

MEMORANDUM OF UNDERSTANDING

BETWEEN
THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
AND
THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
FOR THE
ESTABLISHMENT AND OPERATION OF THE
CENTER FOR ADVANCED COMMUNICATION

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 define how NIST and NTIA will establish and operate the Center for Advanced Communications (Center).

Article II. Background

On May 24, 2013, NIST and NTIA entered into an agreement to explore opportunities for working together under the Center, creating an integrated focal point for spectrum and innovative advanced communication research. Rapid advances in communications technology have fundamentally changed the way we as a Nation work and live, creating new social, economic and national security challenges for federal agencies, private companies and citizens. 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. This agreement recognizes that the two agencies have an opportunity to accomplish more by coordinating efforts than either can as an isolated, stand-alone organization. Yet, the agreement also recognizes the unique capabilities and distinct expertise that each organization possesses and lays out an approach that preserves the integrity of the distinct legal and functional capability of each organization.

Article III. Mission of the Center for Advanced Communications

The Mission of the Center is to advance the fundamental understanding of spectrum and spectrum usage to promote spectrum sharing approaches and innovation. This will be done by:

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

Article IV. Structure of the Center for Advanced Communications

The Center will be jointly managed by the NIST Director, Communications Technology Laboratory (CTL) and NTIA Director, Institute for Telecommunication Sciences (ITS) who will serve as Co-Chairs of the Center. Regarding internal operations, they will establish an environment within their respective laboratory operations that values information sharing, cooperation, and collaboration among staff in both organizations. Project managers in both organizations should look for options to improve projects and effectively respond to customer needs by taking advantage of expertise and functional capacity in the other organization. At the same time, the parties will be vigilant in ensuring that they maintain the integrity of their individual authorities and mandates. NIST employees will be managed only by NIST supervisors and NTIA employees by NTIA supervisors. Any employee officially detailed from one organization to the other would be the exception.

This time-limited agreement will give both parties an opportunity to evaluate the costs and benefits of integrated project management. If the parties decide to put a permanent solution in place for the joint management of the Center, NIST and NTIA officials acknowledge that the parties may be required to amend existing Department of Commerce Organizational Orders and submit reprogramming requests as necessary, in accordance with Departmental policies and procedures.

Article V. Strategic Oversight and Governance Framework

It is the intent of NIST and NTIA that the proposed Center will be jointly overseen by the Under Secretary of Commerce for Standards and Technology (Under Secretary) and the Assistant Secretary for Commerce for Communications and Information (Assistant Secretary). This oversight will consist of joint regular reviews of the strategic direction, business plans, and significant business initiatives of the Center by the Under Secretary and the Assistant Secretary. In performing their oversight roles, the Under Secretary and the Assistant Secretary intend to:

- Meet regularly 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
 - Review the Center's plans and goals;
- Consult regarding any transactions outside the ordinary course, including any transaction or series of connected transactions that exceed \$500,000, by either agency in conducting its work related to the Center;
- Resolve management issues elevated by the Director of the NIST Communications Technology Laboratory (CTL) and/or the NTIA Director, Institute of Telecommunication Sciences (ITS) for review or mediation at the executive level; and
- Jointly take any other actions as necessary and in furtherance of this MOU and applicable policies and procedures of the Department of Commerce.

The day-to-day operation of the Center will be conducted by the Director, CTL and Director, ITS. The Center will be modeled on the longstanding cooperative model already established by NIST and NTIA under the Public Safety Communications Research (PSCR) Program. NIST and NTIA will perform only research consistent with their respective statutory authorities and conduct joint projects through a series of agreements that define responsibilities for both organizations. These agreements will detail the terms of each project.

Article VI. Project Management

To broaden the understanding of spectrum and spectrum usage and promote innovation and the development of enhanced technology, the Director, CTL and Director, ITS will interact on a regular and frequent basis and meet at least monthly to determine opportunities for leveraging the capabilities of both laboratories through cooperative efforts. The purpose of these meetings will be to set common goals, improve coordination among business units, develop mechanisms for sharing information, and address the needs of common customers and the spectrum management community in general.

The Director, CTL and Director, ITS will conduct formal assessments of all internal and sponsored advanced communications projects within NIST and NTIA to determine if cross-agency participation could enhance current and proposed projects at both Boulder, Colorado facilities. There will be three portfolios managed: NIST projects, NTIA projects and Joint Projects. For projects in the NIST or NTIA portfolios, the Director, CTL and Director, ITS will conduct a joint review to determine if direct involvement or consultation with the other agency would strengthen or support the project(s). A single-agency project may become a Joint Project, or a Joint Project may be determined to be more appropriately performed by a single agency.

Strong project management will be promoted by the Center. For Joint Projects, either the Director, CTL or Director, ITS will assign a project manager to conduct project planning, clarify project objectives, define project workflows and identify lead agencies and personnel requirements for each project task. Tasks will be assigned to an agency based on expertise and the statutory authorities of each of the organizations. All Joint Projects will continue to “owned” by a single bureau and each project manager will be designated from the owning laboratory.

Agreements entered into for work to be conducted at the Center will define responsibilities, identify deliverables, establish deadlines, indicate funding levels for tasks, and establish governance for each project. The agreements may be between NIST and NTIA or among NIST, NTIA, and project sponsors. Unless otherwise agreed, each agency will enter into a separate agreement with the project sponsor for Joint Projects.

Article VII. Center Administration

For the purposes of coordination and engagement with external stakeholders the Director of the CTL shall be the principal representative of the Center and its activities. Projects being monitored by the Center will be supported fully either by project sponsors or through CTL or ITS funding. Each agency is responsible for funding its own costs. In their assigned roles as Director, CTL and Director, ITS, each respectively will ensure that the funding is used appropriately and within the boundaries permitted by bureau appropriations. It is acknowledged that the Director, CTL and Director, ITS have a responsibility to conduct their work effectively and efficiently. It is believed that by working together in the planning and execution of projects, NIST and NTIA may be able to accelerate the advancement and achievement of their advanced communication goals and objectives. Through the agreements mentioned above, the Director, CTL and Director, ITS will be responsible for ensuring that NIST manages and covers the costs associated with its work, and NTIA pays for all of its expenses under the agreements. In general, services will be provided by the agency in the best position to provide the services, and an agreement will be established to reimburse the providing agency for the costs incurred by the receiving agency.

Article VIII. Disputes

The Director, CTL and Director, ITS are expected to work collaboratively and resolve all conflicts between NIST’s CTL and NTIA’s ITS in an efficient manner. Either may elevate the issue for review and resolution by the Undersecretary and Assistant Secretary during their next regularly scheduled oversight meeting. If the matter is time sensitive, either party may call for a meeting out of schedule for the purpose of resolving disputes.

Article IX. 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.

Approved:



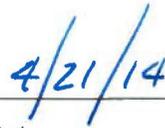
Undersecretary of Commerce for Standards and Technology



Date



Assistant Secretary of Commerce for Communications and Information



Date