

Transportation Systems Sector Government Coordinating Council Charter

Article I – Official Designation

The official designation of this Council is the “Transportation Systems Sector Government Coordinating Council” (“the GCC”).

Article II – Mission and Purpose

Presidential Policy Directive 21, “Critical Infrastructure Security and Resilience” (PPD 21), released in February 2013, identifies 16 critical infrastructure sectors and designates the Department of Homeland Security (DHS) and the Department of Transportation (DOT) as the Co-Sector-Specific Agencies (Co-SSAs) of the Transportation Systems Sector (“the Sector”). DHS delegated authorities to carry out its Co-SSA role to the Transportation Security Administration (TSA) and the United States Coast Guard (USCG).¹ The National Infrastructure Protection Plan (NIPP) 2013: *Partnering for Critical Infrastructure Security and Resilience*, released in November 2013, serves as a guide for the national effort to manage risk to the Nation’s critical infrastructure. The NIPP reaffirms the important role of public-private partnership structures in communication and collaboration within and across sectors.

The GCC will serve as the overarching body that provides strategic guidance to address the Sector’s security and resilience programs, policies, and activities—including those of the Subsector GCCs and working groups.² The GCC is responsible for leading the collaborative effort to develop Sector plans, priorities, policies, and reports. In addition, the GCC supports interagency, intergovernmental, and cross-jurisdictional coordination as the Sector navigates through implications of the shift from a counterterrorism to an all-hazards environment, as directed by the NIPP 2013 and PPD 21.

Article III – Objectives and Scope of Activity

The GCC coordinates security and resilience issues and activities that are applicable to the Sector. The GCC fosters communication across and between governments and industry in support of the Nation's homeland security and resilience mission. The GCC will seek the advice of the Sector’s industry and government partners regarding Sector-wide programs to enhance the security and resilience of transportation systems.

The GCC will accomplish these objectives by:

- **Identifying issues for which public-private coordination and communication will enhance Sector security and resilience.** The GCC will bring together diverse Federal, State, and local interests to identify and develop collaborative strategies that advance

¹ Secretary of Homeland Security Memorandum, Subject: Designation of Executive Agent Authority for Critical Infrastructure and Key Asset Protection, dated May 27, 2003.

² This Charter uses the term “Subsector GCCs,” which encompasses references in the 2015 Transportation Systems Sector-Specific Plan to “Subsector GCCs.”

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Sector-wide security and resilience.

- **Identifying and addressing security needs and potential gaps in plans, programs, policies and procedures, and strategies.**
- **Sharing and exchanging information.** The GCC shall facilitate sharing of information, including threats, experiences, ideas, best practices, innovative approaches, and any other homeland security information (e.g., resilience).
- **Facilitating engagement and coordination.** The GCC will engage industry, as appropriate, through formal or *ad hoc* mechanisms, in conformance with the Critical Infrastructure Partnership Advisory Council Charter (CIPAC) or other applicable Federal laws, regulations or policies (e.g., Executive Orders, DHS policies) for receiving advice from non-Federal Government entities.
- **Highlighting successful programs and practices.** The GCC will recognize programs and practices that enhance the level of security and resilience in the Sector while facilitating the transfer of best practices across modes as appropriate.
- **Addressing other relevant topics.** The GCC will address subjects it determines are in the interest of enhancing transportation security and resilience.

Article IV – Membership and Member Representatives

Membership: The GCC permanent member agencies include:

- Department of Homeland Security
 - National Protection and Programs Directorate (Office of Infrastructure Protection)
 - Transportation Security Administration
 - United States Coast Guard
 - U.S. Customs and Border Protection
 - Federal Emergency Management Agency
- Department of Transportation
 - Office of the Secretary
- Departments or agencies with Sector interdependencies or important Sector functions in counterterrorism, including:
 - Department of Defense
 - Department of Energy
- Department of Justice
 - Federal Bureau of Investigation
- A State/Local/Tribal/Territorial (SLTT) Liaison

The GCC recognizes the integral relationship that it has with other sector GCCs and will leverage participation in these other councils to address cross-sector issues at all levels of government and with industry. In addition, the GCC recognizes that other Federal departments and agencies, as well as State agencies, have responsibilities for or involvement in the Sector. Thus, the GCC co-chairs may designate additional permanent Federal or State members, as necessary and appropriate. The GCC co-chairs may also invite representatives from other departments, agencies, GCCs, or offices to attend meetings, provide subject matter expertise, or make recommendations.

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Article V – Governance

Co-Chairs: Senior officials at the Assistant Secretary level with authority to make decisions on behalf of their agencies will represent the Co-SSAs and serve as the GCC co-chair(s)—collectively or on a rotating basis, as mutually agreed upon. In addition, the Assistant Secretary for the DHS National Protection and Programs Directorate’s Office of Infrastructure Protection will serve as a GCC co-chair.³

Member Representatives: Each member agency will designate a senior executive, with authority to make decisions on behalf of their respective agency, to represent the agency on the GCC. These member representatives will have voting rights.

Alternates: Each designated GCC co-chair and member representative will assign an alternate to represent them during their absence. Each member has the flexibility to have representation at meetings other than the official alternates, but must clearly designate that representative prior to the meeting in writing to the GCC co-chairs.

GCC Coordination Group: A working group with staff-level members from the Co-SSAs is established to support the administrative and logistical needs of the GCC and to coordinate the development of plans and reports.

Article VI – Meetings and Voting Procedures

The GCC will meet at least once a year, with additional scheduled meetings or conference calls to be held as needed. GCC meetings will be held either in person, by teleconference, and/or virtually.

For GCC meetings, the GCC Coordination Group will provide administrative and logistical support, as needed, and will notify all GCC members and Subsector GCC chairs of planned meetings and their agendas.

GCC member representatives work to achieve consensus through a consultative process that encourages the exchange of information and points of view. Dissent will be recognized and thoroughly discussed to ensure the rationale for final decisions is clearly understood by all other members. The co-chairs in attendance at a meeting will determine if a vote on an issue is necessary.

Quorum: A meeting quorum for the GCC is the presence of a simple majority, or more than fifty percent of the permanent members. A quorum, which must include representation from the DOT, TSA, and USCG, is required to develop consensus decisions or vote on issues being addressed.

³ “The Assistant Secretary for Infrastructure Protection, or his or her designee, co-chairs all GCCs.” NIPP 2013, p. 36.

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Voting Procedures: Each GCC co-chair and other permanent members will be entitled to only one vote and may cast that vote on each matter for which the GCC co-chairs call for a vote. Absentee votes will not be permitted, but members may cast votes via teleconference attendance at a meeting. A simple majority is necessary to approve a decision. In the event of a tie, the GCC co-chairs will decide the final outcome.

The GCC recognizes that each member represents a government entity or organization with inherent legal authorities and parameters within which it must operate. At times, legal requirements may restrict a member's ability to vote in favor of a decision. When legal objections form the basis—or part of the basis—for a member representative's dissent, the representative should obtain from its legal counsel a clear articulation of the relevant legal issues, which should be presented to the GCC. The GCC recognizes that other considerations besides legal considerations may form for the basis for a member representative's dissent.

The GCC also recognizes that members may not always have a stake in every issue discussed. Any member may abstain from voting if that member's department or agency programs or authorities are not involved, thereby deferring to members who have specific competence in the issue at hand.

The Subsector GCC representatives will not have voting rights on GCC activities, as the voting rights remain with the GCC member(s) representing each Subsector GCC representative's Department or Agency. However, the GCC will consider Subsector GCC representatives' recommendations in developing consensus decisions.

Article VII – Recordkeeping

TSA shall provide all GCC administrative support and maintain all GCC records, which will be handled in accordance with General Records Schedule 26, Item 2, or other approved agency records disposition schedule. The public availability of these records will be determined in accordance with the Freedom of Information Act (FOIA) (Title 5, United States Code, section 552).

Article VIII – Communications

The GCC Coordination Group will ensure a communication mechanism exists for sharing information among GCC membership, and will share information with appropriate counterparts and senior leadership of the GCC and Subsector GCCs, as applicable. The GCC Coordination Group will develop communications mechanisms to provide specific types of information to the Sector.

Article IX – Subsector GCCs and Working Groups

Subsector GCCs: Government Coordinating Councils also exist at the subsector level—namely Aviation, Highway and Motor Carrier, Mass Transit and Passenger Rail, Freight Rail, Pipelines,

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Maritime, and Postal and Shipping. Each Subsector GCC shall appoint a representative to the GCC to attend GCC meetings, report out on subsector activities, and provide recommendations on GCC initiatives.

Working Groups: The GCC will establish working groups when substantial investigation, research, or other cross-modal tasks (i.e., hazardous materials transportation, cybersecurity issues, and similar concerns affecting multiple transportation modes) are required that cannot be achieved at a regular GCC session or within a Subsector GCC. Working groups will have a leader designated by the GCC co-chairs, a charter, a time limit to meet the charter purpose, and a deliverable.

Individual charters for Subsector GCCs and working groups will serve as appendices to this charter.

Article X – CIPAC Membership and Representation

The GCC and this charter conform to the tenets of the Critical Infrastructure Partnership Advisory Council (CIPAC) and the current CIPAC charter. As explained in the CIPAC charter, the Secretary of Homeland Security established the CIPAC in March 2006 and exempted the CIPAC from the Federal Advisory Committee Act (FACA) pursuant to the Secretary's authority in 6 U.S.C. 451. Because the GCC convenes under CIPAC, the GCC, its subordinate councils, and its working groups are also exempt from the FACA.

CIPAC facilitates interaction between government officials and representatives of the community of owners and/or operators for each of the 16 critical infrastructure sectors defined in PPD 21 and identified in NIPP 2013. When participating in CIPAC activities, the GCC will comply with all requirements defined in the CIPAC charter and guidance issued by the CIPAC Designated Federal Officer (DFO) within the CIPAC Executive Secretariat.

The procedures for maintaining a CIPAC Member Representative list within the GCC are as follows:

- The GCC will inform the CIPAC DFO via email of the Sector's GCC Member Representatives to participate in CIPAC activities.
- The GCC will maintain a list serve of GCC member agencies and their representatives in accordance with Article X. Any GCC member may use the list serve as deemed appropriate. The GCC will inform the CIPAC DFO via email of changes and/or updates to the membership rosters on a quarterly basis, or as required.

The GCC co-chairs, or designated alternates, will represent the Sector at Federal Senior Leadership Council, Joint Meetings of the Cross-Sector Councils, and CIPAC Plenary meetings.

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Article XI – Amendments

Amendments to this charter will be handled using the procedures defined in Article VI. The amended charter will be forwarded in a timely manner to the CIPAC DFO for posting on the CIPAC public website.

Article XII – Bylaws

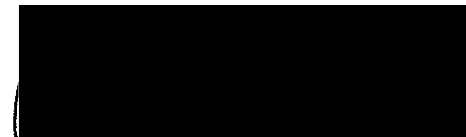
The GCC will develop and formalize bylaws, if needed, which further outline its administration, activities, and conduct. Any such document will be approved as stated in Article VI. All bylaws will be forwarded in a timely manner to the CIPAC DFO.

Article XIII – Duration

The GCC will review and assess the adequacy of this charter every two years. If amended during the two-year cycle, the charter will be in effect for two years after the amendment is approved.

Article XIV – Approval

This charter was adopted and agreed to by vote (concurrence) by the quorum of GCC members in attendance at the GCC meeting on (first meeting under the new charter).



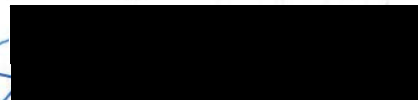
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Effective February 6, 2017