

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
BOARD OF OVERSEERS OF THE
MALCOLM BALDRIGE NATIONAL QUALITY AWARD**

CHARTER

- 1. Committee's Official Designation (Title).** Board of Overseers of the Malcolm Baldrige National Quality Award (Board).
- 2. Authority.** The Board was established pursuant to 15 U.S.C. § 3711a(d)(2)(B) and in accordance with the provisions of the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.** The Board shall meet annually to review the work of the private sector contractor(s) that assists the Director of the National Institute of Standards and Technology (NIST) in administering the Malcolm Baldrige National Quality Award (Award) and the Award process. The Board shall make such suggestions for the improvement of the Award process as they deem necessary. The Board shall report the results of the Award activities to the Director of NIST each year, along with its recommendations for the improvement of the Award process.
- 4. Description of Duties.** The Board will function solely as an advisory committee under the FACA.
- 5. Agency or Official to Whom the Committee Reports.** The Board will report to the Director of NIST.
- 6. Support.** The NIST Baldrige Performance Excellence Program will provide clerical and other necessary support services for the Board.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual cost of operating the Board is \$25,000, which includes one-fourth of a person-year for staff support. Pursuant to 15 U.S.C. § 3711a(f), appropriated funds may be used to carry out this program, in addition to gifts from public and private sources and, if additional sums are needed to cover the full cost of the program, funds from fees imposed on award applicants. Monies from any or all of the above sources will be used to cover the annual operating expenses of the Board, including member travel and per diem, and clerical and other support services.
- 8. Designated Federal Officer.** The Director of the Baldrige Performance Excellence Program at NIST will serve as the Designated Federal Officer (DFO) for the Board. The DFO will approve or call all of the Board's meetings and subcommittee meetings, prepare and approve all meeting agendas, attend all Board meetings and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Director of NIST.
- 9. Estimated Number and Frequency of Meetings.** The Board will meet at least annually, but usually two times a year, in June and December. Additional meetings may be called as deemed necessary by the NIST Director.

10. Duration. Continuing.

11. Termination. This charter will terminate two years from the date of its filing with the standing committees of the U.S. Senate and House of Representatives having legislative jurisdiction of the agency unless earlier terminated or renewed by proper authority.

12. Membership and Designation. The Board will consist of at least five and up to approximately twelve members selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, and for their preeminence in the field of organizational performance excellence. There will be a balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. The Board will include members familiar with the quality, performance improvement operations, and competitiveness issues of manufacturing companies, service companies, nonprofits, health care providers, and educational institutions.

Board members will be appointed by the Secretary of Commerce for three-year terms and will serve at the discretion of the Secretary. All terms will commence on the first day of March and end on the last day of February of the appropriate year.

Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. No individual may be appointed as a member after serving two full terms.

The Board Chairperson will be appointed by the Secretary of Commerce and will serve a one-year term subject to renewal by the Secretary.

Members who are not Federal employees will serve as Special Government Employees (SGEs) 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. Such members will be individually advised of the capacity in which they will serve through their appointment letters.


Members of the Board shall serve without compensation, but may, upon request, be reimbursed travel expenses, including per diem, as authorized by 5 U.S.C. § 5701 et seq.

Members shall not reference or otherwise utilize their membership on the Board 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 Board, NIST, the Department of Commerce, or the U.S. Government.

13. Subcommittees. NIST may create subcommittees of the Board's members as may be necessary, pursuant to the provisions of the FACA. Subcommittees must report back to the parent committee and must not provide advice or work products directly to the agency.

14. Recordkeeping. Records of the Board, formally and informally established subcommittees, or other subgroups of the Board, will be handled in accordance with the 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 Board are available for public inspection.

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

For **STEPHEN KUNZE**  Digitally signed by STEPHEN KUNZE
Date: 2023.10.27 16:21:34 -04'00'

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

10/27/2023
Filing Date