

July 18, 2013

The Honorable Lawrence E. Strickling
Assistant Secretary for Communications and Information
National Telecommunications & Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Assistant Secretary Strickling:

We write in response to President Obama's June 14, 2013 memorandum, "Expanding America's Leadership in Wireless Innovation." We are pleased that the White House has directed agencies to enhance spectrum efficiency and facilitate access to more spectrum for consumer services and applications. Given the positive impact the U.S. wireless industry has on our economy and expected growth in mobile data traffic, now is the time for the Federal government to effectively manage spectrum, ensure valuable spectrum is used as efficiently as possible, and relinquish spectrum where possible.

Under the direction of the President's memorandum, the National Telecommunications & Information Administration (NTIA) will play a critical role in promoting wireless innovation and making more federally held spectrum available for commercial use. In order to do so successfully, NTIA must carry out one of the agency's main responsibilities: managing the Federal government's use of spectrum in order to perform critical governmental functions, while making efficient use of this extremely valuable and scarce public resource.

It is important that NTIA is able to perform its statutory responsibilities, in order to ensure the President's memorandum is implemented successfully. Our concern is that the agency's ability to carry out this responsibility has been questioned in the past. In April 2011, the Government Accountability Office (GAO) examined how NTIA manages federal spectrum, as well as how agencies are using assigned spectrum, and raised serious concerns. Among the findings in the report, GAO determined that NTIA "cannot ensure that spectrum is being used efficiently by federal agencies" and "has limited ability to monitor federal spectrum use."

Therefore, we request your assistance in better understanding the steps the agency has taken over the past two years to address the GAO's findings and recommendations, and what your plans are to implement the process envisioned in the memorandum. Without effective NTIA management and oversight, we have serious reservations about the agency's ability to maximize spectrum efficiency and relinquish portions of federal spectrum. We respectfully ask that you answer the following questions:

- What specific measures has NTIA taken to address the findings in the 2011 GAO report and improve spectrum management?
- What specific steps will NTIA take, over the next 6 to 12 months to carry out the directives of the memorandum?
- When analyzing federal agency use of spectrum under Sec. 3 of the Presidential Memorandum, how will NTIA ensure that agencies' assessments are accurate?

- What tools are in place to assess how federal agencies are using assigned spectrum, and how will NTIA hold agencies accountable for the valuable spectrum they occupy? Specifically, how will NTIA ensure federal agencies are maximizing spectrum efficiency?
- How does NTIA assess fees on federal agencies for spectrum assignments? Does the agency believe the current structure provides the proper incentives for agencies to increase spectrum efficiency? Will this fee structure be examined when implementing the Presidential Memorandum?
- Would it be helpful for NTIA to designate a "trusted agent" structure to liaise between federal
 agencies charged with providing classified systems capabilities and private sector representatives
 seeking information on spectrum usage in areas currently used for national security and
 intelligence functions? If so, please explain how soon such a process could be implemented.

We look forward to your prompt response, as we work together to ensure we are managing a valuable national resource, and making more federal spectrum available for commercial purposes as soon as possible. If the United States is going to continue leading the world in wireless innovation, freeing up more spectrum for commercial users is essential. This requires an effective NTIA that is fulfilling its responsibilities to manage federal spectrum. Thank you for your attention to this matter.

Marco Rubio
U.S. Senator

Mark Warner
U.S. Senator

Mark Warner
U.S. Senator

Ron Johnson
U.S. Senator

Claire McCaskill
U.S. Senator

Claire McCaskill
U.S. Senator

Mark Begich

Roger Wicker

U.S. Senator

U.S. Senator

Tim Scott

U.S. Senator

John Thune U.S. Senator

Amy Klobuchan U.S. Senator

Maria Cantwell U.S. Senator

Mark Pryor U.S. Senator

U.S. Senator