



**Federal Aviation
Administration**

Bylaws for the Commercial Space Transportation Advisory Committee (COMSTAC)

November 27, 2019

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

Section I. Purpose

These bylaws are intended to support the Charter for the Commercial Space Transportation Advisory Committee (COMSTAC) by providing detailed information on governance, roles and responsibilities, and operating norms. COMSTAC is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter, filed with the Congress on June 26, 2019. The current Charter and these Bylaws supersede all previous charters, memoranda, bylaws, and other documents related to COMSTAC.

Section II. Membership

As stated in paragraph 12 of the COMSTAC Charter, the Secretary of Transportation appoints all Committee members. The Secretary also appoints a Chair and Vice Chair from among the membership. The role of the Chair and Vice Chair are to ensure that COMSTAC activities directly support priorities identified by DOT. In their role, the Chair and Vice Chair direct Working Groups established by COMSTAC, identify and recommend additional subject matter experts as needed, and work with the Designated Federal Official to ensure complete awareness of committee activities.

Under Executive branch ethics provisions and according to DOT Policy, Committee representative members are expected to represent the views of their industry segment or other identifiable stakeholder group; Special Government Employees (SGE) members are appointed on the basis of their expertise to provide independent, unbiased views and opinions to the COMSTAC. SGEs are subject to federal ethics and conflict of interest rules and must complete certain training and financial disclosure requirements. The Designated Federal Officer (DFO) will contact each member before their 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 Secretary may designate a person to fill the vacancy for a new two-year term based on the recommendation of the FAA Administrator and the Associate Administrator for Commercial Space Transportation (AST).

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 and is expected to do so at least one month in advance of their planned resignation. Once the resignation is accepted, AST will initiate the appointment process for a successor as appropriate. The same process applies for members who may become ineligible during their terms (e.g.: by leaving the space industry or retiring).

Section III: Meeting Procedures

The COMSTAC will hold public meetings approximately twice a year based on a schedule as agreed between the FAA and the COMSTAC members, and subject to the approval of the Secretary of Transportation. Working Groups will meet as needed and as instructed by the DFO and the FAA. The DFO will establish 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 propose items for the agenda to the DFO two weeks in advance of the meeting. Non-

members, including members of the public, may also propose agenda items to the DFO. All agenda items discussed by the COMSTAC will support the mission of the Office of Commercial Space Transportation. The DFO will approve all VIP speakers at public meetings.

B. Minutes and Records: The FAA will prepare minutes of each meeting and send them to the Chairperson and Working Group leadership for review; following this review the draft minutes will be provided to COMSTAC members for their review and concurrence. 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 the time, date, and place of the advisory committee meeting, and 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 of the COMSTAC where deliberation and vote-taking takes place 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 will be available to the public for review or copying at the time of the scheduled meeting, or as soon thereafter as practicable. 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. In consultation with the DFO, 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. Administrative Meetings and Preparatory Work: In accordance with 41 CFR § 102-3.160 (a) and (b), gatherings of COMSTAC members or subcommittee members solely to receive or discuss administrative information with federal officials, or solely to perform preparatory work for a full COMSTAC meeting (including information exchange), are excluded from procedural and openness requirements. Preparatory work is defined as two or more members or Working Group members meeting to gather information, conduct research, or analyze relevant issues and facts, or drafting position papers for consideration by the COMSTAC.

Section IV: 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 administrative related votes, such as approval of meeting minutes, may be done via email. When an email vote is appropriate, the DFO or 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 the membership is required, defined for COMSTAC fifty percent of the membership plus one. 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 two (2) consecutive public meetings.

Section V: Working Groups and Task Forces

COMSTAC may establish Working Groups to address public safety-related topics and/or the development of the commercial space industry, as defined by the DFO. The COMSTAC Chairperson may create a Task Force to work on a specific issue requiring a timely response and/or specialized expertise. The COMSTAC Chairperson in consultation with the DFO, will select the membership, designate the remit of a given Working Group or Task Force, determine the issues to be addressed, and establish the tenure of a Task Force. Members of industry and the general public may be selected to participate in a Working Group or Task Force by the DFO and Working Group Chairperson or COMSTAC Chairperson for a Task Force if the DFO determines such participation would benefit the objectives of the Working Group.

Section VI: Selection of Committee Officials

Section 12.d. of the COMSTAC charter describes the process for selecting the committee Chair and Vice Chair. The DFO and COMSTAC Chairperson select the Working Group Chairpersons and Working Group Vice Chairpersons from among COMSTAC members.

Section VII: Role of Committee Officials

Chairperson: The Chairperson, with the approval of the DFO, works to identify priorities, issues to be addressed, and serves as the focal point for the COMSTAC's membership. In addition, the Chairperson is responsible for ensuring the participation of COMSTAC members and for ensuring the accuracy of meeting minutes and any other COMSTAC documentation.

Vice Chairperson: The Vice Chairperson works with the DFO and Chairperson to ensure the effectiveness of the COMSTAC proceedings. 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 if applicable, and report back to the full COMSTAC.

Working Group Vice Chairperson: The Working Group Vice Chairperson works with the Working Group Chairperson to ensure the effectiveness of the Working Group proceedings. If the Working Group Chairperson is unavailable, the Working Group Vice Chairperson will serve in his or her place.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the COMSTAC's activities and is designated to direct priorities on behalf of the FAA. 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, or ensure that a full-time salaried FAA official authorized to do so adjourns the meeting, when such adjournment is in the public interest; and (5) chair meetings of the COMSTAC, when so directed by the agency head. 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 Working Group and Task 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 Working Groups and Task 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 VIII: Role of COMSTAC Members

COMSTAC membership includes the responsibility to attend COMSTAC meetings personally.

COMSTAC Chairperson may ask members to provide other subject matter experts from their organization for ad hoc efforts.

Voting responsibilities are detailed in Section IV.

SGEs are responsible for ensuring they meet all ethical, financial disclosure, and other legal requirements of their position on the COMSTAC.

Section IX: Expenses and Reimbursement.

Expenses related to managing the COMSTAC will be borne by the FAA. Members of the COMSTAC serve without compensation. Transportation and per diem expenses may be paid when necessary and appropriate as determined by the DFO.

Section X: Registered Lobbyists

All potential COMSTAC members 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 COMSTAC.

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 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.”

FAA staff will consult with the FAA’s Office of the Chief Counsel (AGC) if there are any questions regarding whether a person being considered for an appointment to the COMSTAC 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 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.