

RENEWED CHARTER OF THE ANTI-DISCRIMINATION SUBCOMMITTEE

A SUBCOMMITTEE OF THE AVIATION CONSUMER PROTECTION ADVISORY COMMITTEE U.S. DEPARTMENT OF TRANSPORTATION

1. **SUBCOMMITTEE'S OFFICIAL DESIGNATION**: The subcommittee shall be known as the Anti-Discrimination Subcommittee.
2. **AUTHORITY**: This charter establishes the Anti-Discrimination Subcommittee as a subcommittee of the Aviation Consumer Protection Advisory Committee (ACPAC), which is an advisory committee established in accordance with provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES**: The Anti-Discrimination Subcommittee will review airlines' policies, procedures, and practices to prevent discrimination against air travelers based on race, ethnicity, national origin, religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310. The Anti-Discrimination Subcommittee will provide recommendations to the ACPAC for consideration by the Secretary of the U.S. Department of Transportation on best practices related to training and other practices or actions that can be taken by DOT, airlines or others to ensure nondiscriminatory delivery of airlines' programs and activities to air travelers.
4. **DESCRIPTION OF DUTIES**: The Anti-Discrimination Subcommittee will carry out the following tasks:
 - (a) Review Federal non-discrimination statutes and Departmental guidance and policies related to non-discrimination on the basis of race, ethnicity, national origin, religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310;
 - (b) Review the U.S. Government Accountability Office's August 2019 report on airlines' non-discrimination training programs;
 - (c) Review airlines' policies, procedures and practices to prevent discrimination against air travelers based on race, ethnicity, national origin, religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310;
 - (d) Review complaints from individuals alleging discrimination on the basis of race, ethnicity, national origin, religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310 in air transportation;
 - (e) Identify and assess barriers, if any, in reporting and resolving complaints from passengers alleging discrimination on the basis of race, ethnicity, national origin,

- religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310 in air transportation;
- (f) Determine the content of the non-discrimination training, if any, that airlines provide their employees and contractors who deal with the public, including whether implicit bias is addressed;
 - (g) Develop recommendations for consideration by the ACPAC on best practices related to policies, training, and other actions that can be taken by DOT, airlines and others to ensure nondiscriminatory delivery of airlines' programs and activities to air travelers;
 - (h) Evaluate the extent to which the programs and activities of the Department of Transportation adequately address discrimination in air transportation and examine whether additional departmental policies, guidance, or regulations or other actions are necessary to prevent discrimination and ensure all airline passengers are treated equally and without bias;
 - (i) Review specific industry actions that have been taken to advance non-discrimination and whether these or other additional actions by airlines would be beneficial; and
 - (j) Consider other actions, if needed, to combat discrimination on the basis of race, ethnicity, national origin, religion, ancestry, gender, gender identity, and sexual orientation or otherwise prohibited under 49 U.S.C. § 40127(a) and 49 U.S.C. § 41310 in air transportation.
5. **OFFICIALS TO WHOM THE COMMITTEE REPORTS:** The Anti-Discrimination Subcommittee shall report its recommendations and findings to the ACPAC through the ACPAC Chair. The Report will be made available to the public.
6. **SUPPORT:** The Department's Office of the General Counsel will sponsor the Anti-Discrimination Subcommittee.
7. **DESIGNATED FEDERAL OFFICER AND SUBCOMMITTEE CHAIRPERSON(S):**
- (a) The Assistant General Counsel for the Office of Aviation Consumer Protection, or designee, will serve as the Designated Federal Officer (DFO) for the Anti-Discrimination Subcommittee.
 - (b) The Chairperson(s) of the Subcommittee shall be designated by the DOT General Counsel.
 - (c) The DFO, or designee, approves or calls all Anti-Discrimination Subcommittee meetings, develops and approves the agenda in advance of consultation with the Chairperson(s), and must be present at each ACPAC meeting. The DFO chairs meetings when directed to do so by the official to whom the Anti-Discrimination Subcommittee 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(s) to maintain order.

- (d) The Chairperson(s) conducts each meeting using generally accepted meeting management techniques, provides an opportunity for participation by each member and ensures adherence to the agenda, works with the DFO to maintain order, and prepares any recommendations to be submitted to the ACPAC.

8. **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 Anti-Discrimination Subcommittee will meet at least twice during a 24-month period following its establishment.
- (b) Participation of the Public: The Anti-Discrimination Subcommittee meetings are not required to be open to the public so long as the Anti-Discrimination Subcommittee is not reporting its recommendations directly to a Federal agency or official, and its recommendations will not be adopted by its parent committee (i.e., the ACPAC) without further deliberations by that parent committee. 41 CFR § 102-3.145.

9. **DURATION:** Two years.

10. **TERMINATION:** The Anti-Discrimination Subcommittee will terminate within two years of formation or earlier at the discretion of the Secretary or designee, unless renewed.

11. **MEMBERSHIP AND DESIGNATION:**

- (a) The Secretary or designee shall select the following entities and diverse persons to serve on the Anti-Discrimination Subcommittee:
 - i. Persons of diverse backgrounds in race, ethnicity, religion, and gender;
 - ii. Lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQ+) persons;
 - iii. National organizations that represent diverse racial, ethnic, and religious communities;
 - iv. National organizations that represent LGBTQ+ communities;
 - v. Airlines;
 - vi. Airport operators;
 - vii. Contractor service providers; and
 - viii. Ticket agents.
- (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 or designee and shall not exceed two years.

12. **REPORTS**: The Anti-Discrimination Subcommittee shall submit a report to the ACPAC with recommendations, if any, of training and other practices or actions that can be taken by DOT, airlines or others to ensure nondiscriminatory delivery of airlines' programs and activities to air travelers. The contents of this report shall be public and will receive full review, deliberation, and proper consideration by the ACPAC before any final recommendations are reported to any Federal officer.

13. **FILING DATE**: The filing date for this renewed charter is July 19, 2023. This charter will expire on September 28, 2024, unless renewed.