

Charter
Advisory Committee on Industrial Security and Industrial Base Policy

1. Committee's Official Designation: The committee will be known as the Advisory Committee on Industrial Security and Industrial Base Policy ("the Committee").
2. Authority: The Secretary of Defense, pursuant to section 1647(a) of the National Defense Authorization Act for Fiscal Year 2017 ("the FY 2017 NDAA") (Public Law 114-328) and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 C.F.R. § 102-3.50(a), established this non-discretionary committee.
3. Objectives and Scope of Activities: The Committee shall review, assess, and make recommendations with respect to industrial security and industrial base policy, as set out in more detail in paragraph 4 below.
4. Description of Duties: The Committee, pursuant to section 1647(b) of the FY 2017 NDAA, provides the Secretary of Defense or the Deputy Secretary of Defense, through the Under Secretary of Defense for Intelligence (USD(I)), independent advice and recommendations on matters relating to industrial security and industrial base policy. The Committee shall review and assess:
 - a. the national industrial security program for cleared facilities and the protection of the information and networking systems of cleared defense contractors;
 - b. policies and practices relating to physical security and installation access at installations of the DoD;
 - c. information security and cyber defense policies, practices, and reporting relating to the unclassified information and networking systems of defense contractors;
 - d. policies, practices, regulations, and reporting relating to industrial base issues; and
 - e. any other matters the Secretary of Defense determines to be appropriate.
5. Agency or Official to Whom the Committee Reports: The Committee reports to the Secretary of Defense and/or the Deputy Secretary of Defense, through the USD(I). The USD(I), or designated representative, in accordance with DoD policy, may act upon the Committee's advice and recommendations.
6. Support: The DoD, through the Office of the USD(I), provides the necessary support for the Committee and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act (5 U.S.C. § 552b) ("the Sunshine Act"), governing Federal statutes and regulations, and DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$507,200.00. The estimated annual personnel cost to the DoD is 2.0 full-time equivalents.
8. Designated Federal Officer: The Committee's Designated Federal Officer (DFO), shall be a

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full-time or permanent part-time DoD officer or employee designated in accordance with DoD policies and procedures. The Committee's DFO is required to be in attendance at all meetings of the Committee and any subcommittee for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly designated to the Committee in accordance with established DoD policies and procedures, must attend the entire duration of all of Committee or subcommittee meetings.

The DFO, or the Alternate DFO, calls all Committee meetings; prepares and approves all meeting agendas; and adjourns any meeting when the DFO or the Alternate DFO determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Committee meets at the call of the Committee's DFO, in consultation with the Committee's Chair. The estimated number of Committee meetings is at least one per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Committee shall terminate on September 30, 2022, pursuant to section 1647(e) of the FY 2017 NDAA.
12. Membership and Designation: The Committee, pursuant to section 1647(c) of the FY 2017 NDAA, shall be composed of ten members of which five members shall be representatives of non-governmental entities and five members shall be representatives of departments or agencies of the Federal Government.

The appointment of the Committee members will be approved by the Secretary of Defense, the Deputy Secretary of Defense, or the Chief Management Office of the Department of Defense (CMO) ("the DoD Appointing Authorities"), for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member unless approved by the DoD Appointing Authorities, may serve more than two consecutive terms of service on the Committee, to include its subcommittees, or serve on more than two DoD Federal advisory committees at one time.

Committee members, who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Committee members who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members.

All Committee members are appointed to provide advice on the basis of their best judgment without representing any particular points of view and in a manner that is free from conflict of interest.

The DoD Appointing Authorities shall appoint the Committee's leadership from among the

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membership previously appointed to serve on the Committee in accordance with DoD policies and procedures, for a one-to-two year term of service, with annual renewal, which shall not exceed the member's approved Committee appointment.

Except for reimbursement of official Committee-related travel and per diem, Committee members serve without compensation.

13. Subcommittees: The DoD, when necessary and consistent with the Committee's mission and DoD policy and procedures, may establish subcommittees, task forces, or working groups to support the Committee. Establishment of subcommittees will be based upon written determination, to include terms of reference, by the DoD Appointing Authorities or USD(I), as the DoD Sponsor. All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and DoD policies and procedures.

Such subcommittees shall not work independently of the Committee and shall report all their recommendations and advice solely to the Committee for its thorough discussion and deliberation at a properly noticed and open meeting, subject to the Government in the Sunshine Act. Subcommittees, task forces, and working groups have no authority to make decisions or recommendations, verbally or in writing, on behalf of the Committee. No subcommittee nor any of its members may update or report, verbally or in writing, directly to the DoD or to any Federal officers or employees. If a majority of Committee members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same FACA notice and openness requirements governing the Committee's operations.

The appointment of individuals to serve on these subcommittees shall be approved by the DoD Appointing Authorities for a term of service of one-to-four years, subject to annual renewals, in accordance with DoD policy and procedures. No member shall serve more than two consecutive terms of service on the subcommittee without prior approval from the DoD Appointing Authorities. Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, or members of the Armed Forces, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees, or members of the Armed Forces, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.

The DoD Appointing Authorities shall appoint the subcommittee leadership from among the membership previously appointed to serve on the subcommittee in accordance with DoD policies and procedures, for a one-to-two year term of service, with annual renewal, which shall not exceed the subcommittee member's approved subcommittee appointment.

Each subcommittee member is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

With the exception of reimbursement for travel and per diem as it pertains to official travel

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related to the Committee or its subcommittees, subcommittee members shall serve without compensation.

14. Recordkeeping: The records of the Committee shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).
15. Filing Date: April 30, 2019