

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**  
**NATIONAL PROTECTION AND PROGRAMS DIRECTORATE**  
**NATIONAL INFRASTRUCTURE ADVISORY COUNCIL**

**1. Committee's Official Designation**

National Infrastructure Advisory Council (NIAC)

**2. Authority:**

As provided for in Section 10 of Executive Order 13231 of October 16, 2001, as amended, this charter establishes the National Infrastructure Advisory Council (NIAC). This committee is established in accordance with and shall operate under the provisions of the *Federal Advisory Committee Act* (FACA), (Title 5, United States Code, Appendix).

**3. Objectives and Scope of Activities:**

The NIAC shall advise the President through the Secretary of Homeland Security on issues related to the security and resilience of the Nation's critical infrastructures and their information systems. The NIAC shall draw on the expertise of its members to provide advice and make recommendations to:

- a. enhance cooperation between the public and private sectors in protecting critical infrastructures and their information systems, which includes security and their resilience, and providing reports on this issue to the President through the Secretary of Homeland Security, as appropriate;
- b. propose and develop ways to encourage private industry to perform periodic risk assessments;
- c. monitor the development and operations of private sector coordinating councils and their information sharing mechanisms and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the sectors, the Department of Homeland Security, and other Federal Government entities;
- d. report to the President through the Secretary of Homeland Security who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs; and

- e. advise sector specific agencies with critical infrastructure responsibilities, to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms.

The NIAC will defer matters pertaining to National Security and Emergency Preparedness (NS/EP) Communications to the President's National Security Telecommunications Advisory Committee (NSTAC). The NIAC will also coordinate all NS/EP related interdependency issues with the NSTAC.

The NIAC may hold hearings, conduct inquiries, and, with the concurrence of the Designated Federal Officer (DFO), establish subcommittees, as he or she considers necessary or appropriate, subject to the provisions of FACA.

#### **4. Description of Duties:**

The duties of the NIAC are solely advisory in nature.

#### **5. Officials to Whom the Committee Reports:**

The NIAC provides advice and recommendations to the President through the Secretary of Homeland Security. The NIAC may also provide advice and recommendations to Federal Government lead agencies that have critical infrastructure responsibilities.

The DFO is responsible for fulfilling the reporting requirements of section 6(b) of the FACA.

#### **6. Agency Responsible for Providing Necessary Support:**

The Department of Homeland Security (DHS) shall be responsible for providing financial and administrative support to the NIAC. Within DHS, the Partnership and Outreach Division (POD), in the Office of Infrastructure Protection (IP) under the National Protection and Programs Directorate (NPPD), will provide this support.

#### **7. Estimated Annual Operating Costs and Staff Years:**

The estimated annual operating cost of the NIAC is \$1,250,000, which includes the costs of public meetings and other administrative support for its operations. Approximately 6.5 staff years are required annually to support the Committee.

#### **8. Designated Federal Officer:**

The Director of the Partnerships Programs and Information Sharing (PPIS) Office within POD in the Office of IP serves as the DFO, as appointed by the Under Secretary of NPPD. The DFO or the Alternate DFO shall approve or call NIAC meetings, approve meeting agendas, attend all

committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and opens meetings.

**9. Estimated Number and Frequency of Meetings:**

The NIAC will meet approximately four times annually, at the call of the DFO and the NIAC Chair. Additional meetings may be held with the approval of the DFO. Members are not compensated for their work on the NIAC, but are, upon request and subject to available appropriations, to be reimbursed for travel expenses, including *per diem* in lieu of subsistence as authorized by law. All travel for NIAC business must be approved in advance by the DFO. Committee meetings shall be open to the public unless a determination is made by the appropriate DHS official in accordance with DHS policy and directives that the meeting should be closed in accordance with subsection (c) of section 552b of Title 5, U.S. Code. Attendance at closed meetings shall be limited to members, appropriate government officials, and NIAC support staff who hold necessary administrative and security clearances.

**10. Duration:**

As authorized by section 1(l) of Executive Order 13585 dated September 30, 2011, the NIAC is authorized to continue until September 30, 2013.

**11. Termination:**

This charter is in effect for two years from the date it is filed with Congress unless sooner terminated (including termination by expiration of the Executive Order).

**12. Member Composition:**

The NIAC is composed of not more than 30 members. Members shall be appointed by the President and shall serve at the President's discretion. The President shall designate a Chair and Vice Chair from among the members of the NIAC. Members of the NIAC shall have expertise relevant to the functions of the NIAC and generally be selected from industry Chief Executive Officers, and equivalent ranked leaders of other organizations to include academia and State and, local and tribal governments with responsibilities for the security and resilience of critical infrastructure sectors and their supporting information systems including agriculture, banking and finance, chemical, commercial facilities, critical manufacturing, dams, defense industrial base, government facilities, nuclear, postal and shipping, public health, transportation, energy, communications, emergency services organizations, and water. NIAC members shall not be full-time employees or officers of the executive branch of the Federal Government, but shall serve as Special Government Employees (SGE) as defined in section 202(a) of Title 18, U.S. Code. Inasmuch as information classified for national security reasons will be provided to the NIAC, all members shall be required to have appropriate security clearances upon achieving membership.

**13. Officers:**

The President shall designate a Chair and Vice-Chair from among the members of the NIAC. The NIAC Chair shall preside at all NIAC meetings. Upon the request of the NIAC Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the NIAC with information and advice relating to its functions. They may also request advice from the Council on relevant critical infrastructure security and resilience issues. The NIAC Chair may establish such other procedures as may promote the purposes and objectives of the NIAC, consistent with this Charter, Executive Order 13286, the *Federal Advisory Committee Act* and any other applicable law.

In addition to the Homeland Security Secretary, or his or her delegate, the NIAC may invite other Senior Federal Government Officials to attend meetings of the NIAC as the Chair and DFO deem appropriate.

**14. Subcommittees:**

The NIAC may establish subcommittees for any purpose consistent with this charter subject to the approval of the DFO. Such subcommittees may not work independently of the chartered committee and must report their recommendations and advice to the NIAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the NIAC and may not report directly to the Federal Government or any other entity.

**15. Recordkeeping:**

The records of the NIAC, formally and informally established subcommittees or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the Freedom of Information Act (Title 5, United States Code, section 552).

**16. Filing Date:**

November 7, 2011  
Department Approval Date

October 11, 2011  
CMS Consultation Date

November 8, 2011  
Date Filed with Congress