

PRESIDENT’S NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE BYLAWS

DATE: November 9, 2023

Article I Authority

- Section 1. The President’s National Security Telecommunications Advisory Committee (NSTAC) is established under the authority of Executive Order (EO) 12382, President's National Security Telecommunications Advisory Committee, dated September 13, 1982, as amended by EO 13286, and continued under the authority of EO 14109, dated September 29, 2023. The NSTAC (the Committee) shall be organized and operate in accordance with the Federal Advisory Committee Act (FACA), as amended (Title 5, United States Code [U.S.C.] Chapter 10); EO 12382, as amended; other presidential directives; the NSTAC Charter; and these bylaws.
- Section 2. The provisions of the FACA, as amended (5 U.S.C. Chapter. 10), EO 12382, as amended, and the NSTAC Charter shall govern in the event of any conflict between the provisions thereof and these bylaws.

Article II Purpose

The NSTAC provides information and advice to the President of the United States (President), through the Secretary of Homeland Security (Secretary), in his or her capacity as the Executive Agent for the Committee. This information and advice shall pertain to information assurance, cybersecurity, and the information and communications technology (ICT) ecosystem from the perspective of relevant industries with respect to national security and emergency preparedness (NS/EP) concerns. The Committee will address matters pertaining to mission-critical NS/EP ICT, including telecommunications (such as emerging technologies, broadband, public safety, communications infrastructure protection, and cybersecurity), as outlined in the Committee’s charter.

Article III Membership and Member Responsibilities

- Section 1. Composition. The NSTAC will be composed of no more than 30 members. These members shall have knowledge and expertise in the fields of cybersecurity and ICT and shall represent various elements of the U.S. telecommunications industry, including, but not limited to, information technology, information assurance, electronics, cable, and broadcast industries. The Committee provides the President, through the Secretary, with consensus advice or recommendations.
- Section 2. Appointment. Members of the Committee are appointed by and serve at the pleasure of the President. Appointments are based on the person and representation in industry and cannot be transferred to another individual.

Additionally, membership is not contingent upon the organization for which the member works, but rather is based on an individual's knowledge and expertise as they relate to the NSTAC's mission. Members may not designate another person to attend meetings, participate in discussions, or vote on Committee products on their behalf. If a member's affiliation changes, the member must inform the National Security Council and the NSTAC Designated Federal Officer (DFO). Additionally, if it is the intent of the member to resign, he or she must submit the request in writing to the President and to the DFO.

Section 3. Terms of Office. Members will serve at the pleasure of the President. In the event that the NSTAC terminates, all appointments to the NSTAC shall also terminate.

Section 4. Security Clearances. All members of the Committee are required to have a government security clearance at the Top Secret/Sensitive Compartmented Information (TS/SCI) level, to ensure that they can fully participate in any classified activities. If a member does not possess a security clearance at the time he or she is appointed, the Department of Homeland Security (DHS) will sponsor the member for a TS/SCI clearance.

Section 5. Members' Responsibilities. Members are expected to personally attend and participate in Committee meetings and conference calls. The DFO will recommend to the Executive Office of the President (EOP) that any member who is unable to fulfill his or her responsibility be removed from the Committee.

The DFO may recommend NSTAC members for removal for reasons such as, but not limited to: missing two consecutive meetings, or not participating in the Committee's work; failing to obtain a TS/SCI clearance; and engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 6. Restriction on Members' Activities.

- a. Members may not use their access to the federal government as a member of this Committee for the purpose of soliciting business for or otherwise seeking economic advantage for themselves, their companies, or their employers. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence including, but not limited to, draft reports, draft letters, subcommittee materials, or other pre-decisional documents.
- b. The Committee may advise the President, through the Secretary, on legislation or may recommend legislative action. In their capacities as members of the NSTAC, individual members may not petition or lobby Congress for or against specific legislation or encourage others to do so.
- c. NSTAC members are advisors to the President and have no authority to speak for the President, the NSTAC, the Cybersecurity and Infrastructure Security Agency (CISA), or DHS.

- d. Members may not testify before Congress in their capacity as an NSTAC member. If requested to testify before Congress in any capacity other than as a member, NSTAC members:
 1. Cannot represent or speak for the Committee, any agency, or the President in their testimony;
 2. Cannot provide information or comment on Committee recommendations that are not yet publicly available;
 3. May state they are a member of the Committee; and
 4. May speak to their personal observations as to their service on the Committee.
- e. When speaking outside the Committee structure at other forums or meetings, the restrictions in Section (d) also apply.

Article IV Officials

Section 1. Chair and Vice Chair. The President shall designate a Chair and a Vice Chair from among the Committee members for a term of up to two years. The NSTAC Chair will preside at all NSTAC meetings. The Vice Chair will preside in the absence of the Chair. The Chair and Vice Chair are expected to facilitate Committee meetings and moderate all Committee deliberations. The Chair and Vice Chair will receive taskings from the EOP or the DFO.

Section 2. Designated Federal Officer. The DFO and Alternate DFOs (ADFO) are appointed by the CISA Director and serve as CISA's agents for all matters related to the NSTAC. In accordance with the provisions of the FACA, the DFO, or ADFO in the DFO's absence, must:

- a. Approve or call meetings of the Committee and its subcommittees;
- b. Approve agendas for Committee and subcommittee meetings;
- c. Attend all meetings;
- d. Review Committee membership to ensure elements of the information technology and telecommunications industries are represented in a balanced manner;
- e. Adjourn meetings when such adjournment is in the public interest; and
- f. Chair meetings of the Committee in the absence of the designated NSTAC Chair and Vice Chair.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Coordinating with CISA and other government stakeholders to propose a work plan for the NSTAC to the EOP;
- c. Tracking all Committee report recommendations;
- d. Maintaining members' attendance records;
- e. Preparing all meeting minutes, which shall include the Committee's deliberations and subcommittee activities;
- f. Attending to official correspondence;

- g. Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees;
- h. Developing and/or updating standard operating procedures for all Committee and subcommittee activities;
- i. Reviewing and updating information on Committee activities in the FACA database on a monthly basis; and
- j. Preparing and handling all Committee reports/letters, including the annual report required by the FACA.

Article V Meeting Procedures

- Section 1. Meeting Schedule and Call of Meetings. The NSTAC will meet at a minimum of once per year. Additional meetings may be scheduled, pending approval from the DFO or ADFO. The DFO or ADFO must attend all Committee and subcommittee meetings. The DFO or ADFO calls Committee and subcommittee meetings.
- Section 2. Agenda. The DFO or ADFO shall develop meeting agendas in coordination with the NSTAC Chair, EOP, and CISA Director. The DFO or ADFO approves the agenda for all Committee and subcommittee meetings, distributes the agenda to members prior to the meeting, and publishes the agenda in the Federal Register.
- Section 3. Quorum. A quorum of the NSTAC is the presence of fifty percent plus one of the Committee members currently appointed. A quorum is required for members to vote on issues under consideration before the Committee.
- Section 4. Voting Procedures. Only members of the NSTAC may vote on Committee products (e.g., reports, letters). All issues will be decided, and recommendations or decisions made, by a majority vote of those members present at any NSTAC meeting.
- Section 5. Minority Reports. Any NSTAC member who dissents from the Committee’s decision to approve a report or letter may submit a minority report expressing their disagreement to the DFO within three business days following a vote to approve a report or letter. The DFO will attach the minority report to the majority report to be transmitted to the President.
- Section 6. Minutes. The DFO will prepare the minutes of each meeting and distribute copies to each Committee member. Minutes of open meetings are available to the public on the NSTAC website. Minutes of closed meetings will also be available to the public upon request subject to the withholding of matters that are exempt from disclosure under the *Freedom of Information Act* (FOIA) (5 U.S.C. Subsection [§] 552).

The minutes will include a record of:

- a. The date and place of the meeting;

- b. A list of all attendees, including members, staff, and public participants;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Committee; and
- d. An accurate description of public participation, including oral and written statements provided.

The DFO will ensure that the NSTAC Chair certifies the meeting minutes no more than 90 calendar days after the meeting is held.

Section 7. Open Meetings. All meetings of the NSTAC shall be announced to the public in a notice published in the Federal Register at least 15 calendar days before the meeting is held. 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 DFO, offer oral comment at such meeting. Oral comments should be allowed unless it is clearly inappropriate to do so. Members of the public may also submit written comments to the NSTAC. All materials provided to the Committee shall be available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

Section 8. Closed Meetings. All or part(s) of an NSTAC meeting may be closed in limited circumstances and in accordance with applicable law. A determination must be made by the CISA Director that the meeting should be closed in accordance with DHS policy and the *Government in the Sunshine Act* (5 U.S.C. § 552b). Where the DFO has determined in advance that discussion during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions set forth in 5 U.S.C. § 552b, will be published in the Federal Register. The notice may announce the closing of all or part(s) of a meeting. If, during an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or NSTAC Chair will order such discussions to cease and will schedule a future Committee meeting to address the issue that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the Federal Register at least 15 calendar days in advance. Closed meetings may only be attended by the DFO, Committee members, EOP and NSTAC staff, and appropriate federal government officials invited to provide subject matter expertise related to agenda items. Presenters must leave immediately after giving their presentations and answering any questions.

Article VI Expenses and Reimbursements

Members shall serve without compensation for their work on the NSTAC. However, members may be reimbursed, subject to the availability of funds, for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. § 5701-5707).

Article VII Administration

CISA will provide administrative and clerical support to the Committee and assist in carrying out the administrative functions of the DFO as outlined in Article IV, Section 2 of these bylaws.

Article VIII Subcommittees

Subcommittees may only be established with the approval of the DFO. Subcommittee members may be composed in part or in whole of individuals who are not NSTAC members.

Subcommittees will be stood up as needed and terminate when the work is completed. The DFO may consult with NSTAC members to determine the appropriate participants for each tasking.

The DFO will invite the selected individuals to serve on the subcommittee and advise them that their terms of service will expire when the tasking is completed. If appropriate, and for a specified tasking, subcommittee members may be required to hold a security clearance to serve on a subcommittee. Subcommittee members will reflect balanced viewpoints for the subject matters. All subcommittee discussions and materials, including briefings, outlines, and reports, are considered pre-decisional working drafts, and shall not be made publicly available. Once the tasking has been examined by a subcommittee, the subcommittee must present its work to the NSTAC for full deliberation and discussion. Once a letter or report is provided to the NSTAC for deliberation and vote, the document must be released publicly.

Article IX Recordkeeping

The DFO maintains all records of the NSTAC in accordance with the *Presidential Records Act of 1978* (44 U.S.C. §§ 2201-2207) or other approved agency records disposition schedules.

These records shall be available for public inspection and copying, in accordance with FOIA.

Article X Recommendations and Reporting

The subcommittee assigned to a specific tasking will present the NSTAC with a draft report, upon which the members shall deliberate, discuss, and vote. Once the members agree on the final product, the product, in the form of a written report, will be transmitted to the President through the Secretary within 14 days of the members approving it. After the report has been received by the President, the EOP and CISA will work with the appropriate interagency committee(s) to evaluate the report proposals and devise a strategy for implementing the validated recommendations.

Article XI Amendment of the Bylaws

The DFO may amend the bylaws at any time and the amendments shall become effective immediately.

Christina Berger 11/9/2023

Christina Berger
NSTAC Designated Federal Officer
November 9, 2023