

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

CHARTER OF THE INTERAGENCY SPECTRUM ADVISORY COUNCIL

1. Official Designation (Title)

National Telecommunications and Information Administration (NTIA) Interagency Spectrum Advisory Council (Council).

2. Authority and Purpose

- A. The Presidential Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy (Presidential Memorandum)¹ established the Council to serve as the principal interagency forum for the heads of agencies to advise NTIA on spectrum policy matters and to ensure that all decisions made by NTIA, including those involving representations to the Federal Communications Commission (FCC), take into consideration the diverse missions of the Federal Government.
- B. The Council shall be led by the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), as directed by the Presidential Memorandum and who is further empowered under the authority of Section 103(b)(2)(T) of the NTIA Organization Act, as amended,² to establish interagency committees for the effective performance of assigned functions.
- C. The Council shall advise and make recommendations to NTIA on spectrum-related matters in support of the effective performance of NTIA's assigned functions.
- D. The Presidential Memorandum provides that to ensure that the United States manages its spectrum resources in a manner that benefits all Americans, the Executive Branch must work cooperatively and attempt to arrive at consensus positions reflecting Administration spectrum policy goals.
- E. This Charter shall not impair or otherwise affect the authorities of member agencies, including NTIA, under applicable law.
- F. Although, the Council replaces the informal Policy and Plans Steering Group (PPSG), the Presidential Memorandum directed that agency representatives (Representatives) to the Council be at a higher level of seniority than were agency representatives to the PPSG.

¹ Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy, The White House (Nov. 13, 2023). The National Spectrum Strategy (NSS) was released concurrently.

² 47 U.S.C. § 902(b)(2)(T).

3. Governance and Membership

- A. The Assistant Secretary serves as the Chair of the Council and may designate one or more Vice Chairs to serve as the Chair in his/her absence or conduct certain Council-related activities on behalf of NTIA.
- B. The Assistant Secretary has designated as standing Members the agencies holding Federal spectrum assignments or otherwise having spectrum-related statutory authorities as set forth in Annex A. Agency Representatives shall be at the Assistant Secretary, Chief Information Officer, or equivalent level with adequate policy and decision-making authority.
- C. The Assistant Secretary shall request that the Executive Office of the President (EOP) participate as a Member in the work of the Council.
- D. Upon request or invitation, agencies or other federal entities not specifically designated as Members in Annex A may participate in Council meetings as observers or be added as standing members at the discretion of the Assistant Secretary.
- E. Each agency Representative may designate an alternate to attend a Council meeting in the absence of the Representative. Such a designee must be a political appointee, a member of the Senior Executive Service (SES) with decisional authority, or a “committing official” that has the authority to speak and make decisions on the agency’s behalf (so long as the Representative has provided the Assistant Secretary advance notice in writing of the “committing official’s” attendance). The Assistant Secretary may allow an individual with subject matter expertise to attend a Council meeting in addition to the agency Representative.
- F. The Assistant Secretary may establish subordinate groups or committees.
- G. NTIA shall provide expert technical support to the Council consistent with its statutory responsibilities.

4. Primary Objectives

The Council shall provide advice and recommendations to the Assistant Secretary and NTIA in support of the effective performance of NTIA’s assigned functions, including those under applicable statutes or the Presidential Memorandum, which may include, but are not limited to, the following:

- A. Fostering a “spectrum pipeline” to ensure U.S. commercial leadership in advanced and emerging technologies and to support both current and future federal missions for science, safety, and national security;
- B. Encouraging collaborative long-term planning to support the nation’s evolving spectrum needs;

- C. Promoting spectrum innovation, access, and management through technology development; and
- D. Advancing expanded spectrum expertise and elevated national awareness.

5. Representative Activities

In carrying out its primary objectives, the Council, under the Assistant Secretary's direction, may engage in activities that include the following:

- A. Consider spectrum policy initiatives or developments and make recommendations to NTIA regarding such policies.
- B. Provide and receive presentations on developments in spectrum-related matters, including policy matters.
- C. Make recommendations to NTIA on spectrum governance improvements, including as part of interagency coordination on spectrum policy matters.
- D. Advise on long-term planning considerations, across a range of terrestrial, space and satellite requirements for spectrum access.
- E. Facilitate an improved understanding of Federal spectrum user needs and evolving mission requirements that are dependent on spectrum.
- F. Foster opportunities for advancements in technologies and methodologies, including, but not limited to, dynamic spectrum sharing and spectrum IT modernization.
- G. Propose workforce development initiatives for future spectrum engineers, scientists, and other professionals.
- H. Foster cooperation among Federal government spectrum policy stakeholders to arrive at consensus positions.

6. Dispute Resolution and Escalation

- A. The Executive Branch of the Federal Government is directed by the Presidential Memorandum to work cooperatively on spectrum related matters in an effort to arrive at consensus positions.
- B. By statute NTIA is "principally responsible for advising the President on telecommunications and information policies"³ and is responsible for promoting "the best possible and most efficient use of the electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies."⁴

³ 47 U.S.C. § 901(b)(6).

⁴ 47 U.S.C. § 902(b)(2)(U).

- C. In making decisions on spectrum policy matters, NTIA is to be advised by the Council to ensure that all such decisions take into consideration the diverse missions of the Federal Government.
- D. In spectrum policy matters where NTIA and an agency or agencies cannot reach a consensus on views:
 - a. NTIA may request that the Council convene a meeting to discuss the specific matter and attempt to find a mutually agreeable resolution;
 - b. If NTIA and an agency or agencies still cannot find a mutually agreeable resolution after such Council meeting, then NTIA shall request the joint assistance of the Secretary of Commerce and the head of any agency objecting to NTIA's views to find a mutually agreeable resolution.
 - c. Should the matter remain unresolved, NTIA or a member agency may submit the matter for final decision through the National Security process set forth in the Presidential Memorandum on Spectrum.

7. Relationship to IRAC

Nothing in this charter shall be construed to affect the functions of NTIA's Interdepartment Radio Advisory Committee (IRAC). The IRAC shall continue to advise NTIA with respect to NTIA's statutory role to develop and execute policies, programs, procedures, and technical criteria pertaining to the allocation, management, and Federal use of the electromagnetic spectrum. The Council shall serve as the principal interagency forum for the heads of agencies to advise NTIA on spectrum policy matters. The Council may, on its own initiative, address any non-consensus IRAC recommendations.

8. Meetings

The Council shall convene at least four times each year. Additional meetings may be called by the Assistant Secretary or requested by agency Representatives. NTIA will endeavor to provide notice of meetings to members at least one week in advance of the meeting. NTIA will endeavor to provide a meeting agenda and read-ahead materials at least two days in advance of the meeting. NTIA will endeavor to provide a summary of the meeting within one week of the meeting.

9. Administrative Support

NTIA shall provide administrative support to the Council and its sub-groups. Such support includes meeting, facilities, and document management; maintenance of the Council and sub-group agency Representative rosters; and other support activities as requested by the Assistant Secretary.

10. By-Laws

NTIA, in consultation with the Assistant Secretary and the agency Representatives may establish by-laws to facilitate the conduct of Council affairs, activities, operations, documentation of decisions, and actions.

11. Duration, Revision, and Termination

This Charter remains in effect until revised or terminated by the Assistant Secretary. In consultation with the agency Representatives, this Charter and the by-laws (if any) shall be subject to review and revision by NTIA.

Annex A
Council Membership

1. Agriculture, Department of
2. Commerce, Department of
3. Coast Guard
4. Defense, Department of
5. Director of National Intelligence, Office of the
6. Energy, Department of
7. Executive Office of the President
8. Federal Aviation Administration
9. Federal Communications Commission
10. Homeland Security, Department of
11. Interior, Department of
12. Justice, Department of
13. National Aeronautics and Space Administration
14. National Oceanic and Atmospheric Administration
15. National Science Foundation
16. Transportation, Department of
17. Treasury, Department of

Council Participants

National Coordination Office Director of the National Executive Committee on Space-
Based Positioning, Navigation, & Timing