

# United States Senate

WASHINGTON, DC 20510

February 7, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden:

We write to express our concern over the National Spectrum Strategy's call for further study of the 3.1-3.45 GHz band ("lower 3 GHz Band"). At this time, it would be counter-productive to initiate additional studies of the lower 3 GHz Band. The Department of Defense, in close coordination with the Department of Commerce's National Telecommunications and Information Administration and other federal agencies, industry, and academia, recently completed a 22-month study resulting in the Emerging Mid-Band Radar Spectrum Sharing ("EMBRSS") Feasibility Assessment, as necessitated by Section 90008 of the Infrastructure Investment & Jobs Act (P.L. 117-58). This Act requires coordination with Congress, including the Armed Services Committees.

We enacted Section 90008 because we wanted to better understand the feasibility of commercial spectrum access to important mid-band spectrum, such as the lower 3 GHz Band, which advances the development and build out of 5G in the United States. This goal is harmonized with our national security objectives; however, we remain concerned that pursuing a policy of requiring the Department of Defense ("DOD") to surrender its spectrum for non-Federal use would significantly harm DOD's ability to carry out its missions, increase costs, and adversely affect our national security.

The study and subsequent EMBRSS report provide meaningful input on how this band of spectrum can be shared with non-Federal users to maximize its value to the American people. We understand the study's report was submitted to the Department of Commerce on time at the end of September, as required by statute, and appreciated the initial briefing on the report from your administration. However, despite repeated assurances that the EMBRSS report, or significant portions of the EMBRSS report, would be made available in a format for public dissemination, we have been disappointed to learn there has been no substantial progress made towards making it available for public view months later. We encourage the swift public release of this report to better inform ongoing discussions on what frequencies and conditions DOD's spectrum may be appropriately shared with non-Federal users.

The integrity and effectiveness of the National Spectrum Strategy are contingent upon its careful consideration of – and adherence to – the EMBRSS report. We are concerned that the administration is moving forward with the National Spectrum Strategy without fully considering the recommendations of the EMBRSS report and the findings of its study on the lower 3 GHz

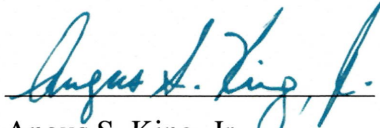
Band. Congress provided \$50,000,000 for the thorough completion of this study over the course of two years. Proceeding without appropriate input in advance of the National Spectrum Strategy's implementation could lead to an approach that overrides congressional intent and is at odds with the practical realities and technical assessments the final report provides. This would imperil our national security and unnecessarily delay deployment of this spectrum for new wireless services.

We appreciate your prompt attention to this critical issue and look forward to your response.

Sincerely,



Deb Fischer  
United States Senator



Angus S. King, Jr.  
United States Senator



Mazie K. Hirono  
United States Senator

cc: The Honorable Lloyd J. Austin III, Secretary, Department of Defense  
The Honorable Gina Raimondo, Secretary, Department of Commerce