

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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April 19, 2021

Evelyn Remaley
Acting Assistant Secretary
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Ms. Remaley:

We write to express our support for the National Telecommunications and Information Administration's (NTIA) leadership on matters of federal spectrum management, both domestically and abroad. Last year, the Energy and Commerce Committee wrote to the Government Accountability Office (GAO) seeking guidance on how NTIA could improve its spectrum management processes.¹ We expect to receive the results of that inquiry this year and look forward to considering its recommendations while continuing to fulfill our oversight duties as the committee of jurisdiction.

As the federal agency responsible for managing federal spectrum use, in collaboration with the Federal Communications Commission (FCC), the NTIA plays an important role in resolving interagency disputes about federal spectrum.² The NTIA has the authority 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"³ and can take into account the differing missions and needs of federal spectrum users to maximize the benefits of spectrum use for the government and the public. Congress created this system to ensure that

¹ Letter from Rep. Frank Pallone, Jr., Chairman, and Rep. Greg Walden, Ranking Member, House Committee on Energy and Commerce, to Gene Dorado, Comptroller General of the United States (Jan. 24, 2020).

² National Telecommunications and Information Administration Organization Act, Pub. L. No. 102-538, Oct. 27, 1992, as amended by Pub. L. No. 115-141, Mar. 23, 2018 (codified at 47 USC § 901 et seq.); *see also* National Telecommunications and Information Administration, Spectrum Management (www.ntia.doc.gov/category/spectrum-management) (accessed Mar. 3, 2021).

³ 47 U.S.C. § 902(b)(2)(A).

certain agencies do not improperly elevate their own spectrum needs over others. Allowing a single agency with significant spectrum needs to manage both its and other agencies' spectrum resources would risk inefficient use of this precious resource. Each agency is expected to be an advocate for its own spectrum needs, while the NTIA, in advising the President, must resolve potential conflicts.

By statute, the NTIA has “[t]he responsibility to ensure that the views of the executive branch on telecommunications matters are effectively presented to the [FCC].”⁴ In recent years, several federal agencies with spectrum allocations have circumvented this statutory process and argued the importance of their particular use cases directly to the FCC, rather than working through the NTIA as the central repository and manager of federal spectrum.⁵

In contrast, last summer, the NTIA and the Department of Defense worked to reach an agreement that substantially cleared the 3.45 to 3.55 gigahertz (GHz) band.⁶ We applaud this collaborative and productive process and hope to see similarly effective engagements in the future. According to a recent NTIA report, the 3.1 to 3.45 GHz band also could be a good candidate for federal/non-federal relocation, coordination, or sharing,⁷ and we would appreciate regular updates of the NTIA's progress in that effort.

As spectrum resources become more strained, it is crucial that the NTIA maintain leadership over all federal spectrum issues. The NTIA should continue to work with federal agencies and the FCC to ensure all spectrum resources are being used as effectively as possible, and we look forward to working with the NTIA as it continues this important work.

⁴ 47 U.S.C. § 902(b)(2)(J).

⁵ Letter from Assistant Secretary Jim Blew, U.S. Department of Education, to Secretary Marlene H. Dortch, Federal Communications Commission (June 7, 2019); Letter from Assistant Secretary Bruce Walker, U.S. Department of Energy, to Chairman Ajit Pai, Federal Communications Commission (Sept. 3, 2019); Letter from Acting Secretary, Department of Defense, to Chairman Ajit Pai, Federal Communications Commission (June 7, 2019); Letter from Secretary Mark Esper, U.S. Department of Defense, to Chairman Ajit Pai, Federal Communications Commission (Nov. 18, 2019).

⁶ IEEE Communications Society, *U.S. Defense Dept. (DoD) to Share 100 MHz of mid-band spectrum for 5G Services in the U.S* (Aug. 11, 2020) (www.techblog.comsoc.org/2020/08/11/u-s-defense-dept-dod-to-share-100-mhz-of-mid-band-spectrum-for-5g-services-in-u-s/).

⁷ National Telecommunications and Information Administration, *Feasibility of Commercial Wireless Services Sharing with Federal Operations in the 3100-3550 MHz Band* (July 2020) (www.ntia.doc.gov/files/ntia/publications/ntia_3100-3550_mhz_mobile_now_report_to_congress.pdf).

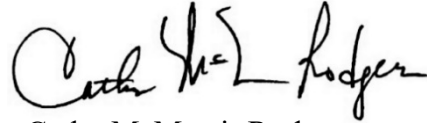
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Thank you for your attention to this important matter. If you have additional questions, please contact A.J. Brown of the Majority Committee Staff at (202) 225-2927 or Kate O'Connor of the Minority Committee Staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Chairman



Cathy McMorris Rodgers
Ranking Member



Mike Doyle
Chairman
Subcommittee on Communications
and Technology



Robert E. Latta
Ranking Member
Subcommittee on Communications
and Technology