U.S DEPARTMENT OF COMMERCE

CHARTER OF THE COMMERCE SPECTRUM MANAGEMENT ADVISORY COMMITTEE

1. Committee's Official Designation (Title)

Commerce Spectrum Management Advisory Committee

2. Authority

The Secretary of Commerce established this committee and now re-charters it pursuant to the President's Memorandum on Improving Spectrum Management for the 21st Century, dated November 29, 2004; under the authority of the National Telecommunications and Information Administration Organization Act, 47 U.S.C. § 904(b); and in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

3. Objectives and Scope of Activities

The committee provides advice and recommendations to the Assistant Secretary of Commerce for Communications and Information (the Assistant Secretary), who is also the Administrator of the National Telecommunications and Information Administration (NTIA), on a broad range of issues regarding spectrum policy. The committee serves to facilitate increased understanding among all spectrum users about their respective interests. The committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology and services and innovation, thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions.

The committee will continue to focus on advising the Assistant Secretary on the execution of the initiatives set forth in President Obama's Memorandum: *Unleashing the Wireless Broadband Revolution.*[1] In addition, the committee may also provide advice and recommendations on needed reforms to domestic spectrum policies and management in order to: (1) authorize radio systems and frequencies in a way that maximizes their public benefits; (2) keep wireless technologies and networks as open to innovation as possible; and (3) make wireless services available to all Americans.

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[1] Memorandum for the Heads of Executive Departments and Agencies, *Unleashing the Wireless Broadband Revolution*, released June 28, 2010, 75 Fed. Reg. 38387 (July 1, 2010), *available at* http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution.

The committee's scope of activities may include, but is not limited to: expediting the introduction of wireless broadband services, especially in rural areas; addressing governmental and commercial concerns regarding public safety spectrum management issues; assisting in efforts to encourage the establishment of long-range spectrum planning processes; identifying international opportunities to advance U.S. economic interests; gathering input on the latest technology and market trends; examining the latest radio-frequency research and development outputs; exploring ways to foster more efficient and more imaginative uses of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and mission of federal agencies; and promoting the interoperability and transparency of Federal and non-Federal spectrum databases.

4. Description of Duties

The committee will provide advice and recommendations only and will comply fully with the provisions of FACA. It will provide input on U.S. spectrum management policy in a transparent manner. In so doing, the committee will act as a liaison between its membership and the Federal Government. It may also provide a forum for stakeholders to present current and emerging issues in spectrum management, policy, reform, and technology.

5. Agency or Official to Whom the Committee Reports

The committee will report and provide advice to the Assistant Secretary.

6. Support

NTIA staff will provide support to the committee.

7. Estimated Annual Operating Costs and Staff Years

The estimated annual operating costs associated with supporting the committee's functions are $73,000 per year, including all direct and indirect expenses (such as Federal staff time). It is estimated that .50 full-time equivalent will be required to support the committee and its subgroups.

Members will serve without compensation and NTIA will not reimburse members for travel or per diem, but will use telecommunications services to the maximum extent possible to facilitate the work of the committee and minimize the costs of participation.

8. Designated Federal Officer

The Assistant Secretary will designate a full-time or permanent part-time NTIA employee to serve as the Designated Federal Officer (DFO) for the committee. In accordance with FACA, the DFO will approve or call all of the committee's meetings, prepare and approve all meeting agendas, attend all committee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Assistant Secretary.

9. Estimated Number and Frequency of Meetings

It is anticipated that the committee will meet approximately every three or four months, as determined by the Chair or Co-Chairs and subject to the call of the DFO.

10. Membership and Designation

The committee will have no fewer than five (5) members and no more than thirty (30) members. The Secretary of Commerce will appoint members of the committee who will serve at the Secretary's pleasure and discretion. Members will be appointed up to a two-year term and may be reappointed for additional terms. No members of the Committee or subgroups shall be a registered lobbyist under the Lobbying Disclosure Act of 1995, as amended, 2 U.S.C. §1601 et seq. The Assistant Secretary will appoint one or more members from among those appointed by the Secretary to serve as Chair or Co-Chairs of the committee. The Chair or Co-Chairs will serve at the pleasure and discretion of the Assistant Secretary.

The committee membership will be fairly balanced in terms of the points of view represented by members and the functions to be performed. It will reflect a balanced cross-section of interests in spectrum management and policy reform, including non-Federal spectrum users; state, regional, and local sectors; technology developers, and manufacturers; academia; civil society; and service providers with customers in both domestic and international markets. An additional description of expertise required is contained in the committee's Membership Balance Plan.

Members of the committee are Special Government Employees (SGEs) and shall be subject to the ethical standards applicable to SGEs.

11. Subcommittees

NTIA may create subcommittees, working groups, standing committees, ad hoc groups, task groups or other subgroups as it considers necessary for the performance of its functions subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Any subgroup established will report to the committee and must not provide advice or work products directly to the Assistant Secretary or NTIA.

12. Recordkeeping

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552. They will also be available, to the extent feasible, on NTIA's website at http://www.ntia.doc.gov/advisory/spectrum.

13. Duration/Termination

This charter will terminate two years from the date of its filing with the appropriate U.S. Senate and House of Representatives oversight committees unless earlier terminated or renewed by proper authority.

Ellen Herbst

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

3/5/13
Filing Date