

Congress of the United States
Washington, DC 20515

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Alan Davidson
Assistant Secretary of Commerce for
Communications and Information
National Telecommunications and Information
Administration
1401 Constitution Avenue NW
Washington, DC 20230

John Sherman
Chief Information Officer
Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Assistant Secretary Davidson and Mr. Sherman,

We write today to inquire about the upcoming studies of the 3.1-3.45 GHz (Lower 3 GHz) Band required by the National Spectrum Strategy (NSS). Clearly articulating the processes your agencies will use to study this band will help provide certainty for both federal and non-federal users.

Last fall, the Department of Defense (DoD) completed the Emerging Mid-Band Radar Spectrum Sharing (EMBRSS) Feasibility Assessment, pursuant to the requirements of Section 90008 of the Infrastructure Investment and Jobs Act (IIJA). After an extensive analysis, the EMBRSS assessment found that non-federal operations are feasible if certain advanced interference mitigation features and a coordination framework are put in place — a finding with which the National Telecommunications and Information Administration (NTIA) concurs.

By submitting the EMBRSS report to the Department of Commerce, the DoD has satisfied the requirement of the IIJA to provide its findings. Moving forward, the agencies will operate under additional obligations governing agency collaboration and goals for subsequent studies, pursuant to the NSS and the Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy Presidential Memorandum (PM). This new environment provides an opportunity to build upon the findings of the EMBRSS assessment by studying additional private-sector access in the Lower 3GHz band as required by the NSS.

NTIA developed the NSS consistent with its statutory role as the sole agency responsible for authorizing Federal spectrum use. For the Lower 3GHz band studies, the NSS directs NTIA and DoD to jointly establish processes that promote the pillars and strategic objectives of the NSS, consistent with the guidance in the PM. To ensure that the agencies fulfill this responsibility, we ask that you jointly respond to the following questions:

- The NSS calls for NTIA and DoD to “co-lead” additional studies in the Lower 3 GHz band. How will the agencies collaborate on this effort to satisfy that requirement?
- How will the additional studies to be conducted as part of the NSS support identification of frequencies in the Lower 3 GHz band required by the Secretary of Commerce under the IJJA?
- What steps will the agencies take to ensure all opportunities for commercial use in the Lower 3 GHz are fully considered and all relevant stakeholders have the ability to participate?
- How will the agencies ensure a consistent and evidence-based process is used to establish methodology, assumptions, and parameters for studies in the Lower 3GHz?
- How will the agencies accommodate the exchange of classified information with the private sector where necessary?

We appreciate your joint efforts to secure federal missions while creating new opportunities for commercial use of spectrum and look forward to working with you to accomplish both goals.

Sincerely,



Doris Matsui
Ranking Member
Subcommittee on Communications
And Technology



Robert E. Latta
Chair
Subcommittee on Communications
And Technology