

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE
CHARTER**

December 20, 2022

1. COMMITTEE’S OFFICIAL DESIGNATION:

Surface Transportation Security Advisory Committee. Also identified as STSAC or Advisory Committee.

2. AUTHORITY:

This charter establishes the Surface Transportation Security Advisory Committee (STSAC) under the authority of Section 1969 of the Transportation Security Administration (TSA) Modernization Act (Division K, Title I), of the Federal Aviation Administration (FAA) Reauthorization Act of 2018 (Public Law 115-254, 132 Stat. 3186, October 5, 2018). Section 1969 amended Subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.). The statute exempts the Advisory Committee, and any subcommittees, from the Federal Advisory Committee Act (5 U.S.C. App.).

3. OBJECTIVES AND SCOPE OF ACTIVITIES:

The Advisory Committee may advise, consult with, report to, and make recommendations to the TSA Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security. The Advisory Committee will consider risk-based security approaches in the performance of its duties.

4. DESCRIPTION OF DUTIES:

To provide advice and recommendations to the TSA Administrator at his or her request on surface transportation security matters.

5. OFFICIAL TO WHOM THE COMMITTEE REPORTS:

TSA Administrator.

6. AGENCY RESPONSIBLE FOR PROVIDING NECESSARY SUPPORT:

TSA is responsible for providing financial and administrative support to the STSAC. Within TSA, the Policy, Plans, and Engagement office will provide this support. Other TSA offices shall

provide additional support for each functional area, as needed, to assist with leadership, management, and administration of Advisory Committee subgroups.

7. ESTIMATED MANAGEMENT COSTS AND STAFF YEARS:

The annual cost of STSAC management is anticipated to be \$330,641.64, which includes approximately 3.2 staff years of support. Expenditures for STSAC activities must be approved in advance by the Designated Federal Officer (DFO). The STSAC members will not receive any compensation from the Federal Government by reason of their service on the STSAC, and will not be reimbursed by the Federal Government for travel or per diem.

8. DESIGNATED FEDERAL OFFICER:

The TSA Administrator shall appoint a full-time permanent employee to serve as the STSAC DFO. Alternate DFOs who are full-time permanent employees will be appointed by the TSA Executive Sponsor, who is the senior manager of the STSAC, in collaboration with the DFO to assist the DFO in managing the Advisory Committee. The DFO or an alternate DFO shall approve, schedule, and attend all STSAC meetings and all subcommittee meetings, approve meeting agendas, adjourn any meeting when the DFO or alternate determines adjournment to be in the public interest, and chair meetings when directed to do so by the TSA Administrator.

9. MEMBERSHIP:

The TSA Administrator will appoint voting members from among stakeholders representing each mode of surface transportation, such as freight rail, highways, mass transit, over-the-road bus, passenger rail, pipelines, school bus industry, and trucking, including representatives from:

- Associations representing such modes of surface transportation;
- Labor organizations representing such modes of surface transportation;
- Groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;
- Relevant law enforcement, first responders, emergency management officials, and security experts; and
- Such other groups as the TSA Administrator considers appropriate.

Federal Government departments and agencies with oversight of surface transportation will select and appoint an individual within their respective agency to serve as a nonvoting member. These departments and agencies include:

- Department of Defense;
- Department of Energy;
- Department of Homeland Security;
- Department of Transportation;
- National Transportation Safety Board;

- Federal Bureau of Investigation; and
- Other Federal departments or agencies as the TSA Administrator considers appropriate.

10. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

The STSAC must meet at least semiannually, either in person or through web conferencing, and may convene additional meetings as necessary. Due to the sensitive nature of the material discussed, meetings are typically closed to the public. However, at least one meeting will be open to the public each year. The STSAC will maintain a record of the persons present at each meeting.

11. DURATION:

Permanent.

12. CHARTER REVIEW AND MODIFICATION:

This charter will be in effect until modified by TSA. Review of the Charter will take place at least once every two years. The DFO is responsible for reviewing the Charter and will make revisions.

13. MEMBER COMPOSITION:

The STSAC voting members are appointed by the TSA Administrator for a 2-year term or until a successor is appointed. In the event the STSAC terminates, all appointments to the Advisory Committee will terminate. The STSAC is composed of members representing key stakeholder groups in surface transportation security. These membership categories include:

1. Passenger Rail
2. Freight Rail
3. Mass Transit
4. Pipelines
5. Highways
6. Over-the-Road Bus
7. School Bus Industry
8. Trucking
9. Associations representing modes of surface transportation
10. Labor organizations representing modes of surface transportation
11. Groups representing the users of surface transportation, including manufacturers
12. Law Enforcement
13. First responders
14. Security experts
15. Emergency Management officials
16. Other surface transportation related groups

As determined by TSA, the STSAC will be composed of not more than 40 voting members. Each membership category will have at least one voting member. Members will serve as representatives and speak on behalf of their respective organizations and are not special government employees as defined in 18 U.S.C. § 202(a).

14. CLASSIFIED INFORMATION, SENSITIVE SECURITY INFORMATION (SSI) AND DHS NON-DISCLOSURE AGREEMENTS (NDA):

Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee and before that voting member may be granted any access to classified information or SSI, the TSA Administrator shall determine if the voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information. If a voting member is not restricted from reviewing, discussing, or possessing SSI and voluntarily signs a nondisclosure agreement (the DHS NDA), the voting member may be granted access to SSI that is relevant to the voting member's service on the Advisory Committee.

Classified Information

Access to classified materials shall be managed in accordance with Executive Order 13526 of December 29, 2009 (75 Fed. Reg. 707; January 5, 2010), or any subsequent corresponding Executive Order. In the event membership on the Advisory Committee requires access to classified information, in order to be granted access, the Advisory Committee member must: 1) have and maintain a favorable determination of eligibility for access to classified information; 2) complete the DHS NDA; 3) have a need-to-know the information; and 4) receive contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.

Sensitive Security Information

To foster the efficient operations of the committee and ease of running Advisory Committee and subcommittee meetings, which often involve access to SSI, TSA has determined that completion of a DHS NDA is required of all Advisory Committee members. All sections of the NDA must be completed or the NDA will be considered invalid.

Any Advisory Committee member who fails to comply with the requirements of Executive Order 13526 shall be deemed as restricted from having access to classified information, and the Advisory Committee member's membership shall be terminated. Likewise, any Advisory Committee member that fails to meet the requirements for access to SSI shall be deemed as restricted from having access to SSI, and the Advisory Committee member's membership shall be terminated.

16. OFFICERS:

The STSAC will select a Chairperson and Vice-Chairperson from among its voting members to serve a 2-year term. The Vice-Chairperson will act in the absence or incapacity of the Chairperson, or in the event of a vacancy of the Chairperson. The Chairperson and Vice-Chairperson are eligible to serve additional term(s).

17. SUBORDINATE GROUPS:

The STSAC Chairperson, in coordination with the TSA Administrator, may establish within the STSAC any subordinate groups that the TSA Administrator and the STSAC determine to be necessary and consistent with this Charter. All subordinate groups will consider risk-based security approaches and effective practices in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, for both physical and cyber risks.

There are two types of subordinate groups that can be established for this purpose:

- a. A "Subcommittee" is a group established to address in-depth priorities and prospective courses of action to meet the STSAC's mission, purpose, and defined priorities.
- b. A "Working Group" may be formed by a subcommittee or the STSAC as a whole to address a specific, often temporary, issue. A "Working Group" generally terminates after providing recommendations to the appropriate subcommittee or the STSAC as a whole.

Each subcommittee will have one designated government subcommittee DFO and will be co-chaired by at least one government official and one industry official.

Subordinate groups will not work independently of the chartered committee and must report their recommendations and advice to STSAC for full deliberation and discussion. Subordinate groups have no authority to make decisions on behalf of the STSAC and will not report directly to the TSA Administrator, Federal Government, or any other entity.

18. RECORDKEEPING:

To maintain transparency, records of meetings and deliberations, annual reports, membership information, this Charter and a schedule of upcoming meetings will be available on the www.TSA.gov website, unless otherwise prohibited by law. The STSAC may redact or summarize, as necessary, minutes of the meetings to protect classified or other sensitive information in accordance with law. Advisory Committee and subcommittee records are handled in accordance with TSA's records disposition schedule for Federal Advisory Committee Records.

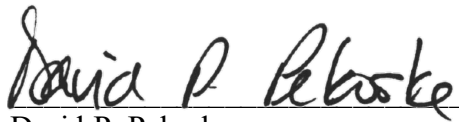
19. REPORTS:

The Advisory Committee is responsible for two types of reports:

- a. Periodic Reports: The Advisory Committee will periodically submit a report to the TSA Administrator on matters requested by the Administrator, or by a majority of the members of the Advisory Committee; and

- c. Annual Reports: The Advisory Committee will submit to the TSA Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year. Should the annual report contain new recommendations, the Advisory Committee will hold a special meeting prior to the submission of the annual report to vote on each recommendation presented. A simple majority for each vote is necessary to render a decision.
 - Not later than 90 days after the date the Administrator receives a recommendation or annual report from the Advisory Committee, the Administrator shall submit to the Advisory Committee written feedback.

20. APPROVAL:

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David P. Pekoske
TSA Administrator

12/20/2022
Date