

Federal Senior Leadership Council Charter

Article I – Establishment and Official Designation

The Cybersecurity and Infrastructure Security Agency (CISA) recognizes the Federal Senior Leadership Council (FSLC) as a cross-sector council for Federal departments and agencies with responsibility in critical infrastructure security and resilience and a mechanism to advance the objectives provided in the National Infrastructure Protection Plan (NIPP).

Article II – Purpose

The purpose of the FSLC is to enhance interagency communications and coordination among Federal departments and agencies that serve as designated Sector Risk Management Agencies (SRMAs)¹ or have a role in implementing: (i) the NIPP, (ii) Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience (PPD-21), (iii) Executive Order 13636 - Improving Critical Infrastructure Cybersecurity (EO 13636), and (iv) similar directives and/or subsequently-dated issuances thereof.

Article III – Scope of Activity

The FSLC's primary activities include:

- Coordinating implementation of SRMA responsibilities;
- Coordinating interagency efforts to characterize and gain better understanding of National Critical Functions;
- Forging consensus on evaluation and prioritization of critical infrastructure risk management strategies;
- Promoting implementation of risk-informed approaches to critical infrastructure planning, management, and operation;
- Advancing collaboration within and across critical infrastructure sectors and with the international community;
- Advocating for and tracking execution of the NIPP across the Executive Branch;
- Supporting development of resource requests to fulfill the Federal mission; and
- Evaluating and reporting on the progress of Federal critical infrastructure security and resilience activities.

Article IV – Membership Structure

Membership Considerations

Membership resides with the member agency. Member agencies include the designated Sector Risk Management Agencies and other Federal departments and agencies with critical infrastructure security and resilience responsibilities (as listed in Annex A: List of FSLC Members of this Charter).

¹ Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 amended the Homeland Security Act of 2002 to, among other things, rename "Sector Specific Agencies" as "Sector Risk Management Agencies." Pub. L. No. 116-283 (Jan. 1, 2021).

Principal Representatives

Each member agency shall designate no more than two (2) Principal Representatives (consisting of a primary and an alternate). Principal Representatives shall be senior federal officials or employees with the responsibility and authority to direct agency policy and programs on behalf of their departments and/or agencies with respect to the broad range of issues brought before the FSLC. Principal Representatives will be chosen by the respective Federal department or agency. The FSLC Executive Secretariat maintains a record of the Principal Representatives for each member agency.

Action Officers

Each member agency shall designate one or more FSLC Action Officer(s) to regularly participate in working-level meetings, coordination teleconferences, and other activities not requiring the participation of Principal Representatives. FSLC Action Officers shall be senior federal officials or employees with sufficient knowledge and understanding of the mission, programs, and authorities of their departments and/or agencies. FSLC Action Officers are designated by their respective Federal department or agency. The FSLC Executive Secretariat maintains a record of the FSLC Action Officers for each member agency.

Technical Experts

At the discretion of their corresponding Principal Representatives, member agencies may incorporate technical experts as additional participants to full council or working-level meetings to provide specific expertise and technical knowledge. Technical experts may be federal employees or federal contractor employees; however, federal contractor employees may not engage in inherently governmental functions nor may they officially represent the member agency. The Federal department or agency wishing to include additional agency representatives as technical experts for a particular meeting shall notify the FSLC Executive Secretariat by e-mail to NIPP@cisa.dhs.gov prior to the meeting and identify whether the technical expert is a federal employee or federal contractor.

Article V – Officers and Governance

Officers

The Director of the Cybersecurity and Infrastructure Security Agency (CISA), as CISA's primary Principal Representative, serves as FSLC Chair. CISA's Assistant Director for Stakeholder Engagement, as CISA's alternate Principal Representative, serves as FSLC Vice-Chair.

The FSLC Chair shall have the following powers and responsibilities: (i) chairing meetings of the FSLC, (ii) setting FSLC meeting schedules and agendas, (iii) representing the FSLC to the Federal Government and other critical infrastructure partners, and (iv) coordinating within the Department of Homeland Security (DHS), the Executive Branch, and the FSLC Executive Secretariat.

Governance

The FSLC shall utilize a consultative process, encouraging the exchange of information and points of view, and strive to reach decisions by consensus. Decisions require simple majority of the votes of a quorum of member agencies. A quorum for decision making is achieved if the member agencies present represent at least two thirds of the total number of members listed in Annex A. Member agencies, as listed in Annex A, have one vote regardless of the number of representatives present.

The FSLC recognizes that each Principal Representative's Federal department or agency must operate within a mission and parameters that may be distinct from those of the FSLC. At times, a Federal department or agency's mission may restrict a Principal Representative's ability to agree with a potential decision. Under such a circumstance, the Principal Representative should communicate the applicable reasons, justifications, or perspectives clearly to the other Principal

Representatives so they may consider the information before reaching a decision. In the event there is dissent, the FSLC Chair may, nevertheless, move forward and take such action to fulfill the obligations of the FSLC, as long as such action falls within the legal bounds and mandates of the FSLC.

Principal Representatives should represent the positions of their respective Federal government department or agency; however, the FSLC recognizes that, at times, Principal Representatives participating in meetings may not have the legal authority to act on behalf of their Federal department or agency. Therefore, the decisions of individual Principal Representatives are not necessarily binding on their Federal department or agency.

Article VI – Meetings

Full Council Meetings

The FSLC will meet as a full council, with participation of Principal Representatives (in person or by teleconference), at least twice per year. FSLC full council meetings are led by FSLC Chair or Vice-Chair. Additional full council meetings may be scheduled as needed at the Chair's discretion or upon request to the Chair from a Principal Representative.

In the event the Principal Representative and alternate Principal Representative are unable to attend a full council meeting, the Federal department or agency shall designate another federal official or employee as a replacement to attend the meeting. Such designation shall be made on a per-meeting basis only and not for general replacement purposes. The Federal department or agency wishing to designate a replacement for a full council meeting shall notify the FSLC Executive Secretariat in writing regarding a replacement designation. Such notifications to designate replacement representatives shall be delivered by e-mail to NIPP@cisa.dhs.gov prior to the meeting.

Coordination Meetings

FSLC Action Officers will meet once a month (in person or by teleconference) to maintain an appropriate level of coordination and information sharing among agency members. FSLC coordination meetings are led by an Action Officer designated by the FSLC Chair or Vice-Chair. Additional meetings of Action Officers may be scheduled as needed at the Chair's discretion or upon request to the Chair from a Principal Representative.

Article VII – Executive Secretariat and Recordkeeping

CISA will serve as the Executive Secretariat to the FSLC in order to provide meeting logistics, planning, committee and/or working group support, and record keeping. The FSLC Executive Secretariat will maintain all meeting records, including minutes, in accordance with the records management policy and guidelines established by DHS.

Article VIII – Communications

The FSLC Chair shall implement communications and coordination policies and procedures to accommodate its necessary functions. The FSLC is expected to use multiple communications pathways, including e-mail and teleconference platforms, to maintain functionality. In addition, although the FSLC will make all reasonable attempts to arrive at a consensus regarding its recommendations, points of view, and statements, the FSLC will endeavor to relay all significant differing points of view when there is not a consensus opinion.

Article IX – Working Groups

The FSLC may form working groups to address certain topics or to undertake substantial or focused investigations, research, or other tasks which cannot be completed during regular FSLC meetings. All working groups shall be subordinate to the FSLC and will report their activities and findings during FSLC full council meetings.

At the discretion of their corresponding Principal Representatives, member agencies designate their working group representatives. Representatives of Federal departments or agencies that are not members of the FSLC may participate in working group meetings as technical experts to provide expertise on topic-specific issues or to represent equities relevant to the activities of the working group.

FSLC working groups must operate in accordance with a working group charter. At a minimum, the charter must define the purpose, scope, objectives, desired outcome(s), expected duration, meeting frequency, and working group membership. Working group charters are submitted to and approved by the FSLC. The FSLC Executive Secretariat maintains a record of working group charters and working group representatives for each working group.

Article X – Critical Infrastructure Partnership Advisory Council Relationship

In the event the FSLC, including its working groups, meets with Sector Coordinating Councils or the Critical Infrastructure Cross-Sector Council to engage in formulating consensus advice and recommendations, those meetings will be conducted in compliance with the Critical Infrastructure Partnership Advisory Council (CIPAC) Charter and applicable guidelines established by the CIPAC Designated Federal Officer.

Article XI – Duration and Amendments

The FSLC shall function on a continuing basis for the duration of two years from the signature date. This charter may be modified or amended at the discretion of the FSLC Chair with consensus of the member agencies.



Brandon Wales

Date 3/15/2021

Acting Director
Cybersecurity and Infrastructure Security Agency
U.S. Department of Homeland Security

ANNEX A – List of FSLC Members

Sector Risk Management Agencies:

- Department of Agriculture
 - Food and Agriculture Sector
- Department of Defense
 - Defense Industrial Base
- Department of Energy
 - Energy Sector
- Department of Health and Human Services
 - Food and Agriculture Sector
 - Healthcare and Public Health Sector
- Department of Homeland Security – Cybersecurity and Infrastructure Security Agency
 - Chemical Sector
 - Commercial Facilities Sector
 - Communications Sector
 - Critical Manufacturing Sector
 - Dams Sector
 - Defense Industrial Base Sector
 - Emergency Services Sector
 - Information Technology Sector
 - Nuclear Reactors, Materials, and Waste Sector
- Department of Homeland Security – Transportation Security Administration
 - Transportation Systems Sector
- Department of Homeland Security – Federal Protective Service
 - Government Facilities Sector
- Department of Homeland Security – U.S. Coast Guard
 - Transportation Systems Sector
- Department of Transportation
 - Transportation Systems Sector
- Department of the Treasury
 - Financial Services Sector
- Environmental Protection Agency
 - Water and Wastewater Systems Sector
- General Services Administration
 - Government Facilities Sector

Other Departments and Agencies:

- Department of Commerce
- Department of Education
- Department of Homeland Security – Federal Emergency Management Agency
- Department of Homeland Security – Office of Policy
- Department of Homeland Security – Science and Technology Directorate
- Department of the Interior
- Department of Justice – Federal Bureau of Investigation
- Department of State
- Federal Communications Commission
- Nuclear Regulatory Commission
- Office of the Director of National Intelligence
- U.S. Election Assistance Commission