

# UNITED STATES DEPARTMENT OF HOMELAND SECURITY CHARTER OF THE CRITICAL INFRASTRUCTURE PARTNERSHIP ADVISORY COUNCIL

## I. ESTABLISHMENT AND OFFICIAL DESIGNATION

Consistent with section 201 of the *Homeland Security Act of 2002* (the "Act"), 6 USC§ 121, and pursuant to section 871(a) of the Act, 6 USC§ 451(a), the Secretary of Homeland Security (Secretary) hereby establishes the Critical Infrastructure Partnership Advisory Council (CIPAC) for the purposes set forth herein. In recognition of the sensitive nature of the subject matter involved in the CIPAC's activities, the Secretary hereby exempts the CIPAC from Public Law 92-463 (*The Federal Advisory Committee Act*, or "FACA").

## II. OBJECTIVE AND SCOPE OF ACTIVITY

- A. The CIPAC is aligned with and supports the implementation of the National Infrastructure Protection Plan 2013: *Partnering for Critical Infrastructure Security and Resilience* (NIPP), and will help to effectuate the interests of the partnership structure set forth in the NIPP 2013 by coordinating federal infrastructure security and resilience programs with the infrastructure security and resilience activities of the private sector and of state, local, territorial, and tribal governments. Specifically, CIPAC will facilitate interaction between government representatives at the federal, state, local, and tribal levels and representatives from the community of critical infrastructure (CI) owners and operators in each critical infrastructure sector to conduct deliberations and form consensus positions to assist the Federal Government in engaging in, among other things:
1. Planning
  2. Coordinating among government and critical infrastructure owner and operator partners
  3. Implementing security and resilience program initiatives
  4. Conducting operational activities related to critical infrastructure security and resilience measures, incident response, and recovery
  5. Reconstituting critical infrastructure assets and systems from both manmade and naturally occurring events
  6. Sharing threat, vulnerability, risk mitigation, business continuity information, best practices, and lessons learned at the unclassified level and as necessary, the classified secret level with current clearance holders.
- B. As appropriate, the CIPAC may develop policy advice and recommendations on critical infrastructure security and resilience matters to be provided to the Department of Homeland Security (OHS), the Sector-Specific Agency (SSA) for each sector, and the other federal departments and agencies supporting the critical infrastructure security and resilience mission under the NIPP 2013, which have responsibility for establishing and implementing federal policy and managing federal programs. The CIPAC has no

authority to establish federal policy or otherwise undertake inherently governmental functions.

- C. The CIPAC and its component working groups may consult with interested parties, agencies, interagency committees, or groups of the U.S. Government, as well as with private groups and individuals.

### III. MEMBERSHIP AND ORGANIZATION

- A. The CIPAC will be representative of those CI sectors identified in, or established by the Secretary, pursuant to Presidential Policy Directive 21: Critical Infrastructure Security and Resilience. Additional sectors established by the Secretary will be announced in the Federal Register. Modal sub-councils, properly established within a sector, will be considered part of that sector for CIPAC activities.
- B. The specific membership of the CIPAC will consist of entities representing: (i) the CI owner and operator members of a OHS-recognized Sector Coordinating Council (SCC), including their representative trade associations or equivalent organization members of an SCC as determined by the SCC [hereinafter "SCC CIPAC Members"]; and (ii) federal, state, local, and tribal governmental entities comprising the members of the Government Coordinating Council (GCC) for each sector, including their representative organizations [hereinafter "GCC CIPAC Members"], members of the state, local, tribal and territorial Government Coordinating Council, and representatives of other federal agencies with responsibility for CI activities. CI owners and operators are those entities that own and invest in infrastructure assets, in the systems and processes to secure them, and that are held responsible by the public for their operations and response and recovery when their infrastructures or key resources are disrupted.
- C. In order to achieve as representational a membership as possible from each sector, as new sectors and their SCCs are formed -and existing ones mature -CI owners and operators or their representative trade associations or equivalent organizations that join secs after the date of renewal indicated below shall be considered members of the CIPAC upon notification to the CIPAC Executive Secretariat. The CIPAC Executive Secretariat will, at a minimum, publish quarterly updates in the Federal Register to announce changes in the membership of the CIPAC and maintain a list of members on a publicly accessible Website.
- D. As they are independent bodies, meetings consisting solely of members of the SCCs operating without the specific direction of the Federal Government, or those consisting solely of members of the GCCs, do not constitute meetings of the CIPAC. Meetings of CIPAC subgroups (or working groups) that conduct deliberative activities will also qualify as CIPAC meetings if they comply with CIPAC requirements as established in this charter, and any compliance procedures established by the CIPAC Executive Secretariat. The CIPAC may meet as a whole or in any combination of subgroups that is most conducive to the effective conduct of its activities including, without limitation, in groups encompassing specific sectors to address sector-specific issues and concerns, or in

a cross-sector group with at least one designated representative from each of the participating sectors to address interdependencies and other cross-sector issues.

- E. In order to maintain transparency, each SCC, GCC and cross-sector council convening under CIPAC shall maintain a current publicly available membership list and a public charter that describes, at minimum, criteria for determining representative membership.
- F. At the direction of the President of the United States and consistent with federal policy, federally registered lobbyists may not participate as SEC member representatives in an "individual capacity" at meetings convened under CIPAC. This limitation applies only to covered CIPAC activities which include decision making, formulating recommendations, and deliberations leading to consensus advice. Federally registered lobbyists that are SCC member representatives or invited subject matter experts may participate at meetings convened under CIPAC when functioning in a "representative capacity" such that they are representing the interests of a nongovernmental entity or a recognizable group of persons, including, but not limited to, an industry sector, or state and local governments. Federally registered lobbyists representing SEC members may continue to participate in all other NIPP framework meetings and activities outside CIPAC convened events.
- G. Non-federal members of the CIPAC serve as representatives of their sectors, not as special government employees as defined in section 202(a) of Title 18, USC. Members will serve without any compensation for their work.

#### IV. MEETINGS AND RESPONSIBILITIES

- A. Meetings within the CIPAC structure will be held at least quarterly to address matters within the scope of this Charter and may be held more frequently as necessary or appropriate to address mission requirements. All scheduled CIPAC meetings will be held only upon the approval of, and at the call of, the CIPAC Designated Federal Officer (DFO) or Alternate Designated Federal Officer (ADFO) within the CIPAC Executive Secretariat. Meetings will be announced on a publicly accessible Website unless exigent circumstances prohibit doing so.
- B. Due to the sensitive nature of the material discussed, meetings of the CIPAC will customarily be closed to the public, but may be opened by the CIPAC DFO or ADFO after consultation with leadership from the participating SCCs and GCCs.
- C. The Sector Outreach and Programs Division of the Office of Infrastructure Protection, National Protection and Programs Directorate, will be designated as the CIPAC Executive Secretariat. The CIPAC Executive Secretariat will:
  - 1. Through the identified DFO or ADFO, a federal official within the Executive Secretariat, (i) designate OHS Federal Compliance Liaison Officers (CLO), who will attend all meetings of the CIPAC and ensure the advisory activities of the CIPAC are within its authorized scope of responsibility, exercising the power to adjourn any of its meetings if necessary; (ii) annually train and certify CLOs on their required

duties; and (iii) prepare public notices related to meetings.

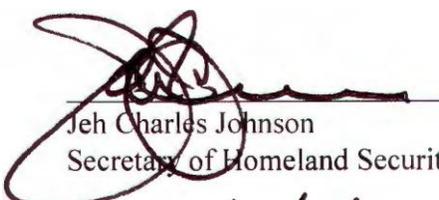
2. Oversee the development, implementation, operation, and observance of administrative procedures for the CIPAC. It will also issue guidance for participation in the CIPAC.
  3. Prepare summaries of CIPAC meetings that will, at a minimum, contain a record of the membership present, including their professional affiliation; a description of matters and materials discussed; and any general actions taken, conclusions reached, or recommendations adopted.
  4. Maintain calendars and agendas for CIPAC meetings, as well as prepare public notices related to meetings.
  5. Coordinate the processing, review, and evaluation of all information shared by and communications from meeting participants with federal entities engaged in CIPAC activities.
  6. Maintain all member information on the publicly available CIPAC Website and publish changes in CIPAC membership in the Federal Register on a quarterly basis at a minimum.
  7. Develop and maintain an annual performance report on a publicly accessible Website that will provide, to the extent possible, information on CIPAC accomplishments and measurements of progress made during CIPAC activities.
  8. Extend invitations to attend meetings to federal, state, local, territorial, and tribal officials, and other subject matter experts, as required by the activities of the CIPAC.
  9. Approve any CIPAC governance documents that are consistent with this Charter.
  10. Perform other administrative functions as required.
- D. The CIPAC Executive Secretariat may accept the offer of another federal agency to host and support any CIPAC meeting. The costs of such services will be borne by the offering agency, and will follow CIPAC meeting operational procedures as established by the CIPAC Executive Secretariat.
- E. CIPAC members participate according to this Charter and any governance documents hereafter adopted.

## V. ESTIMATED COSTS, COMPENSATION, AND STAFF SUPPORT

Subject to the availability of appropriations, OHS envisions the need for and shall provide the CIPAC with federal and contractor administrative support equivalent to two (2) fulltime positions, and with such funds as may be necessary to cover operating expenses and administrative costs generated in conducting its business. CIPAC members shall customarily bear their own costs of participating in the CIPAC; however, OHS may reimburse state, local, tribal, and territorial officials for their reasonable travel expenses, and *per diem* in lieu of subsistence, in accordance with OHS policies and procedures. The estimated annual operating costs for 2014 are \$400,000 plus personnel costs for two (2) permanent staff members. The estimated annual operating costs for fiscal year 2015 are \$400,000 plus personnel costs.

## VI. DURATION

The CIPAC shall function on a continuing basis until the earlier of (A) two years from the date of renewal indicated below; or (B) termination by the Secretary; provided however, that the CIPAC may continue to exist beyond two years from the date of establishment indicated below upon renewal by the Secretary pursuant to section 871(b) of *The Homeland Security Act of 2002*, 6 U.S.C. §451(b).

  
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Jeh Charles Johnson  
Secretary of Homeland Security  
Date: 12/7/14