§ 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));

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(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.

(G) Functions which involve—

(i) developing and setting 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;

(ii) coordinating economic, technical, operational, and related preparations for United
States participation in international telecommunications conferences and negotiations;
and

(iii) providing advice and assistance to the Secretary of State on international
telecommunications policies to strengthen the position and serve the best interests of
the United States in support of the Secretary of State’s responsibility for the conduct of
foreign affairs.

(H) The authority to provide for the coordination of the telecommunications activities of the
executive branch and assist in the formulation of policies and standards for those activities,
including (but not limited to) considerations of interoperability, privacy, security, spectrum
use, and emergency readiness.

(I) The authority to develop and set forth telecommunications policies pertaining to
the Nation’s economic and technological advancement and to the regulation of the
telecommunications industry.

(J) The responsibility to ensure that the views of the executive branch on telecommunications
matters are effectively presented to the Commission and, in coordination with the Director of
the Office of Management and Budget, to the Congress.

(K) The authority to establish policies concerning spectrum assignments and use by radio
stations belonging to and operated by the United States.

(L) Functions which involve—

(i) developing, in cooperation with the Commission, a comprehensive long-range plan
for improved management of all electromagnetic spectrum resources;

(ii) performing analysis, engineering, and administrative functions, including the
maintenance of necessary files and data bases, as necessary for the performance of
assigned functions for the management of electromagnetic spectrum resources;
(iii) conducting 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; and

(iv) conducting research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

(M) The authority to conduct studies and make recommendations concerning the impact of the convergence of computer and communications technology.

(N) The authority to coordinate Federal telecommunications assistance to State and local governments.

(O) The authority to conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned functions.

(P) The authority to contract for studies and reports relating to any aspect of assigned functions.

(Q) The authority to participate, as appropriate, in evaluating the capability of telecommunications resources, in recommending remedial actions, and in developing policy options.

(R) The authority to participate with the National Security Council and the Director of the Office of Science and Technology Policy as they carry out their responsibilities under sections 4–1, 4–2, and 4–3 of Executive Order 12046, with respect to emergency functions, the national communication system, and telecommunications planning functions.

(S) The authority to establish coordinating committees pursuant to section 10 of Executive Order 11556.

(T) The authority to establish, as permitted by law, such interagency committees and working groups composed of representatives of interested agencies and consulting with such departments and agencies as may be necessary for the effective performance of assigned functions.

(3) Additional communications and information functions

In addition to the functions described in paragraph (2), the Secretary under paragraph (1)—

(A) may assign to the NTIA the performance of functions under section 504(a) of the Communications Satellite Act of 1962 (47 U.S.C. 753(a));

(B) shall assign to the NTIA the administration of the Public Telecommunications Facilities Program under sections 390 through 393 of this title, and the National Endowment for Children’s Educational Television under section 394 of this title; and

(C) shall assign to the NTIA responsibility for providing for the establishment, and overseeing operation, of a second-level Internet domain within the United States country code domain in accordance with section 941 of this title.

Footnotes

1 See References in Text note below.


References in Text

Reorganization Plan Number 1 of 1977, referred to in subsec. (b)(2), is set out in the Appendix to Title 5, Government Organization and Employees.

Executive Order 12046, referred to in subsec. (b)(2), is set out as a note under section 305 of this title.

Section 201(a)(6) of the Communications Satellite Act of 1962, referred to in subsec. (b)(2)(C)(iv), was classified to section 721 (a)(6) of this title and was omitted from the Code.

Executive Order 11556, referred to in subsec. (b)(2)(S), which was formerly set out as a note under section 305 of this title was revoked by Ex. Ord. No. 12046, set out as a note under section 305 of this title. Section 10 of Ex. Ord. No. 11556 related to advisory committees established by the Director of the former Office of Telecommunications Policy.

Amendments


Pilot Program for Digital and Wireless Networks for Online Educational Programs of Study


“(a) In this section:

“(1) The term ‘Administrator’ means the Administrator of the National Telecommunications and Information Administration.

“(2) The term ‘eligible educational institution’ means an institution that is—

“(A) a historically Black college or university;

“(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a (a)(5));

“(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 (a)(4));

“(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d (b)(2)); or

“(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d (b)(4)).

“(3) The term ‘historically Black college or university’ means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061 (2)).

“(b)(1)(A) There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (a)(2).

“(B)(i) The Administrator shall award a total of 9 grants under this subsection.

“(ii) The Administrator shall make grant payments under this subsection in the amount of $500,000.

“(2)(A) In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

“(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

“(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

“(iii) that has an unemployment rate of 7 percent or greater;

“(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

“(v) that has a negative population growth rate; or

“(vi) that has a family income of not more than $32,000.
“(B) In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

“(3) An eligible educational institution receiving a grant under this subsection may use the grant funds—

“(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;
“(B) to develop and provide educational services, including faculty development; or
“(C) to develop strategic plans for information technology investments.

“(4) The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

“(5)(A) The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

“(B) Not later than 1 year after the date of enactment of this section [Dec. 26, 2007], the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

“(c) There are authorized to be appropriated to carry out this section $4,500,000 for each of fiscal years 2008 and 2009.

“(d) The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.”

**Study of Technology Protection Measures**


“(a) In General.—Not later than 18 months after the date of the enactment of this Act [Dec. 21, 2000], the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

“(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

“(2) making recommendations on how to foster the development of measures that meet such needs; and

“(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

“(b) Definitions.—In this section:

“(1) Technology protection measure.—The term ‘technology protection measure’ means a specific technology that blocks or filters Internet access to visual depictions that are—

“(A) obscene, as that term is defined in section 1460 of title 18, United States Code;
“(B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or
“(C) harmful to minors.

“(2) Harmful to minors.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

“(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
“(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
“(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(3) Sexual act; sexual contact.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.”