

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

AND

THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

FOR THE

INTENT TO ESTABLISH A CENTER FOR ADVANCED COMMUNICATIONS

Article I. Purpose

This Memorandum of Understanding (MOU) is entered into by the National Institute of Standards and Technology (NIST) and the National Telecommunications and Information Administration (NTIA) (each a “party” and collectively the “parties”) to express the intent of NIST and NTIA to cooperate toward the goal of establishing a proposed Center for Advanced Communications (Center).

Article II. Background

Rapid advances in communications technology have fundamentally changed the way we as a Nation work and live. With these advances have come significant challenges that, if not addressed, will significantly impact our Nation’s ability to reap the civilian and economic benefits of this technology while ensuring our national security needs are met. Examples of these challenges include:

- The exponential growth of wireless data usage – scarce spectrum must be more efficiently used to meet the demand;
- The evolution of broadband access in the home – this has moved from a luxury to a necessity with increasing needs for ever-higher bandwidth;
- The vulnerability of all Internet-capable devices to a variety of security threats; and
- The threat of natural disasters and terrorism on communications infrastructure.

Both NIST and NTIA possess world-class advanced communications capabilities in the areas of spectrum sharing, testing, standards coordination, public safety communications, electromagnetics and quantum electronics, among others. As stand-alone efforts, the work of the

two parties has effectively addressed the needs of sponsors and improved the overall understanding of communications technology in the marketplace. By finding synergies within the parties' respective authorized areas of activity and taking advantage of and leveraging the critical mass of NIST and NTIA research and engineering capabilities concentrated in Boulder, Colorado through the formation of the Center, the NIST and NTIA hope to form a unique national asset that will provide the infrastructure necessary for effective engagement and collaboration with industry, academic and government partners necessary to effectively and efficiently address current and future advanced communications challenges.

Article III. Mission of the Center for Advanced Communications

The parties contemplate that the Mission of the Center will include:

- Enhancing mission effectiveness of both agencies by better coordinating research and testing functions of NIST and NTIA in the area of advanced communication technology;
- Promoting interdisciplinary research, development, and testing in advanced communication-related areas such as radiofrequency technology, digital information processing, cybersecurity, interoperability, and useability; and
- Providing a single focal point for engaging both industry and other government agencies on advanced communication technologies, including testing, validation, and conformity assessment.

Article IV. Structure of the Center for Advanced Communications

It is the intent of NIST and NTIA that the Center will be jointly managed by two appointees, one from NIST and one from NTIA (collectively, Center Management). Accordingly, it is contemplated that the Center Director will be appointed by NIST, in consultation with NTIA, and will report to the Undersecretary of Commerce for Standards and Technology (Undersecretary). It is contemplated that the Associate Director will be appointed by NTIA, in consultation with NIST, and will report to the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary). The parties intend that policies for the day-to-day operation of and access to NIST- and NTIA-associated facilities in Boulder, Colorado will be developed by Center Management.

The parties understand that the joint management of the Center as described above and contemplated by the parties will require amendment to existing Department of Commerce Organizational Orders, and that the parties' ability to effect such joint management will accordingly depend upon obtaining the necessary Departmental approvals in accordance with Departmental policies and procedures.

Article V. Objectives of NIST and NTIA in the Establishment of the Center

Leadership at NIST and NTIA intends to:

- Conduct a formal assessment of all advanced communications projects, programs and capabilities within NIST's and NTIA's currently authorized areas of activity at the Boulder, Colorado facilities;
- Develop the plans for program management at the Center, including a proposed plan for: (a) utilizing and accounting for NTIA and NIST resources and personnel; (b) allocating joint and common costs; and (c) sharing advances and reimbursements from outside sources in accordance with applicable laws and regulations;
- Finalize collaboration mechanisms with the Department of Defense and other agencies on the National Advanced Spectrum and Communications Test Network;
- Conduct outreach to develop critical partnerships and research collaborations; and
- Develop and finalize options, policies and proposed plans for reimbursable and user facility access models.

Article VI. Proposed Oversight and Governance Framework

It is the intent of NIST and NTIA that the proposed Center will be jointly overseen and governed by the Undersecretary and the Assistant Secretary. It is contemplated that all decisions regarding the strategic direction, business plans, and significant business initiatives of the Center will be made jointly by the Undersecretary and the Assistant Secretary. In performing their oversight and governance roles, the Undersecretary and the Assistant Secretary intend to:

- Meet on at least a quarterly basis to:
 - Review the mission, objectives and performance of the Center;
 - Provide Center Management with strategic direction and, as needed, update the Center's mission and objectives; and
 - Approve the Center's budget and business plans;
- Jointly approve any transactions outside the ordinary course, including any transaction or series of connected transactions that exceed \$50,000 or are not otherwise contemplated by the Center's mission, objectives, business plan, or budget; and
- Jointly take any other actions as necessary and in furtherance of this MOU and applicable policies and procedures of the Department of Commerce.

Prior to the creation of the Center NIST and NTIA will ensure that any necessary notifications and approvals (including notification and approval from DOC, OMB, and Congress) are obtained.

Article VII. Effective Date and Termination

Effective Date. This MOU will be effective upon full execution by the parties hereto and will remain in effect until December 31, 2016 unless extended by written agreement prior to expiration or unless sooner terminated by either party.

Termination. Either party may terminate this agreement upon 60 (sixty) days written notice to the other party or upon mutual written agreement of the parties.

Article VIII. General Conditions

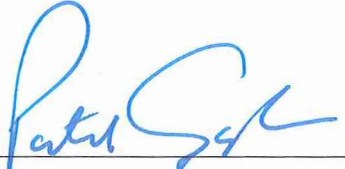
Initial Announcements. Until such time as the Center has developed agreed-upon public relations protocols, the parties will issue any and all announcements about the Center jointly.

Non-Binding. This MOU is a statement of intent of the parties to collaborate as outlined. Activities contemplated by this MOU are subject to the availability of funds and other necessary resources to the parties. No funds are obligated by this MOU.

Modification. This MOU may be extended or modified by written agreement signed by the parties hereto.


Determination

Approved:



U.S. Under Secretary of Commerce for Standards and Technology

21 May 2013
Date



U.S. Assistant Secretary of Commerce for Communications and Information

May 24, 2013
Date