CHARTER OF THE ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION U.S. DEPARTMENT OF TRANSPORTATION

1. **COMMITTEE'S OFFICIAL DESIGNATION:** The Committee shall be known as the Advisory Committee for Aviation Consumer Protection (ACACP).

2. **AUTHORITY:** This charter establishes the ACACP pursuant to section 411 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, 126 Stat. 11 (2012), and sets forth policies for its operation. The ACACP is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The ACACP shall advise the U.S. Secretary of Transportation (the Secretary) in carrying out activities related to airline customer service improvements.

4. **DESCRIPTION OF DUTIES:** At the discretion of the Secretary, or his designee, the ACACP will carry out the following tasks:

   a. Evaluate existing aviation consumer protection programs and provide recommendations to the Secretary for the improvement of such programs, if needed; and

   b. Provide recommendations to the Secretary for establishing additional aviation consumer protection programs, if needed.

5. **OFFICIAL TO WHOM THE ACACP REPORTS:** The ACACP shall report to the Secretary through the Office of the General Counsel.

6. **SUPPORT:** The Office of the General Counsel in the Office of the Secretary serves as Sponsor of the ACACP.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:**

   a. Operating expenses are borne by the Office of the Secretary. The estimated annual cost to the Government is $110,000, inclusive of .2 staff years, to cover meeting logistics (e.g., meeting expenses, travel, and other support costs) and technical support (e.g., establishing and managing a repository of documents associated with ACACP business, as well as drafting, reviewing, and editing ACACP documents and correspondence).

   b. Members of the ACACP shall serve without pay but may receive travel and per diem expenses in accordance with 5 U.S.C., chapter 57, subchapter I.

8. **DESIGNATED FEDERAL OFFICER AND ACACP CHAIRPERSON:**

a. The Assistant General Counsel for Aviation Enforcement and Proceedings will serve as the Designated Federal Official (DFO) for the ACACP.

b. The DFO approves or calls all of the ACACP and subcommittee meetings, develops and approves the agenda in advance in consultation with the Chairperson, and must be present at each ACACP meeting. The DFO chairs meetings when directed to do so by the official to whom the ACACP reports and has the authority to adjourn meetings whenever such action is deemed to be in the public interest. The DFO works with the Chairperson to maintain order.

c. The DFO shall furnish detailed minutes of each ACACP meeting to the Sponsor. The Chairperson shall certify the accuracy of the minutes.

d. Under 49 U.S.C. § 41708, authority is delegated to the DFO to require special reports to carry out the duties of the ACACP.

e. The Chairperson of the ACACP shall be designated by the Secretary from among the individuals appointed to the ACACP.

f. The Chairperson conducts each meeting using generally accepted meeting management techniques, provides an opportunity for participation by each member and by public attendees, ensures adherence to the agenda, works with the DFO to maintain order, and prepares any recommendations to be submitted to the Secretary.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:**

a. Meetings will be held in Washington, DC, at the call of the DFO. The ACACP will meet no more than four times during each 12-month period following the ACACP's establishment. Special meetings and subcommittee meetings may be called as necessary. Notice of each scheduled ACACP meeting will be published at least 15 calendar days prior to the date of the meeting in the *Federal Register*. Notice shall include the agenda, date, time, location, and purpose of the meeting.

b. All meetings will be 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 DOT Order 1120.3B. Members of the public will be given the opportunity to appear before or file statements with the ACACP as determined by the DFO.

10. **DURATION:** Continuing, subject to renewal every 2 years, in accordance with applicable law.

11. **TERMINATION:** The ACACP shall terminate on September 30, 2015.

12. **MEMBERSHIP AND DESIGNATION:**

a. The ACACP will be composed of individuals appointed by the Secretary in accordance with 41 CFR 102-130.3 (a). ACACP members will be comprised of one representative each of:

i. air carriers;
ii. airport operators;
iii. State or local governments with expertise in consumer protection matters; and
iv. nonprofit public interest groups with expertise in consumer protection matters.

b. Nonparticipation by any member in ACACP activities will be sufficient reason for the appointment of a replacement member by the Secretary.

13. **SUBCOMMITTEES:** The DFO may establish subcommittees to perform specific assignments. The Chairman may designate members to serve on the subcommittees.

a. Subcommittees shall not work independently of the chartered ACACP, shall report all of their recommendations and advice to the full ACACP, and shall not provide advice or work products directly to the Sponsor or any Federal agency.

b. Any recommendations by subcommittees are subject to approval by the ACACP as a whole in order to become recommendations to the Secretary.

14. **RECORDKEEPING:** Pursuant to 5 U.S.C. § 552, the records, reports, minutes, agendas, and other documents made available to or by the ACACP will be available for public inspection and duplication through the Office of the Secretary. An agency docket will be established for the ACACP to meet this objective. To the extent that there is a discussion of issues concerning ongoing rulemaking proceedings during a ACACP meeting, the minutes of that meeting will be placed in the appropriate docket.

15. **REPORTS:** Not later than October 15th of each of the first two calendar years beginning after the effective date of this charter, the ACACP shall submit to the Secretary a summary of its recommendations concerning any needed improvements to existing aviation consumer protection programs and the need for establishing any additional aviation consumer protection programs.

16. **FILING DATE:** May 24, 2012, is the filing date for this charter. Unless renewed, it will expire 2 years from that date or on September 30, 2015, whichever is earlier.