consultation with the DFO, may establish subcommittees to address a specific technology or segment of the aviation industry. The FAA will consider establishing a subcommittee when the FAA determines that multiple tasks with the same technical or industry expertise will be assigned to the ARAC.

The DFO confirms subcommittee member organizations to ensure the membership is fairly balanced in terms of knowledge, expertise, and points of view of those represented, and

functions to be performed by the subcommittee. Subcommittee member representatives (1) hold appropriate authority in the designated organization to speak for it and the community or industry represented; (2) provide a balance in points of view regarding the functions and tasks to be performed by the subcommittee; and (3) are not registered lobbyists participating on ARAC if participating in their “individual capacity” (registered lobbyists are allowed to participate on ARAC in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.) or state or local government”).

Currently, the Transport Airplane and Engine (TAE) Subcommittee addresses tasks related to design and production issues specific to the large aircraft and engine segments of the regulations and industry.

The TAE Subcommittee voting member associations and organizations are:

1. Pratt & Whitney
2. ALPA
3. A4A
4. ASD
5. Airbus
6. Boeing
7. GAMA
8. AIA
9. Bombardier
10. NADA/F
11. Embraer

At the FAA’s discretion, additional organizations may be added to the subcommittee.

The European Aviation Safety Agency, Transport Canada, and Agência Nacional De Aviação Civil (ANAC) participate as non-voting members of the subcommittee. The FAA may consider other Civil Aviation Authorities for non-voting status upon request.

### **C. Working Groups**

A working group should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task. A working group may include, but is not limited to, representatives of any of the ARAC member organizations.

The FAA Representative reviews the list of individuals who responded to the *Federal Register* notice. Each working group member should be selected based on his or her: (1) technical expertise in the task area; (2) range of perspective; (3) ability to effectively represent their constituent group and to participate fully; and (4) are not registered lobbyists participating on ARAC if participating in their “individual capacity” (registered lobbyists are allowed to participate on ARAC in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or

nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.) or state or local government”).

## **Section IV: Meeting Procedures**

The ARAC will meet approximately four times a year, to manage administrative issues, address subcommittee and working group assignments, provide final advice, and approve recommendation reports. Currently, the TAE Subcommittee meets approximately two times a year to manage administrative issues, address subcommittee and working group assignments, provide final advice, and approve recommendation reports

All ARAC and subcommittees meetings are open to the public, unless otherwise determined in advance, and the minutes are prepared, maintained and made publicly available as set forth in this Section. Working group meetings are not be open to the public nor are official minutes prepared or made publically available.

For each ARAC or subcommittee meeting, the Designated Federal Officer (DFO) or FAA Subcommittee Lead, in consultation with the Chairperson, will:

**A. Prepare an Agenda:** Any ARAC member or member of the public may submit items for the agenda to the DFO, FAA Subcommittee Lead, or the Chairperson. Agendas are outlined in the Federal Register and distributed to the ARAC or subcommittee members before each meeting.

**B. Keep Minutes and Records:** Minutes of all ARAC and subcommittee meetings must be prepared and include:

1. The time, date, and place of the meeting.
2. A list of the attendees at the meeting, including members of the public.
3. A complete and accurate description of matters discussed and conclusions reached with a description of public participation, including the members of the public who presented oral or written statements.
4. Copies of all materials received, issued, or approved.

The Chairperson of the ARAC or the subcommittee approves the accuracy of the minutes. Once approved, ARM will publish minutes on the FAA committee website and will be available to the public upon request. Working groups are not required to prepare meeting minutes.

**C. Meetings:** All ARAC and subcommittee meetings are open to the public, except as provided under Section 10(d) of FACA, as implemented by 41 CFR § 101-6.10, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and Department of Transportation (DOT) Order 1120.3B.

The FAA will consider public participation in determining when and where an ARAC or subcommittee meeting will take place.

Members of the public may attend any meeting or portion of a meeting and may, at the determination of the Chairperson, offer oral comment. 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 ARAC through the DFO at any time.

All materials brought before, or presented to, the ARAC during the conduct of a meeting, including the minutes of the proceedings of a meeting, will be available to the public for review or copying at the time of the scheduled meeting.

Working group meetings are not open to the public, but non-working group members may attend by invitation.

## **Section V: Role of ARAC Officials**

**Chairperson:** The Chairperson works with the DFO to establish priorities, identify issues to be addressed, determine the level and types of staff required, and serves as the focal point for the ARAC's membership. In addition, the Chairperson (1) presides over ARAC meetings; (2) is responsible for approving the accuracy of minutes; (3) designate working groups, determine the issues they are to address, and determine the length of their existence; and (4) submits the working group recommendation report to the FAA.

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

**Designated Federal Officer (DFO):** The Director of the Office of Rulemaking, ARM-1, serves as the FACA-required DFO for ARAC and serves as the government's representative for all matters related to the ARAC's activities. If ARM-1 is unavailable, an alternate DFO will serve in his or her place. The law requires the DFO to: (1) approve or call ARAC meetings; (2) approve agendas; and (3) ensure that a full-time salaried FAA official authorized to adjourn the meeting whenever doing so would be in the public interest is present at all ARAC meetings.

In addition, the DFO is responsible for providing adequate staff support for ARAC administrative functions, namely: (1) notifying members of the time and place for each meeting; (2) publishing meeting agendas in the *Federal Register*; (3) maintaining meeting records; (4) maintaining accurate membership records; (5) preparing the meeting minutes; (6) attending to official correspondence; (7) maintaining official records and filing all papers and submissions prepared for or by the ARAC; and (8) preparing and handling all reports, including the annual report as required by FACA.

**Subcommittee Chairperson:** The Subcommittee Chairperson may establish working groups to address subcommittee tasks. The Subcommittee Chairperson will (1) set the agenda for subcommittee meetings in coordination with the FAA Subcommittee Lead; (2) preside subcommittee meetings; (3) assume responsibility for tasks assigned to the subcommittee; (4) oversee the subcommittee working groups; (5) approve the accuracy of the meeting minutes; (6) communicate subcommittee activities to ARAC during public meetings; and (7) submit accepted recommendation reports to ARAC for approval.

**FAA Subcommittee Lead:** The FAA Subcommittee Lead (1) serves as the FAA's spokesperson for all activity within the subcommittee; (2) approves each agenda and attends

each subcommittee public meeting; (3) adjourns each subcommittee public meeting when he or she deems it to be in the public interest; and (4) serves as the focal point for all communications between the ARAC and the FAA when an issue in the subcommittee is addressed.

**Working Group Chairperson:** The Working Group Chairperson, who is selected by the FAA and works with the FAA Representative throughout the duration of the working group (1) calls all meetings of the working group and determines where they are to be held; (2) notifies all working group members of the time, place, and agenda for any meeting; (3) assumes responsibility for tasks assigned to the working group; (4) reports updates to the ARAC or the subcommittee, as appropriate; and (5) submits the final recommendation report.

**FAA Representative:** The FAA Representative is selected from the sponsoring office to serve on ARAC and subcommittee working groups. The FAA Representative: (1) develops the tasking; (2) selects and notifies the working group members and the Working Group Chair; (3) briefs the working group about the tasking; (4) assists the Chairman in calling meetings and developing meeting agendas; (5) provides the FAA's position; (6) attends all meetings and is authorized to adjourn the meeting whenever doing so would be in the public interest; and (7) reports progress to FAA management.

## **Section VI: Role of ARAC and Subcommittee Member Representatives**

ARAC and subcommittee member representatives, or alternates, are expected to:

1. Attend ARAC meetings in person or by the alternative means provided.
2. Represent the member organization in a manner that ensures its position is incorporated in the advice and recommendations made by the ARAC.
3. Use available resources to seek information, opinions and data from members of the community, public or industry represented, so it may represent the interests of their segment of the aviation industry as well as the industry in general.
4. Join or otherwise actively support one or more of the subcommittees and/or working groups.
5. Review and approve ARAC and subcommittee working group recommendation reports.
6. Inform the ARAC Chairperson or Subcommittee Chairperson and the DFO when he or she can no longer represent his or her organization/association on ARAC or the subcommittee.

## **Section VII: Reimbursement**

Members of the ARAC serve without compensation. Transportation and per diem expenses may be paid when necessary and appropriate.

## **Section VIII: Registered Lobbyist**

All persons participating with ARAC at any level will be vetted through the U.S. House and Senate registered lobbyist database to determine whether the person is a federally registered lobbyist subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605, at the time of appointment or reappointment to the ARAC.

The Office of Management and Budget (OMB) issued guidance on August 13, 2014 revising a June 18, 2010 Presidential memorandum “Lobbyists on Agency Boards and Commissions.” The revised guidance continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The policy applies to all persons who are serving in an individual capacity as members of ARAC and any of its subcommittees or other work groups that performs preparatory work for ARAC. Committee members do not include individuals who are invited to attend meetings of committees on an ad hoc basis. Lobbyists may also appear or otherwise communicate with a committee to provide testimony, information, or input in the same manner as non-lobbyists who are not members of or appointees to ARAC.

However, the revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.) or state or local government.”

An individual who has previously served as a federal registered lobbyist may be appointed or re-appointed in an individual capacity only if he or she has either filed a bona fide de-registration or has been de-listed by his or her employer as an active lobbyist reflecting the actual cessation of lobbying activities or it they have not appeared on a quarterly lobbying report for three consecutive quarters as a result of their actual cessation of lobbying activities.

FAA staff will consult with ARM-1 and AGC-200 if there are any questions regarding whether a person being considered for an appointment to ARAC falls within the prohibitions on participation. For further information, see OMB “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions.” (79 FR 47482, August 13, 2014.)

### **Section IX: Additional Information**

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