

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
VISITING COMMITTEE ON ADVANCED TECHNOLOGY**

CHARTER

- 1. Committee's Official Designation (Title).** Visiting Committee on Advanced Technology (VCAT or Committee).
- 2. Authority.** In accordance with 15 U.S.C. § 278 and the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 et seq., the Secretary of Commerce hereby recharter the Visiting Committee on Advanced Technology.
- 3. Objectives and Scope of Activities.**
 - a. The Committee shall review and make recommendations regarding general policy for the National Institute of Standards and Technology (NIST or Institute), its organization, its budget, and its programs, within the framework of applicable national policies as set forth by the President and the Congress, 15 U.S.C. § 278(a).
 - b. The Committee shall provide an annual report, through the Director of NIST, to the Secretary of Commerce for submission to the Congress not later than 30 days after the submittal to Congress of the President's annual budget request in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters that affect NIST, or with which the Committee in its official role as the private sector policy advisor of NIST is concerned. Each such report shall identify areas of research and research techniques of the Institute of potential importance to the long-term competitiveness of U.S. industry, in which the Institute possesses special competence, which could be used to assist U.S. enterprises and U.S. industrial joint research and development ventures, 15 U.S.C. § 278(h)(1). The Committee shall submit, through the Director of NIST, to the Secretary and the Congress such additional reports on specific policy matters as it deems appropriate, 15 U.S.C. § 278(h)(2).
- 4. Description of Duties.** The Committee will function solely as an advisory body, in accordance with the provisions of the FACA. The Committee shall have an executive committee and may delegate to it such powers and functions of the Committee as it deems appropriate, 15 U.S.C. § 278(e).
- 5. Agency or Official to Whom the Committee Reports.** The Committee shall report to the Director of NIST.
- 6. Support.** The NIST Director's Office shall provide support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual cost of operating the Committee is estimated at \$300,000, which includes 1.1 work years of staff support.

8. Designated Federal Officer. The Director of NIST will appoint a NIST employee to serve as the Designated Federal Officer (DFO). The Director of NIST will also appoint a NIST employee to serve as an alternate DFO. The DFO (or alternate DFO) will: approve or call all of the Committee's and subcommittees' meetings; prepare and approve all meeting agendas; attend all Committee 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 Director of NIST.

9. Estimated Number and Frequency of Meetings. The Committee will meet at least twice each year at the call of the chairperson or whenever one-third of the members so request in writing, 15 U.S.C. § 278(d). The Committee shall not act in the absence of a quorum, which shall consist of a majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, 15 U.S.C. § 278(d).

10. Duration. Continuing.

11. Termination. This charter will terminate two (2) years from the date of its filing with the standing committees of the Senate and the House of Representatives having legislative jurisdiction of the agency unless terminated earlier 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 solely on the basis of established records of distinguished service; shall provide representation of a cross-section of traditional and emerging U.S. industries; shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations; and shall be selected in accordance with applicable Department of Commerce guidance. No employee of the Federal Government shall serve as a member of the Committee, 15 U.S.C. § 278(b).

b. Members shall 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. Members will be individually advised of the capacity in which they will serve through their appointment letters.

c. The Committee shall consist of not fewer than nine members appointed by the Director of NIST, a majority of whom shall be from U.S. industry, 15 U.S.C. § 278(a). The term of office of each member of the Committee shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy, 15 U.S.C. § 278(c)(1). Members shall serve at the discretion of the Director of NIST.

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, 15 U.S.C. § 278(c)(1).

e. The Committee chairperson and vice chairperson shall be elected by the members of the Committee at each annual meeting occurring in an even-numbered year. 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 Committee shall elect a member to fill such vacancy, 15 U.S.C. § 278(f).

f. Members of the Committee will not be compensated for their services, but will, upon request, be allowed travel expenses in accordance with 5 U.S.C. § 5701 et seq., while attending meetings of the Committee or of its subcommittees.

g. The Committee may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than four professional staff members and such clerical staff members as may be necessary. Such staff members shall be appointed by the Director after consultation with the chairperson of the Committee and assigned at the direction of the Committee, 15 U.S.C. § 278(g).

h. 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 VCAT, NIST, the Department of Commerce, or the U.S. Government.

13. Subcommittees. The Committee, in consultation with the DFO, and/or the Director of NIST may create such other subcommittees, task forces, and working groups consisting of members from the parent Committee as may be necessary, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittees must report back to the Committee, and any recommendations based on their work will be deliberated and agreed upon by the Committee prior to dissemination to NIST.

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.

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

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.01.11 16:09:17 -05'00'

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

01.11.2024

Date

1/12/2024
Filing Date