

# NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## CHARTER OF THE

### NATIONAL SPACE COUNCIL USERS' ADVISORY GROUP

- 1. Official Designation.** National Space Council Users' Advisory Group.
- 2. Authority.** The National Space Council (Council) Users' Advisory Group (UAG) is required by the NASA Authorization Act, Fiscal Year 1991, Public Law 101-611, Section 121 and the Executive Order 14056 on the National Space Council dated December 1, 2021, and is governed by the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. App 2).
- 3. Objectives and Scope of Activities.** The UAG is solely advisory, and its function shall be to ensure that the interests of industry and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council. The UAG shall provide advice and recommendations to the Council on matters related to space policy and strategy, including Government policies, laws, regulations, treaties, international instruments, programs, and practices across the civil, commercial, and national security space sectors.
  - (a) Such matters include, but are not limited to: strengthening U.S. leadership in space exploration; advancing norms of responsible behavior in space; safeguarding national security; emphasizing cyber security; addressing climate change and improving life on Earth; promoting a globally competitive commercial space sector and regional economic development; encouraging international cooperation; removing systematic barriers and advancing equity for traditionally underserved communities; building diverse space workforce for the future; and promoting science, technology, engineering, and math opportunities for underserved students and professionals.
  - (b) With the approval of the Executive Secretary of the Council, the UAG may confer with U.S. Government organizations to prepare advice and recommendations for the Council under the access provisions in paragraph 4 of this charter.
- 4. Description of Duties.** The UAG's duties shall include, but are not limited to:
  - (a) Seek to ensure that the interests of industry, other non-Federal entities, and other persons involved in aeronautical and space activities are appropriately represented by the National Space Council;

- (b) Provide subject-matter expertise to the Chair of the Council and its membership;
- (c) Submit focused reports with Findings and Recommendations to the Council;
- (d) Conduct studies, reviews, and evaluations, as requested by the Council; and
- (e) Submit an annual report to the Council on its activities and results.

**Access to U.S. Government Information.** In order for the UAG to fulfill its roles in a timely and effective manner, members of the UAG may be provided access to U.S. Executive Branch information needed to perform their UAG responsibilities. The Executive Secretary of the Council and Chair of the UAG shall be notified of any such requests; for which the Designated Federal Officer (DFO) or supporting NASA staff will communicate with the Federal entity controlling the records to ascertain the availability of such information and protective conditions thereof. Members of the UAG will take all appropriate and applicable precautions to safeguard sensitive pre-decisional or nonpublic material, including but not limited to the use of non-disclosure agreements. Members will also identify and notify the DFO of any legal or administrative concerns arising from such access as soon as possible. The NASA Office of General Counsel (NASA OGC) will provide legal counsel to the DFO in connection with access requests and communicate with counsel for the Federal entity controlling the records as needed to address them.

**Access to Classified Information.** NASA will also process UAG requests for access to classified documents or information by members with the appropriate clearances under paragraph 4 of this charter (“Access to U.S. Government Information”), under which UAG members’ access to classified information will be approved by the originator.

- 5. Agency or Official to Whom the Committee Reports.** The UAG will function in an advisory capacity to the Council through the UAG Chair, in coordination with the Council Executive Secretary, facilitated by the UAG DFO.
- 6. Agency Responsible for Providing Support.** NASA will provide staff support and the operating funds for the UAG in its capacity as the responsible Agency.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual operating costs are no more than \$350,000. This includes two full-time equivalents of staff support and requisite contract and logistics support.
- 8. Designated Federal Officer.** Pursuant to 41 CFR § 102-3.105 and in consultation with the Chair and Executive Secretary of the Council, the NASA Administrator shall appoint a full-time or permanent part-time Federal employee as the UAG DFO. In the event that the DFO requires additional staff support to fulfill assigned duties for UAG subcommittees, one or more full-time or permanent part-time employees may also be designated as DFO to carry out these duties.

The DFO shall:

- (a) Call, attend, and adjourn UAG meetings and subcommittee meetings; collate, formalize, and disseminate agendas, meeting schedules, and work plans; maintain required records on costs and membership; ensure efficient and timely operations and accomplishment of UAG tasks; maintain records for availability to the public; and provide copies of committee reports to the UAG Chair, the Executive Secretary of the Council, and the NASA Committee Management Officer. Periodic interactions with UAG leadership will be held to prioritize efforts, refine taskings, and assess progress.
- (b) The DFO will coordinate with the UAG and subcommittee members, if any, and NASA OGC to ensure that all applicable legal/ethical requirements are met. With regard to Special Government Employees (SGEs), these include legal vetting and clearance by NASA OGC prior to formal appointment, timely completing mandatory financial disclosure reports (annual and otherwise) and ethics training, and obtaining ethics advice for any questions on U.S. Government ethics requirements that may arise in connection with their UAG role. NASA OGC shall coordinate with the Office of the Counsel to the President and the Counsel to the Vice President as appropriate to support the latter's responsibilities under the Executive Order 14056 on the National Space Council dated December 1, 2021, Section 7(a)(ii).
- (c) NASA's primary role as the administrating Agency is to provide managerial oversight of UAG activities and offer administrative and legal support to ensure compliance with FACA and associated legal and ethics requirements. The UAG shall receive editorial or policy guidance regarding UAG considerations, deliberations, conclusions, and recommendations exclusively through the Office of the Executive Secretary of the Council. NASA may offer comments and perspectives on UAG activities and reports regarding NASA programs and policies to the Office of the Executive Secretary of the Council, as may any Council agency.

**9. Estimated Number and Frequency of Meetings.** The UAG shall meet as frequently as needed, subject to the advance approval of the DFO. It is estimated that the UAG will meet three times each year. Pursuant to the NASA Authorization Act, Fiscal Year 1991, Public Law 101-611, Section 121, the UAG shall from time to time, but not less than once per year, meet with the Council.

**10. Duration.** Continuing.

**11. Termination.** Pursuant to Public Law 101-611, Section 121(b), the UAG is not subject to Section 14(a)(2) of FACA and shall exist on an ongoing basis. The charter for the UAG will expire two years from the date of its filing.

**12. Membership and Designation.** The UAG and its subcommittees, if any, are composed of non-Federal representatives of industry and other persons involved in aeronautical and space

activities. Members will serve as representatives or SGEs. Regular U.S. Government employees serving as civil servants are not eligible for membership.

- (a) The Chair of the Council, in consultation with other Council members, shall select the members of the UAG, who shall be appointed by the NASA Administrator to a two-year term, which may be renewed at the discretion of the NASA Administrator.
- (b) The Chair of the Council shall name a Chair of the UAG.
- (c) UAG membership shall be composed of no fewer than 15 members and no more than 30 members.
- (d) Members of the UAG will serve without compensation, but may be reimbursed for travel expenses as allowed by 5 U.S.C. § 5701 et seq. and FACA, as amended.
- (e) Members shall remain in good standing by not missing more than one public FACA meeting per calendar year. Members shall not designate alternates to attend FACA meetings.

**13. Subcommittees.** The following subcommittees are established for the UAG:

- (a) Exploration and Discovery Subcommittee
- (b) National Security Subcommittee (holding of a current security clearance is a prerequisite for membership)
- (c) Economic Development and Industrial Base Subcommittee
- (d) STEM Education, Diversity, and Inclusion Subcommittee
- (e) Climate and Societal Benefits Subcommittee
- (f) Data and Emerging Technology Subcommittee

Subcommittees and task forces may be established or discontinued at the discretion of the Chair of the Council, in consultation with the Chair of the UAG and the Executive Secretary of the Council. Approved subcommittee and task force changes will be administratively implemented by the DFO on behalf of the NASA Administrator. No formal amendment(s) to this charter will be required to effect such changes.

Subcommittees may not incur costs or expenses without prior written approval of the DFO after consultation with the Chair of the UAG and the Executive Secretary of the Council. Subcommittees report directly to the Chair of the UAG and may not provide advice or work products directly to the Chair of the Council, the Council, any Federal agency, or any other Federal official.

**14. Recordkeeping.** The records of the UAG, including its subcommittees and task forces, shall be handled in accordance with the General Records Schedule 6.2, or other approved Agency records disposition schedule. The records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Additionally, the DFO shall ensure that such records are available for the creation of any required reports documenting the activities of the UAG and its subcommittees.

**15. Filing Date.** This charter shall become effective upon its filing with the appropriate U.S. Congressional oversight committees. The charter is also filed with the agency head, the Committee Management Secretariat of the U.S. General Services Administration, and the Library of Congress.



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Bill Nelson  
Administrator  
National Aeronautics and Space Administration

December 3, 2021

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Signature Date

December 3, 2021  
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Congressional Filing Date