

CHARTER FOR THE COUNCIL OF GOVERNORS

I. ESTABLISHMENT AND OFFICIAL DESIGNATION

The Council of Governors (Council) was established by Executive Order 13528 consistent with section 1822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). In accordance with section 204(b) of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Council is exempt from the Federal Advisory Committee Act.

II. OBJECTIVES AND SCOPE OF ACTIVITY

The purpose of the Council of Governors (Council) is to provide State Governors a forum to exchange views, information, or advice with specified Federal officials (see Section VII.-B.). Such views, information, or advice shall concern:

- A. matters involving the National Guard of the 50 states, territories of Guam and the U.S Virgin Islands, the Commonwealth of Puerto Rico and the District of Columbia;
- B. homeland defense;
- C. civil support;
- D. synchronization and integration of State and Federal military activities in the United States; and
- E. other matters of mutual interest pertaining to National Guard, homeland defense, and civil support activities.

III. MEMBERS AND COUNCIL CO-CHAIRS

- A. The Council consists of ten State Governors appointed by the President (Members), of whom no more than five are of the same political party. The term of service for each Member appointed to the Council is two years, but the President may appoint Members to additional terms.
- B. The President designates two Members, who are not members of the same political party, to serve as co-chairs of the Council.
- C. Mid-Term Appointments – should a Member's seat on the Council become vacant before the end of the two-year term, the President may appoint a Governor to fill the remainder of the term, consistent with subparagraph (A).

IV. PERIOD OF TIME NECESSARY

The Council exists on a continuing basis.

V. AGENCY PROVIDING SUPPORT

The Secretary of Defense designates an Executive Director to help coordinate the work of the Council. The Executive Director responsible, through the Under Secretary of Defense for Policy, to the Secretary of Defense for the proper functioning of the Council in accordance with section 1822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), Executive Order 13528 and other applicable laws and regulations.

VI. DESCRIPTION OF DUTIES

A. Co-Chairs

- a. Working in coordination with the Executive Director, schedule Council meetings, including those at the call of the Secretary of Defense, and establish meeting agendas in coordination with the Secretary. Preside over Council meetings, and otherwise participate as full members of the Council.

B. Members

- a. Approve the Council Charter.
- b. Vote on Council actions.
- c. Participate in Council meetings.

C. Federal Officials

- a. Secretary of Defense
 - i. Coordinate Federal input into Council actions.
 - ii. Designate an Executive Director for the Council.
 - iii. Upon the joint request of the Co-Chairs and working through the Executive Director, provide the Council with administrative support, including assistance in scheduling meetings and meeting locations, and, as necessary, the assignment or detail of personnel, the designation of additional Federal official meeting participants, and information as may be necessary for the performance of the Council's functions.
 - iv. Participate in Council meetings.
- b. Secretary of Homeland Security
 - i. Working through the Executive Director, as necessary, designate additional Federal official meeting participants.
 - ii. Participate in Council meetings.
- c. Other Federal Officials – the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; the Commander, U.S. Northern Command; the Chief, National Guard Bureau; the Commandant of the Coast Guard; and other appropriate officials of the Department of Homeland Security and the Department of Defense, and appropriate officials of other executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security.
 - i. Participate in Council meetings.

D. Executive Director

- a. Maintain a roster of Members and Co-Chairs.
- b. Maintain the Council Charter, as approved by the Council.
- c. When requested, consult with the Council Co-Chairs and assist in scheduling meetings, establish meeting agendas, and, as necessary, designate additional Federal official meeting participants.
- d. Provide reasonable administrative and logistical support as requested by the Co-Chairs and consistent with Federal law.
- e. Coordinate the work of the Council as required.

VII. MEETINGS AND RESPONSIBILITIES

- A. The Council will conduct plenary meetings at the call of the Secretary of Defense, the Secretary of Homeland Security or the Co-Chairs of the Council.
- B. Plenary meetings of the Council will include the following Federal officials:
 - a. the Secretary of Defense;
 - b. the Secretary of Homeland Security;
 - c. the Assistant to the President for Homeland Security and Counterterrorism;
 - d. the Assistant to the President for Intergovernmental Affairs and Public Engagement;
 - e. the Assistant Secretary of Defense for Homeland Defense and Global Security;
 - f. the Commander, United States Northern Command;
 - g. the Chief, National Guard Bureau;
 - h. the Commandant of the Coast Guard;
 - i. the Administrator of the Federal Emergency Management Agency;
 - j. the Director of the Cybersecurity and Infrastructure Security Agency; and
 - k. other appropriate officials of the Department of Homeland Security and the Department of Defense, and appropriate officials of other executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security.
- C. The Executive Director will consult with the Co-Chairs of the Council, the Secretary of Defense, and the Secretary of Homeland Security to determine if appropriate officials of other executive departments or agencies may be designated to participate in a Council meeting.
- D. Plenary Council meetings will customarily be hosted either by the Secretary of Defense, the Secretary of Homeland Security or by the Co-Chairs of the Council. If approved by the Secretary of Defense, another Federal department or agency may host and administer the Council meeting. The costs of such services will be borne by the hosting Federal department or agency.
- E. Members of the Council or Federal participants may participate in a meeting by means of a conference telephone or similar communications equipment by means of which all meeting participants can communicate with each other.
- F. The Co-Chairs will prepare summaries of Council meetings that will at a minimum contain a record of parties present and a description of matters discussed.
- G. Any action taken by the Council will require a majority of the full Council except that approval of the Charter and proposed amendments to the Charter will require a vote of 80% of Council members.
- H. Nothing in this Charter will preclude the Council members from convening at the call of the Co-Chairs for briefings, consultations, and other actions necessary and preparatory to the exchange of advice, information, and views with the specified Federal Officials at plenary meetings of the Council.

VIII. WORKING GROUPS

The Council may establish subcommittees that will serve as working groups of the Council. These working groups will consist exclusively of Members of the Council , any designated employees of a Member with authority to act on the Member's behalf and any subject matter expertise as may be requested by a Member, as appropriate to aid the Council in carrying out

its functions with the consent of the Executive Director for any administrative costs or travel expenses.

IX. ESTIMATED COSTS, COMPENSATION, AND STAFF SUPPORT

The Executive Director will provide the Council with reasonable administrative support. Council Members customarily will bear their own costs of participating in Council activities; however, the Department of Defense and/or the Department of Homeland Security may reimburse Governors for their reasonable travel expenses and *per diem* in lieu of subsistence.

X. REVIEW

The Council Charter should be reviewed at least bi-annually and whenever there is a substantial change of Council membership. When requested, the Executive Directors will coordinate reviews of the Charter.

XI. DATE AMENDED CHARTER IS APPROVED:

February 7, 2020