

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY REVIEW COUNCIL

1. Advisory Committee’s Official Designation.

Federal Emergency Management Agency Review Council (or “the Council”)

2. Authority.

This charter establishes the Federal Emergency Management Agency Review Council pursuant to the President’s direction in Executive Order (E.O.) 14180, *Council to Assess the Federal Emergency Management Agency*, dated January 24, 2025, and section 871(a) of the *Homeland Security Act of 2002*, 6 United States Code (U.S.C.) § 451(a). The Council operates under the provisions of *The Federal Advisory Committee Act* (FACA), 5 U.S.C. Ch. 10.

As stated in section 4(e) of E.O. 14180, “[i]nsofar as the Federal Advisory Committee Act, as amended (5 U.S.C. Ch. 10.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary of Homeland Security, in accordance with the guidelines and procedures established by the Administrator of General Services.”

3. Objectives and Scope of Activities.

The Council shall advise the President of the United States (President), through the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the Director of the Office of Management and Budget, on the existing ability of the Federal Emergency Management Agency (FEMA) to capably and impartially address disasters occurring within the United States and shall advise the President on all recommended changes related to FEMA to best serve national interest.

The Council shall meet regularly and shall:

- i. Respond to requests from the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security Affairs, the Director of the Office of Management and Budget, or the Co-Chairs for information, analysis, evaluation, or advice;
- ii. Solicit information and ideas from a broad range of stakeholders, including Americans affected by natural disasters; the research community; the private sector; State, local, and Tribal governments; foundations; and nonprofit organizations;

The Council shall produce a report for the President that includes the following:

- i. An assessment of the adequacy of FEMA's response to disasters during the previous four years, including sufficiency of staffing;
- ii. A comparison of the FEMA responses with State, local, and private sector — including timeliness of response, supplies provided, efficacy, and services (including communications and electricity) provided — during the same period;
- iii. An account of the commentary and debate about the role and operation of FEMA in our Federal system and about the functioning of disaster relief, assistance, and preparedness in the United States;
- iv. The historical background of other periods in the Nation's history both before FEMA was part of DHS and before FEMA existed and methods by which disaster aid and relief were then provided;
- v. The traditional role of States and their coordination with the Federal Government in securing the life, liberty, and property of their citizens in preparation for, during, and after disasters;
- vi. An evaluation of whether FEMA can serve its functions as a support agency, providing supplemental Federal assistance, to the States rather than supplanting State control of disaster relief;
- vii. Other recommended improvements to FEMA in the current statutory structure; and
- viii. An analysis of the principal arguments in the public debate for and against FEMA reform, including an appraisal of the merits and legality of particular reform proposals.

The Council shall solicit public comment, including other expert views, to ensure that its work is informed by a broad spectrum of ideas.

The Federal responses to Hurricane Helene and other recent disasters demonstrate the need to drastically improve FEMA's efficacy, priorities, and competence, including evaluating whether FEMA's bureaucracy in disaster response ultimately harms the agency's ability to successfully respond. Despite obligating nearly \$30 billion in disaster aid each of the past three years, FEMA has managed to leave vulnerable Americans without the resources or support they need when they need it most.

There are serious concerns of political bias in FEMA. Indeed, at least one former FEMA responder has stated that FEMA managers directed her to avoid homes of individuals supporting the campaign of Donald J. Trump for President. And it has

lost mission focus, diverting limited staff and resources to support missions beyond its scope and authority, spending well over a billion dollars to welcome illegal aliens.

Americans deserve an immediate, effective, and impartial response to and recovery from disasters. FEMA therefore requires a full-scale review, by individuals highly experienced at effective disaster response and recovery, who shall recommend to the President improvements or structural changes to promote the national interest and enable national resilience.

4. Description of Duties.

The duties of the Council are solely advisory in nature.

5. Agency of Federal Officer Receiving the Advisory Committee's Advice/Recommendations.

The Council will provide advice and recommendations to the President through the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the Director of the Office of Management and Budget. Further, the Department of Homeland Security (DHS) will be responsible for fulfilling the reporting requirements of section 6(b) of FACA, as amended.

6. Support.

FEMA shall be responsible for providing financial support to the Council, to the extent permitted by law and as authorized by existing appropriations. Funding for Council and Council support activities shall be approved by the Designated Federal Officer (DFO) before activities begin. DHS will provide administrative and technical support as the Council may require.

The President has directed that all heads of executive departments and agencies shall, to the extent permitted by law, provide the Council with information concerning disaster preparedness and relief matters when requested by the Council Co-Chairs and as required for the purpose of carrying out the Council's functions.

7. Estimated Annual Operating Costs and Staff Years.

The estimated annual cost of the Council and its subcommittees is \$600,000, which includes travel and per diem, other administrative expenses, and compensation for approximately two Full-time Equivalents for Council support.

Members of the Council shall serve without any compensation for their work on the Council, but may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707). All travel for Council business must be approved in advance by the Designated Federal Officer.

8. Designated Federal Officer.

The Secretary of Homeland Security (Secretary) shall appoint full-time federal employees to serve as the Designated Federal Officer (DFO) and the Alternate DFO. The DFO or ADFO sets meeting agendas and work activities, attends all Council and subcommittee meetings, opens meetings, adjourns any meetings when it is determined adjournment to be in the public interest, and chairs the meeting in the absence of the Co-Chairs and, if designated, the Vice Chairs, or at the direction of the Secretary. Further, DHS, via the DFO, is responsible for fulfilling the reporting requirements of section 6(b) of FACA, as amended.

9. Estimated Number and Frequency of Meetings.

The Council shall hold its first public meeting within 90 days of January 24, 2025, and submit its report to the President within 180 days of the date of the Council's first public meeting. Thereafter, the Council will meet regularly as directed by the Co-Chairs. Council meetings shall be open to the public according to FACA unless a determination is made by the Secretary in accordance with DHS policy and directives that the meeting should be closed in accordance with Title 5, United States Code, subsection (c) of 552b.

10. Duration.

According to Section 5 of EO 14180, effective January 24, 2025, the Council shall terminate on January 24, 2026, unless extended by the President.

11. Termination.

The Council shall terminate on January 24, 2026, unless extended by the President.

12. Membership and Designation.

The Council shall be composed of not more than 20 members appointed by the President and serving at the pleasure of the President. The Secretary of Homeland Security and the Secretary of Defense shall be members of the Council. The remaining members shall include the relevant agency heads; distinguished individuals who represent sectors outside of the Federal Government and have diverse perspectives and expertise in disaster relief and assistance, emergency preparedness, natural disasters, Federal-State relationships, and budget management; and, other distinguished individuals the President determines are appropriate to serve on the Council. Appointments shall be made without regard to political affiliation.

Council Members serve for the duration of the Council. Vacancies are filled as soon as highly qualified candidates in a needed area of expertise, sector, or perspective are identified and available to serve.

Council Members shall not be compensated for their services. Non-Federal Council Members, while attending meetings of the Council or while otherwise serving at the request of the Chair away from their homes or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code, for individuals in the Government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Council who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

In the event the Council terminates, all appointments to the Council shall terminate.

Members of the Council must be designated as one of the following:

1. *Special Government Employees (SGEs)*. Members of the Council who are not full-time or permanent part-time Federal officers or employees and are appointed for their individual expertise and experience will be appointed to serve as SGE members. SGEs, as defined in 18 U.S.C. § 202(a), shall operate in their individual capacities and, as such, will be expected to bring independent expertise to the Council rather than reflecting the equities of any current or previous employer or sector. SGEs must complete New Entrant U.S. Office of Government Ethics (OGE) Form 450 financial disclosure reports and ethics training annually. DHS's Office of the General Counsel, Ethics and Compliance Division, provides the annual ethics training and OGE form 450 reviews for the Council. SGE members shall also be required to sign a non-disclosure agreement (NDA) and gratuitous services agreement. SGEs shall be selected based on established records of distinguished service and shall be eminent in their fields.

2. *Representatives*. Members of the Council appointed to provide the Council with the views and perspectives of specific interests will serve as Representatives. Representatives shall be required to sign a non-disclosure agreement (NDA) and gratuitous services agreement.

3. *Regular Government Employees (RGEs)*. Members of the Council who are full-time or permanent part-time Federal officers or employees and are appointed for their individual expertise and experience will be appointed pursuant to 41 C.F.R. § 102.3.130(h) to serve as Regular Government Employee (RGE) members. RGEs shall be selected based on established records of distinguished service and shall be eminent in their fields.

13. Subcommittees.

In consultation with the Co-Chairs, the Council is authorized to create standing subcommittees and ad hoc groups, including technical advisory groups, to assist the Council and provide preliminary information directly to the Council. In the event the subcommittee or the Council terminates, all appointments to the subcommittee shall

terminate. Subcommittees are responsible for executing the Council's directed tasks and reporting results to the Council.

The Secretary of Homeland Security, in coordination with the Secretary of Defense may appoint, as deemed necessary, non-voting subject matter experts (SMEs) to assist the Council or its subcommittees on an ad hoc basis. These non-voting SMEs are not members of the Council or its subcommittees and will not engage or participate in any deliberations by the Council or its subcommittees. These non-voting SMEs, if not full-time or permanent part-time Federal officers or employees, will be appointed pursuant to 5 U.S.C. § 3109 on an intermittent basis to address specific issues under consideration by the Council.

Subcommittees shall include at least two Council members and may also include SMEs relevant to the matter before the subcommittee as identified by the Chair. The DFO, in consultation with the Co-Chairs, shall designate a Chair for each of the subcommittees from among the Council's members. Subcommittees may not work independently of the Council and must present their advice or work to the Council for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Council and may not report directly to any entity other than the Council. Subcommittee members may be required to sign a gratuitous service agreement and/or a non-disclosure agreement and, if appointed as SGEs, financial disclosure documents.

Ethics Requirements

SGE members of the Council or any subcommittee of the Council are subject to the Federal conflict of interest statutes and shall avoid taking any action that would result in an actual or perceived conflict of interest related to any non-governmental entity. Council or subcommittee members will refrain from using any information obtained solely by virtue of their participation in the Council or any subcommittee of the Council for the benefit of external parties, including but not limited to their employer, organizations they are affiliated with in a personal capacity, or themselves personally. Such information includes, but is not limited to, classified, proprietary, procurement-sensitive, and non-public information. All Council participants, including those from other agencies, understand that generally the work of members for the Council may not inform other activities beyond those assigned to the Council. Generally, information submitted to the Council will be made available only to Members and support staff and will not be shared outside of the Council except for when DHS, the Council, or a Federal member is subject to a legal requirement or professional duty to do so. Failure to adhere to this requirement may result in consequences that include, but are not limited to, removal from current, and bar against future, participation in the Council for the individual. Finally, Council members could be subject to criminal penalties should their actions be found to violate any of the Federal conflict of interest or information handling statutes.

Council or subcommittee members will disclose to the DFO any potential conflict of interest that may affect their impartiality; such conflicts may arise from the interests

of external parties, including but not limited to a member's employer or organizations with which the member is affiliated in a personal capacity, or from the personal interests of the member. The DFO will be responsible for addressing conflicts of interest. For this purpose, potential conflicts of interest include an individual who:

- Is actively pursuing a government contract, grant, or other Federal award or funding directly related to the subject matter area in which the participant is offering recommendations as part of the Council;
- May have impaired objectivity in providing advice (e.g., participant provides recommendations that include assessments of his or her employer or organization or of a competitor); and,
- May obtain an unfair advantage by virtue of their participation in the Council (e.g., participant provides technical recommendations that inform procurement efforts and the participant subsequently submits a proposal to fulfill that requirement).

14. Recordkeeping.

The records of the Council, formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, or other applicable and approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the *Freedom of Information Act (FOIA)* (5 U.S.C. § 552).

15. Filing Date.

02/13/2025
Agency Approval Date

02/13/2025
GSA Consultation Date

02/14/2025
Date Filed with Congress