

# National Infrastructure Advisory Council

The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Mr. Secretary:

We are pleased to submit the final report and recommendations of the National Infrastructure Advisory Council (NIAC) study regarding the implementation of the Sector Partnership Model for public and private sector collaboration in protecting our nation's infrastructure. The NIAC would like to thank Martin G. McGuinn Chairman, President & CEO of Mellon Financial Corporation, and Marilyn Ware, Chairman Emerita of American Water for their leadership in this study. The Council would also like to thank the members of the study group and the many Sector Coordinating Council chairs and representatives who joined the group and contributed their dedicated efforts.

Early in 2005, you asked the NIAC to assess the validity of the Sector Partnership Model proposed in the Interim National Infrastructure Protection Plan (I-NIPP). In response, the NIAC formed the Sector Partnership Model Working Group (SPMWG) to develop advice and recommendations for the structure, function, and implementation of the model. In light of the findings of our report and in support of its objectives, the Council respectfully submits two key conclusions for your consideration:

1. The partnership model be implemented immediately and that the Homeland Security Act (HSA) Section 871 exemption be granted across all councils in the partnership framework; and
2. National plans for infrastructure preparedness and response be reviewed to ensure adequate integration of all partnership stakeholders.

The first recommendation listed here was the most difficult, yet most important, conclusion. The Council did not reach this decision without careful consideration; however, successful implementation of the report's recommendations and the partnership as a whole hinge upon this issue. After examining the role of the councils in partnership, the Working Group realized that the requirements of Federal Advisory Committee Act (FACA) would effectively end the public-private collaboration so desperately needed to reach the homeland security goals of the nation. Critical Infrastructure Protection (CIP), especially response and recovery, requires continuous and open dialogue among the public and private partners in this model, and such interaction would trigger FACA. In this case, FACA would inhibit communication, dialogue, and advice that must be shared between the Government Coordinating Councils (GCCs) and Sector Coordinating Councils (SCCs) and between the Private and Government Cross-Sector Councils.

For these reasons, the operational framework for the Sector Partnership Model should be based on the Section 871 exemption. All SCCs and the Private Cross-Sector Council should be self-

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organized, recognized as advisory committees on critical infrastructure protection and response/recovery matters, and be exempted from all requirements of the FACA.

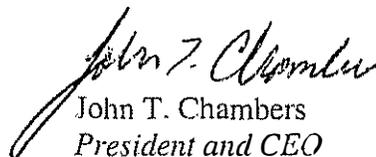
The Sector Partnership Model Implementation Final Report includes additional specific, practical detail of the recommendations. The report shows the dedication and full deliberation the Working Group gave to this important matter.

Mr. Secretary, on behalf of our fellow NIAC members, thank you for the opportunity to serve our country through participation in this study.

Sincerely,



Erle A. Nye  
*Chairman Emeritus*  
*TXU Corp.*  
*Chairman, NIAC*



John T. Chambers  
*President and CEO*  
*Cisco Systems, Inc.*  
*Vice Chairman, NIAC*

cc:

Frances Fragos Townsend,  
Special Assistant to the President for Critical Infrastructure Protection

Attachment: Final Report and Recommendations – Sector Partnership Model Implementation -  
October 11, 2005