

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

**CYBERSECURITY AND INFRASTRUCTURE SECURITY**

**AGENCY NATIONAL INFRASTRUCTURE ADVISORY**

**COUNCIL**

**CHARTER**

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

National Infrastructure Advisory Council (NIAC)

**2. Authority:**

NIAC is established under Section 10 of Executive Order 13231, dated October 16, 2001, as amended and continued under the authority of Executive Order 13899 dated September 27, 2019. This committee operates under the provisions of the *Federal Advisory Committee Act* (FACA), (Title 5, United States Code, Appendix).

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

NIAC, established on October 16, 2001, shall advise the President, through the Secretary of Homeland Security, 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 functional systems, physical assets and cyber networks, 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 and implement risk reduction programs;
- c. Monitor the development and operations of critical infrastructure 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 (DHS), 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 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 National Security and Telecommunications Advisory Committee established by Executive Order 12382 of September 13, 1982, as amended.

**4. Description of Duties:**

The duties of NIAC are solely advisory in nature.

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

NIAC will provide advice and recommendations in writing to the President through the Secretary of Homeland Security. NIAC may also address advice and recommendations relevant to Federal Government lead agencies that have critical infrastructure responsibilities.

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

DHS shall be responsible for providing financial and administrative support to NIAC. The Office of Infrastructure Security Division (ISD) under the Cybersecurity and Infrastructure Security Agency (CISA) will provide this support.

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

The estimated annual operating cost of NIAC is \$650,000, 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 CISA shall appoint a Designated Federal Officer (DFO) and alternate DFOs as required. The DFO or the Alternate DFO shall approve or call NIAC meetings, review meeting agendas, attend all

Committee and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and opens meetings. Further, the DFO is responsible for fulfilling the reporting requirements of section 6(b) of FACA.

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

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 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:**

Continuing per Section 11 below.

#### **11. Termination:**

As authorized by section 1(l) of Executive Order 13889 dated, September 30, 2019, NIAC will continue until September 30, 2021, unless extended by the President.

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

NIAC is composed of not more than 30 members. Members shall be appointed by the President and shall serve at the President's discretion taking appropriate account of the benefits of having members 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; with expertise relevant to the functions of the NIAC; and with experience equivalent to that of a chief executive of an organization.

Unless otherwise determined by the President, 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 NIAC, all members shall be required to have appropriate security clearances upon achieving membership.

**Officers:**

The President shall designate a Chair and Vice-Chair from among the members of 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 NIAC with information and advice relating to its functions. 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 Homeland Security Secretary, or his or her delegate, NIAC may invite other Senior Federal Government Officials to attend meetings of NIAC as the Chair and DFO deem appropriate.

**13. Subcommittees:**

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 NIAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of NIAC and may not report directly to the Federal Government or any other entity.

**14. Recordkeeping:**

The records of 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).

**15. Filing Date:**

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Department Approval Date

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CMS Consultation Date

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Filing Date