

U.S. DEPARTMENT OF HOMELAND SECURITY
CHARTER OF THE
NATIONAL INFRASTRUCTURE ADVISORY COUNCIL

ESTABLISHMENT

In Section 10 of Executive Order 13231 of October 16, 2001, as amended by Executive Order 13286 of February 28, 2003, the President established the National Infrastructure Advisory Council (NIAC). Consistent with the provisions of Executive Order 13286, the NIAC, shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

Accordingly, the Secretary of Homeland Security, with the concurrence of the General Services Administration, hereby charters the NIAC.

OBJECTIVES AND DUTIES

1. The President established the NIAC in order to support a coordinated effort by both government and private sector entities to advise him on issues related to the security of the nation's critical infrastructures in key sectors of the economy as identified by the President.
2. The NIAC shall draw on the expertise of its members so as to provide advice and make recommendations on the following:
 - a. enhancing cooperation between the public and private sectors in protecting information systems supporting critical infrastructures in key economic sectors and providing reports on the issue to the President, as appropriate;
 - b. enhancing cooperation between the public and private sectors in protecting critical infrastructure assets in other key economic sectors and providing reports on these issues to the President, as appropriate; and,
 - c. proposing and developing ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems.
3. The NIAC shall advise the federal government lead agencies that have critical infrastructure responsibilities and industry sector coordinating mechanisms.
4. The NIAC shall function solely as an advisory body and shall comply with the provisions of the Federal Advisory Committee Act.
5. 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.

MEMBERS AND CHAIRPERSON

1. The NIAC shall be composed of not more than 30 members. Members shall be appointed by the President and shall serve at the President's discretion. The members of the NIAC shall be selected from the private sector, including industry and academia, as well as state and local government. The members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalent ranked leaders in other organizations) with responsibilities for the security of critical infrastructure supporting key sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Inasmuch as information classified for national security reasons will be provided to the NIAC, all members shall be required to have appropriate security clearances.
2. The President shall designate a Chair and Vice-Chair from among the members of the NIAC.
3. Members shall not be compensated for their work on the NIAC, but shall upon request, and subject to available appropriations, be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons serving intermittently in the government service.
4. Members shall not be full-time employees of the executive branch of the federal government.

ADMINISTRATIVE PROVISIONS

1. The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection shall serve as the Executive Director of the NIAC (Executive Director).
2. The NIAC shall report to the President through the Secretary, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, Assistant to the President for Economic Policy, and Assistant to the President for National Security Affairs under the terms of Executive Order 13231.
3. The Director of the Infrastructure Programs Office in the Infrastructure Coordination Division of the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security shall be the Designated Federal Official (DFO). To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security, through the DFO or his or her designee, shall provide the NIAC with administrative services, staff, and other support services and such funds as may be necessary for the performance of the NIAC's functions.
4. The NIAC shall meet approximately four to six times annually, at the call of the DFO, in consultation with the Executive Director or his or her designee and the Chair of the NIAC. The agenda of each NIAC meeting shall be established by the Executive Director or his or her designee.

5. The DFO, in consultation with the Executive Director or his or her designee and the Chair of the NIAC, may hold open and closed meetings, in accordance with law. Attendance at closed meetings shall be limited to members (and their appropriate designees), appropriate government officials, and NIAC support staff who hold necessary administrative and security clearances.
6. The Chair of the NIAC shall preside at all meetings of the NIAC; provided, however, that the DFO may, in consultation with the Executive Director or his or her designee, adjourn any NIAC meeting if the DFO determines such adjournment to be in the public interest and so advises the Chair.
7. The NIAC may consult with any interested party, including any private group or individual, government department, agency, interagency committee, or other government entity, as the NIAC deems necessary or appropriate. The NIAC may hold hearings, conduct inquiries, and establish, with the concurrence of the Executive Director or his or her designee, an executive committee and such other committees subcommittees as it considers necessary or appropriate, subject to the provisions of the Federal Advisory Committee Act.
8. The Chair of the NIAC 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.
9. In addition to the Secretary of Homeland Security, or his or her delegate, the NIAC may invite other senior federal government officials to attend meetings of the NIAC, as the Chair of the NIAC and the Executive Director deem appropriate.
10. Upon the request of the Chair of the NIAC, 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.
11. The estimated annual operating cost of the NIAC is \$800,000, which includes the costs of public meetings and other administrative support for its operations. Approximately 2.0 staff years are required annually to support the committee.

DURATION

The NIAC shall exist for 2 years from the date of this charter unless earlier renewed or terminated.

FILING DATE

July 1, 2005.