



THE SECRETARY OF HEALTH AND HUMAN SERVICES

WASHINGTON, D.C. 20201

CHARTER

PRESIDENT'S ADVISORY COMMISSION ON ASIAN AMERICANS, NATIVE HAWAIIANS, AND PACIFIC ISLANDERS

Committee's Official Designation

President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders

Authority

Executive Order 14031, dated May 28, 2021. The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission) is governed by provisions of the Federal Advisory Committee Act (FACA), P.L. 92-463, as amended (5 U.S.C. App. 2). The Commission is continued under Executive Order 14048, titled Continuation or Reestablishment of Certain Federal Advisory Committees and Amendments to Other Executive Orders, dated September 30, 2021.

Objectives and Scope of Activities

The Commission shall provide independent advice to the President, in close coordination with the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison, to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities in the United States. The Commission's advice will also help advance the Biden-Harris Administration's commitment to equity, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

Description of Duties

In carrying out its mission, the Commission shall provide independent advice to the President, in close coordination with the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison on:

- the development, monitoring, and coordination of executive branch efforts to advance equity, justice, and opportunity for AA and NHPI communities in the United States, including efforts to close gaps in health, socioeconomic, employment, and educational outcomes;
- policies to address and end anti-Asian bias, xenophobia, racism, and nativism, and opportunities for the executive branch to advance inclusion, belonging, and public

awareness of the diversity and accomplishments of AA and NHPI people, cultures, and histories;

- policies, programs, and initiatives to prevent, report, respond to, and track anti-Asian hate crimes and hate incidents;
- ways in which the Federal Government can build on the capacity and contributions of AA and NHPI communities through equitable Federal funding, grantmaking, and employment opportunities;
- policies and practices to improve research and equitable data disaggregation regarding AA and NHPI communities;
- policies and practices to improve language access services to ensure AA and NHPI communities can access Federal programs and services; and
- strategies to increase public- and private-sector collaboration, and community involvement in improving the safety and socioeconomic, health, educational, occupational, and environmental well-being of AA and NHPI communities.

The function of the Commission is solely advisory in nature.

Agency or Official to Whom the Committee Reports

The Commission shall provide advice to the President, in close coordination with the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison. The President will be responsible for ensuring the reporting requirements of Section 6(b) of the Federal Advisory Committee Act are fulfilled.

Support

Management and support services for the Commission will be provided by the Office for Civil Rights, U.S. Department of Health and Human Services (HHS).

HHS shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations, and may, as necessary and appropriate under section 1535 of title 31, United States Code, enter into one or more agreements to obtain goods or services from one or more agencies in support of the Commission.

The Secretary of Health and Human Services (Secretary) shall designate an Executive Director of the Commission (Executive Director). The Executive Director shall report to the Secretary, in coordination with the other Co-Chair of the Commission and the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison. The Executive Director shall coordinate the work of the Commission and head any staff assigned to the Commission.

The heads of other agencies shall assist and provide information to the Commission, consistent with applicable law, as may be necessary to carry out its functions. Each agency shall bear its own expenses of assisting the Commission.

Estimated Annual Operating Costs and Staff Years

The estimated annual cost for operating the Commission, including travel expenses for members, but excluding staff support, is \$511,000. The estimate for annual person years of staff support required is one full-time employee at an estimated annual cost of \$192,500.

Members of the Commission shall serve without compensation, but shall be allowed 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).

Designated Federal Officer (DFO)

HHS will designate either a full-time or permanent part-time, federal employee to serve as the DFO. The DFO or alternate DFO will schedule and approve all meetings of the Commission and make logistical arrangements that are necessary for Commission meetings. The DFO or alternate DFO will prepare and approve all meeting agendas; this may be done in consultation with the Commission leadership.

The DFO or alternate DFO will approve and open the Commission's and subcommittees' meetings, prepare the meeting agendas, attend all the Commission's and subcommittees' meetings, adjourn any meeting when the DFO or alternate DFO determines adjournment to be in the public interest, and chair a meeting when so directed by the agency head or another authorized official. An Alternate DFO may also be appointed in the same manner as the DFO.

Estimated Number and Frequency of Meetings

The Commission is expected to meet approximately four times a year. A simple majority quorum of the appointed members must be in attendance in order for the Commission to meet. Meetings will be open to the public, except as determined otherwise by the Secretary or other official to whom this authority has been delegated, in accordance with guidelines under the Government in the Sunshine Act at 5 U.S.C. 552b(c) and the FACA.

Duration

The duration of the Commission is continuing, subject to the Termination section below.

Termination

The Commission shall terminate on September 30, 2023 unless sooner renewed by the President.

Membership and Designation

The Commission shall be led by two Co-Chairs, one of whom shall be the Secretary of HHS, the other of whom shall be the head of an executive department or agency (agency) designated by the President.

The Commission shall consist of 25 members appointed by the President. The Commission shall include members who:

- have a history of advancing equity, justice, and opportunity for AA and NHPI communities;
- represent diverse sectors, including education, commerce, business, health, human services, housing, the environment, the arts, agriculture, labor and employment, transportation, justice, veterans affairs, economic and community development, immigration, law, and national security;
- are from organizations or associations representing one or more of the diverse AA and NHPI communities;
- have personal or professional experience addressing intersectional barriers faced by AA and NHPI communities, such as discrimination or lack of access to opportunity based on country of origin, immigration status, disability, age, or sex, including based on sexual orientation and gender identity; or
- have such other experience as the President deems appropriate.

Federal members shall serve as ex-officio members or Regular Government Employees and non-federal members shall serve as Special Government Employees. The members will be chosen for their individual expertise, integrity, impartiality, and experience. They will provide advice and make recommendations based on their independent judgment. The members will not be speaking for or representing the views of any nongovernmental organization having an interest in matters before the Commission.

All members shall be appointed to serve for the duration of the time that the Commission is authorized to operate.

Subcommittees

To accomplish its mission, the Commission (with the approval of the DFO) may establish subcommittees composed of members of the Commission and individuals with demonstrated expertise and knowledge about the topics and issues that are pertinent to the mission of the Commission.

The established subcommittees may consider issues in accordance with the mission of the Commission and will make recommendations and/or reports to the Commission for consideration and appropriate action to be taken. Recommendations and/or reports of the subcommittee that are provided to the Commission shall be discussed at an open public meeting that is held by the Commission. No established subcommittee of the Commission may report directly to the Secretary or another federal official unless there is specific statutory authority for such reporting.

The Department Committee Management Officer shall be notified by the DFO upon establishment of each subcommittee, and shall be given information regarding its name, membership, function, cost, and estimated frequency of meetings.

Recordkeeping

The records of the Commission and any established subcommittees of the Commission shall be handled in accordance with the General Records Schedule 6.2. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Establishment Filing Date:

October 18, 2021