

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

1. **COMMITTEE'S OFFICIAL DESIGNATION:** The Committee shall be known as the Aviation Consumer Protection Advisory Committee (ACPAC).
2. **AUTHORITY:** The Committee is established pursuant to section 411 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, 126 Stat. 11 (2012), as amended, and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. ch. 10.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The ACPAC shall advise the U.S. Secretary of Transportation (Secretary) in carrying out U.S. Department of Transportation activities related to aviation consumer protection activities.
4. **DESCRIPTION OF DUTIES:** The ACPAC 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;
 - b. Examine whether additional Departmental policies, guidance, regulations or other actions are necessary to ensure the disclosure of key airline ancillary fee information at the time of ticket purchase, improve notification to consumers of any potential change or cancellation fees prior to a transaction being completed, increase consumer awareness of how and where to access airline flight information including flights of new or lesser known airlines, and safeguard consumers from practices that may constitute unfair, deceptive or anticompetitive practices; and,
 - c. The ACPAC may submit to the Secretary reports with recommendations, if any, concerning any needed improvements to existing aviation consumer protection programs and the need for establishing any additional aviation consumer protection programs.
5. **OFFICIAL TO WHOM THE ACPAC REPORTS:** The ACPAC shall report to the Secretary of Transportation through the Office of the General Counsel in the Office of the Secretary.
6. **SUPPORT:** The Office of the General Counsel serves as Sponsor of the ACPAC.
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 \$100,000 and 0.3 staff years to cover meeting logistics (e.g., meeting expenses, travel, and other support costs), technical support (e.g.,

establishing and managing a repository of documents associated with ACPAC business), and giving presentations at committee meetings.

- b. Members of the ACPAC 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 ACPAC CHAIRPERSON:**

- a. The Assistant General Counsel for the Office of Aviation Consumer Protection, or designee, will serve as the Designated Federal Official (DFO) for the ACPAC.
- b. The DFO approves or calls all of the ACPAC and subcommittee meetings, develops and approves the agenda in advance in consultation with the Chairperson, and must be present at each ACPAC meeting. The DFO chairs meetings when directed to do so by the official to whom the ACPAC 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 minutes of each ACPAC meeting to the Sponsor. The Chairperson shall certify the accuracy of the minutes.

9. **MEETINGS:**

- a. Frequency: Meetings will be held in person in Washington, D.C. and/or through a publicly accessible virtual format, at the discretion of the DFO. It is anticipated that the ACPAC will meet two times during each 12-month period following the ACPAC's establishment. Special meetings and subcommittee meetings may be called as necessary. Notice of each scheduled ACPAC 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. Participation of the Public: All meetings will be open to the public, except as provided under section 10(d) of FACA, as implemented by 41 CFR Part 102-3, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), and DOT Order 1120.3D. Members of the public will be given the opportunity to appear before or file statements with the ACPAC as determined by the DFO.
- c. Voting: A quorum must exist for any official action, including voting on a recommendation, to occur. A quorum exists whenever three of the appointed members are present, whether in person and/or virtually. In any situation involving voting, the majority vote of members will prevail, but the views of the minority will be reported as well. If there is no majority vote, the result 'No Consensus' must be reported, followed by the views of each voting faction. Any member, including the Chairman, may make a motion for a vote.

10. **DURATION:** Continuing.

11. **TERMINATION:** This charter shall terminate two years from its filing date unless otherwise renewed in accordance with FACA.

12. **MEMBERSHIP AND DESIGNATION:**

a. The ACPAC will comprise individuals appointed by the Secretary in accordance with 41 CFR 102-3.130(a). ACPAC members will be one representative each of:

1. air carriers;
2. airport operators;
3. State or local governments with expertise in consumer protection matters; and
4. nonprofit public interest groups with expertise in consumer protection matters.

b. Members serve at the pleasure of the Secretary and may be replaced at any time for any reason, including non-participation. Members' terms shall commence when they are appointed by the Secretary and shall not exceed two years or the authorized period of the Committee, whichever is shorter.

c. In exceptional circumstances, members can designate alternates who would be officially authorized to act on their behalf in their absence. The members will ensure the attendance of their alternates at the ACPAC meetings when the members cannot be present.

d. The Chairperson of the ACPAC shall be designated by the Secretary from among the individuals appointed to the ACPAC.

e. The Chairperson conducts each meeting using generally accepted meeting management techniques, provides an opportunity for participation by each member and, as appropriate, 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.

13. **SUBCOMMITTEES:**

a. The DFO may establish subcommittees to perform specific assignments. Subcommittees shall not work independently of the chartered ACPAC, shall report all of their recommendations and advice to the full ACPAC, and shall not provide advice or work products directly to the Sponsor or any Federal agency.

b. To assist the ACPAC in developing recommendations to the Secretary, the DFO shall establish the Anti-Discrimination Subcommittee as a subcommittee of the ACPAC. The Anti-Discrimination Subcommittee will review airlines' policies, procedures, and practices to prevent discrimination against air travelers based on race, color, national origin, religion, ancestry and sex (including sexual orientation and gender identity). The Anti-Discrimination Subcommittee will develop recommendations for consideration by the ACPAC on best practices relating to

training and other actions that can be taken by DOT, airlines or others to ensure nondiscriminatory delivery of airlines' programs and activities to air travelers. The Secretary or designee shall select a representative of the following entities to serve on the Anti-Discrimination Subcommittee:

1. Persons of diverse racial, ethnic and religious backgrounds.
2. Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons;
3. National organizations that represent diverse racial, ethnic and religious communities;
4. National organizations that represent LGBTI communities;
5. Airlines;
6. Airport operators;
7. Contract service providers; and
8. Ticket agents.

14. **RECORDKEEPING:** The records of the Committee, formally and informally established subcommittees, or other subcommittees of the Committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552. An agency docket will also be established for ACPAC documents. To the extent that there is a discussion of issues concerning ongoing rulemaking proceedings during an ACPAC meeting, the minutes of that meeting will be placed in the appropriate docket.

15. **FILING DATE:** The filing date of this charter is 07-19-2023, unless renewed, it will expire on 07-19-2025.