

carry out provisions of the National Security Act of 1947, as amended, and safeguarded under applicable Executive orders as “National Security Information.”

(w) *Unscheduled records* means Federal records whose final disposition has not been approved by NARA. All records that fall under a NARA approved records control schedule are considered to be scheduled records.

PART 2003—INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL (ISCAP) BYLAWS, RULES, AND APPEAL PROCEDURES

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AUTHORITY: E.O. 13526, 75 FR 707, 75 FR 1013, 3 CFR, 2010 Comp., p. 298

SOURCE: 77 FR 40261, July 9, 2012, unless otherwise noted.

Subpart A—Bylaws

§ 2003.1 Purpose (Article I).

The Interagency Security Classification Appeals Panel (hereafter “ISCAP” or “the Panel”) advises and assists the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States.

§ 2003.2 Authority (Article II).

ISCAP was established by, and receives its authority from, Executive Order 13526 “Classified National Security Information” (hereafter the “Order”), December 29, 2009, section 5.3(a)(1), and the Order’s implementing directives. Section 5.3(c) of the Order directs ISCAP to issue bylaws, rules, and procedures and to publish them in the FEDERAL REGISTER.

§ 2003.3 Functions (Article III).

In carrying out its purpose, the Panel:

(a) Decides appeals by people who have filed classification challenges under section 1.8 of the Order;

(b) Approves, denies, or amends agency exemptions from automatic declassification under section 3.3 of the Order;

(c) Decides appeals by people or entities who have filed requests for mandatory declassification review under section 3.5 of the Order; and

(d) Informs senior agency officials and the public, as appropriate, of final Panel decisions on appeals under sections 1.8 and 3.5 of the Order.

§ 2003.4 Membership (Article IV).

(a) *Member organizations and members.*

(1) The Departments of State, Defense, and Justice, the National Archives and Records Administration, the Office of the Director of National Intelligence, and the National Security Advisor each have a member on the Panel.

(2) Additionally, the Director of the Central Intelligence Agency may appoint a temporary representative, who meets the member criteria, to participate as a voting member in all Panel deliberations and associated support activities concerning classified information originated by the Central Intelligence Agency.

(b) *Alternate member.* Each member organization also designates in writing an alternate, or alternates, to represent it on all occasions when the primary member is unable to participate. When serving for a primary member, an alternate assumes all the rights and responsibilities of that primary member, including voting. The alternate