

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
NATIONAL CONSTRUCTION SAFETY TEAM ADVISORY COMMITTEE**

CHARTER

- 1. Advisory Committee's Official Designation.** National Construction Safety Team Advisory Committee.
- 2. Authority.** In accordance with the requirements of Section 11 of the National Construction Safety Team (NCST) Act (15 U.S.C. § 7310), hereinafter referred to as the Act, the Secretary of Commerce hereby renews the charter for the National Construction Safety Team Advisory Committee, hereinafter referred to as the Committee, 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 Committee will act in the public interest to:
 - a. Advise the Director of the National Institute of Standards and Technology (NIST) on carrying out the Act by:
 - Providing advice on the functions of National Construction Safety Teams, hereinafter referred to as Teams, as described in section 2(b)(2) of the Act.
 - Providing advice on the composition of Teams under section 3 of the Act.
 - Providing advice on the exercise of authorities enumerated in sections 4 and 5 of the Act.
 - Providing such other advice as necessary to enable the Director of NIST to carry out the Act.
 - b. Review the procedures developed under section 2(c)(1) of the Act.
 - c. Review the reports issued under section 8 of the Act.
 - d. Function solely as an advisory body, in accordance with the provisions of FACA.
- 4. Description of Duties.** The Committee shall advise the Director of NIST on carrying out the Act and review the procedures developed for conducting investigations and the reports issued documenting investigations. On January 1 of each year, the Committee shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes: (1) an evaluation of Team activities, along with recommendations to improve the operation and effectiveness of Teams and (2) an assessment of the implementation of the recommendations of Teams and of the Committee.
- 5. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendations.** The Committee shall report to the Director of NIST.
- 6. Support.** The Engineering Laboratory (EL) within NIST shall provide support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual cost of operating the Committee is estimated not to exceed \$100,000, which includes 0.5 work years of staff support.

- 8. Designated Federal Officer.** The Designated Federal Officer (DFO) shall be designated by the Director of the EL (or his or her designee). The alternate DFO shall also be designated by the Director of the EL. The DFO (or alternate DFO) will:
- a. ensure their advisory committee activities comply with the FACA, FACA Final Rule, their agency administrative procedures, and any other applicable laws and regulations;
 - b. approve or call all of the Committee's and subcommittees' meetings;
 - c. prepare and approve all meeting agendas;
 - d. attend all Committee and subcommittee meetings for their duration;
 - e. fulfill the requirements under section 10(b) of the FACA (codified at 5 U.S.C. § 1009(b));
 - f. adjourn any meeting when the DFO determines adjournment to be in the public interest;
 - g. chair any meeting when directed to do so by the agency head;
 - h. maintain information on advisory committee activities and provide such information to the public, as applicable; and
 - i. ensure advisory committee members and subcommittee members, as applicable, receive the appropriate training (e.g., FACA overview, ethics training) for efficient operation and compliance with the FACA and FACA Final Rule.

- 9. Estimated Number and Frequency of Meetings.** The Committee shall meet at least once per year. Additional meetings may be called whenever requested by the NIST Director or the DFO; such meetings may be in the form of telephone conference calls and/or videoconferences. The Committee shall not act in the absence of a quorum, which shall consist of a simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, except that, if the number of members on the Committee is even, half will suffice.

10. Duration. Continuing

- 11. Termination.** This charter shall terminate four years from the date of its filing with the appropriate 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.

- a. The Director of NIST shall appoint the members of the Committee. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. Members shall reflect the wide diversity of technical disciplines and competencies involved in the National Construction Safety Teams investigations. Members will be drawn from industry and other communities having an interest in the National Construction Safety Teams investigations, such as, but not limited to, universities, state and local government bodies, non-profit research institutions, and other Federal agencies and laboratories. The diverse membership of the Committee assures expertise and perspectives reflecting the breath of the Committee's responsibilities, and where possible, NIST will also consider the ethnic, racial, and gender diversity and various abilities of the United States population.

- b. Non-Federal members shall serve as Special Government Employees (SGEs) as defined in Title 18 of United States Code, section 202(a). 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. Members who are full-time or permanent part-time Federal officers or employees shall serve as Regular Government Employee (RGEs). Members will be individually advised of the capacity in which they will serve through their appointment letters. Members serve at the discretion of the Director of NIST.
- c. The Committee shall consist of no less than 4 and no more than 12 members. The term of office of each member of the Committee generally shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy and that members shall have staggered terms such that the Committee will have approximately one-third new or reappointed members each year. Members who are not able to fulfill the duties and responsibilities of the Committee will have their membership terminated.
- d. Any person who has completed two consecutive full terms of service on the Committee shall be ineligible for appointment for a third term during the one-year period following the expiration of the second term.
- e. The Director of NIST shall appoint the Chairperson and the Vice Chairperson from among the members of the Committee. The Chairperson's and the Vice Chairperson's tenure generally shall be three years and can be modified at the discretion of the Director of NIST. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In case a vacancy occurs in the position of the Chairperson or Vice Chairperson, the NIST Director shall select a member to fill such a vacancy; the Vice Chairperson will succeed the Chairperson in the interim until the Director's selection of a member to fill the Chairperson vacancy.
- f. Members of the Committee shall not be compensated for their services but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. § 5701 et seq.
- g. Members shall not reference or otherwise utilize their membership on the Committee 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 Committee, NIST, the Department of Commerce, or the U.S. Government.

13. Subcommittees. NIST may create subcommittees from among the members as may be necessary, pursuant to the provisions of the FACA, its implementing regulations, and applicable Department of Commerce guidance. Any subcommittees created must report back to the Committee and must not provide advice and work products directly to the agency.

14. Recordkeeping. The records of the Committee, formally and informally established

subcommittees, or other subgroups of the Committee, 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 Committee are available for public inspection. The DFO will oversee recordkeeping and appropriate filings.

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

STEPHEN KUNZE Digitally signed by STEPHEN KUNZE
Date: 2024.10.03 13:31:19 -04'00'

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

Date

10/3/2024
Filing Date