

**U.S. DEPARTMENT OF COMMERCE
MINORITY BUSINESS DEVELOPMENT AGENCY
MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL**

CHARTER

- 1. Committee's Official Designation.** Minority Business Enterprises Advisory Council.
- 2. Authority.** The Minority Business Enterprises Advisory Council (Council) is established pursuant to Title V, sections 100501 through 100503 of the Minority Business Development Act of 2021, P.L. 117-58 (Nov. 15, 2021), and in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.** The objective of this Council is to advise the Under Secretary of Commerce for Minority Business Development (Under Secretary) by:
 - identifying barriers to entrepreneurship and business growth, including access to traditional and alternative capital, public and private sector procurement, and global markets, and ways to overcome those barriers;
 - providing insight to relevant data, research, and policy alternatives about entrepreneurship and the economic conditions of socially or economically disadvantaged businesses;
 - proposing opportunities for collaboration on and coordination of policies relating to entrepreneurship and business growth for socially and economically disadvantaged businesses, particularly between the Minority Business Development Agency (Agency) and other Federal agencies and institutions, as appropriate;
 - serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged businesses;
 - providing information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged businesses;
 - advising on any measures to better achieve the objectives of the Agency; and
 - advising on problems or matters the Under Secretary refers to the Council.
- 4. Description of Duties.** The functions of the Council shall be advisory only, and any determinations to be made or action to be taken based on Council recommendations shall be made or taken by appropriate officers of the United States Government.
- 5. Agency or Official to Whom the Committee Reports.** The Council will report to the Under Secretary.

6. **Support.** Support for this Council will be provided by the Minority Business Development Agency.
7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of the Council is \$100,000, which includes 0.50 person years of staff support.
8. **Designated Federal Officer.** A full-time or permanent part-time employee appointed by the Under Secretary will serve as the Designated Federal Officer (DFO). A Secondary DFO may be appointed by the Under Secretary should the needs of the Council necessitate additional support. The DFO (or Secondary DFO if the primary DFO is unavailable) will approve or call all the Council's and its subcommittees' meetings; prepare and approve all meeting agendas; attend all Council and subcommittee meetings; adjourn any meeting when the DFO determines adjournment to be in the public interest; and chair meetings when directed to do so by the Under Secretary.
9. **Estimated Number and Frequency of Meetings.** Meetings are expected to occur quarterly but may occur more or less frequently as deemed desirable by the Under Secretary.
10. **Duration.** Continuing, until November 15, 2026.
11. **Termination.** This charter will terminate two (2) years from the date of its filing with the appropriate U.S. Senate and House of Representatives committees having legislative jurisdiction of the agency, unless earlier terminated or renewed by proper authority.
12. **Membership and Designation.** The Council shall have a minimum of nineteen (19) members who will be appointed by the Under Secretary in consultation with the Secretary and Deputy Secretary of Commerce. Nine (9) members of the Council shall be from the private sector with a balanced and broad range of interests regarding the social and economic life of minority business concerns. The private sector members may include individuals from academia and think tanks, companies, chambers of commerce, financial entities, labor and trade associations, non-profit organizations, and stakeholders involved in socially and economically disadvantaged business concerns.

The Council also shall have one (1) representative from each of not fewer than ten (10) Federal agencies that support or otherwise have duties related to business formation, including duties related to labor development, monetary policy, national security, energy, agriculture, transportation, and housing.

Members will be appointed by the Under Secretary for terms of two (2) years, and appointments are specific to each individual member and are not transferable. Members serve at the discretion of the Under Secretary. Members may be reappointed at the discretion of the Under Secretary in consultation with the Secretary and Deputy Secretary of Commerce.

The Council chair and vice chair or vice chairs shall be selected from the private sector members of the Council by the Under Secretary in consultation with the Secretary and Deputy Secretary of Commerce. The term of the chair and vice chair or vice chairs generally

is one year, and they may be reselected for additional terms should the charter be renewed and should they remain on the Council. Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code. Private sector members appointed to offer insight and perspectives of clearly identified sectors and stakeholder groups will serve as Representative members. Representative members are not Federal employees for the purposes of Federal ethics rules. Private sector members appointed for their individual expertise and experience will serve as Special Government Employee (SGE) members as that term is defined in 18 U.S.C. § 202. Special Government Employees are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure Report (OGE Form 450) and complete ethics training. Private sector members will be individually advised of the capacity in which they will serve through their appointment letters. Members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(d) to serve as Regular Government Employee (RGE) members.

Members shall not reference or otherwise utilize their membership on the Council in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Council, the Minority Business Development Agency, the Department of Commerce, or the U.S. Government.

13. Subcommittees. The Designated Federal Officer may create subcommittees as may be needed, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. All subcommittees shall be chaired by one or more Council members and must report back to the Council. Subcommittees must not provide advice or work products directly to the Agency or the Department of Commerce.

14. Recordkeeping. Records of the Council, formally and informally established subcommittees, or other subgroups of the Council, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Council are available for public inspection.

15. Filing Date. The charter is filed on the date indicated below.

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.09.19 15:02:49 -04'00'

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of
the Chief Financial Officer and Assistant Secretary for
Administration

9.19.2024

Date

9/19/2024

Filing Date