

# **National Vetting Governance Board Charter**

The National Vetting Governance Board (NVGB, or Board) is established pursuant to National Security Presidential Memorandum (NSPM)-9, “Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise.”

## **Section 1. Purpose.**

The National Vetting Governance Board will serve as the senior interagency forum to provide guidance to the national vetting enterprise and oversight and guidance to the National Vetting Center (NVC). The Board will consider policy, operational, and resource issues that affect the national vetting enterprise and the activities of the NVC and its intelligence support element.<sup>1</sup>

## **Section 2. Responsibilities.**

The Board will:

- (a) Consider, adopt, and issue appropriate guidance for departments and agencies (hereinafter, “agencies”) involved in conducting or supporting vetting activities to enable the successful execution of the national vetting enterprise.
- (b) Ensure and oversee the effective coordination among agencies conducting or providing support for the national vetting enterprise, including through the NVC, and those agencies responsible for making adjudicative determinations and operational decisions.
- (c) Review existing U.S. Government processes, practices, and activities within the national vetting enterprise to recommend modifications and to propose new processes, practices, or activities as appropriate.
- (d) Review, approve, and prioritize vetting activities within the national vetting enterprise for specific purposes and the methodology used to conduct such vetting, in support of the national vetting enterprise; and provide direction to the NVC to implement vetting activities as appropriate.

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<sup>1</sup> The national vetting enterprise consists of the coordinated efforts of agencies to both (a) collect, store, share, disseminate, and use accurate and timely biographic, biometric, and contextual information in support of immigration enforcement and border security, including with respect to individuals who (i) seek a visa, a visa waiver, or other immigration benefit, or a protected status; (ii) attempt to enter the United States; or (iii) are subject to an immigration removal proceeding; and (b) process biographic, biometric, and contextual information, including on a recurrent basis, so as to identify activities, associations with known or suspected threat actors, and other relevant indicators that inform adjudications and determinations related to national security, border security, homeland security, or public safety.

- (e) Review and make recommendations for personnel and non-personnel resource allocations to agencies providing direct support to the NVC.<sup>2</sup>
- (f) Establish:
- (i) A standing Legal Working Group;
  - (ii) A separate standing Privacy, Civil Rights, and Civil Liberties Working Group; and
  - (iii) Any additional standing or ad hoc working groups that the Board determines appropriate to facilitate the proper functioning of the national vetting enterprise.
- (g) Through the Legal Working Group, and in coordination with the appropriate legal representatives at relevant agencies, identify and review on an ongoing basis legal issues bearing on the national vetting enterprise, as appropriate, and propose for consideration additional legal authorities that may be necessary and appropriate for effective vetting.
- (h) Through the Privacy, Civil Rights, and Civil Liberties Working Group, and in coordination with the appropriate representatives at relevant agencies, review on an ongoing basis the activities of the national vetting enterprise to ensure they are being conducted in a manner that appropriately protects privacy, civil rights, and civil liberties, including by suggesting policies, practices, or procedures that would facilitate such protection.
- (i) Ensure the production of timely reports pursuant to Section 2(h) of NSPM-9, and thereafter as necessary, to the President through the Assistant to the President for Homeland Security and Counterterrorism and, further, ensure the National Security Council, through its staff, is apprised of Board activities and, as appropriate, invited to observe and inform the activities of the Board.
- (j) Coordinate with other governance bodies with responsibilities that relate to vetting.

### **Section 3. Membership and Operations.**

- (a) The Board will consist of six senior executives—one each as designated by:
- The Secretary of State
  - The Secretary of Defense
  - The Attorney General
  - The Secretary of Homeland Security
  - The Director of National Intelligence
  - The Director of the Central Intelligence Agency

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<sup>2</sup> Per Section 2(e)(i) of NSPM-9, advice from the Board to the Director of National Intelligence regarding Intelligence Community (IC) resources necessary to support the mission of the NVC shall be made through the IC Identity Intelligence Executive, who will consult with the IC Deputy Executive Committee.

- (b) In order to achieve the national security objectives of the national vetting enterprise, (i) the Board may invite heads of other agencies not already represented by a member of the Board to designate a senior executive to participate as required in the activities of the Board; and (ii) the Board or Board members may invite additional personnel engaged in the national vetting enterprise, as appropriate, to observe and advise the Board.
- (c) Members of the Board will have the authority on behalf of their respective organizations to concur or non-concur in the decision making of the Board; to commit their respective agencies to requirements of the NVC; and commit their respective agencies to participate in NVC functions as determined by the Board. Members will have sufficient authority and understanding to make strategic decisions regarding their agencies' areas of responsibility for conducting or supporting vetting operations and to make appropriate recommendations for the Board's consideration.
- (d) The members of the Board will select one member to serve as the Chair, with the selection rotating annually among the individuals designated from the Department of State, the Department of Justice, the Department of Homeland Security, and the Office of the Director of National Intelligence, except that the first Chair will be the member selected by the Department of Homeland Security. Subsequent Chairs will be determined by the Board. The Chair will be responsible for calling and preparing agendas for meetings of the Board, preparing and distributing minutes of Board meetings, ensuring the effective and timely implementation of Board decisions, leading and overseeing the production of reports from the Board, and communicating recommendations to other agencies, as necessary.
- (e) The Director of the NVC, the Identity Intelligence Executive within the Office of the Director of National Intelligence, a representative of the Privacy, Civil Rights, and Civil Liberties Working Group, and a representative of the Legal Working Group, in addition to any other individuals as determined by the Board, will have full access to meetings and matters related to the Board as *ex officio* members and may be asked by the Board to provide support as appropriate.
- (f) The Director of the NVC will make regular reports to the Board concerning the ongoing activities of the Center, make recommendations as appropriate, and raise issues for consideration and decision by the Board. The Director will coordinate with the Chair to provide NVC staff to support the Board's activities, including administrative support to the Board as its executive secretariat, with additional support as needed to be provided by the agency represented by the Chair.
- (g) In order to carry out its responsibilities, the Board will meet on an as-needed basis, but not less than quarterly, or otherwise as determined by the Chair, or upon the written request of a Board member.

- (h) The Board will endeavor to reach consensus on all matters presented to it, including the scope of the Center's activities. Disagreements among Board members can be raised for resolution up to and including the heads of the agencies of the disagreeing parties. If the Board cannot ultimately resolve issues by consensus, it will refer matters to the staff of the National Security Council for consideration, consistent with National Security Presidential Memorandum-4 of April 4, 2017 (Organization of the National Security Council, the Homeland Security Council, and Subcommittees) or any successor document.

#### **Section 4. Effective Dates.**

- (a) The National Vetting Governance Board is effective on the appointment of all members of the Board, pursuant to Section 3(a).
- (b) This Charter is effective upon its approval by the six officials designated pursuant to Section 3(a).
- (c) This Charter will be reviewed and re-validated at least every five years with any such changes as may be unanimously adopted.

This Charter establishes an internal governance process for the execution of United States government policy. It does not create or confer any privilege, right, or benefit, substantive or procedural, enforceable by any third party against the signatories, the United States Government, or the officers, employees, agents, or associated personnel thereof. Nothing in this Charter is intended to restrict the authority of any participant to act as provided by law, statute, or regulation, or to restrict any party from administering or enforcing any laws within its authority or jurisdiction.

All activities undertaken pursuant to this Charter are to be conducted in a manner that is consistent with the Constitution; Executive Order 12333 of December 4, 1981 (United States Intelligence Activities), as amended; other applicable law and Presidential guidance; and policies and procedures pertaining to: (i) the appropriate handling of information about United States persons (as defined in Executive Order 12333) and other individuals protected by United States law; (ii) the protection of sources, methods, and activities; (iii) privacy, civil rights, and civil liberties; and (iv) the protection of other sensitive information.

## **Appendix: Section 2(e) of National Security Presidential Memorandum-9**

### Section 2. Implementation

(e) The Secretary of Homeland Security, in coordination with the Secretary of State, the Attorney General, the Secretary of Defense, the Director of National Intelligence, and the Director of the Central Intelligence Agency shall establish the Board.

(i) The national vetting enterprise shall act under the guidance of the Board, which shall serve as the senior interagency forum for considering issues that affect the national vetting enterprise and the activities of the Center and its support element. The Board shall adopt appropriate guidance for agencies to enable the successful execution of the national vetting enterprise and make related resource recommendations to agencies providing direct support to the Center. The Board shall also advise the Director of National Intelligence, through the Identity Intelligence Executive, on the IC resources necessary to support the mission of the Center.

(ii) The Board shall consist of six senior executives, one designated by each of the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Central Intelligence Agency.

(iii) The Board may invite other relevant agencies engaged in the national vetting enterprise to participate as required to achieve the national security objectives of the national vetting enterprise.

(iv) The chair of the Board shall rotate annually among the individuals designated from the Department of State, the Department of Justice, the Department of Homeland Security, and the Office of the Director of National Intelligence. The director of the Center shall serve as an observer at Board meetings.

(v) The Board shall endeavor to reach consensus on all matters presented to it, including the scope of the Center's activities. If issues cannot be resolved by consensus, the Board shall refer them to the staff of the National Security Council for consideration, consistent with National Security Presidential Memorandum-4 of April 4, 2017 (Organization of the National Security Council, the Homeland Security Council, and Subcommittees)(NSPM-4), or any successor document.

(vi) To ensure that the activities of the Board and the Center comply with applicable law and appropriately protect individuals' privacy, civil rights, and civil liberties, the Board shall establish a standing Legal Working Group and a separate standing Privacy, Civil Rights, and Civil Liberties Working Group, both of which shall routinely review the activities of the Center and advise the Board. These working groups shall also review the implementation plan described in subsection (g) of this section prior to its submission to the President.

## Approval

This Charter goes into effect upon the approval of the six members of the Board, pursuant to Section 4(b). Approval is signified officially by signature below.

Board Member

Date

\_\_\_\_ SIGNED \_\_\_\_\_  
Carl Risch  
Department of State

\_\_\_\_ 5/27/18 \_\_\_\_

\_\_\_\_ SIGNED \_\_\_\_\_  
Joseph Kernan  
Department of Defense

\_\_\_\_ 8/20/18 \_\_\_\_

\_\_\_\_ SIGNED \_\_\_\_\_  
Brad Wiegmann  
Department of Justice

\_\_\_\_ 5/18/18 \_\_\_\_

\_\_\_\_ SIGNED \_\_\_\_\_  
Troy Miller  
Department of Homeland Security

\_\_\_\_ 4/27/18 \_\_\_\_

\_\_\_\_ SIGNED \_\_\_\_\_  
Jennifer Daniel  
Office of the Director of National Intelligence

\_\_\_\_ 4/30/18 \_\_\_\_

\_\_\_\_ SIGNED \_\_\_\_\_  
Cynthia "Didi" Rapp  
Central Intelligence Agency

\_\_\_\_ 5/24/18 \_\_\_\_

## **Approval**

This Charter goes into effect upon the approval of the six members of the Board, pursuant to Section 4(b). Approval is signified officially by signature below.

APPROVED ON 8/20/2018