

Charter

Defense Policy Board

1. **Committee's Official Designation:** The committee shall be known as the Defense Policy Board (DPB).
2. **Authority:** The Secretary of Defense, in accordance with chapter 10 of title 5, U.S.C. (commonly known as the "Federal Advisory Committee Act" or "FACA") and 41 C.F.R. § 102-3.50(d), established this discretionary advisory committee.
3. **Objectives and Scope of Activities:** The DPB shall provide independent advice and recommendations on matters concerning defense policy and national security issues, as set out in paragraph four below.
4. **Description of Duties:** The DPB shall focus on matters pertaining to (a) issues central to strategic Department of Defense (DoD) planning; (b) policy implications of U.S. force structure and modernization on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other defense policy and national security issues of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense ("the DoD Appointing Authority"), or the Under Secretary of Defense for Policy (USD(P)).

All DPB work, including subcommittee work, will be in response to written terms of references (ToR) approved by the DoD Appointing Authority, or the USD(P) unless otherwise provided for by statute or Presidential directive.

5. **Agency or Official to Whom the Committee Reports:** The DPB reports to the DoD Appointing Authority through the USD(P), who may act upon the DPB's advice and recommendations in accordance with DoD policy and procedures.
6. **Support:** The DoD, through the Office of the USD(P), provides support for the DPB's functions and ensures compliance with the requirements of the FACA, 5 U.S.C. § 552b (commonly known as the "Government in the Sunshine Act" or "the Sunshine Act"), governing Federal statutes and regulations, and DoD policy and procedures.

7. ****Estimated Annual Operating Costs and Staff Years:**** The estimated annual operating cost for the DPB, to include travel, meetings, and federal and contract support, is approximately \$88,400.00. The estimated annual personnel cost to the DoD is 0.5 full-time equivalents.

8. ****Designated Federal Officer:**** The DPB's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD Federal civilian officer or employee, or active-duty member of the Armed Forces, designated in accordance with DoD policy and procedures.

The DPB's DFO is required to attend all DPB and subcommittee meetings for the entirety of each and every meeting. However, in the absence of the DPB's DFO, a properly approved Alternate DFO, duly designated to the DPB in accordance with DoD policy and procedures, shall attend the entirety of all DPB and subcommittees meetings.

The DFO, or the Alternate DFO, calls all DPB and subcommittee meetings; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public's interest or required by governing regulations or DoD policy and procedures.

9. ****Estimated Number and Frequency of Meetings:**** The DPB shall meet at the call of the DPB's DFO, in consultation with the DPB's Chair and the USD(P). The estimated number of DPB meetings is three to four per year.

10. ****Duration:**** The need for the DPB is on a continuing basis; however, it is subject to renewal every two years.

11. ****Termination:**** The DPB shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the DoD renews the DPB in accordance with the FACA and DoD policy and procedures.

12. ****Membership and Designation:**** The DPB shall be composed of no more than 25 members who have distinguished backgrounds in defense and national security affairs. These members will come from varied backgrounds including prior government or military service, multinational corporations, academia, or other non-government organizations.

The appointment of DPB members shall be approved by the DoD Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member, unless approved by the DoD Appointing Authority, may serve more than two consecutive terms of

service on the DPB, to include its subcommittees, or serve on more than two DoD Federal advisory committees at one time.

DPB members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. DPB members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. The DoD Appointing Authority shall appoint the DPB's leadership from among the membership previously approved to serve on the DPB in accordance with DoD policy and procedures for a term of service of one-to-two years, with annual renewal, not to exceed the member's approved DPB appointment.

All members of the DPB are appointed to exercise their own best judgment on behalf of the DoD, without representing any particular point of view, and to discuss and deliberate in a manner that is free from conflicts of interest. With the exception of reimbursement of official DPB-related travel and per diem, DPB members serve without compensation.

13. ****Subcommittees:**** The DoD, when necessary and consistent with the DPB's mission and DoD policy and procedures, may establish subcommittees, task forces, or working groups ("subcommittees") to support the DPB. Establishment of subcommittees shall be based upon a written determination, to include terms of reference (ToR), by the DoD Appointing Authority, or the USD(P), as the DPB's Sponsor. All subcommittees operate in accordance with the FACA, the Sunshine Act, governing Federal statutes and regulations, and DoD policy and procedures. If a subcommittee's duration, as determined by its ToR, exceeds that of the DPB and the DoD does not renew the DPB, then the subcommittee shall terminate when the DPB does.

Subcommittees shall not work independently of the DPB and shall report all of their recommendations and advice solely to the DPB for its thorough deliberation and discussion at a publicly noticed and open DPB meeting, subject to the Sunshine Act. Subcommittees have no authority to make decisions and recommendations, orally or in writing, on behalf of the DPB. Neither the subcommittee nor any of its members may provide updates or report directly to the DoD or any Federal officer or employee, whether orally or in writing. If a majority of DPB members are appointed to a particular subcommittee, then that

subcommittee may be required to operate pursuant to the same notice and openness requirements of FACA which govern the DPB's operations.

Individual appointments to serve on DPB subcommittees shall be approved by a DoD Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member shall serve more than two consecutive terms of service on the subcommittee, unless approved by a DoD Appointing Authority. Subcommittee members, who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. The DoD Appointing Authority shall appoint subcommittee leadership from among the membership previously approved to serve on the subcommittee in accordance with DoD policy and procedures, for a term of service of one-to-two years, with annual renewal, not to exceed the member's approved appointment.

Each subcommittee member is appointed to exercise their own best judgment on behalf of the DoD, without representing any particular point of view, and to discuss and deliberate in a manner that is free from conflicts of interest. With the exception of reimbursement of official DPB- and subcommittee-related travel and per diem, subcommittee members serve without compensation.

14. ****Recordkeeping:**** The records of the DPB and its subcommittees will be handled in accordance with Section 2, General Records Schedule 6.2, Federal Advisory Committee Records, and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to 5 U.S.C. § 552, as amended (commonly known as the "Freedom of Information Act").

15. ****Filing Date:**** September 1, 2023