

NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE CHARTER

1. Committee's Official Designation (Title):

National Security Telecommunications Advisory Committee (NSTAC)

2. Authority:

The NSTAC is established under the authority of Executive Order 12382, dated September 13, 1982, as amended. The NSTAC is established in accordance with and shall operate under the provisions of the Federal Advisory Committee Act (FACA), Title 5, United States Code Annotated, Appendix 2.

3. Objectives and Scope of Activities:

- A. The NSTAC shall provide to the President, through the Secretary of Homeland Security, information and advice on national security and emergency preparedness (NS/EP) telecommunications. Recommendations shall be from the perspective of industry with respect to the implementation of key policy and implementation activities including, but not limited to, Executive Order 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," and National Security Decision Directive Number 97 (NSDD-97), "National Security Telecommunications Policy."
- B. The NSTAC will address matters pertaining to NS/EP telecommunications (including both cyber and telephonic communications). The NSTAC will coordinate NS/EP communications interdependency issues with the National Infrastructure Advisory Council (NIAC) and maintain a written record of coordination efforts.
- C. Matters for NSTAC study shall be approved by the Manager of the National Communications System (NCS), in coordination with the National Security Staff. In addition, funding shall be approved by the Manager of the NCS.

4. Description of Duties:

The duties of the NSTAC are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The NSTAC will report in writing to the President of the United States through the Secretary of Homeland Security, via the Designated Federal Officer (DFO).

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security (DHS) shall be responsible for providing financial and administrative support to the NSTAC. Within DHS, the Office of the Manager of the National Communications System (NCS) shall provide this support.

7. Estimated Annual Operating Costs and Staff Years:

- A. The estimated annual cost of operating the NSTAC and its subcommittees is \$1,865,733 including travel expenses, per diem, contractor support, and 5.0 staff years of support.
- B. Members of the NSTAC will serve on the committee without compensation. However, to the extent permitted by law, members shall be entitled to travel expenses, including per diem in lieu of subsistence.

8. Designated Federal Officer:

The Manager of the NCS shall appoint the Designated Federal Officer (DFO) and an Alternate DFO. The DFO or the Alternate DFO shall approve or call NSTAC meetings, attend all committee and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair the meeting in the absence of the designated Chair and Vice Chair.

9. Estimated Number and Frequency of Meetings:

The NSTAC will meet approximately once every 12 months in person and otherwise at the call of the Chair with the approval of the DFO or Alternate DFO. NSTAC meetings shall be open to the public unless a determination is made by the appropriate DHS official in accordance with DHS policy and directives that the meeting should be closed in accordance with Title 5, United States Code, subsection (c) of 552b.

10. Duration:

As authorized in section 1(n) of Executive Order 13511 dated September 29, 2009, the NSTAC shall continue until September 30, 2011.

11. Termination:

This charter is in effect until September 30, 2011, unless sooner terminated.

12. Member Composition:

The NSTAC will be composed of up to 30 members who are appointed by and serve at the pleasure of the President, in accordance with Executive Order 12382. Members are appointed to represent elements of the National telecommunications industry and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code. Members will serve a

three-year term and may, upon re-appointment, serve multiple terms. In the event the NSTAC terminates, all appointments to the NSTAC shall terminate.

In addition to inviting the Secretary of Homeland Security or designee, the NSTAC may invite other officials of Executive Branch agencies, including the Federal Communications Commission, to attend meetings of the NSTAC and participate in the activities of the Committee and its subcommittees as the NSTAC Chair deems appropriate and as permitted by the FACA.

13. Officers:

The President shall designate a Chair and Vice Chair from among the members of the NSTAC. The Chair and Vice Chair will each serve for a two-year term. The NSTAC Chair shall preside at all NSTAC meetings. With the approval of the DFO, the NSTAC Chair may establish such other procedures, consistent with this Charter, Executive Order 12382, the FACA, and any other applicable law. The Vice Chair will act as Chair in the absence of the Chair.

14. Subcommittees:

The NSTAC may establish subcommittees for any purpose consistent with this charter subject to the approval of the DFO. Such subcommittees may not work independently of the chartered committee and must report their recommendations and advice to the NSTAC members for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the NSTAC and may not report or provide advice or recommendations directly to the Federal government or any entity other than the NSTAC. Notwithstanding the preceding restrictions on NSTAC subcommittees, such a subcommittee that is properly established pursuant to the full requirements of 41 CFR § 102-3.70(c) may report directly to a Federal officer or agency.

15. Recordkeeping:

The records of the NSTAC, formally and informally established subcommittees or other subgroups of the committee, shall be handled in accordance with The Presidential Records Act (PRA) of 1978 (Title 44, United States Code, section 2201-2207), or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the Freedom of Information Act (Title 5, United States Code, section 552).

16. Filing Date:

January 25, 2010
Department Approval Date

January 25, 2010
CMS Consultation Date

January 25, 2010
Date Filed with Congress