

(20) Global maritime distress and safety services or GMDSS

The term “global maritime distress and safety services” or “GMDSS” means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

(21) National security agency

The term “national security agency” means the National Security Agency, the Director of Central Intelligence and the Central Intelligence Agency, the Department of Defense, and the Coast Guard.

(b) Common terminology

Except as otherwise provided in subsection (a), terms used in this subchapter that are defined in section 153 of this title have the meanings provided in such section.

(Pub. L. 87-624, title VI, §681, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 58.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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 Repealed.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

Sec.

- 901. Definitions; findings; policy.
- 902. Establishment; assigned functions.
- 903. Spectrum management activities.
- 904. General administrative provisions.
- 905. Omitted.
- 906. Wireless supply chain innovation and multi-lateral security.

SUBCHAPTER II—TRANSFER OF AUCTIONABLE FREQUENCIES

- 921. Definitions.
- 922. National spectrum allocation planning.
- 923. Identification of reallocable frequencies.
- 924. Withdrawal or limitation of assignment to Federal Government stations.
- 925. Distribution of frequencies by Commission.
- 926. Authority to recover reassigned frequencies.
- 927. Existing allocation and transfer authority retained.
- 928. Spectrum Relocation Fund.
- 929. National security and other sensitive information.

SUBCHAPTER III—MISCELLANEOUS

- 941. Child-friendly second-level Internet domain.
- 942. Coordination of 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation.

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, as amended. 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 Representatives 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 deploy-

ment 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 equipment 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 Commis-

sion 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 (5 U.S.C. App.), 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 (5 U.S.C. App.), 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, 2023, by Ex. Ord. No. 14048, Sept. 30, 2021, 86 F.R. 55465, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to 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. 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, 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, it is hereby ordered as follows:

SECTION 1. *Policy.* It is the policy of the United States to use radiofrequency spectrum (spectrum) as efficiently and effectively as possible to help meet our economic, national security, science, safety, and other Federal mission goals now and in the future. To best achieve this policy, the Nation requires a balanced, forward-looking, flexible, and sustainable approach to spectrum management.

The growth in the availability of mobile wireless broadband connectivity over the past decade has reshaped the American experience—the way Americans work, learn, shop, run businesses, transport their families and goods across the Nation, farm, conduct financial transactions, consume entertainment, deliver and receive public safety services, and interact with one another. In the growing digital economy, wireless technologies expand opportunities to increase economic output of rural communities and connect them with urban markets, and offer safety benefits that save lives, prevent injuries, and reduce the cost of transportation incidents. American companies and institutions rely heavily on high-speed wireless connections, with increasing demands on both speed and capacity. Wireless technologies are helping to bring broadband to rural, unserved, and underserved parts of America. Spectrum-dependent systems also are indispensable to the performance of many important United States Government missions. And as a Nation, our dependence on these airwaves is likely to continue to grow.

As the National Security Strategy of 2017 made clear, access to spectrum is a critical component of the technological capabilities that enable economic activity and protect national security. Wireless communications and associated data applications establish a foundation for high-wage jobs and national prosperity. While American industry continues to extract greater and greater value from spectrum, each technological leap also increases demands on its usage. Those demands have never been greater than today, with the advent of autonomous vehicles and precision agriculture, the expansion of commercial space operations, and the burgeoning Internet of Things signaling a nearly insatiable demand for spectrum access. Moreover, it is imperative that America be first in fifth-generation (5G) wireless technologies—wireless technologies capable of meeting the high-capacity, low-latency, and high-speed requirements that can unleash innovation broadly across diverse sectors of the economy and the public sector. Flexible, predictable spectrum access by the United States Government will help ensure that Federal users can meet current and future mission requirements for a broad range of both communications- and non-communications-based systems.

The Nation can and will ensure security and safety through modern technology. America's national security depends on technological excellence and the United States Government must continue to have access to the spectrum resources needed to serve the national interest, from protecting the homeland and managing the national airspace, to forecasting severe weather and exploring the frontiers of space. Technological innovation in spectrum usage, moreover, occurs in both the private and public sectors. Federal agencies must thoughtfully consider whether and how their spectrum-dependent mission needs might be met more efficiently and effectively, including through new technology and ingenuity. The United States Government shall continue to look for additional opportunities to share spectrum among Federal and non-Federal entities. The United States Government shall also continue to encourage investment and adoption by Federal agencies of commercial, dual-use, or other advanced technologies that meet mission requirements, including 5G technologies. In doing so, we will take appropriate measures to sustain the radiofrequency environment in which critical United States infrastructure and space systems operate.

SEC. 2. *Advancing the National Spectrum Strategy.* Within 180 days of the date of this memorandum [Oct. 25, 2018], and concurrent with development of the National Spectrum Strategy referred to in section 4 of this memorandum:

(a) Executive departments and agencies (agencies) shall report to the Secretary of Commerce (Secretary), working through the National Telecommunications and Information Administration (NTIA), on their anticipated future spectrum requirements for a time period and in a format specified by the Secretary. Addition-

ally, agencies shall initiate a review of their current frequency assignments and quantification of their spectrum usage in accordance with guidance to be provided by the Secretary. Reporting of information under this section shall be subject to existing safeguards protecting classified, sensitive, and proprietary data. The Secretary may release publicly a summary of information provided by agencies, to the extent consistent with applicable law.

(b) The Director of the Office of Science and Technology Policy (OSTP), or the Director's designee, shall submit a report to the President on emerging technologies and their expected impact on non-Federal spectrum demand.

(c) The Director of OSTP, or the Director's designee, shall submit a report to the President on recommendations for research and development priorities that advance spectrum access and efficiency.

SEC. 3. Within 180 days of the date of this memorandum, and annually thereafter, the Secretary, working through the NTIA, and in coordination with the Office of Management and Budget (OMB), OSTP, and the Federal Communications Commission (FCC), shall submit to the President, through the Director of the National Economic Council and the Assistant to the President for National Security Affairs, a report (to be made public to the extent practicable and consistent with applicable law) on the status of existing efforts and planned near- to mid-term spectrum repurposing initiatives.

SEC. 4. Within 270 days of the date of this memorandum, the Secretary, working through the NTIA, and in consultation with OMB, OSTP, and the FCC, and other Federal entities, as appropriate, shall submit to the President, through the Director of the National Economic Council and the Assistant to the President for National Security Affairs, a long-term National Spectrum Strategy that includes legislative, regulatory, or other policy recommendations to:

(a) increase spectrum access for all users, including on a shared basis, through transparency of spectrum use and improved cooperation and collaboration between Federal and non-Federal spectrum stakeholders;

(b) create flexible models for spectrum management, including standards, incentives, and enforcement mechanisms that promote efficient and effective spectrum use, including flexible-use spectrum licenses, while accounting for critical safety and security concerns;

(c) use ongoing research, development, testing, and evaluation to develop advanced technologies, innovative spectrum-utilization methods, and spectrum-sharing tools and techniques that increase spectrum access, efficiency, and effectiveness;

(d) build a secure, automated capability to facilitate assessments of spectrum use and expedite coordination of shared access among Federal and non-Federal spectrum stakeholders; and

(e) improve the global competitiveness of United States terrestrial and space-related industries and augment the mission capabilities of Federal entities through spectrum policies, domestic regulations, and leadership in international forums.

SEC. 5. *Spectrum Strategy Task Force.* The Chief Technology Officer and the Director of the National Economic Council, or their designees, shall co-chair a Spectrum Strategy Task Force that shall include representatives from OMB, OSTP, the National Security Council, the National Space Council, and the Council of Economic Advisers. The Spectrum Strategy Task Force shall work with the Secretary and the NTIA in coordinating implementation of this memorandum. In carrying out its coordination functions, the Spectrum Strategy Task Force shall consult with the FCC.

SEC. 6. *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 OMB relating to budgetary, administrative, or legislative proposals.

(b) Nothing in this memorandum shall be construed to require the disclosure of classified information, law enforcement sensitive information, proprietary information, or other information that must be protected as required by law or in the interests of national security or public safety.

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

(d) 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.

(e) The Presidential Memoranda of June 28, 2010 (Unleashing the Wireless Broadband Revolution) and June 14, 2013 (Expanding America's Leadership in Wireless Innovation) [former 47 U.S.C. 1301 notes] are hereby revoked.

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

DONALD J. TRUMP.

§ 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 under paragraph (1) include (but are not limited to) the following functions transferred to the Secretary by Reorganization Plan Number 1 of 1977 and Executive Order 12046:

(A) The authority delegated by the President to the Secretary to assign frequencies to radio stations or classes of radio stations belonging to and operated by the United States, including the authority to amend, modify, or revoke such assignments, but not including the authority to make final disposition of appeals from frequency assignments.

(B) The authority to authorize a foreign government to construct and operate a radio station at the seat of Government of the United States, but only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Commission.

(C) Functions relating to the communications satellite system, including authority vested in the President by section 201(a) of

the Communications Satellite Act of 1962 (47 U.S.C. 721(a)) and delegated to the Secretary under Executive Order 12046, to—

(i) aid in the planning and development of the commercial communications satellite system and the execution of a national program for the operation of such a system;

(ii) conduct a continuous review of all phases of the development and operation of such system, including the activities of the Corporation;

(iii) coordinate, in consultation with the Secretary of State, the activities of governmental agencies with responsibilities in the field of telecommunications, so as to ensure that there is full and effective compliance at all times with the policies set forth in the Communications Satellite Act of 1962 [47 U.S.C. 701 et seq.];

(iv) make recommendations to the President and others as appropriate, with respect to steps necessary to ensure the availability and appropriate utilization of the communications satellite system for general governmental purposes in consonance with section 201(a)(6) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)(6));¹

(v) help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities both in the United States and abroad;

(vi) assist in the preparation of Presidential action documents for consideration by the President as may be appropriate under section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)), make necessary recommendations to the President in connection therewith, and keep the President informed with respect to the carrying out of the Communications Satellite Act of 1962 [47 U.S.C. 701 et seq.]; and

(vii) serve as the chief point of liaison between the President and the Corporation.

(D) The authority to serve as the President's principal adviser on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

(E) The authority to advise the Director of the Office of Management and Budget on the development of policies relating to the procurement and management of Federal telecommunications systems.

(F) The authority to conduct studies and evaluations concerning telecommunications research and development and concerning the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and advising agencies of the results of such studies and evaluations.

¹ See References in Text note below.