

Federal Senior Leadership Council

Charter

Article I – Establishment and Official Designation

As stated in the National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22), the Federal Senior Leadership Council (FSLC) shall be the consensus-based body that coordinates¹ and deconflicts the shared responsibilities and activities of federal departments and agencies with responsibilities for critical infrastructure security and resilience.² The FSLC serves as the primary cross-sector council for Sector Risk Management Agencies (SRMAs) and other federal departments and agencies with responsibility for critical infrastructure security and resilience.

Article II – Purpose

The purpose of FSLC is to facilitate a whole-of-government approach to encourage communication and cooperation between those designated as SRMAs and other relevant federal departments or agencies with responsibilities for critical infrastructure security and resilience.³ The Council has a role in implementing: (i) The National Infrastructure Risk Management Plan (National Plan), (ii) NSM-22, (iii) Executive Order 13636 – Improving Critical Infrastructure Cybersecurity (EO 13636), and (iv) any applicable successor documents or subsequently-dated issuances thereof. FSLC is also the primary mechanism to inform and advance the objectives of the National Plan.⁴

This charter describes the governance, expectations, and requirements for the Council and its members. This charter does not supersede or contradict authorities, policies, or statutes that apply to its membership, such as NSM-22.

Article III – Scope of Activity

FSLC's primary activities include:

- Consulting with the Secretary of Homeland Security to evaluate the current list of designated critical infrastructure sectors and subsectors and the appropriateness of SRMA designations no less than every five years.⁵
- Serving as an interagency consensus-based body to coordinate with SRMAs and other relevant federal departments and agencies to review and revise the National Plan every two years.⁶
- Leveraging designated departments and agencies' role as SRMAs to inform activities to secure and protect against critical infrastructure risks.
- Considering, coordinating, and as appropriate, supporting implementation of recommendations in the Section 9002(b) Report published in 2021.⁷
- Fulfilling NSM-22 information sharing requirements to ensure situational awareness of all

¹ NSM-22, Definitions: The terms "coordinate" and "in coordination with" mean a consensus decision-making process in which the named coordinating department or agency is responsible for working with the affected departments and agencies to achieve consensus and a consistent course of action.

² NSM-22, Roles and Responsibilities, Additional Federal Roles and Responsibilities, Item 1

³ The FSLC supports the responsibilities of the CISA Director under 6 U.S.C. § 652(c)(2) and (4), 6 U.S.C. § 652(e)(1)(E), 6 U.S.C. § 652a, and 6 U.S.C. § 665d.

⁴ The FSLC supports the responsibilities of the CISA Director under 6 U.S.C. § 652(c)(2) and (4), 6 U.S.C. § 652(e)(1)(E), 6 U.S.C. § 652a, and 6 U.S.C. § 665d.

⁵ 6 U.S.C. § 652a(b)(2)

⁶ 6 U.S.C. § 652(e)(1)(E), NSM-22

⁷ [Section 9002\(b\) Report | CISA](#); [Letter from the President to Select Congressional Leadership on the Nation's Critical Infrastructure | The White House](#)

departments and agencies with responsibilities for critical infrastructure and resilience by conducting regular briefings on cross-sector initiatives, annually communicating national and cross-sector guidance and priorities for SRMA efforts, and facilitating regular SRMA updates on the implementation of their roles and responsibilities and on the implementation of FSLC guidance and priorities.⁸

- Coordinating with SRMAs and other federal departments and agencies with responsibilities for critical infrastructure security and resilience to address national and cross-sector priorities.
- Unifying understanding of the unique expertise and specialized capabilities of FSLC member organizations.
- Building a mechanism for coordination of critical infrastructure prior to a national emergency⁹ as required by the SRMA roles and responsibilities “supporting incident management” and “contributing to emergency preparedness efforts.”¹⁰
- Fulfilling or supporting other relevant requirements specified in NSM-22.

In addition, FSLC priorities and activities will be informed by engagement with the National Security Council (NSC).¹¹ The Council will regularly discuss and approve work to advance these activities, or to adopt new activities.

Article IV – Membership

Membership

Membership resides with the member agency. As listed in *Annex A: List of FSLC Members*, member agencies include the designated SRMAs and other federal departments and agencies with authorities, responsibilities, or capabilities relevant to the security and resilience of the nation's infrastructure. Components of the Executive Office of the President are ex officio members of the FSLC.

In coordination with Council members, the FSLC Executive Secretariat will maintain the list of FSLC members and will conduct a biannual validation of active members and representatives. Based on this validation, or changes in policy or statute, the FSLC Executive Secretariat and Council members may recommend membership changes to the Council for decision, to include adding or removing member agencies. All recommended changes should detail the reason for the change, including any supporting policies, statutes, or other requirements.

Agency Representatives

The FSLC Executive Secretariat shall maintain a record of the representatives for each member and non-member agency, to include Principal Representatives, Action Officers, technical experts, and additional participants. Member agencies shall notify the FSLC Executive Secretariat in writing of any changes to their representatives.

- ***Principal Representatives***

Each member agency shall designate no more than two (2) Principal Representatives (consisting of a primary and an alternate) at the Assistant Secretary level (or equivalent office head as indicated in Annex A: List of FSLC Members) with decision-making authority, responsibility, and policy expertise. All Principal Representatives must be federal employees meeting these requirements. In addition, the primary Principal Representative for SRMA members must also be

⁸ NSM-22, Roles and Responsibilities, Additional Federal Roles and Responsibilities, Item 1

⁹ While the FSLC may deconflict roles and responsibilities and build supporting processes, the FSLC is not an emergency response mechanism.

¹⁰ 6 U.S.C. § 665d

¹¹ NSM-22, Roles and Responsibilities, Additional Federal Roles and Responsibilities, Item 1

the SRMA's Accountable Senior Official as identified in NSM-22. Principal Representatives should be able to commit resources on behalf of their department or agency on matters within Article III – Scope of Activity. Principal Representatives help decide priorities and provide direction to Action Officers and Working Groups. They are also responsible for approving Working Group and Council outputs and decisions.

- ***Action Officers***

Each member agency shall designate one or more FSLC Action Officer(s) to lead and coordinate activities on behalf of their agency and serve as the agency representative in those activities not requiring the participation of the corresponding Principal Representative. Action Officers shall be senior federal officials or GS-15 equivalent federal employees with thorough knowledge and understanding of the mission, programs, and authorities of their agencies with the ability to regularly brief their Principal Representatives on Council activities, priorities, and decisions. All Action Officers must be federal employees meeting these requirements. Action Officers constitute the main entry point for communications and day-to-day coordination with their agencies on issues and topics related to the Council and should have the authority to speak for and make decisions for their agencies. If a member agency cannot staff Action Officers that meet these criteria, the Principal must submit a signed letter of approval indicating that the identified Action Officer is a federal employee and empowered to make decision on behalf of the agency as an Action Officer for the purposes of the FSLC.

- ***Technical Experts***

At the discretion of their corresponding Principal Representatives, each member agency may identify additional representatives (e.g., technical or subject matter experts) to provide specific knowledge and expertise related to the mission, programs, and authorities of their agencies in support of activities undertaken by the FSLC. Technical experts may support FSLC working groups or specific lines of effort by providing agency-specific expertise and information. Technical experts may be federal employees or federal contractor employees; however, federal contractor employees may not make decisions for their agencies, nor may they officially represent the member agency.

- ***Additional Participants***

At the discretion of their corresponding Principal Representatives or Action Officers, each member agency may request the inclusion of additional federal employees or federal contractor employees from their department or agency in Council and working group communications, activities, or meetings for informational and awareness purposes only. These additional participants may not actively engage in Council activities or working group nor make decisions for their agencies, nor may they officially represent the member agency.

Departments and agencies not considered FSLC members under the charter can participate on an ex parte basis at the invitation and discretion of the FSLC Co-Chairs. Principal Representatives may request the inclusion of representatives from non-member departments or agencies in specific Council or working group communications, activities, or meetings for informational and awareness purposes only. Non-member participation must be pertinent to the specified subject or activity. Non-member participation shall not be continuous or without a definite end. Non-members will not share information provided in Council communications, activities, or meetings outside of the Council unless specified by the Council.

Ex officio members may also participate in Council or working group communications, activities, or meetings to provide guidance, to inform next steps, or for general awareness. Due to the nature of their relationship to the Council and its members, ex officio members may actively engage in Council activities but may not participate in decision-making processes.

Article V – Governance

Leadership

Per NSM-22, the FSLC shall be co-chaired by the CISA Director and a non-CISA Accountable Senior Official for an SRMA, with the non-CISA Co-Chair serving a two-year term. Members eligible to serve as the non-CISA Co-Chair include the SRMA members listed in Annex A. The SRMA serving as the non-CISA Co-Chair will rotate by sector, meaning an SRMA member from a given sector may only be a Co-Chair again once all other sectors have had an SRMA member serve as a Co-Chair. As CISA will perform as a permanent Co-Chair, this process only applies to the sectors for which CISA is not the SRMA. CISA's Deputy Director serves as the CISA Co-Chair in the absence of CISA's Director.

The Co-Chairs have the following responsibilities: (i) chairing FSLC full council meetings and coordination meetings, (ii) communicating the work of the FSLC to the federal government and other critical infrastructure partners through the appropriate SRMAs, (iii) coordinating with the Department of Homeland Security (DHS), CISA, and federal departments and agencies with responsibility for critical infrastructure security and resilience, (iv) deconflicting or referring matters of non-consensus to the NSC, (v) coordinating resolution to issues and ensuring SRMA, department, or agency equities are properly considered and represented, (vi) determining the need and appropriateness of non-member department or agency participation based on Principal Representative requests, (vii) submitting decisions that require transmittal to the NSC, and (viii) approving Council and working group charters and the FSLC Standard Operating Procedure. The FSLC Executive Secretariat will engage with the Co-Chairs to determine the most appropriate coordination methods for conducting these responsibilities.

Decision Process

Agencies designated as SRMAs share the roles and responsibilities defined in 6 U.S.C. § 665d(c) and NSM-22. However, due to the unique characteristics, operating models, and risk profiles of each sector, the scope, scale, and method of SRMA operations will differ. FSLC shall develop shared SRMA processes and doctrine to support SRMA execution of common responsibilities while acknowledging sector-specific realities.¹² As well, the FSLC Co-Chairs will coordinate resolution to issues and ensure SRMA, department, or agency equities are properly considered and represented. The FSLC Executive Secretariat will create, in coordination with FSLC members, standard operating procedures that clarify the processes and expectations detailed in this charter.¹³

FSLC governance shall encourage the exchange of information and points of view through discussion or other engagements and reach decisions by consensus.¹⁴ During consensus-finding, a member agency (as listed in Annex A) is considered as one body and one voice, regardless of how many representatives for that member agency are present. While the FSLC strives for unanimous consensus, when unanimous consensus cannot be reached, the FSLC Co-chairs will attempt to resolve dissenting opinions. When dissent cannot be resolved at the Principals level, FSLC members will refer the matter to the NSC for further consideration and resolution. Once a matter of dissent has been referred to the NSC, the NSC will assume control of the decision-making and consensus-finding process.

On any matter where the FSLC cannot reach consensus, the Co-Chairs, or a Principal Representative in coordination with the Co-Chairs, will refer the matter to the NSC within the Executive Office of the President for further consideration and resolution.

Decisions reached through the FSLC will not contradict inherent authorities of federal departments and agencies. The FSLC is not designed to determine or codify policy on behalf of the Administration, but to coordinate critical infrastructure security and resilience activities across SRMAs and other federal

¹² NSM-22, Roles and Responsibilities, Additional Federal Roles and Responsibilities, Item 1

¹³ This includes operational requirements assigned to the FSLC in NSM-22

¹⁴ NSM-22, Roles and Responsibilities, Additional Federal Roles and Responsibilities, Item 1: The Federal Senior Leadership Council (FSLC) shall be the consensus-based body that coordinates and deconflicts the shared responsibilities and activities of Federal departments and agencies under this policy.

departments and agencies, in accordance with statutory authorities, NSM-22, the National Plan, and relevant successor documents. 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 any other member of FSLC. At times, a federal department or agency's mission may restrict a Principal Representative's ability to agree with a potential decision.

The FSLC may charter subordinate working groups. These working groups are established to carry out FSLC responsibilities at a working level, execute workstreams, or to implement decisions of the FSLC pursuant to the responsibilities laid out in this charter.

Article VI – Meetings

The FSLC will meet regularly to coordinate, collaborate, share information, and develop consensus. Meeting agendas and topics may be informed by regular required reporting, current activities, member priorities, and Co-Chair or NSC guidance or direction. The FSLC Executive Secretariat will regularly solicit members for meeting topics and agenda items in advance of meetings or other engagements. FSLC Representatives may propose agenda items and meeting topics to the FSLC at any time.

Full Council Meetings

The FSLC will meet as a full council with participation of Principal Representatives and Action Officers (in person or by teleconference) at least twice per year. FSLC full council meetings are led by the FSLC Co-Chairs. Additional full council meetings may be scheduled as needed at the Co-Chairs' discretion or upon request to the Co-Chairs 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 may designate their Action Officer as a replacement to attend the meeting. Such designation shall be made on a per-meeting basis only and not for general replacement purposes.

Departments and agencies not considered FSLC members under the charter can participate on an *ex parte* basis at the invitation and discretion of the FSLC Co-Chairs.

Coordination Meetings

FSLC Action Officers will meet quarterly and as needed (in person or by teleconference) to maintain an appropriate level of coordination and information sharing among agency members. FSLC coordination meetings are facilitated by the FSLC Executive Secretariat and led by either an FSLC Co-Chair or a member agency's Action Officer upon request. Additional meetings of Action Officers may be scheduled as needed at the discretion of the FSLC Co-Chairs, or upon request from any member agency through the corresponding Principal Representative.

Chartered Working Group Meetings

The FSLC working groups will meet as frequently as necessary to achieve their goals but must operate in accordance with a working group charter.

Article VII – Executive Secretariat and Recordkeeping

CISA's Assistant Director for CISA's Stakeholder Engagement Division will provide the staff to execute the responsibilities of the Executive Secretariat to FSLC. The FSLC Executive Secretariat will act in a neutral capacity to serve all FSLC members equally and has the following responsibilities: (i) hosting or facilitating FSLC meetings, (ii) brokering compromise and consensus on behalf of the FSLC, (iii) coordinating FSLC meeting schedules and agendas, (iv) providing meeting/Council/working group logistics and planning, and (v) maintaining all meeting records, including a written account of each meeting, in accordance with the records management policy and guidelines established by DHS.

Article VIII – Communications

The FSLC Executive Secretariat shall implement communications and coordination policies and procedures to accommodate its necessary functions. FSLC is expected to use multiple communications pathways, including e-mail and teleconference platforms, to maintain functionality.

FSLC decisions that require transmittal to the President (including recommendations for revisions to the sector structure or SRMA designations) will be submitted by the FSLC Co-Chairs to the NSC for further consideration.

Article IX – Working Groups

The FSLC may form working groups within the scope of the FSLC to address certain topics or to undertake substantial or focused investigations, research, or other tasks that 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 council meetings. Any member agency may recommend the creation of a working group for Council decision. All working groups require a charter that at a minimum defines the purpose, scope, objectives, desired outcome(s), expected duration, meeting frequency, and working group membership. Working group charters must be 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. Working groups will establish performance measures and/or milestones relevant to their desired outcomes. The FSLC provides oversight of all working groups to ensure they are meeting intended objectives, operating within the bounds of the FSLC guidance, and are on track to meet milestones.

Working groups are anticipated to dissolve once their expected duration has expired or they have produced their desired outcomes. However, working groups may be dissolved before their expected duration has expired or before producing all desired outcomes at the discretion of the Council. The Council will periodically review all working group charters, ongoing activities, produced deliverables and make recommendations for their continuance or termination.

At the discretion of their corresponding Principal Representatives, member agencies must designate their working group representatives. Representatives of federal departments or agencies who are not members of the FSLC may participate in working group meetings as technical experts to provide expertise on specific issues or to represent equities relevant to the activities of the working group. Working group representatives should have the ability to actively participate in working group activities and meaningfully contribute to working group outputs.

Any FSLC member agency may lead a working group. Working group leads are responsible for (i) coordinating working group meetings, (ii) setting meeting agendas, (iii) ensuring objectives and outcomes are accomplished in accordance with the working group charter, and (iv) coordinating with the FSLC Executive Secretariat and Co-Chairs to submit working group deliverables or matters of dissent to the FSLC for consideration.

All decisions, products, and recommendations resulting from working group activities are subject to review and approval by the full FSLC. Working groups will submit pre-decisional drafts of such items to the full FSLC for review and revision during quarterly stated meetings or ad hoc meetings as required. Final working group products require full FSLC approval prior to issuance.

Article X – Critical Infrastructure Partnership Advisory Council Relationship

In the event the FSLC, including its working groups, meets with member representatives of 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 Co-Chairs with consensus of the member agencies. Any updates to the charter will require review and consensus by the FSLC members prior to enactment.



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

10/16/2024

Date of Signature



Rebecca Zimmerman
Acting Assistant Secretary of Defense for
Homeland Defense and Hemispheric Affairs
U.S. Department of Defense

NOV 07 2024

Date of Signature

ANNEX A – List of FSLC Members

Sector Risk Management Agencies:

- Department of Agriculture – Office of Homeland Security
- Department of Defense – Office of the Assistant Secretary of Defense for Homeland Defense & Hemispheric Affairs
- Department of Education – Office of Elementary and Secondary Education
- Department of Energy – Office of Cybersecurity, Energy Security, and Emergency Response
- Department of Health and Human Services – Administration for Strategic Preparedness and Response
- Department of Health and Human Services – Food and Drug Administration
- Department of Homeland Security – Cybersecurity and Infrastructure Security Agency
- Department of Homeland Security – Transportation Security Administration
- Department of Homeland Security – Federal Protective Service
- Department of Homeland Security – U.S. Coast Guard
- Department of Transportation – Office of Intelligence, Security, and Emergency Response
- Department of the Treasury – Office of Cybersecurity and Critical Infrastructure Protection
- Environmental Protection Agency – Office of Water
- General Services Administration – Office of Mission Assurance, Office of Emergency Management

Other Departments and Agencies:

- Department of Commerce – Bureau of Industry and Security
- Department of Commerce – National Institute of Standards and Technology
- Department of Commerce – National Oceanic and Atmospheric Administration
- Department of Commerce – National Telecommunications and Information Administration
- 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 – Bureau of Counterterrorism
- Federal Communications Commission – Public Safety and Homeland Security Bureau
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission – Office of Nuclear Security and Incident Response
- Federal Energy Regulatory Commission
- Office of the Director of National Intelligence – National Intelligence Manager for Western Hemisphere & Homeland and the Office of Partner Engagement
- U.S. Election Assistance Commission