

**U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
INFORMATION SYSTEMS TECHNICAL ADVISORY COMMITTEE**

CHARTER

- 1. Advisory Committee's Official Designation.** Information Systems Technical Advisory Committee.
- 2. Authority.** This charter of the Information Systems Technical Advisory Committee (ISTAC or Committee) is hereby renewed and revised, consistent with Sections 1754 and 1768 of the Export Control Reform Act of 2018 (ECRA), (50 U.S.C. §§ 4801-4852), the Export Administration Regulations (EAR) (15 C.F.R. Parts 730-774), and the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. § 1001 *et seq.*).¹ The ISTAC charter is being renewed in accordance with the provisions of the FACA.
- 3. Objectives and Scope of Activities.** The objectives of the Committee are to advise and assist the Secretary of Commerce (Secretary) or, under authority delegated by the Secretary, the Under Secretary for Industry and Security, and other Federal agencies and officials with respect to actions designed to carry out the policy set forth in Section 1752 of the ECRA. The Committee will be consulted where a recognized need of the Department of Commerce exists with respect to questions and licensing procedures involving export controls relevant to information systems, commodities, software, or other technologies involving: (a) technical specifications and policy issues relating to those specifications that are of concern to the Department; (b) worldwide availability of products and systems, including quantity and quality of foreign availability thereof, and actual utilization of production technology; (c) revisions of the Commerce Control List as well as proposed revisions of multilateral controls in which the United States participates; (d) the issuance of regulations; and (e) any other matters relating to actions designed to carry out the policy set forth in Section 1752 of the ECRA.

The Committee's activities include evaluation and commentary on data and other information available from the Department, other reliable sources, and its own experience. The Committee will provide advice to the Department with respect to these matters. In this respect, the Committee will be forward leaning, focusing on the use of technologies and projecting their likely effects on the future for national security, the U.S. defense industrial base, and the overall health and competitiveness of the U.S. economy. In doing so, the Committee may, in coordination with the BIS Designated Federal Officer, work with the Emerging Technology Technical Advisory Committee.

¹ Until August 13, 2018, the Export Administration Act of 1979, as amended (50 U.S.C. 4601 *et seq.*), provided the primary legal basis for the Committee. During periods in which the EAA was in lapse, the President, through executive orders, continued the Export Administration Regulations (EAR) in effect under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. §§ 1701, *et seq.* (2012)). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018 (ECRA). While Section 1766 of the ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of the ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to the IEEPA, and were in effect as of the ECRA's date of enactment (August 13, 2018), shall continue in effect until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. The procedures and criteria for the establishment and operation of Technical Advisory Committees are laid out in the EAR in Supplement No. 2 to 15 C.F.R. Part 730.

- 4. Description of Duties.** The Committee functions solely as an advisory body in accordance with the provisions of the FACA. Operations of the Committee will be overseen by the Assistant Secretary for Export Administration in consultation with the Under Secretary for Industry and Security. The Committee will provide advice to the Department with respect to matters listed above in Section 3. The Chairperson will prepare an annual report, consistent with Section (h) of Supplement No. 2 to 15 C.F.R. Part 730, and an annual plan, in coordination with the Designated Federal Officer. The report will describe the Committee's membership, functions, activities, and such related matters as would be informative to the public consistent with the policy of the Freedom of Information Act, 5 U.S.C. § 552(b), including a summary of the efforts of the Committee during the year and any recommendations agreed on by the Committee.
- 5. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendations.** The Committee shall report to the Under Secretary for Industry and Security, through the Assistant Secretary for Export Administration, BIS, U.S. Department of Commerce, in accordance with the Secretary's delegation of authority under Department Organization Order (DOO) 10-16 and assigned functions within BIS under DOO 50-1.
- 6. Support.** The Office of Technology Evaluation, BIS, will provide administrative support services for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of the ISTAC is \$53,182, which includes an estimated 0.3 person-year of staff support. Committee members will not be compensated for their services, nor will they be reimbursed for travel, subsistence, or other expenses incurred by them in connection with their duties as members of the Committee.
- 8. Designated Federal Officer (DFO).** The Assistant Secretary for Export Administration, in consultation with the Under Secretary of Commerce for Industry and Security, will designate a full-time or permanent part-time employee of BIS to serve as the DFO for the Committee in accordance with agency procedures. The DFO must:

 - A. Ensure the Committee's activities comply with the FACA, 41 C.F.R. Part 102-3, their agency administrative procedures, and any other applicable laws and regulations;
 - B. Approve or call all meetings of the advisory Committee or subcommittee;
 - C. Approve the agenda;
 - D. Attend all Committee and subcommittee meetings for their duration;
 - E. Ensure the requirements under Section 10(b) of the FACA (codified at 5 U.S.C. 1009(b)) are fulfilled;
 - F. Adjourn any meeting when the DFO determines it to be in the public interest;
 - G. Chair any meeting when so directed by the agency head;
 - H. Maintain information on Committee activities and provide such information to the public, as applicable; and
 - I. Ensure Committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.*, FACA overview, ethics training) for efficient operation and compliance with the FACA and 41 C.F.R. Part 102-3; and
 - J. Ensure a public facing website is created and maintained for the Committee according to 41 C.F.R. § 102-3.120(b).

9. Estimated Number and Frequency of Meetings. The Committee shall meet quarterly at the call of the Chairperson, unless the Chairperson determines, in consultation with other members of the Committee, that such a meeting is not necessary to achieve the purposes of the ECRA and the EAR. Meetings and the work of the Committee shall be consistent with the provisions of the FACA.

10. Duration. The duration of the Committee is continuing, subject to the Termination section below.

11. Termination. This charter will terminate two years from the date of its filing with the standing committees of the Senate and House of Representatives having legislative jurisdiction of the agency unless terminated earlier or renewed by proper authority.

12. Membership and Designation. All members are appointed by and serve at the pleasure of the Secretary. Membership shall not exceed 60 members. The length of a member's term shall be four years. A member may be reappointed for additional terms except that, consistent with Section (b) of Supplement No. 2 to 15 C.F.R. Part 730, the industry members shall not serve on the Committee for more than four consecutive years. Members who do not attend four consecutive Committee meetings will have their membership terminated.

The Committee shall elect a chairperson. The Secretary of Commerce and/or the Under Secretary of Commerce for Industry and Security may recommend candidates for Chairperson for the Committee's non-exclusive consideration. It is desired that the Chairperson serve only a two-year term. However, the Chairperson may be re-elected as Chairperson, subject to continuation of the Committee.

Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Race or sex shall not be considered in selection of the Committee's membership.

Non-federal members serve in a Representative capacity and not as special government employees. Federal members serve as regular government employees.

All members must be able to qualify for a Secret security clearance or a security clearance at a level sufficient to perform their work on the Committee.

Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, BIS, the Department of Commerce, or the U.S. Government.

13. Subcommittees. The Assistant Secretary for Export Administration, in consultation with the Under Secretary of Commerce for Industry and Security, may create such subcommittees from among Committee members as may be necessary, subject to the provisions of the FACA, the FACA implementing regulations and applicable Department of Commerce guidance. Any subcommittees established must report back to the parent committee and must not provide advice and work products directly to the agency. Subcommittee members must be approved by the

Assistant Secretary for Export Administration.

14. Recordkeeping. The records of the Committee, formally or informally established subcommittees, or other subgroups of the Committee, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

15. Filing date. The charter is filed on the date indicated below.

**JEREMY
PELTER**

Digitally signed by
JEREMY PELTER
Date: 2025.05.21 09:20:44
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Performing the Non-Exclusive Functions and
Duties of the Deputy Secretary of Commerce

Date

6/03/2025

Filing Date