

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 will support implementation of the National Infrastructure Protection Plan (NIPP), and will help to effectuate the sector partnership model set forth in the NIPP, by coordinating federal infrastructure protection and resilience programs with the infrastructure protection and resilience activities of the private sector and of state, local, territorial, and tribal governments. Specifically, the CIPAC will facilitate interaction among government representatives at the federal, state, local, and tribal levels and representatives from the community of critical infrastructure and key resources (CIKR) owners and operators in each critical sector to engage in, among other things:
1. Planning
 2. Coordination
 3. Security and resilience program implementation
 4. Operational activities related to critical infrastructure security and resilience measures, including incident response, recovery, and reconstitution from events both manmade and naturally occurring, and
 5. Sharing of information about threats, vulnerabilities, protective and resilience measures, best practices, and lessons learned.
- B. As appropriate, the CIPAC may develop policy advice and recommendations on critical infrastructure protection and resilience matters to be provided to the Department of Homeland Security (DHS), the Sector-Specific Agency for each sector, and the other federal departments and agencies supporting the critical infrastructure protection and resilience mission under the NIPP, 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 and with private groups and individuals.

III. MEMBERSHIP AND ORGANIZATION

- A. The CIPAC will be representative of those CIKR sectors identified in, or established by the Secretary pursuant to Homeland Security Presidential Directive 7 (HSPD-7). Additional sectors established by the Secretary will be announced in the Federal Register.
- B. The specific membership of the CIPAC will consist of: (i) the CIKR owners and operators that are members of their respective sector's DHS-recognized Sector Coordinating Council (SCC), including their representative trade or equivalent organizations as determined by the sector [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 trade or equivalent organizations [hereinafter "GCC CIPAC Members"]. CIKR 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 and from across all sectors, as new sectors and their SCCs are formed, and existing ones mature, CIKR owners and operators or their representative trade or equivalent organizations that join SCCs after the date of renewal indicated below shall be considered members of the CIPAC. The DHS CIKR Sector Executive Secretariat (also designated as the CIPAC Executive Secretariat) will, at a minimum, publish quarterly updates in the Federal Register to announce changes in the membership of the CIPAC.
- 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 discrete sectors to address sector-specific issues and concerns, or in a small group with a single designated representative from each sector to address interdependencies and other cross-sectoral issues.
- E. Federally registered lobbyists may not participate as SCC CIPAC member representatives at meetings convened under the CIPAC. This limitation applies only to CIPAC covered activities and federally registered lobbyists from SCC member organizations may continue to participate in NIPP Framework meetings and activities outside CIPAC convened events. SCC CIPAC members that engage in federal lobbying activity may participate in CIPAC meetings and activities as long as their representatives are not federally registered lobbyists.

- F. 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 Executive Secretariat and 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 Executive Secretariat after consultation with leadership from the participating SCCs and GCCs.
- C. The Partnership Programs and Information Sharing Branch in 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 Designated Federal Officer (DFO), a federal official within the Executive Secretariat, (i) designate Federal Compliance Liaison Officers (CLO), who will attend all meetings of the CIPAC and ensure that 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) periodically 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, including the development of metrics for the effectiveness of the public-private partnership.
 - 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 and publish changes in CIPAC membership, in the Federal Register at a minimum, on a quarterly basis.
 7. Develop and maintain on an ongoing basis a publicly accessible website that will provide, to the extent possible, information on CIPAC activities.
 8. Extend invitations to federal, state, local, territorial and tribal officials, and other subject matter experts to attend meetings, as required by the activities of the CIPAC.
 9. Approve any CIPAC bylaws that are consistent with this Charter.
 10. Perform other administrative functions as may be 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 bylaws hereafter adopted.

V. ESTIMATED COSTS, COMPENSATION, AND STAFF SUPPORT

Subject to the availability of appropriations, DHS envisions the need for and shall provide the CIPAC with Federal and contractor administrative support equivalent to three (3) full-time equivalent 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, DHS may reimburse state, local, tribal, and territorial officials for their reasonable travel expenses, and *per diem* in lieu of subsistence, in accordance with DHS policies and procedures. The estimated annual operating costs for 2012 are \$950,000 plus personnel costs for two (2) permanent staff members. The estimated annual operating costs for fiscal year 2013 are \$990,000 plus personal 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 USC § 451(b).



 Janet Napolitano
 Secretary
 Department of Homeland Security

Date: 3-16-12