Office of the Administrator
U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

February 2, 2009

ACTION

MEMORANDUM FOR: Janet Napolitano
Secretary

Nancy Ward

FROM: Nancy Ward
Acting Administrator

SUBJECT: Renewal of Charter for the National Advisory Council

Purpose

This memorandum requests that you approve the renewal of the charter for the National Advisory Council, a statutory advisory committee.

Background

Title 6, United States Code (U.S.C.), Section 318 required the establishment of a National Advisory Council to advise the Administrator on all aspects of emergency management. The charter has been updated to indicate current staffing level and that *ex officio* members may vote.

Discussion

This advisory body, originally chartered in February 2007, has been meeting since October 2007. The charter must be renewed every two years. The National Advisory Council has made formal recommendations or provided constructive input on the National Response Framework; the National Incident Management System; the National Disaster Housing Strategy; FEMA's Stafford Act regulatory initiative for public assistance and individual assistance; Regional Disability Coordinators; and FEMA's Strategic Plan.

Recommendation

I recommend that you approve renewal of the National Advisory Council's charter. The charter is attached for your review.

Attachment

Approve _____ Date 2-10-09

Disapprove _____ Date _____

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

NATIONAL ADVISORY COUNCIL

1. Committee's Official Designation:

The National Advisory Council.

2. Authority:

Title 6, United States Code, Section 318 directs the Secretary of Homeland Security to establish the National Advisory Council. The National Advisory Council 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 National Advisory Council shall advise the Administrator of the Federal Emergency Management Agency (FEMA) on all aspects of emergency management. The National Advisory Council shall incorporate State, local and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

4. Description of Duties:

The duties of the National Advisory Council are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The National Advisory Council reports to the Administrator of FEMA.

6. Agency Responsible for Providing Necessary Support:

FEMA shall be responsible for providing financial and administrative support to the National Advisory Council.

7. Estimated Annual Operating Costs and Staff Years:

The annual operating cost associated with supporting the National Advisory Council's functions are estimated to be $1 million per year, including all direct and indirect expenses. Two (2) FTE will be required to support the National Advisory Council.

8. Designated Federal Officer:

A full-time or permanent part-time employee of FEMA shall be appointed as the National Advisory Council Designated Federal Officer (DFO). The DFO or their designee shall approve or call the meeting of the National Advisory Council or any of its subcommittees; approve the agenda of all meetings; attend meetings; adjourn any meeting when he or she determines it to be in the public interest; and, chair meetings when directed to do so by the Administrator.

9. Estimated Number and Frequency of Meetings:

The National Advisory Council will meet in plenary session approximately once per quarter. With respect to the quarterly meetings, it is anticipated that the National Advisory Council will hold at least one teleconference meeting with public call-in lines. Members may be reimbursed for travel and per diem, and all travel for National Advisory Council 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, United States Code.

10. Duration and Termination:

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Advisory Council. This charter shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with section 14(b) of FACA.

11. Member Composition:

The National Advisory Council shall consist of up to thirty-five (35) members appointed by and serving at the pleasure of the Administrator. To the extent practicable, the members shall be drawn from a geographic (including urban and rural) and substantive cross-section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and nongovernmental organizations, as follows:

- Three (3) members representing the interests of the emergency management field and three (3) members representing emergency response providers. These members are to represent the viewpoint of the interest sectors indicated and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code.
- One (1) member drawn from among the community of health scientists, one (1) member drawn from among the community of emergency medical providers, one (1) member drawn among the community of inpatient medical providers, and one (1) drawn from among the community of public health professionals. These members bring their expertise and experience to the Council and shall serve as Special Government Employees as defined in section 202(a) of Title 18, United States Code.

- Two (2) members from the Federal, State, local and tribal governments and the private sector representing standard-setting and accrediting organizations with expertise in the emergency preparedness and response field. These members shall include experts from the voluntary consensus codes and standards development community. These members are to represent the viewpoint of the subject organizations and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code.
- One (1) member representing State governments. This member shall be drawn from State government officials, expressly including, but not limited to, Adjutants General, with expertise in preparedness, protection, response, recovery, or mitigation. This member is to represent the interests of State governments and is not a Special Government Employee as defined in section 202(a) of Title 18, United States Code.
- One (1) member representing local governments. This member shall be drawn from local government officials with expertise in preparedness, protection, response, recovery, or mitigation. This member is to represent the viewpoint of the interests of local governments and is not a Special Government Employee as defined in section 202(a) of Title 18, United States Code.
- One (1) member representing tribal governments. This member shall be drawn from tribal government officials with expertise in preparedness, protection, response, recovery, or mitigation. This member is to represent the viewpoint of the interests of tribal governments and is not a Special Government Employee as defined in section 202(a) of Title 18, United States Code.
- One (1) member representing executives of State governments. This member shall be drawn from elected State government officials. This member is to represent the viewpoint of the interests of State governments and is not a Special Government Employee as defined in section 202(a) of Title 18, United States Code.
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- One (1) member drawn from among the public and private community of individuals with experience in infrastructure protection, one (1) member drawn from among the public and private community of individuals with experience in cybersecurity, and one (1) member drawn from among the public and private community of individuals with experience in communications. These members bring their expertise and experience to the Council and shall serve as Special Government Employees as defined in section 202(a) of Title 18, United States Code.

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- One (1) member drawn from among the community of disabled individuals to represent disabled individuals, and one (1) member drawn from among the community of those with other special needs to represent that community. Each member represents the interests of his or her community and is not a Special Government Employee as defined in section 202(a) of Title 18, United States Code.
- Other such individuals as the Administrator determines to be appropriate. The appropriate membership designation for each member in this category will be determined at the time of appointment by Department ethics officials.

In the selection of members who are health or emergency medical service professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation. The Administrator shall designate one or more officers of the Federal Government to serve as *ex officio* members. A member of the Homeland Security Advisory Council's Emergency Responder Senior Advisory Committee shall be designated as an *ex officio* member. Members designated as *ex officio* will be entitled to vote on council business.

The term of office of each member shall be three years. Of the members initially appointed to the National Advisory Council, one-third shall be appointed for a term of one year; and one-third shall be appointed for a term of two years and one-third will be appointed for the full three-year term.

A member appointed to fill an unexpired term shall serve the remainder of that term. In the event that the National Advisory Council terminates, all appointments to the National Advisory Council shall terminate.

12. Subcommittees:

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

February 10, 2009
Agency Approval Date

February 5, 2009
GSA Consultation Date

February 11, 2009
Date Filed with Congress