

**CHAPTER 7—CAMPAIGN COMMUNICATIONS**

**§§ 801 to 805. Repealed. Pub. L. 93-443, title II, § 205(b), Oct. 15, 1974, 88 Stat. 1278**

Section 801, Pub. L. 92-225, title I, §102, Feb. 7, 1972, 86 Stat. 3, related to definitions for purposes of this chapter.

Section 802, Pub. L. 92-225, title I, §103(b), Feb. 7, 1972, 86 Stat. 4, related to nonbroadcast media rates.

Section 803, Pub. L. 92-225, title I, §104(a), (b), Feb. 7, 1972, 86 Stat. 5, related to limitations of expenditures for use of communications media.

Section 804, Pub. L. 92-225, title I, §105, Feb. 7, 1972, 86 Stat. 7, related to regulations prescribed under this chapter.

Section 805, Pub. L. 92-225, title I, §106, Feb. 7, 1972, 86 Stat. 8, related to penalties imposed under this chapter.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Sections 801 to 805 repealed effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

**CHAPTER 8—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

**SUBCHAPTER I—ORGANIZATION AND FUNCTIONS**

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**SUBCHAPTER I—ORGANIZATION AND FUNCTIONS**

**§ 901. Definitions; findings; policy**

**(a) Definitions**

In this chapter, the following definitions apply:

(1) The term “NTIA” means the National Telecommunications and Information Administration.

(2) The term “Assistant Secretary” means the Assistant Secretary for Communications and Information.

(3) The term “Secretary” means the Secretary of Commerce.

(4) The term “Commission” means the Federal Communications Commission.

(5) The term “Corporation” means the Communications Satellite Corporation authorized in title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.).

**(b) Findings**

The Congress finds the following:

(1) Telecommunications and information are vital to the public welfare, national security, and competitiveness of the United States.

(2) Rapid technological advances being made in the telecommunications and information fields make it imperative that the United States maintain effective national and international policies and programs capable of taking advantage of continued advancements.

(3) Telecommunications and information policies and recommendations advancing the strategic interests and the international competitiveness of the United States are essential aspects of the Nation’s involvement in international commerce.

(4) There is a critical need for competent and effective telecommunications and information research and analysis and national and international policy development, advice, and advocacy by the executive branch of the Federal Government.

(5) As one of the largest users of the Nation’s telecommunications facilities and resources, the Federal Government must manage its radio spectrum use and other internal communications operations in the most efficient and effective manner possible.

(6) It is in the national interest to codify the authority of the National Telecommunications and Information Administration, an agency in the Department of Commerce, as the executive branch agency principally responsible for advising the President on telecommunications and information policies, and for carrying out the related functions it currently performs, as reflected in Executive Order 12046.

**(c) Policy**

The NTIA shall seek to advance the following policies:

(1) Promoting the benefits of technological development in the United States for all users of telecommunications and information facilities.

(2) Fostering national safety and security, economic prosperity, and the delivery of critical social services through telecommunications.

(3) Facilitating and contributing to the full development of competition, efficiency, and the free flow of commerce in domestic and international telecommunications markets.

(4) Fostering full and efficient use of telecommunications resources, including effective use of the radio spectrum by the Federal Government, in a manner which encourages the most beneficial uses thereof in the public interest.

(5) Furthering scientific knowledge about telecommunications and information.

(Pub. L. 102-538, title I, §102, Oct. 27, 1992, 106 Stat. 3533.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, “this title”, meaning title I of Pub. L. 102-538, Oct. 27, 1992, 106 Stat. 3533, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

The Communications Satellite Act of 1962, referred to in subsec. (a)(5), is Pub. L. 87-624, Aug. 31, 1962, 76 Stat. 419. Title III of the Act is classified generally to subchapter III (§731 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

Executive Order 12046, referred to in subsec. (b)(6), is set out as a note under section 305 of this title.

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-74, title X, §1001, Nov. 2, 2015, 129 Stat. 621, provided that: “This title [amending sections 309, 923, and 928 of this title and enacting provisions set out as a note under section 921 of this title] may be cited as the ‘Spectrum Pipeline Act of 2015’.”

## SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-53, title XXIII, §2301, Aug. 3, 2007, 121 Stat. 543, as amended by Pub. L. 110-161, div. B, title V, §539, Dec. 26, 2007, 121 Stat. 1934, provided that: “This title [amending section 942 of this title and provisions set out as a note under section 309 of this title] may be cited as the ‘911 Modernization Act’.”

## SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-494, title I, §101, Dec. 23, 2004, 118 Stat. 3986, provided that: “This title [enacting section 942 of this title and provisions set out as notes under section 942 of this title] may be cited as the ‘Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004’ or the ‘ENHANCE 911 Act of 2004’.”

Pub. L. 108-494, title II, §201, Dec. 23, 2004, 118 Stat. 3991, provided that: “This title [enacting section 928 of this title, amending sections 309, 614, and 923 of this title, and enacting provisions set out as notes under sections 921, 923, and 928 of this title] may be cited as the ‘Commercial Spectrum Enhancement Act’.”

## SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-317, §1, Dec. 4, 2002, 116 Stat. 2766, provided that: “This Act [enacting subchapter III of this chapter, amending section 902 of this title, and enacting provisions set out as a note under section 941 of this title] may be cited as the ‘Dot Kids Implementation and Efficiency Act of 2002’.”

## SHORT TITLE

Pub. L. 102-538, title I, §101, Oct. 27, 1992, 106 Stat. 3533, provided that: “This title [enacting this chapter, amending section 394 of this title, and enacting provisions set out as a note under section 254r of Title 42, The Public Health and Welfare] may be cited as the ‘National Telecommunications and Information Administration Organization Act’.”

## INTERNET OF THINGS

Pub. L. 116-283, div. H, title XCII, §9204, Jan. 1, 2021, 134 Stat. 4797, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

“(3) STEERING COMMITTEE.—The term ‘steering committee’ means the steering committee established under subsection (b)(5)(A).

“(4) WORKING GROUP.—The term ‘working group’ means the working group convened under subsection (b)(1).

“(b) FEDERAL WORKING GROUP.—

“(1) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

“(2) DUTIES.—The working group shall—

“(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

“(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section;

“(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

“(D) examine—

“(i) how Federal agencies can benefit from utilizing the Internet of Things;

“(ii) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

“(iii) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future; and

“(iv) any additional security measures that Federal agencies may need to take to—

“(I) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

“(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

“(E) in carrying out the examinations required under subclauses (I) and (II) of subparagraph (D)(iv), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

“(3) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

“(A) the Department of Commerce, including—

“(i) the National Telecommunications and Information Administration;

“(ii) the National Institute of Standards and Technology; and

“(iii) the National Oceanic and Atmospheric Administration;

“(B) the Department of Transportation;

“(C) the Department of Homeland Security;

“(D) the Office of Management and Budget;

“(E) the National Science Foundation;

“(F) the Commission;

“(G) the Federal Trade Commission;

“(H) the Office of Science and Technology Policy;

“(I) the Department of Energy; and

“(J) the Federal Energy Regulatory Commission.

“(4) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

“(A) the steering committee;

“(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

“(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

“(D) small, medium, and large businesses;  
“(E) think tanks and academia;  
“(F) nonprofit organizations and consumer groups;  
“(G) security experts;  
“(H) rural stakeholders; and  
“(I) other stakeholders with relevant expertise, as determined by the Secretary.  
“(5) STEERING COMMITTEE.—  
“(A) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.  
“(B) DUTIES.—The steering committee shall advise the working group with respect to—  
“(i) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;  
“(ii) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—  
“(I) smart traffic and transit technologies;  
“(II) augmented logistics and supply chains;  
“(III) sustainable infrastructure;  
“(IV) precision agriculture;  
“(V) environmental monitoring;  
“(VI) public safety; and  
“(VII) health care;  
“(iii) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;  
“(iv) policies, programs, or multi-stakeholder activities that—  
“(I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;  
“(II) may enhance the security of the Internet of Things, including the security of critical infrastructure;  
“(III) may protect users of the Internet of Things; and  
“(IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;  
“(v) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and  
“(vi) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.  
“(C) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—  
“(i) information and communications technology manufacturers, suppliers, service providers, and vendors;  
“(ii) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;  
“(iii) small, medium, and large businesses;  
“(iv) think tanks and academia;  
“(v) nonprofit organizations and consumer groups;  
“(vi) security experts;  
“(vii) rural stakeholders; and  
“(viii) other stakeholders with relevant expertise, as determined by the Secretary.  
“(D) REPORT.—Not later than 1 year after the date of enactment of this Act [Jan. 1, 2021], the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

“(E) INDEPENDENT ADVICE.—

“(i) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (B).

“(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

“(iii) REPORT.—The steering committee shall ensure that the report submitted under subparagraph (D) is the result of the independent judgment of the steering committee.

“(F) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

“(G) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under paragraph (6).

“(6) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

“(i) the findings and recommendations of the working group with respect to the duties of the working group under paragraph (2);

“(ii) the report submitted by the steering committee under paragraph (5)(D), as the report was received by the working group;

“(iii) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under paragraph (5)(D); and

“(iv) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

“(B) COPY OF REPORT.—The working group shall submit a copy of the report described in subparagraph (A) to—

“(i) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

“(ii) the Committee on Energy and Commerce of the House of Representatives; and

“(iii) any other committee of Congress, upon request to the working group.

“(C) ASSESSING SPECTRUM NEEDS.—

“(1) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act [Jan. 1, 2021], and future spectrum needs to enable better connectivity relating to the Internet of Things.

“(2) REQUIREMENTS.—In issuing the notice of inquiry under paragraph (1), the Commission shall seek comments that consider and evaluate—

“(A) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support the growing Internet of Things;

“(B) if adequate spectrum is not available for the purposes described in subparagraph (A), how to ensure that adequate spectrum is available for increased demand with respect to the Internet of Things;

“(C) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things; and

“(D) what the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

“(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representa-

tives a report summarizing the comments submitted in response to the notice of inquiry issued under paragraph (1).”

NATIONAL STRATEGY TO SECURE 5G AND NEXT GENERATION WIRELESS COMMUNICATIONS

Pub. L. 116-129, Mar. 23, 2020, 134 Stat. 223, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Secure 5G and Beyond Act of 2020’.

“SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

“In this Act, the term ‘appropriate committees of Congress’ means—

“(1) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

“SEC. 3. STRATEGY TO ENSURE SECURITY OF NEXT GENERATION WIRELESS COMMUNICATIONS SYSTEMS AND INFRASTRUCTURE.

“(a) STRATEGY REQUIRED.—Not later than 180 days after the date of enactment of this Act [Mar. 23, 2020], the President, in consultation with the Chairman of the Federal Communications Commission, the Secretary of Commerce, the Assistant Secretary of Commerce for Communications and Information, the Secretary of Homeland Security, the Director of National Intelligence, the Attorney General, the Secretary of State, the Secretary of Energy, and the Secretary of Defense, and consistent with the protection of national security information, shall develop and submit to the appropriate committees of Congress a strategy—

“(1) to ensure the security of 5th and future generations wireless communications systems and infrastructure within the United States;

“(2) to provide technical assistance to mutual defense treaty allies of the United States, strategic partners of the United States, and other countries, when in the security and strategic interests of the United States, to maximize the security of 5th and future generations wireless communications systems and infrastructure inside their countries; and

“(3) to protect the competitiveness of United States companies, privacy of United States consumers, and integrity and impartiality of standards-setting bodies and processes related to 5th and future generations wireless communications systems and infrastructure.

“(b) DESIGNATION.—The strategy developed under subsection (a) shall be known as the ‘National Strategy to Secure 5G and Next Generation Wireless Communications’ (referred to in this Act as the ‘Strategy’).

“(c) ELEMENTS.—The Strategy shall represent a whole-of-government approach and shall include the following:

“(1) A description of efforts to facilitate domestic 5th and future generations wireless communications rollout.

“(2) A description of efforts to assess the risks to and identify core security principles of 5th and future generations wireless communications infrastructure.

“(3) A description of efforts to address risks to the national security of the United States during development and deployment of 5th and future generations wireless communications infrastructure worldwide.

“(4) A description of efforts to promote responsible global development and deployment of 5th and future generations wireless communications, including through robust international engagement, leadership in the development of international standards, and

incentivizing market competitiveness of secure 5th and future generation wireless communications infrastructure options.

“(d) PUBLIC CONSULTATION.—In developing the Strategy, the President shall consult with relevant groups that represent consumers or the public interest, private sector communications providers, and communications infrastructure and systems equipment developers.

“SEC. 4. STRATEGY IMPLEMENTATION PLAN.

“Not later than 180 days after the date of enactment of this Act [Mar. 23, 2020], the President shall develop and submit to the appropriate committees of Congress an implementation plan for the Strategy (referred to in this Act as the ‘Implementation Plan’), which shall include, at a minimum, the following:

“(1) A description of United States national and economic security interests pertaining to the deployment of 5th and future generations wireless communications systems and infrastructure.

“(2) An identification and assessment of potential security threats and vulnerabilities to the infrastructure, equipment, systems, software, and virtualized networks that support 5th and future generations wireless communications systems, infrastructure, and enabling technologies, which shall, as practicable, include a comprehensive evaluation of the full range of threats to, and unique security challenges posed by, 5th and future generations wireless communications systems and infrastructure, as well as steps that public and private sector entities can take to mitigate those threats.

“(3) An identification and assessment of the global competitiveness and vulnerabilities of United States manufacturers and suppliers of 5th and future generations wireless communications equipment.

“(4) An evaluation of available domestic suppliers of 5th and future generations wireless communications equipment and other suppliers in countries that are mutual defense allies or strategic partners of the United States and a strategy to assess their ability to produce and supply 5th generation and future generations wireless communications systems and infrastructure.

“(5) Identification of where security gaps exist in the United States domestic or mutual defense treaty allies and strategic partners communications equipment supply chain for 5th and future generations wireless communications systems and infrastructure.

“(6) Identification of incentives and policy options to help close or narrow any security gaps identified under paragraph (5) in, and ensure the economic viability of, the United States domestic industrial base, including research and development in critical technologies and workforce development in 5th and future generations wireless communications systems and infrastructure.

“(7) Identification of incentives and policy options for leveraging the communications equipment suppliers from mutual defense treaty allies, strategic partners, and other countries to ensure that private industry in the United States has adequate sources for secure, effective, and reliable 5th and future generations wireless communications systems and infrastructure equipment.

“(8) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share security risk information and findings pertaining to 5th and future generations wireless communications systems and infrastructure equipment and cooperation on mitigating those risks.

“(9) A plan for engagement with private sector communications infrastructure and systems equipment developers and critical infrastructure owners and operators who have a critical dependency on communications infrastructure to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to secure platforms.

“(10) A plan for engagement with private sector communications infrastructure and systems equip-

ment developers to encourage the maximum participation possible on standards-setting bodies related to such systems and infrastructure equipment standards by public and private sector entities from the United States.

“(11) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to promote maximum interoperability, competitiveness, openness, and secure platforms.

“(12) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications infrastructure and systems equipment concerning the standards-setting bodies related to such systems and infrastructure equipment to promote maximum transparency, openness, impartiality, integrity, and neutrality.

“(13) A plan for joint testing environments with mutual defense treaty allies, strategic partners, and other countries to ensure a trusted marketplace for 5th and future generations wireless communications systems and infrastructure equipment.

“(14) A plan for research and development by the Federal Government, in close partnership with trusted supplier entities, mutual defense treaty allies, strategic partners, and other countries to reach and maintain United States leadership in 5th and future generations wireless communications systems and infrastructure security, including the development of an ongoing capability to identify security vulnerabilities in 5th and future generations wireless communications systems.

“(15) Options for identifying and helping to mitigate the security risks of 5th and future generations wireless communications systems and infrastructure that have security flaws or vulnerabilities, or are utilizing equipment sourced from countries of concern, and that have already been put in place within the systems and infrastructure of mutual defense treaty allies, strategic partners, and other countries, when in the security interests of the United States.

“(16) A description of the roles and responsibilities of the appropriate executive branch agencies and interagency mechanisms to coordinate implementation of the Strategy, as provided in section 5(d).

“(17) An identification of the key diplomatic, development, intelligence, military, and economic resources necessary to implement the Strategy, including specific budgetary requests.

“(18) As necessary, a description of such legislative or administrative action needed to carry out the Strategy.

#### “SEC. 5. LIMITATIONS AND BRIEFINGS.

##### “(a) LIMITATIONS.—

“(1) IN GENERAL.—The Strategy and the Implementation Plan shall not include a recommendation or a proposal to nationalize 5th or future generations wireless communications systems or infrastructure.

“(2) FEDERAL AGENCY AUTHORITY.—Nothing in this Act shall be construed to limit any authority or ability of any Federal agency.

“(b) PUBLIC COMMENT.—Not later than 60 days after the date of enactment of this Act [Mar. 23, 2020], the President shall seek public comment regarding the development and implementation of the Implementation Plan.

##### “(c) BRIEFING.—

“(1) IN GENERAL.—Not later than 21 days after the date on which the Implementation Plan is completed, the President shall direct appropriate representatives from the departments and agencies involved in the formulation of the Strategy to provide the appropriate committees of Congress a briefing on the implementation of the Strategy.

“(2) UNCLASSIFIED SETTING.—The briefing under paragraph (1) shall be held in an unclassified setting to the maximum extent possible.

##### “(d) IMPLEMENTATION.—

“(1) IN GENERAL.—The President and the National Telecommunications and Information Administration, in conjunction, shall—

“(A) implement the Strategy;

“(B) keep congressional committees apprised of progress on implementation; and

“(C) not implement any proposal or recommendation involving non-Federal spectrum administered by the Federal Communications Commission unless the implementation of such proposal or recommendation is first approved by the Commission.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority or jurisdiction of the Federal Communications Commission or confer upon the President or any other executive branch agency the power to direct the actions of the Commission, whether directly or indirectly.

“(e) FORM.—The Strategy and Implementation Plan shall be submitted to the appropriate committees of Congress in unclassified form, but may include a classified annex.”

### Executive Documents

#### EX. ORD. NO. 12382. PRESIDENT'S NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE

Ex. Ord. No. 12382, Sept. 13, 1982, 47 F.R. 40531, as amended by Ex. Ord. No. 13286, Feb. 28, 2003, 68 F.R. 10628; Ex. Ord. No. 13618, §7(c), July 6, 2012, 77 F.R. 40783; Ex. Ord. No. 14048, §5, Sept. 30, 2021, 86 F.R. 55466, provided:

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], an advisory committee on National Security Telecommunications, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the President's National Security Telecommunications Advisory Committee, which shall be composed of no more than 30 members. These members shall have particular knowledge and expertise in the fields of cybersecurity and of information and communications technology (ICT) and shall represent various elements of the Nation's telecommunications industry. Members of the Committee shall be appointed by the President.

(b) The President shall designate a Chair and Vice Chair from among the members of the Committee, each for a term of up to 2 years.

(c) To assist the Committee in carrying out its functions, the Committee may establish appropriate subcommittees or working groups composed, in whole or in part, of individuals who are not members of the Committee.

SEC. 2. *Functions.* (a) The Committee shall provide to the President, through the Secretary of Homeland Security, information and advice from the perspective of relevant cybersecurity, ICT, and telecommunications industries on information assurance, cybersecurity, and the ICT ecosystem with respect to national security and emergency preparedness (NS/EP) concerns.

(b) The Committee shall provide information and advice to the President, through the Secretary of Homeland Security, regarding the feasibility of implementing specific measures to improve the resiliency and security of the digital and communications infrastructure of the United States.

(c) The Committee shall provide technical information, advice, and recommendations as it relates to NS/EP policy issues concerning cybersecurity, ICT, and telecommunications matters.

(d) The Committee shall periodically report on matters in this section to the President, through the Secretary of Homeland Security.

SEC. 3. *ADMINISTRATION.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Committee with information concerning NS/EP

policy issues specific to cybersecurity, ICT, and telecommunications matters in order for it to carry out its functions and mission. Information supplied to the Committee shall not, to the extent permitted by law, be available for public inspection.

(b) Members of the Committee shall serve without any compensation for their work on the Committee. However, to the extent permitted by law, they shall be entitled to travel expenses, including per diem in lieu of subsistence.

(c) Any expenses of the Committee shall, to the extent permitted by law, be paid from funds available to the Secretary of Homeland Security.

SEC. 4. *General.* (a) Notwithstanding any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], which are applicable to the Committee, except that of reporting annually to the Congress, shall be performed by the Secretary of Homeland Security, in accord with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Committee shall terminate on December 31, 1982, unless sooner extended.

#### EXTENSION OF TERM OF PRESIDENT'S NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE

Term of President's National Security Telecommunications Advisory Committee extended until Sept. 30, 2025, by Ex. Ord. No. 14109, Sept. 29, 2023, 88 F.R. 68447, set out as a note under section 1013 of Title 5, Government Organization and Employees.

Previous extensions of term of President's National Security Telecommunications Advisory Committee were contained in the following prior Executive Orders:

Ex. Ord. No. 14048, Sept. 30, 2021, 86 F.R. 55465, extended term until Sept. 30, 2023.

Ex. Ord. No. 13889, Sept. 27, 2019, 84 F.R. 52743, extended term until Sept. 30, 2021.

Ex. Ord. No. 13811, Sept. 29, 2017, 82 F.R. 46363, extended term until Sept. 30, 2019.

Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, extended term until Sept. 30, 2017.

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, extended term until Sept. 30, 2015.

Ex. Ord. No. 13585, Sept. 30, 2011, 76 F.R. 62281, extended term until Sept. 30, 2013.

Ex. Ord. No. 13511, Sept. 29, 2009, 74 F.R. 50909, extended term until Sept. 30, 2011.

Ex. Ord. No. 13446, Sept. 28, 2007, 72 F.R. 56175, extended term until Sept. 30, 2009.

Ex. Ord. No. 13385, Sept. 29, 2005, 70 F.R. 57989, extended term until Sept. 30, 2007.

Ex. Ord. No. 13316, Sept. 17, 2003, 68 F.R. 55255, extended term until Sept. 30, 2005.

Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, extended term until Sept. 30, 2003.

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, extended term until Sept. 30, 2001.

Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, extended term until Sept. 30, 1999.

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, extended term until Sept. 30, 1997.

Ex. Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, extended term until Sept. 30, 1995.

Ex. Ord. No. 12774, Sept. 27, 1991, 56 F.R. 49835, extended term until Sept. 30, 1993.

Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, extended term until Sept. 30, 1991.

Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, extended term until Sept. 30, 1989.

Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, extended term until Sept. 30, 1987.

Ex. Ord. No. 12454, Dec. 29, 1983, 49 F.R. 343, extended term until Sept. 30, 1985.

Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, extended term until Dec. 31, 1983.

#### DEVELOPING A SUSTAINABLE SPECTRUM STRATEGY FOR AMERICA'S FUTURE

Memorandum of President of the United States, Oct. 25, 2018, 83 F.R. 54513, which related to spectrum policy,

was revoked by Memorandum of President of the United States, §9, Nov. 13, 2023, 88 F.R. 80083, set out in a note below.

#### MODERNIZING UNITED STATES SPECTRUM POLICY AND ESTABLISHING A NATIONAL SPECTRUM STRATEGY

Memorandum of President of the United States, Nov. 13, 2023, 88 F.R. 80079, provided:

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to meet the growing requirements of United States radio frequency spectrum users, it is hereby ordered as follows:

SECTION 1. *Policy.* Radio frequency spectrum is among our Nation's most important national resources. The United States has long advanced our global technological leadership by striking an appropriate balance between promoting private-sector innovation and furthering the missions of executive departments and agencies (agencies). In recent years, however, rising demand for always-connected devices and other factors, such as the development of cooperative and automated vehicles, the commercialization of space, and the growing complexity and increased requirements of Federal missions, have all led to increased competition for scarce spectrum resources. Managing these diverse, and at times competing, spectrum demands requires careful planning and coordination. Agencies and private-sector users must address these challenges by working together in the best interests of the American people.

This memorandum directs my Administration to build on prior innovation by promoting efficient and effective spectrum use by both agencies and non-Federal users. My Administration's goal is to accelerate United States leadership in wireless communications and other spectrum-based technologies and to unlock innovations that benefit the American people, while ensuring necessary access to spectrum for agencies and private-sector users, such as for scientific, public safety, critical infrastructure, and national security uses, now and into the future.

The policy of my Administration is to ensure that spectrum management, usage, and allocation decisions are coordinated, consistent, and reflect the needs and diverse missions of agencies and non-Federal users. This memorandum reaffirms the policies and authorities stated in Executive Order 12046 of March 27, 1978 (Relating to the Transfer of Telecommunications Functions) [47 U.S.C. 305 note], regarding the duties and powers of the Department of Commerce, and recognizes the role of the National Telecommunications and Information Administration (NTIA) within the Department of Commerce, as laid out in its organic statute, as "the executive branch agency principally responsible for advising the President on telecommunications and information policies" (47 U.S.C. 901(b)(6)). This policy recognizes the discrete mission needs and associated statutory oversight that agencies must fulfill as they develop and implement operating requirements that rely on spectrum.

The Congress has charged NTIA and the Federal Communications Commission (FCC) with jointly managing the Nation's radio spectrum resources. The NTIA and FCC perform their functions consistent with the August 1, 2022, Memorandum of Understanding (MOU) between the two agencies; the Presidential Memorandum of January 27, 2021 (Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking) [42 U.S.C. 6601 note]; the November 23, 2022, MOU among NTIA, FCC, and the Department of the Interior; and Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments) [25 U.S.C. 5301 note], honoring the Federal trust relationship with Tribal Nations.

Accordingly, I direct the following actions to modernize the usage of spectrum in the United States:

SEC. 2. *Coordination.* To ensure that the United States manages its spectrum resources in a manner that bene-

fits all Americans, the executive branch must work cooperatively to arrive at consensus positions reflecting my Administration's spectrum policy goals.

There is hereby established the Interagency Spectrum Advisory Council (Council) to serve as the principal interagency forum for heads of agencies to advise NTIA on spectrum policy matters and to ensure that all decisions made by NTIA take into consideration the diverse missions of the Federal Government. Within 90 days of the date of this memorandum [Nov. 13, 2023], NTIA shall publish a charter for the Council. The Council shall be led by the Assistant Secretary of Commerce for Communications and Information and shall be composed of Assistant Secretary-level representatives or their designees with spectrum management oversight from agencies holding Federal spectrum assignments or otherwise having spectrum-related statutory authorities within their respective agencies. The Executive Office of the President shall participate in the work of the Council, and NTIA shall request that FCC participate in the work of the Council.

The NTIA's Interdepartment Radio Advisory Committee (IRAC) shall continue to advise NTIA with respect to NTIA's statutory role to develop and execute policies, programs, procedures, and technical criteria pertaining to the allocation, management, and Federal use of the electromagnetic spectrum.

**SEC. 3. National Spectrum Strategy.** By December 31, 2023, the Secretary of Commerce, acting through NTIA, shall develop a National Spectrum Strategy (Strategy), and the Secretary shall submit it to the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Director of the Office of Science and Technology Policy. The NTIA shall seek to collaborate with FCC and coordinate with the Council in the development of the Strategy, which shall include, at a minimum:

(a) a roadmap to make spectrum resources available to continue United States leadership in advanced wireless technologies and services, which shall provide a "pipeline" of spectrum bands to support commercial innovation and agencies' needs now and into the future by identifying at least 1500 megahertz for in-depth study to determine suitability for repurposing, which may include spectrum bands currently allocated for Federal operations, non-Federal operations, or shared Federal and non-Federal operations;

(b) data-driven processes for long-term spectrum planning that increase transparency into current and future Federal and non-Federal spectrum use; anticipate and enable technological advances in order to facilitate spectrum access; and fully account for essential Federal missions, including national defense and homeland security, safeguarding the national airspace, securing the Nation's critical infrastructure, climate monitoring and forecasting, and other scientific endeavors;

(c) plans to optimize United States spectrum management and use by considering different types of spectrum governance models, including exclusive licensing, unlicensed use, shared use, and combinations of these approaches;

(d) plans for investing in and promoting the development of emerging technological advancements in spectrum management, including spectrum sharing and improving understanding of electromagnetic spectrum science; and

(e) recommendations for developing an enduring, scalable mechanism for managing shared spectrum access for the Federal Government, with the goal of increasing the efficiency of spectrum use.

**SEC. 4. Implementation Plan.** Within 120 days of the submission of the Strategy, the Secretary of Commerce, acting through NTIA, in coordination with the Council, and after seeking to collaborate with FCC, shall publish an Implementation Plan for the Strategy. The Implementation Plan shall include a schedule for detailed studies of the pipeline bands identified in the Strategy to be completed within 2 years of the submis-

sion of the Strategy or, in the case of proposals by agencies to conduct studies under the Spectrum Pipeline Act of 2015 ([title X of] Public Law 114-74) [see Short Title of 2015 Amendment note set out above], within 2 years of the date of receipt of funding.

**SEC. 5. Responsibilities of the Department of Commerce and NTIA.** The Secretary of Commerce, acting through NTIA, has "[t]he responsibility to promote the best possible and most efficient use of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies." (47 U.S.C. 902(b)(2)(U)). In order to properly fulfill this responsibility, NTIA, consistent with its "authority ... as the executive branch agency principally responsible for advising the President on telecommunications and information policies," shall, in coordination with the Council and the IRAC as appropriate, ensure that the views of the executive branch on spectrum matters are properly developed, documented, and, if necessary, presented to FCC and, in appropriate circumstances, in coordination with the Director of the Office of Management and Budget, to the Congress, as required by statute (47 U.S.C. 901(b)(6), 902(b)(2)(J)). This duty shall extend to all Federal spectrum matters, both where agencies hold NTIA-issued frequency assignments and where non-Federal spectrum use may have a substantial impact on agency missions.

(a) In undertaking these duties, NTIA shall:

(i) adhere to the terms of the August 1, 2022, MOU between NTIA and FCC and any successor arrangement, so long as the arrangement remains in effect;

(ii) solicit views of stakeholder agencies in a timely fashion and provide sufficient time and procedures for such agencies to present their views and supporting technical information to NTIA;

(iii) provide agencies with timely written feedback articulating why and how agency views will be incorporated into the position that NTIA communicates to FCC;

(iv) facilitate the presentation by agencies of classified or otherwise sensitive views to FCC;

(v) develop the position of the executive branch on spectrum-related issues, including any supporting technical and operational information to facilitate FCC decision-making, and provide that position to FCC; and

(vi) endeavor to provide such views and information within FCC's applicable timelines and request additional time when needed.

(b) In matters where NTIA and an agency or agencies cannot reach a consensus on the views to be presented to FCC, NTIA shall:

(i) notify FCC of the lack of consensus and anticipated next steps and timing to resolve it;

(ii) request the joint assistance of the Secretary of Commerce and the head of any agency objecting to NTIA's proposed submission to FCC to find a mutually agreeable resolution; and

(iii) keep FCC informed, as appropriate, regarding anticipated next steps and timing of resolution.

(c) If a resolution is not reached, NTIA shall within 90 days submit, or the disputing agency or agencies may submit, the disagreement to the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, who shall, in consultation with the Director of the Office of Science and Technology Policy and the National Space Council, resolve the dispute through the interagency process described in National Security Memorandum 2 of February 4, 2021 (Renewing the National Security Council System), or the process described in any successor Presidential directive. The NTIA shall advise FCC on the executive branch position following adjudication and decision.

**SEC. 6. Post-FCC Action Procedures.** Since agencies are directed to participate fully and actively in NTIA's development of positions on spectrum matters, disputes following FCC action should be rare. When FCC has acted to make spectrum available for non-Federal use and an agency believes that, for a reason unforeseen before FCC action, the new use is causing or potentially

will cause harmful interference to existing Federal operations or non-Federal operations that are regulated by an agency, the following procedures shall be adhered to:

(a) The complainant agency, no later than 45 days after learning of the unforeseen risk of harmful interference, shall formally request that NTIA address the matter with FCC for an appropriate remedy, and in that request shall:

(i) clearly indicate the manner in which the public interest will be implicated or harmed or an agency's mission will be adversely affected;

(ii) present evidence to NTIA that such new use is causing or potentially will cause harmful interference or potential harm to the public interest, including any technical or scientific data that supports that position; and

(iii) explain why the complainant agency cannot take steps to ensure mission continuity that are consistent with FCC's decision.

(b) If NTIA believes that the complainant agency has produced sufficient evidence that the new use will risk harmful interference that cannot be reasonably mitigated without FCC action, it shall, within 60 days of the complainant agency's request, address FCC under established processes for seeking appropriate relief. If NTIA does not believe that there is sufficient evidence to seek relief from FCC, the complainant agency may invoke the process set forth in sections 5(b) and 5(c) of this memorandum.

(c) Before any significant regulatory action directly related to the spectrum subject to license is taken by the complainant agency pursuant to its statutory authorities, the regulatory action shall be submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget, as required by sections 3(f) and 6(a)(3) of Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review) [5 U.S.C. 601 note].

SEC. 7. *Other Responsibilities of Agencies.* Consistent with NTIA's statutory authorities and to ensure the coordination and consistency called for in this memorandum:

(a) Agencies shall expeditiously, and no later than 45 days subsequent to any NTIA request outside of the time frames set by section IV(3) of the August 1, 2022, MOU between NTIA and FCC, respond to and, to the extent possible, share with NTIA any technical and operational information needed to facilitate spectrum coordination and policy development.

(b) Agencies shall furnish NTIA "with such information, support, and assistance, not inconsistent with law, as it may require in the performance of its functions, [sic]" (47 U.S.C. 904(c)(2)), including coordinating with NTIA on:

(i) all relevant information to be considered for filing with FCC; and

(ii) any significant regulatory actions to be taken by the agency pursuant to its statutory authorities directly relating to spectrum issues, prior to its submission to OIRA as required by Executive Order 12866.

(c) Agencies shall collaborate with NTIA to facilitate long-term spectrum planning, including by sharing information about their current spectrum use and long-term spectrum needs as requested by NTIA.

(d) Agencies shall coordinate with NTIA prior to carrying out any electromagnetic compatibility study or testing plan that the agency seeks to be considered in formulating the views of the executive branch regarding spectrum regulatory matters. Coordination with NTIA will ensure the use of consistent methods across the executive branch, promoting reliable findings as well as evidence-based decision-making. Nothing herein is intended to prevent agencies from conducting spectrum-related studies for internal purposes unrelated to formulating executive branch views on spectrum regulatory matters. Agencies are strongly encouraged to conduct spectrum-related testing and research in cooperation with NTIA's Institute for Telecommunication Sciences.

(e) Agencies shall favor the development and procurement of systems that enable coexistence with other spectrum users. Accordingly, agencies shall ensure that their acquisition processes properly consider spectrum coexistence and access prior to milestone investment decisions. The NTIA shall, in turn, improve its criteria and processes for certification regarding spectrum availability to facilitate spectrum access.

SEC. 8. *Spectrum Management Principles and Methods.* By May 14, 2025, the Secretary of Commerce, working in partnership with the Council, shall publish a report identifying spectrum management principles and methods that will guide the Federal Government in spectrum studies and science. The report shall identify the coordination guidelines for spectrum studies and identify processes for determining types of studies, criteria, assumptions, and timelines that will be acceptable in decision-making involving the use of Federal spectrum and the use of non-Federal spectrum by agencies.

SEC. 9. *Revocation.* The Presidential Memorandum of October 25, 2018 (Developing a Sustainable Spectrum Strategy for America's Future) [formerly set out above], is hereby revoked.

SEC. 10. *Protection of Information.* Nothing in this memorandum shall be construed to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interests of national security.

SEC. 11. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Commerce is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

## § 902. Establishment; assigned functions

### (a) Establishment

#### (1) Administration

There shall be within the Department of Commerce an administration to be known as the National Telecommunications and Information Administration.

#### (2) Head of administration

The head of the NTIA shall be an Assistant Secretary of Commerce for Communications and Information, who shall be appointed by the President, by and with the advice and consent of the Senate.

### (b) Assigned functions

#### (1) In general

Subject to section 904(d) of this title, the Secretary shall assign to the Assistant Secretary and the NTIA responsibility for the performance of the Secretary's communications and information functions.

#### (2) Communications and information functions

Subject to section 904(d) of this title, the functions to be assigned by the Secretary