CHARTER
U.S. DEPARTMENT OF JUSTICE
NATIONAL DOMESTIC COMMUNICATIONS ASSISTANCE CENTER
Executive Advisory Board

1. **Committee's Official Designation (Title):** The Committee shall be known as the National Domestic Communications Assistance Center (NDCAC) Executive Advisory Board (hereafter referred to as the Board).

2. **Authority:** Establishment of the Board is approved at the discretion of the Attorney General. The Board is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. **Objectives and Scope of Activities:** The Board will provide advice and recommendations to the Attorney General or her designee, and to the Director of the NDCAC that will promote public safety and national security by advancing the NDCAC's core functions: law enforcement coordination with respect to technical capabilities and solutions, technology sharing, industry relations, and implementation of the Communications Assistance for Law Enforcement Act (CALEA). Specifically, the Board will provide advice and recommendations to the Attorney General or her designee on: 1) the selection and appointment of the Director and Deputy Director(s) of the NDCAC; 2) trends and developments with respect to existing and emerging communications services and technologies; 3) technical challenges faced by Federal, State, tribal and local law enforcement agencies with respect to lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities; 4) the effective leveraging and exchange of technical information and methods among Federal, State, tribal and local law enforcement agencies

regarding lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities; 5) relations between law enforcement agencies and the communications industry to include leveraging existing and/or developing new private/public partnerships; 6) the development of standard practices within the law enforcement community; 7) implementation of CALEA; and 8) security and privacy policies, standards for participation by law enforcement agencies, and other issues relating to the functions, programs and operations of the NDCAC. The Board will further assist in shaping the goals and mission of the NDCAC by providing advice and guidance to the Director of the NDCAC on the establishment of policies and procedures designed to: ensure clarity in roles and responsibilities of the NDCAC; focus on established outcomes, intended results and accountability (by recommending specific courses of action); implement an effective infrastructure for the dissemination of technical information and methods; maintain an external focus to represent law enforcement stakeholders; pursue adequate resources necessary to accomplish the mission; and broker multi-agency participation and facilitate combined initiatives. The Board will provide insight into the diverse nature of jurisdiction-specific statutes and agency policies and procedures under which NDCAC participating law enforcement agencies operate. The Board will also receive information to review, monitor, and track training provided by or for NDCAC participating law enforcement agencies as well as recommend the development of standard practices for automated capabilities involving industry assistance.

4. **Description of Duties:** The Board will provide advice and recommendations to the Attorney General or the Attorney General's designated appointee on the selection of the

Director and Deputy Director(s) of the NDCAC. The Board also will provide advice and recommendations to the Attorney General or her designee and to the Director of the NDCAC as described in the Objectives and Scope of Activities of the Board, in Section 3. In addition, it will provide advice to the Attorney General on a semi-annual basis regarding: the technical challenges facing law enforcement agencies with respect to lawfully authorized electronic surveillance, collection of communications evidence, and technical location capabilities; programs, operations, systems and management of the NDCAC; the effectiveness of the NDCAC; and other issues relating to the core functions of the NDCAC. The duties of the Board are solely advisory in nature.

5. **Agency or Official to Whom the Committee Reports:** The Board will report to the Attorney General or the Attorney General's designee.

6. **Support:** The DOJ will provide all necessary support services for the Board.

7. **Estimated Annual Operating Costs and Staff Years:** The estimated annual operating costs of the Board and Subcommittees are expected to be approximately $860,000. These costs include 3.5 work years of DOJ support services and the expenses of members to attend meetings.

8. **Designated Federal Officer:** A full-time or permanent part-time DOJ employee, appointed in accordance with agency procedures, will serve as the Designated Federal Officer (DFO). The DFO will have the authority to, at the request of the Board, establish Executive Advisory Board Subcommittees to formulate advice and guidance related to the functions of the NDCAC. The DFO will approve or call all of the Board and Subcommittee meetings; prepare and approve all meeting agendas; attend all Board and Subcommittee meetings; adjourn any meeting when the DFO determines adjournment to

be in the public interest; and chair meetings when directed to do so by the Attorney General.

9. **Estimated Number and Frequency of Meetings:** The Board normally will meet at least semiannually, and Subcommittees will meet on an as-needed basis as determined by the DFO.

10. **Duration:** Continuing.

11. **Termination:** The Board's termination date is two years from the date this Charter is submitted to the Senate and House Judiciary Committees and is subject to renewal in accordance with Section 14 of FACA.

12. **Membership and Designation:** The Attorney General appoints all Board members. The Board consists of 15 voting members composed of Representative members, Regular Government Employees and/or Special Government Employees. The membership includes representatives from Federal, State, local and tribal law enforcement agencies. Additionally, there will be two non-voting Board members as follows: a federally-employed attorney assigned full time to the NDCAC will serve as a legal advisor to the Board, and the DOJ Chief Privacy Officer or his/her designee will ensure that privacy and civil rights and civil liberties issues are fully considered in the Board's recommendations. The Board will be composed of eight State, local, and/or tribal representatives and seven federal representatives. Any future changes to the voting membership of the Board will maintain the continued majority of State, local, and/or tribal representatives by one seat. The Board membership will be allocated as follows unless otherwise determined by the Attorney General:

State, Local, and Tribal Law Enforcement:

Of the eight seats reserved for State, local, and/or tribal representatives, seven seats shall be reserved for law enforcement officers who are agency heads such as a Chief of Police, Police Commissioner, Sheriff, Colonel, Superintendent, or other officially-designated executive for State, local, or tribal law enforcement. An eighth seat shall be reserved for a prosecutor from the State or local level. The Attorney General will consider nominations from the International Association of the Chiefs of Police, the Major City Chiefs, the Major County Sheriffs, the National Sheriff's Association, the National Narcotics Officers' Associations' Coalition, National District Attorneys Association, and the Association of Prosecuting Attorneys. The Board may identify other national law enforcement member organizations with relevance to NDCAC from which nominations can be proffered. The Attorney General shall ensure that one Board member is an executive from a law enforcement agency serving a jurisdiction of less than 500,000 persons, and that a second Board member is an executive from a statewide law enforcement agency (that may include both general police agencies [i.e., agencies which have both highway patrol and criminal investigation responsibilities] or investigative agencies in the service of State governments).

Federal Law Enforcement

- Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE) – may nominate individual(s) for one seat
- Drug Enforcement Administration (DEA) – may nominate individual(s) for one seat
- Federal Bureau of Investigation (FBI) – may nominate individual(s) for one seat

- Immigration and Customs Enforcement (ICE) – may nominate individual(s) for one seat
- United States Secret Service (USSS) – may nominate individual(s) for one seat
- United States Marshals Service (USMS) – may nominate individual(s) for one seat
- Any Federal law enforcement agency – may nominate individual(s) for one seat.

The membership of the entire Board will include active executive level officials (e.g., agency heads for State, local, or tribal representatives as described above; and members of the Senior Executive Service for Federal agencies) having responsibility for, or being substantially engaged in, the management of electronic surveillance capabilities, evidence collection on communication devices, and technical location capabilities from Federal, State, local and/or tribal law enforcement agencies from across the country. Board members must either have an appropriate level of security clearance or be eligible and able to obtain an appropriate level of clearance. Board members will serve two-year terms, and be eligible for reappointment if the Charter is renewed. Board members must attend all Board meetings. If a member fails to attend two meetings in the span of two years, regardless of proxy representation and absent mitigating circumstances, the member shall automatically relinquish membership on the Board. A Board member sending a proxy must notify the Chairperson of the Board in writing prior to the opening of the meeting for which the proxy is intended. The proxy must be from the same law enforcement organization (e.g., agency or association) as the individual represented, must be qualified for Board membership as described in paragraph 14 of this Charter, and may not be a current member of the Board.

Executive Board Chairperson and Vice Chairperson

The Board shall elect a Chairperson and Vice Chairperson at its first meeting and in the final meeting of each calendar year thereafter to serve in those respective positions until the last meeting of the next calendar year. The Chairperson and Vice Chairperson of the Board may be any Board member and the Vice Chairperson will assume all Chairperson responsibilities in the absence of the Chairperson.

13. **Confidentiality:** To the extent determined necessary by the NDCAC, all Board members may be required to execute confidentiality/non-disclosure agreements prior to receiving access to government or industry proprietary information. This may be in addition to any requirements relating to members' security clearance.

14. **Subcommittees:** The overall advisory process structure may include Subcommittees as determined by the Board and the DFO. These Subcommittees will provide information and recommendations to the Board on technical and operational issues to assist the Board in carrying out its duties. The Subcommittees will report only to the Board and will not report directly to the Attorney General.

15. **Recordkeeping:** Records of the Board shall be handled in accordance with General Records Schedule 26, Item 2. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552 and provisions governing the release or disclosure of Controlled Unclassified Information (CUI).

June 9, 2016
Date

Loretta E. Lynch
Attorney General