

# Chapter 1

## Authority and Organization

### 1.1 AUTHORITY

The Communications Act of 1934, as amended, provides for the regulation of interstate and foreign commerce in communication by wire or radio. This Act is printed in Title 47 of the U.S. Code, beginning with Section 151.

The functions relating to assigning frequencies to radio stations belonging to and operated by the United States, or to classes thereof, conferred upon the President by the provisions of Section 305(a) of the Communications Act of 1934, were transferred to the Secretary of Commerce by Reorganization Plan No. 1 of 1977 and Executive Order 12046 of March 26, 1978. The National Telecommunications and Information Administration (NTIA) Organization Act, as revised, directs the Secretary to assign to the Assistant Secretary and the NTIA the responsibility for the performance of the Secretary's communications and information functions, including those above.

These functions were transferred to the Assistant Secretary of Commerce for Communications and Information (Administrator, NTIA) by Department of Commerce Organization Order (DOO) 10-10, effective date of September 28, 1992. This authority and delegation has been codified in the NTIA Organization Act, Pub. L. No. 102-538, 106 Stat. 3533 (1992) (codified at 47 U.S.C. 901 et seq.). DOO 10-10 is reproduced below.

#### ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION

##### Section 1. Purpose.

.01 This Order prescribes the scope of authority and functions of the Assistant Secretary for Communications and Information. (The functions of the National Telecommunications and Information Administration (NTIA) are covered in DOO 25-7.)

.02 This revision reflects the deletion of the position of Deputy Administrator for Operations, and incorporates outstanding amendments to the Order.

##### Section 2. Administrative Designation.

The position of Assistant Secretary of Commerce for Communications and Information (the "Assistant Secretary") was established by Section 4 of Reorganization Plan No. 1 of 1977. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

##### Section 3. Scope of Authority.

.01 The National Telecommunications and Information Administration is hereby established as an operating unit of the Department of Commerce.

.02 The Assistant Secretary shall head NTIA as the Administrator.

.03 The Deputy Assistant Secretary for Communications and Information shall be the Assistant Secretary's principal policy advisor; shall perform such other functions as the Assistant Secretary shall from time to time assign or delegate; and shall act as Assistant Secretary during the absence or disability of the Assistant Secretary or in the event of a vacancy in the office of the Assistant Secretary.

##### Section 4. Transfer of Functions.

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, Section 4 and 5.B of Reorganization Plan No. 1 of 1977 and Executive Order 12046 of March 26, 1978; the functions, personnel, funds, property, and records transferred to the Secretary of Commerce pursuant to Reorganization Plan No. 1 of 1977 are hereby transferred to the NTIA.

##### Section 5. Delegation of Authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority vested in the Secretary of Commerce under:

a. Section 5.B of Reorganization Plan No. 1 of 1977, and by Executive Order 12046; including:

1. Subsection 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) as amended to advise and assist the President in connection with the functions previously conferred upon the President as described more particularly in Part B, Section 7 of Executive Order 12046.

2. Subsection 305(a) of the Communications Act of 1934 (47 U.S.C. 305(a)) to assign frequencies to, and amend, modify, and revoke frequency assignments for radio stations belonging to and operated by the United

States, subject to the disposition of appeals by the Director, Office of Management and Budget (OMB), and make frequency allocations.

3. Subsection 305(d) of the Communications Act of 1934, as amended, (47 U.S.C. 305(d)), to authorize a foreign government to construct and operate a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairperson of the Federal Communications Commission.

b. 15 U.S.C. 3710a and Executive Order 12591 to transfer federal telecommunications technology by, among other things, entering into cooperative research and development agreements (CRADAs) with other federal laboratories, State and local governments, universities and the private sector and by licensing, assigning or waiving rights to intellectual property developed pursuant to such CRADAs or from within individual laboratories.

c. 15 U.S.C. 272(12) and (13), which relate to the investigation of the conditions which affect transmission of radio waves and to the compilation and distribution of information about such transmissions.

d. 15 U.S.C. 272(9), the functions which relate to the investigation of non-ionizing radiation, its uses, and means of protection of persons from harmful effects, to the extent appropriate to coordination of research throughout the Executive Branch.

e. 47 U.S.C. sections 390-393A and 397 (contained in the Communications Act of 1934, as amended), which govern the implementation and administration of assistance for public telecommunications facilities.

f. Section 5112(b) of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418) relating to telecommunications research and the publication of results.

g. 47 U.S.C. section 394 (contained in the Communications Act of 1934, as amended), which establishes the National Endowment for Children's Educational Television. (P.L. 101-437 of October 18, 1990.)

.02 The Assistant Secretary may exercise other authorities of the Secretary to the extent applicable to performing the functions assigned in this Order. This includes the use of administrative and monetary authorities contained in 15 U.S.C. 271 et seq., as may be necessary or desirable to perform the NTIA functions; and the authority to foster, promote, and develop the foreign and domestic commerce of the United States in effecting, and as such commerce may be affected by, the development and implementation of telecommunications and information systems

.03 The Assistant Secretary may redelegate any authority conferred by this Order to any employee of the NTIA, and may authorize further redelegation by any such employee as appropriate, subject to such conditions as may be prescribed.

## **Section 6. General Functions and Objectives.**

The Assistant Secretary shall:

a. Serve as the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

b. Advise the Director, OMB on the development of policies for procurement and management of federal telecommunications systems.

c. Conduct studies and evaluations concerning telecommunications research and development, the initiation, improvement, expansion, testing, operation, and use of federal telecommunications systems and programs, and make recommendations concerning their scope and funding to appropriate agency officials and to the Director, OMB.

d. Actively promote the transfer of telecommunications technology developed in NTIA's laboratory and offices to State and local governments, universities and the private sector.

e. Develop and set forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations. The Assistant Secretary shall coordinate economic, technical, operational, and related preparations, for U.S. participation in international telecommunications conferences and negotiations; provide advice and assistance to the Secretary of State with respect to international telecommunications policies to strengthen the position and serve the best interests of the United States in the conduct of foreign affairs.

f. Provide for the coordination of the telecommunications activities of the Executive Branch and assist in the formulation of policies and standards for the telecommunications activities of the Executive Branch including considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

g. Develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and the regulation of the telecommunications industry.

h. Ensure that the Executive Branch views on telecommunications matters are effectively presented to the Federal Communications Commission and, in coordination with the Director, OMB, and the Congress.

i. Assign frequencies to, and amend, modify, and revoke frequency assignments for radio stations belonging to and operated by the United States, make frequency allocations, establish policies concerning spectrum assignment allocation and use, and provide the various departments and agencies with guidance to assure that their conduct of telecommunications activities is consistent with these policies.

j. Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources, including jointly determining the National Table of Frequency Allocations.

k. Conduct studies and develop, set forth or recommend policies concerning the impact of the convergence of computer and communications technology and the emerging economic and social implications of the greater ability to originate, manipulate and move information.

l. Coordinate federal telecommunications assistance to State and local governments; conduct studies to identify and provide assistance to remove barriers to telecommunications applications; conduct needs assessments to aid in the design of telecommunications services and provide experimental and pilot tests of telecommunications applications to fulfill national goals; and provide for the application of telecommunications technologies and services to avoid waste and achieve an efficient delivery of public services in the furtherance of national goals.

m. Participate with and perform staff services for the National Security Council and the Director, Office of Science and Technology Policy in carrying out their functions under Executive Order 12046.

n. Participate in evaluating the capability of telecommunications resources in recommending remedial actions and in developing policy options.

o. Review and coordinate research into the side effects of non-ionizing electromagnetic radiation and coordinate, develop and set forth plans, policies, and programs thereof.

p. Acquire, analyze, synthesize and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation and the conditions which affect propagation, on the nature of electromagnetic noise and interference, and on methods for the more efficient use of the electromagnetic spectrum for telecommunications purposes; and prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions.

q. To the extent it is deemed necessary to continue the Interdepartment Radio Advisory Committee (IRAC), that Committee shall serve in an advisory capacity to the Assistant Secretary.

r. Perform analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary in the performance of assigned responsibilities for the management of electromagnetic spectrum.

s. Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum, in coordination with specialized, related research and analysis performed by other federal agencies in their areas of responsibility.

t. Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other government agencies.

u. Conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

v. Make grants, enter into cooperative agreements, or make proposals for contracts related to any aspect of assigned responsibilities, in accordance with Department rules.

w. Issue such rules and regulations as may be necessary to carry out the functions delegated by this Order.

x. Conduct such other activities as are incident to the performance of telecommunications and information functions assigned in this Order.

y. Enter into CRADAs and intellectual property licenses for the transfer and/or commercialization of telecommunications technology, as needed.

z. Protect valuable telecommunications technology by obtaining legal protection for intellectual property rights associated with such technology.

## **Section 7. Effect on Other Orders.**

This Order supersedes Department Organization Order 10-10, dated May 9, 1978, as amended.

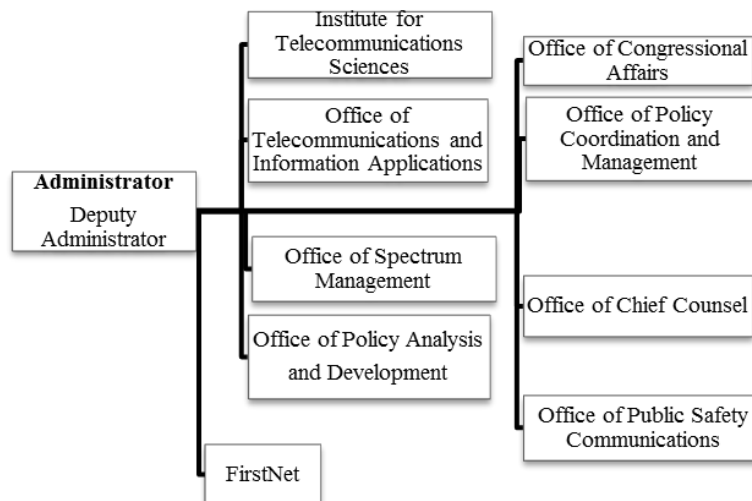
(signed) Secretary of Commerce

## 1.2 NTIA AND ITS FREQUENCY MANAGEMENT SUPPORT ORGANIZATION

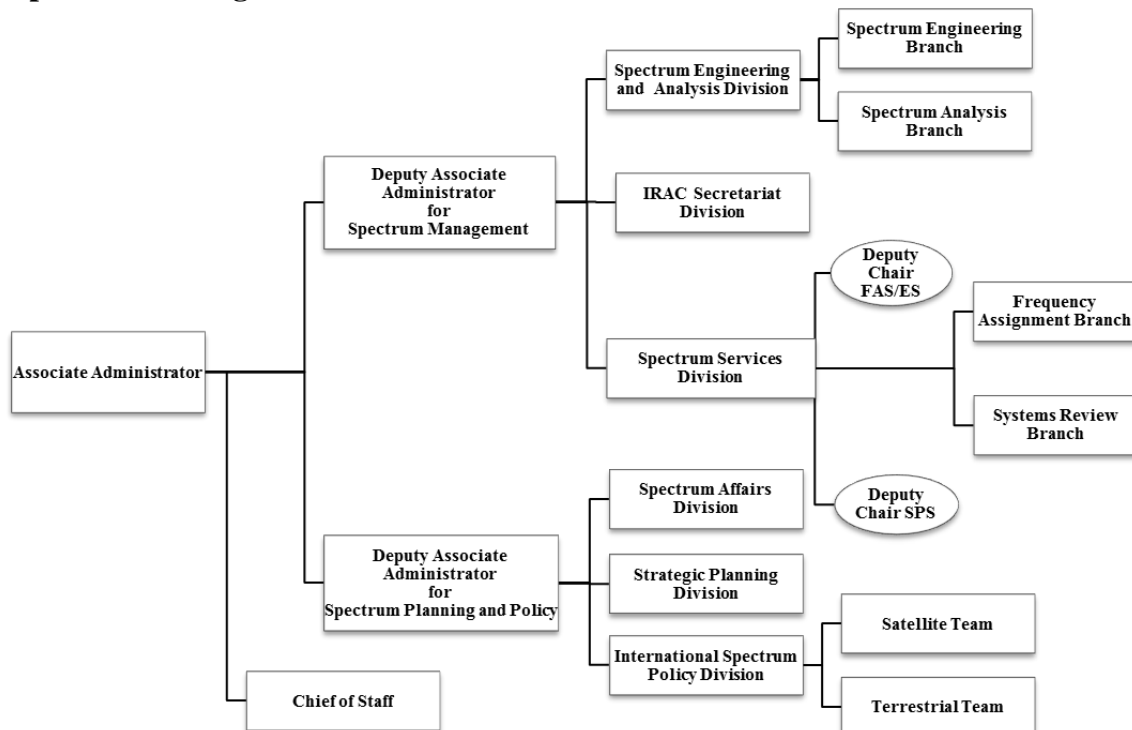
The following charts display the organization of NTIA and its Office of Spectrum Management. Spectrum management within NTIA is under the direction of its Associate Administrator, Office of Spectrum Management. The Office of Spectrum Management among other things provides the staff for the Interdepartment Radio Advisory Committee (IRAC).

### 1.2.1 Organization Charts

#### NTIA



#### Office of Spectrum Management



## **1.3 INTERDEPARTMENT RADIO ADVISORY COMMITTEE**

### **1.3.1 Status**

The Interdepartment Radio Advisory Committee (IRAC), organized by mutual agreement of the federal departments concerned on June 1, 1922, reconstituted on October 6, 1952, with status, mission, and functions officially defined on December 10, 1964, was continued by the Assistant Secretary pursuant to Executive Order 12046 of March 27, 1978 and the National Telecommunications and Information Administration Organization Act, as revised. The IRAC serves in an advisory capacity to the Assistant Secretary and reports to the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management.

### **1.3.2 Bylaws**

#### **Article I - Name and Location**

**Section 1** - The Committee shall be known as the Interdepartment Radio Advisory Committee (IRAC).

**Section 2** - The office of the IRAC shall be at the seat of the Federal Government.

#### **Article II - Mission, Functions, and Role**

**Section 1** - The mission of the IRAC is to assist in the discharge of the Assistant Secretary's responsibilities pertaining to the use of the electromagnetic spectrum, as contained in Executive Order 12046, the National Telecommunications and Information Administration Organization Act, as revised and Department of Commerce Order 10-10.

**Section 2** - The basic functions of the IRAC are to assist the Assistant Secretary in assigning frequencies to U.S. Government radio stations and in developing and executing policies, programs, procedures, and technical criteria pertaining to the allocation, management, and use of the electromagnetic spectrum.

**Section 3** - The basic role of representatives appointed to serve on the IRAC is to function, when in Committee, in the interest of the United States as a whole.

#### **Article III - Composition**

##### **Section 1 - Membership**

a. The IRAC shall consist of the following member departments, and agencies together with such other departments and agencies as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

Agriculture	Justice
Air Force	National Aeronautics and Space Administration
Army	Navy
Broadcasting Board of Governors	National Science Foundation
Coast Guard	State
Commerce	Transportation
Energy	Treasury
Federal Aviation Administration	United States Postal Service
Homeland Security	Veterans Affairs
Interior	

##### **Liaison:**

Federal Communications Commission

##### **Observers:**

Defense  
National Security Agency

b. Any federal department or agency that uses radio frequencies shall be eligible for membership in the IRAC.

c. Applications for membership in the IRAC shall be addressed to the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management via the Executive Secretary. The Deputy Associate Administrator for Spectrum Management shall review the applications, and with the advice of the IRAC, determine whether an agency will be granted membership.

d. Each member of the IRAC shall have the right to appoint, via a letter to the Executive Secretary, a representative to the IRAC and to any of the subcommittees and ad hoc groups on which the member desires to participate. Each member may also appoint one or more alternates to function in the absence of its representative at the IRAC, its subcommittees or ad hoc groups. Any representative or alternate may be accompanied to meetings of the IRAC by such assistants as desired. Each representative and alternate shall be an employee of the department or agency they represent, except as provided in Section 1.e of this Article.

e. Nonmember departments and agencies may designate one of the members to act as its accredited agent on the IRAC, its subcommittees, or ad hoc groups. The following nonmembers are represented, at their request, having designated the IRAC member shown below, to act as its accredited agent on the IRAC, its subcommittees, and ad hoc groups.

<b>Agency</b>	<b>Represented by</b>
Department of Education	Treasury
Federal Reserve System	Treasury
International Boundary and Water Commission (U.S. Section)	Interior
Small Business Administration	Treasury
Tennessee Valley Authority	Interior
Volpe National Transportation Systems Center	Transportation

f. Nonmember departments and agencies shall be eligible to become members of subcommittees or ad hoc groups. Requests for such membership shall be addressed to the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management via the Executive Secretary. The Deputy Associate Administrator for Spectrum Management shall review the applications, and with the advice of the IRAC, determine whether an agency will be granted membership to the specific subcommittees and ad hoc groups requested. As a member of specific subcommittees or ad hoc groups, these departments and agencies shall have the right to appoint, via a letter to the Executive Secretary, a representative and one or more alternates to function in the absence of its representative at those subcommittees or ad hoc groups. Any representative or alternate may be accompanied to meetings by such assistants as desired. Each representative and alternate shall be an employee of the department or agency they represent, except as provided in Section 1.e of this Article.

g. Members of the IRAC, its subcommittees and ad hoc groups, shall ensure that, during any fiscal year, an accredited representative or alternate participates in at least 75 percent of the regular meetings of the group of which they are a member. Within the first month of each fiscal year, the chairpersons of each subcommittee and conveners of each ad hoc group shall report to the IRAC regarding attendance. With the advice of the IRAC and considering the nature of the work conducted by each particular subcommittee or ad hoc group, the Deputy Associate Administrator for Spectrum Management shall review these reports as well as the attendance of the IRAC, and make a determination regarding the membership of the agencies not meeting the criteria above.

## **Section 2 - Liaison with the Federal Communications Commission (FCC)**

Liaison between the IRAC, its subcommittees and ad hoc groups, and the Federal Communications Commission (FCC) shall be affected by a liaison representative (within each group) appointed by the Commission to serve in that capacity.

## **Section 3 - Observers**

a. Nonmember federal departments and agencies shall be eligible for status as observers.

b. Applications for observer status shall be addressed to the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management via the Executive Secretary. The Deputy Associate Administrator for Spectrum Management shall review the applications, and with the advice of the IRAC, determine whether an agency will be granted observer status.

c. Each observer shall have the right to appoint, via a letter to the Executive Secretary, one or more observers for the IRAC and any of the subcommittees or ad hoc groups which it desires to observe. Any observer may be accompanied to meetings of the IRAC by such assistants as desired. Each observer shall be an employee of the department or agency they represent. In this capacity, they have access to IRAC documentation. They may, at the request of the chairperson or one of the members, address the IRAC or any of its subcommittees or ad hoc groups on which they sit as observers.

#### **Section 4 - Assistants, Consultants, Advisors, Visitors, and Guests**

Assistants, consultants, advisors, visitors or guests (be they federal employees or employees of entities outside the federal government) may attend an IRAC, subcommittee or ad hoc group meeting under the sponsorship of NTIA, a member or observer department or agency, or the FCC. Sponsors must ensure that these assistants, consultants, advisors, visitors and guests understand that information gained through IRAC attendance is used only for official government business related to the conduct of IRAC activity. Assistants, consultants, advisors, visitors and guests may speak only at the request of the Chairperson or their sponsor. If a representative or alternate of their sponsor agency is not present, they may still attend the meeting if another agency notifies the Chairperson that they will accept the responsibilities of sponsorship for that meeting. However, in these cases, those assistants, consultants, advisor, visitors, and guests may not speak on behalf of their absent sponsor.

#### **Article IV - Officers**

**Section 1** - The officers of the IRAC shall consist of a Chairperson, Vice Chairperson, an Executive Secretary, and an Assistant Executive Secretary. The officers of subcommittees shall consist of a Chairperson, Vice Chairperson, and a Secretary. The officers of ad hoc groups shall consist of a Convener (and if necessary a co-Convener) and a Secretary.

**Section 2** - The officers of the IRAC, its subcommittees and ad hoc groups, shall be appointed by the NTIA.

#### **Article V - Substructure**

**Section 1** - The permanent substructure of the IRAC shall consist of the Emergency Planning Subcommittee (EPS), Frequency Assignment Subcommittee (FAS), the Radio Conference Subcommittee (RCS), the Space Systems Subcommittee (SSS), the Spectrum Planning Subcommittee (SPS), the Technical Subcommittee (TSC), and the Secretariat. As necessary to deal with specific topics, the IRAC may establish ad hoc groups operating under a written terms of reference. As necessary to deal with specific topics, subcommittees and ad hoc groups may establish working groups. Subcommittees and ad hoc groups may appoint whatever officers necessary to conduct the work of their working groups.

#### **Section 2 - The Frequency Assignment Subcommittee (FAS)**

a. The FAS, chaired by NTIA, shall have as its normal function the carrying out of those functions given in Article II related to the assignment and coordination of radio frequencies and the development and execution of procedures therefore. Only FAS representatives or alternates are authorized to submit votes for assignments on the FAS agenda or before the subcommittee.

b. In the furtherance of the above, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management the FAS shall:

1. Address frequency assignment issues brought before the group that require discussion and resolution involving the whole membership;
2. Address, by voting on a daily basis, normal frequency assignments actions and requests for radio frequency authorizations;
3. Address problems that can not be solved by local coordination;
4. Address improvements and refinements to the frequency assignment process.

c. The FAS shall consist of a representative appointed by each of the following member departments and agencies together with such other members of the IRAC as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard  
Commerce  
Defense  
Energy  
Federal Aviation Administration  
Federal Communications Commission

Homeland Security  
Interior  
Justice  
National Aeronautics and Space Administration  
National Science Foundation  
Navy  
Transportation  
Treasury  
United States Postal Service  
Veterans Affairs

d. The Aeronautical Advisory Group (AAG) of the FAS, chaired by the Federal Aviation Administration (FAA), is responsible for engineering AAG frequency assignments and determining whether or not applications for frequency assignment action in the following designated bands of primary concern to the aeronautical mobile and aeronautical radionavigation services should be approved by NTIA.

190-285 kHz	978-1020 MHz inclusive
285-435 kHz <sup>1</sup>	1030 MHz
510-535 kHz	1031-1087 MHz inclusive
74.800-75.200 MHz	1090 MHz
108.000-121.9375 MHz	1104-1146 MHz inclusive
123.5875-128.8125 MHz	1157-1213 MHz inclusive
132.0125-137.000 MHz	5000-5250 MHz
328.600-335.400 MHz	

The members of the AAG shall consist of the FAA, the FCC, Air Force, Army, and Navy together with such other members of the FAS as the AAG chairperson may hereafter designate. The FAA shall designate one of its employees as the Chairperson of AAG. Any matter not unanimously agreed shall be referred to the FAS for appropriate action.

e. The Military Advisory Group (MAG), chaired by the Air Force, is established under the cognizance of the NTIA IRAC Frequency Assignment Subcommittee (FAS) to provide guidance and procedures for the management of the 225.000-328.600 and 335.400-399.900 MHz frequency bands (hereafter referred to as “*the MAG bands*”), which are of primary concern to the military departments.

1. The MAG is responsible for determining whether or not applications for frequency assignments in the MAG bands should be approved by the NTIA. The MAG shall provide spectrum-related guidance for the services in these bands including the development, review, and recommendations to appropriate allotment plans. The MAG shall:

(a) Recommend and provide guidance and procedures to ensure the effective and efficient operation and management of spectrum-dependent devices that access the MAG bands;

(b) Be cognizant of the operational requirements of all stakeholders in the bands, especially the unique military tactical and training requirements;

(c) Manage assignments as they relate to the allotment plan for the MAG bands;

(d) Coordinate spectrum policy guidance involving the MAG bands with the members of the applicable NTIA subcommittees and ad hoc groups;

(e) Provide minutes of all MAG meetings to the FAS Chair, the Secretary and representatives.

2. In order to facilitate coordination and access to the MAG bands, and to minimize interference among electronic systems, the FAS and the MAG shall observe established coordination procedures.

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<sup>1</sup> In these bands only applications for stations in the Aeronautical Radionavigations Service (See Table A, Section 6.1.4) shall be sent to the Chairman of the AAG.



3. Meetings will be scheduled as required to successfully complete the assigned workload by established target dates.

4. The MAG shall consist of one primary and one alternate member from the Army, Navy, Air Force and the FAA together with such other members of the FAS as the MAG chairperson may hereafter designate. The Air Force shall designate one of its employees as the MAG Chair. Personnel from other Department components or federal agencies may participate in meetings, as authorized by the MAG Chair.

5. Any matter not agreed upon may be referred to the FAS for appropriate action.

### **Section 3 - The Spectrum Planning Subcommittee (SPS)**

a. The SPS, chaired by NTIA, shall have as its normal function the carrying out of those functions given in Article II that relate to planning for the use of the electromagnetic spectrum in the National interest to include the apportionment of spectrum space for the support of established or anticipated radio services, as well as the apportionment of spectrum space among federal activities and between federal and non-federal activities, and other such matters as the IRAC may direct. In the furtherance of the above, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management the SPS shall:

1. Maintain a continuing appraisal of the current and future needs of the various radio services and make recommendations to the IRAC for changes in the Table of Frequency Allocations or other actions, as appropriate;

2. Consider:

(a) Current and planned National and International frequency uses, and the optimum placement of radio services with a view to the most effective use of spectrum in the overall National interest;

(b) The anticipated needs of all radio services at various points in the future, e.g., 5, 10, 15, and 20 years ahead;

(c) New developments in existing services;

(d) New techniques, the application of which may require revision of the Table of Frequency Allocations;

(e) New services for which the current Table makes no provisions;

(f) Specific proposals for expansion, reduction, or other changes in the allocated frequency bands; and the International aspects of changes recommended to the IRAC.

3. In order to ensure electromagnetic compatibility among electronic systems and observance of the provisions of Section 8.2.5, develop procedures enabling the Subcommittee to:

(a) Develop and maintain pertinent documentation on all planned and operational satellite systems including their technical and operational characteristics;

(b) Ascertain in the early stages of system concept development, where compatibility may not exist;

(c) Make recommendations as to potential electromagnetic compatibility problem areas, and proposed courses of action to resolve these problems;

(d) Make recommendations as to technical parameters necessary to facilitate sharing between systems;

(e) Review as appropriate the effectiveness of existing systems with a view toward rectifying compatibility deficiencies.

b. The SPS shall consist of a representative appointed by each of the following member departments and agencies together with such other departments and agencies as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

Agriculture

Air Force

Army

Broadcasting Board of Governors

Coast Guard

Commerce

Energy

Federal Aviation Administration

Homeland Security

Interior

Justice

National Aeronautics and Space Administration

National Science Foundation

Navy

State

Treasury

Veterans Affairs

### **Section 4 - The Technical Subcommittee (TSC)**

a. The TSC, chaired by NTIA, shall have as its normal function the carrying out of those functions given in Article II that relate to the technical aspects of the use of the electromagnetic spectrum, and such other matters as

the IRAC may direct. In furtherance of the above, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management the TSC shall:

1. develop recommended new standards and improvement of existing standards pertaining to use of the radio spectrum;
  2. maintain awareness of the radio propagation (including natural radio noise) programs and needs of the federal government for purposes of evaluating and making recommendations leading to a better utilization of the radio spectrum;
  3. evaluate and make recommendations, in the form of technical reports, on new and existing techniques from the standpoint of their ability to optimize use of the radio spectrum (recommendations to include implementation steps); and,
  4. evaluate and make recommendations, in the form of technical reports, regarding the EMC capabilities and needs of the Federal Government in support of spectrum management, including techniques and criteria leading to greater inter- and intra-radio service sharing of available spectrum and the reduction of man-made radio noise.
  5. evaluate current and proposed efforts regarding:
    - (a) the adequacy of the technical bases for spectrum management;
    - (b) the effectiveness of specific programs with regard to improved use of the spectrum; and
    - (c) the need for new criteria, procedures, and methodologies for use of the spectrum.
- b. The TSC shall consist of a representative appointed by each of the following member departments and agencies together with such other members as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

Agriculture	Homeland Security
Air Force	Interior
Army	Justice
Broadcasting Board of Governors	National Aeronautics and Space Administration
Coast Guard	National Science Foundation
Commerce	Navy
Energy	Treasury
Federal Aviation Administration	

c. To the extent feasible, the TSC shall conduct its activities in working groups reporting thereon to the TSC. Any number of department or agency personnel may be appointed to a working group with no distinction being made as to representative or alternate. Each agency's representative (or alternate) on the TSC shall be that agency's coordinator and contact with respect to working group activities.

### **Section 5 - The Radio Conference Subcommittee (RCS)**

a. The Radio Conference Subcommittee (RCS), chaired by NTIA, shall have as its normal function the carrying out of those functions given in Article II that relate to preparing for International Telecommunication Union (ITU) conferences, including the development of recommended U.S. proposals and positions. In the furtherance of the above, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Planning and Policy, Office of Spectrum Management, the RCS shall undertake preparatory work relating to international radio conferences.

1. Develop recommended proposals for consideration by the Inter-American Telecommunications Commission (CITEL),
2. Maintain close liaison with related conference preparatory activities of the United States for the ITU Radiocommunication Sector (ITU-R) including the ITU-R Conference Preparatory Meetings held prior to Radiocommunication Conferences,
3. Coordinate with other U.S. groups considering radio conferences related issues within other international and regional organizations such as the North Atlantic Treaty Organization, the European Conference of Postal and Telecommunications Administrations, the International Maritime Organization, the International Civil Aeronautics Organization, the World Meteorological Organization, and the Asia-Pacific Telecommunity;
4. Take into account:
  - (a) Current and planned national and international frequency uses, and the optimum placement of radio services with a view to the most effective use of spectrum in the overall national interest;

- (b) The anticipated needs of all radiocommunication services at various points in the future;
- (c) New developments in existing services;
- (d) New techniques, the application of which may require revision of regulations concerning radio frequency matter; and,
- (e) New services for which the current regulations makes no provisions.

5. Provide a forum for information sharing and discussion of preparatory activities, including when necessary, the development of federally recommended U.S. proposals and positions, related to ITU Plenipotentiary Conferences, ITU Radiocommunication Assembly, ITU Council as it pertains to matters involving radiocommunications, the Radiocommunication Advisory Group, and the Radio Regulations Board.

b. The RCS shall consist of an appointed federal representative from each of the following member departments and agencies together with such other members as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

- |                                    |   |
|------------------------------------|---|
| Agriculture                        | Homeland Security                             |
| Air Force                          | Interior                                      |
| Army                               | Justice                                       |
| Broadcasting Board of Governors    | National Aeronautics and Space Administration |
| Coast Guard                        | National Science Foundation                   |
| Commerce                           | Navy  |
| Defense Information Systems Agency | State   |
| Energy                             | Treasury                                      |
| Federal Aviation Administration    | Veterans Affairs                              |

**Section 6 - The Space Systems Subcommittee (SSS)**

a. The SSS, chaired by NTIA, shall have as its normal function the international registration of federal government satellite systems with the ITU. In the furtherance of the above the SSS shall, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management, take action to:

- 1. review, modify, develop, and maintain the procedures for national implementation of the provisions of the ITU Radio Regulations related to space systems;
- 2. advance publish, coordinate, and notify federal government space systems under the applicable provisions of the ITU Radio Regulations;
- 3. respond to the data furnished by other Administrations and the Radiocommunication Bureau (BR) regarding proposed space telecommunications systems in accordance with the applicable provisions of the ITU Radio Regulations;
- 4. process international actions through the FCC.

b. The SSS shall consist of a representative appointed by each of the following member departments and agencies together with such other members as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

- |                                 |   |
|---------------------------------|---|
| Air Force                       | Interior                                      |
| Army                            | National Aeronautics and Space Administration |
| Commerce                        | National Science Foundation                   |
| Energy                          | Navy  |
| Federal Aviation Administration | State   |

c. The FCC Liaison representative shall be NTIA's point of contact for correspondence with the BR and other administrations.

**Section 7 - The Emergency Planning Subcommittee (EPS)**

a. In general, the EPS, chaired by NTIA, shall formulate, guide, and review National Security and Emergency Preparedness (NSEP) planning for spectrum-dependent systems. In the furtherance of the above, on behalf of the IRAC and after coordination with the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management, the EPS shall specifically:

1. Review and recommend changes to the NTIA Emergency Readiness Plan for Use of the Radio Spectrum (ERP) to reflect current plans and procedures;
2. Review, in accordance with the provisions of Chapters 1 (Section 1.3.2, Article V, Section 7), 7 (Section 7.3), and 10 (Sections 10.1.4 and 10.5.5) of the NTIA Manual, the NSEP functions supported by spectrum-dependent systems and their proposed, associated Telecommunications Service Priorities for Radiocommunications or TSP-Rs (spectrum-use priorities); and,
3. Ensure emergency spectrum management planning and practices are in accordance with current NSEP telecommunications policy.
  - b. The EPS shall consist of a representative appointed by each of the following member departments and agencies together with such other members as the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management may hereafter designate.

Agriculture	Homeland Security
Air Force	Interior
Army	Justice
Broadcasting Board of Governors	National Aeronautics and Space Administration
Coast Guard	National Security Agency (Observer)
Commerce	Navy
Energy	State
Federal Aviation Administration	Treasury
Federal Communications Commission (Liaison)	United States Postal Service
	Veterans Affairs

**Section 8 - The Secretariat**

- a. The Secretariat shall consist of the Executive Secretary, who shall be its principal officer, the Assistant Executive Secretary, and the Secretaries of the Subcommittees and ad hoc groups, together with such clerical and technical personnel as are determined by the Deputy Associate Administrator for Spectrum Management, Office of Spectrum Management to be necessary to carry out the work of the IRAC.
- b. The Executive Secretary shall be responsible for the administration of the affairs of the IRAC and of the Secretariat. The Executive Secretary shall:
  1. function as Secretary of the IRAC;
  2. appoint the Secretaries of the Subcommittees; and
  3. provide the IRAC with the necessary secretarial, clerical, and technical assistance.
- c. As the principal officer of the Secretariat, the Executive Secretary shall perform all necessary administrative and staff functions, reporting thereon to the Chairperson of the Committee. The secretaries of the subcommittees and ad hoc groups shall perform all necessary administrative and staff functions, reporting to the Executive Secretary regarding procedures and performance of duties and to the chairperson or convener regarding the activity of the subcommittee or ad hoc group.

**Article VI - Meetings**

**Section 1** - Meetings of the IRAC, its subcommittees, and ad hoc groups may be called by the associated chairperson. In general, for the convenience of the members and to plan IRAC-related activity, the meetings shall be called for regularly scheduled dates. The chairperson shall also call meetings whenever requested by a majority of its members. When so requested by a majority of the members, and where the chairperson is unavailable, the vice-chairperson, or the Executive Secretary may call a meeting.

**Section 2** - In establishing IRAC agendas, the IRAC Chairperson shall provide the opportunity for open and closed portions. Attendance during the open portion of a meeting is unrestricted except with respect to available space and limitations derived from the need to escort visitors. Attendance during the closed portion of a meeting is restricted to employees of the federal government and their assistants (as provided in Article III, Section 1, paragraph e and Article III Section 4). An open portion of the agenda for any given IRAC meeting shall be established only when individuals outside the federal government have requested via the Chairperson to address the IRAC in accordance with procedures given in Chapter 11.

**Section 3** - To the maximum extent practicable, the work of the AAG and the MAG shall be conducted without formal meetings; however, meetings shall be convened at the request of any member.

**Section 4** – While attendance at the meetings continues to be an essential responsibility of agency representatives and is vital to member interaction and the formulation of advice, Chairmen and Conveners may, on an exceptional basis at the request of a member, the FCC or NTIA staff, provide for attendance of unclassified portions of meetings via tele- or video-conference. Considering the number of off-site participants, the practical requirements for the efficient functioning and control of the meeting, and the tools available, the Chairman/Convener may specify limitations to be placed on the off-site participants. For example, with a large group and no means to recognize requests to speak, the Chairman/Convener may require that off-site participants remain silent or communicate, prior to the meeting, on which items they intend to communicate. The Chairman/Convener could then call on them at the appropriate time. At any point where the Chairman/Convener determines that off-site participation is detracting from the work of the group, he/she may terminate the practice.

## **Article VII - Conduct of Work**

**Section 1** - The work of the IRAC, its subcommittees and ad hoc groups, is not limited to meetings. As necessary and as guided by the respective chairperson or convener, the distribution of documents, provision of agency advice, consolidation of consensus views, voting, and conclusion on recommendations may proceed by electronic means. Thus, much of the work of the IRAC, its subcommittees and ad hoc groups, may occur outside meetings or between meetings.

## **Article VIII - Procedure and Voting**

**Section 1** - Recognizing that business may be conducted outside of meetings, all members of the IRAC, its subcommittees and ad hoc groups are "present" and a quorum always exists for the purpose of conducting business. If a vote is taken at a meeting, then a majority of the members eligible to vote shall constitute a quorum for voting at that meeting. However, the Chairperson may extend the voting outside the meeting to accommodate agencies not present.

**Section 2** - The IRAC, its subcommittees and ad hoc groups, may establish procedures they consider necessary to discharge their duties. All meetings shall be conducted in accordance with parliamentary procedure as outlined in Robert's Rules of Order.

**Section 3** - Each of the members shall have one vote and no proxies may be voted.

**Section 4** - In the event that unanimous agreement on an issue is not obtained, a minority opinion may be filed in the record; the minority opinion shall be forwarded by subcommittees and ad hoc groups to the IRAC and by the IRAC to NTIA, if so requested by any member.

**Section 5** - Motions are carried by a majority of the votes cast.

**Section 6** - An item under consideration by a subcommittee shall be tabled and referred to the IRAC (1) upon the request of any member or the FCC; (2) if it is a matter for which policy has not heretofore been established; or (3) at the request of the IRAC.

**Section 7** - Amendments to these bylaws shall require the approval of not less than two-thirds of the members of the IRAC. Proposals to amend shall be documented and tabled for at least the interval between two regular meetings before they can be acted upon by the IRAC.

## **Article IX - Personnel Security Clearances**

**Section 1** - Representatives, alternates and observers on the IRAC, its subcommittees and ad hoc groups, shall be cleared for access to SECRET information in accordance with standards established by Executive Order 13526. Their clearances shall be registered with NTIA's security officer.

**Section 2** - Assistants, consultants, advisors, visitors or guests shall be sponsored by NTIA, a member or an observer and shall possess a security clearance equal to the classification of the information being considered. Such clearances will be in accordance with standards established by Executive Order 13526. Their clearances shall be registered with NTIA's security officer.

**Section 3** - Assistants, consultants, advisors, visitors or guests not having registered a Secret clearance with the NTIA Security Officer shall be escorted by their sponsor at all times within the IRAC area.

**Section 4** - Inquiries related to the security clearance of personnel shall be addressed to the Security Officer, National Telecommunications and Information Administration, Herbert Hoover Building, 1401 Constitution Avenue, N.W., Room 4890, Washington, D.C. 20230.

**Section 5** - The Executive Secretary shall maintain a current record of approved clearances and shall make this record available to secretaries of subcommittees and ad hoc groups.

**Section 6** - The IRAC Secretariat will provide, on an annual basis on or before 1 November, to the IRAC Representatives a listing of those representatives or alternates of IRAC, its subcommittees and ad hoc groups that currently hold a security clearance for access to IRAC sponsored meetings. The Representatives will review and amend this list as appropriate and forward it to their respective agency security office for validation of the clearance. The agency security office shall validate the list and return it to the Security Officer, NTIA, by 31 December of each year.

## **Article X - Safeguarding Official Information**

Security information is marked and handled in accordance with Executive Order 13526, e.g., CONFIDENTIAL, SECRET, etc. The proper handling of Controlled Unclassified Information (CUI) is address by Executive Order 13556.

## **Article XI - Documentation Procedures**

**Section 1** - Distribution of documents for consideration by the IRAC (including its subcommittees or ad hoc groups) will be restricted to the NTIA; FCC; member agency representatives or alternates of the IRAC, its subcommittees and ad hoc groups; and observers. Those individuals on distribution for documentation must ensure that the documents are not provided outside the components of the Federal Government whose expertise and support are needed to respond to IRAC-related issues. Those within this distribution, may provide the documentation to their assistants, consultants and advisors, but must ensure that the documents are used only for official government business to support the members in the conduct of IRAC activity.

**Section 2** - Documents to be considered by the IRAC, its subcommittees or ad hoc groups, must be submitted to the IRAC Executive Secretary or applicable secretary in sufficient time (five working days) to be processed and distributed prior to the scheduled meeting. If the document is received after the distribution cutoff date it will be distributed as soon as practicable and will be placed on the agenda of the next scheduled meeting unless waived by the Chairperson (placement on a future agenda does not mean that work cannot proceed until the next meeting.). When the Chairperson waives the cutoff date for a specific document, the Secretariat will distribute the document as soon as possible. Such documents not distributed 24 hours before a meeting, will be provided in hard copy at the meeting in addition to electronic distribution.

**Section 3** - Documents submitted to the IRAC from the subcommittees and ad hoc groups must have the coordination or stated minority non-concurrence of the members of the respective subcommittee or ad hoc group. This does not preclude the referral of any item referenced in Article VII, Section 8.

**Section 4** - Documents will be distributed electronically as soon after receipt as practicable. Records of documents will be maintained electronically.

## **Article XII - Reports**

IRAC Subcommittee Chairpersons and Ad Hoc Group Conveners will provide status reports to the IRAC in January of each year to cover the previous calendar year. These reports are to include the participant agencies, the accomplishments during the period and the projected completion date of any specific tasks outlined in the terms of reference.

### **1.4 REIMBURSEMENT REGARDING AUTHORIZATION FOR SPECTRUM USE**

Public Law 108–7, div. B, title II, Feb. 20, 2003, 117 Stat. 71, provided in part: “That hereafter, notwithstanding any other provision of law, NTIA [National Telecommunications and Information Administration] shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903 [47 U.S.C. 901 et seq.], to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum”. Annual appropriations acts for NTIA provide the total amount of the fees to be collected.