

## **THE PRESIDENT'S NATIONAL INFRASTRUCTURE ADVISORY COUNCIL CHARTER**

### **1. Committee's Official Designation:**

National Infrastructure Advisory Council (NIAC)

### **2. Authority:**

The NIAC (the Council) is established under Section 10 of Executive Order (EO) 13231, dated October 16, 2001, authority transferred to the Department of Homeland Security in EO 13286, dated February 28, 2003, as amended and continued under the authority of EO 14109, effective September 30, 2023. The NIAC operates under the provisions of the *Federal Advisory Committee Act (FACA)*, as amended, Title 5, United States Code, Appendix.

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

The NIAC shall advise the President of the United States (President) through the Secretary of Homeland Security (Secretary), on the security and resilience of the Nation's critical infrastructure sectors and their functional systems, physical assets, and cyber networks. The NIAC shall draw on the expertise of its members to provide advice and make recommendations to:

- a. Enhance the partnership between the public and private sectors in securing and enhancing the security and resilience of critical infrastructure and their supporting functional systems, physical assets and cyber networks, and providing reports on this issue to the President through the Secretary, as appropriate.
- b. Propose and develop ways to encourage industry to perform risk assessments and implement risk reduction programs.
- c. Monitor sector coordinating councils and information sharing mechanisms and provide recommendations on how they can best coordinate among sectors, with the Department of Homeland Security (DHS), and with other Federal Government entities.
- d. Report to the President through the Secretary who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Deputy National Security Advisor, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs.
- e. Advise Sector Risk Management agencies with critical infrastructure responsibilities, to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms.

The NIAC shall not advise or otherwise act on matters pertaining to national security and emergency preparedness (NS/EP) communications and, with respect to any matters to which the NIAC is authorized by this order to provide advice or otherwise act on that may depend on or affect NS/EP communications, shall coordinate with the President's National Security Telecommunications Advisory Committee established by EO 12382 of

September 13, 1982, as amended.

**4. Description of Duties:**

The duties of the NIAC are solely advisory in nature.

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

The NIAC will provide advice and recommendations to the President through the Secretary. Further, the Cybersecurity and Infrastructure Security Agency (CISA) will be responsible for fulfilling the reporting requirements of section 6(b) of FACA, as amended.

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

CISA shall be responsible for providing financial and administrative support to the NIAC. Funding for the NIAC and council support shall be approved by the Designated Federal Officer (DFO) before activities begin.

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

The estimated annual operating cost of NIAC and its subcommittees is \$1,500,000, which includes travel and per diem, other administrative expenses, and compensation for approximately 5 Full-time Equivalents for Council support.

**8. Designated Federal Officer:**

The CISA Director shall appoint full-time or permanent part-time employees as the DFO and Alternate DFOs (ADFO). The DFO or ADFO sets meeting agendas and work activities, attends all council and subcommittee meetings, opens meetings, adjourns any meetings when it is determined adjournment to be in the public interest, and chairs the meeting in the absence of the designated NIAC Chair and Vice Chair or at the direction of the CISA Director. Further, CISA, via the DFO, is responsible for fulfilling the reporting requirements of section 6(b) of FACA, as amended.

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

NIAC meetings may be held annually, at a minimum, with the approval of the DFO or ADFO. NIAC meetings shall be open to the public according to FACA 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 Title 5, United States Code, subsection (c) of 552b.

**10. Duration:**

The NIAC is continuing except as noted in Section 11.

## **11. Termination:**

According to Section 1 of EO 14109, effective September 30, 2023, the NIAC shall terminate on September 30, 2025, unless extended by the President.

## **12. Membership and Designation:**

NIAC shall be composed of up to 30 members appointed by the President and serving at the pleasure of the President. In order for the President to fully leverage broad-ranging experience and education, the NIAC must be diverse with regard to professional and technical expertise. The President should also pursue opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the nation's people. The members of the NIAC shall be selected from the private sector, including individuals with experience in banking and finance, transportation, energy, water, communications, health care services, food and agriculture, government facilities, emergency services organizations, institutions of higher education, environmental and climate resilience, and State, local, and tribal governments; with senior executive leadership responsibilities for the availability and reliability, including security and resilience, of critical infrastructure sectors. NIAC members shall have expertise relevant to the functions of the NIAC and with experience equivalent to that of a chief executive of an organization (or equivalently ranked leaders in other organizations) with responsibilities for the security of functional infrastructure systems supporting the critical sectors of the economy. These members shall consist of subject matter experts from diverse and appropriate professions and communities nationwide, be geographically balanced, and shall include representatives with a broad and inclusive range of industries.

Unless otherwise determined by the President, members shall not be full-time officials or employees of the Executive Branch of the Federal Government but shall be Representatives with expertise in the critical infrastructure sectors and industries, in accordance with the DHS Management Directive 2300.

Members shall serve without compensation for their work on the NIAC. However, members may be reimbursed, subject to the availability of funds, for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. § 5701-5707).

The President shall designate a Chair and Vice Chair from among the members of NIAC, each for a term of up to two years. The NIAC Chair shall preside at all NIAC meetings (unless chaired by the Vice Chair or DFO). Upon the request of the NIAC Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide NIAC with information and advice relating to its functions. In the Chair's absence, the Vice Chair will act as Chair.

Heads of executive branch departments may also jointly request with the Secretary of Homeland Security that the Council address relevant critical infrastructure security and resilience issues.

In addition to the Secretary of Homeland Security, or his or her delegate, the NIAC may

invite other senior Federal Government officials to attend NIAC meetings as the Chair and DFO deem appropriate.

**13. Subcommittees:**

The NIAC may establish subcommittees or ad hoc groups for any purpose consistent with this charter and with the approval of the DFO. Such subcommittees may not work independently of the chartered council and must report their recommendations and advice to the NIAC for full deliberation and discussion. Subcommittees have no authority to make decisions or to arrive at a consensus for/on behalf of NIAC and may not report or provide advice or recommendations directly to the Federal Government or any other entity other than the NIAC.

**14. Recordkeeping:**

The records of NIAC, formally and informally established subcommittees or other subgroups of the council, shall be handled in accordance with General Records Schedule 6.2, 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).

**15. Filing Date:**

12/15/2023  
Department Approval Date

12/15/2023  
CMS Consultation Date

12/18/2023  
Filing Date