

NITA M. LOWEY, NEW YORK, CHAIRWOMAN

MARCY KAPTUR, OHIO
PETER J. VISCLOSKEY, INDIANA
JOSÉ E. SERRANO, NEW YORK
ROSA L. DeLAURO, CONNECTICUT
DAVID E. PRICE, NORTH CAROLINA
LUCILLE ROYBAL-ALLARD, CALIFORNIA
SANFORD D. BISHOP, Jr., GEORGIA
BARBARA LEE, CALIFORNIA
BETTY McCOLLUM, MINNESOTA
TIM RYAN, OHIO
C. A. DUTCH RUPPERSBERGER, MARYLAND
DEBBIE WASSERMAN SCHULTZ, FLORIDA
HENRY CUELLAR, TEXAS
CHELLIE PINGREE, MAINE
MIKE QUIGLEY, ILLINOIS
DEREK KILMER, WASHINGTON
MATT CARTWRIGHT, PENNSYLVANIA
GRACE MENG, NEW YORK
MARK POCAN, WISCONSIN
KATHERINE M. CLARK, MASSACHUSETTS
PETE AGUILAR, CALIFORNIA
LOIS FRANKEL, FLORIDA
CHERI BUSTOS, ILLINOIS
BONNIE WATSON COLEMAN, NEW JERSEY
BRENDA L. LAWRENCE, MICHIGAN
NORMA J. TORRES, CALIFORNIA
CHARLIE CRIST, FLORIDA
ANN KIRKPATRICK, ARIZONA
ED CASE, HAWAII

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

KAY GRANGER, TEXAS
HAROLD ROGERS, KENTUCKY
ROBERT B. ADERHOLT, ALABAMA
MICHAEL K. SIMPSON, IDAHO
JOHN R. CARTER, TEXAS
KEN CALVERT, CALIFORNIA
TOM COLE, OKLAHOMA
MARIO DIAZ-BALART, FLORIDA
TOM GRAVES, GEORGIA
STEVE WOMACK, ARKANSAS
JEFF FORTENBERRY, NEBRASKA
CHUCK FLEISCHMANN, TENNESSEE
JAIME HERRERA BEUTLER, WASHINGTON
DAVID P. JOYCE, OHIO
ANDY HARRIS, MARYLAND
MARTHA ROBY, ALABAMA
MARK E. AMODEI, NEVADA
CHRIS STEWART, UTAH
STEVEN M. PALAZZO, MISSISSIPPI
DAN NEWHOUSE, WASHINGTON
JOHN R. MOOLENAAR, MICHIGAN
JOHN H. RUTHERFORD, FLORIDA
WILL HURD, TEXAS

SHALANDA YOUNG
CLERK AND STAFF DIRECTOR
(202) 225-2771

March 13, 2019

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

153

Dear Chairman Pai:

We write to respectfully request a delay in the commencement of bidding for 24 GHz spectrum licenses in Auction 102, which is scheduled for March 14, 2019. This delay is necessary to allow for further review of potential interference to adjacent band uses that are critical for national security as well as the protection of American lives and property. In particular, the National Oceanic and Atmospheric Administration (NOAA) uses the 23.6-24 GHz spectrum band for microwave sensor-based remote sensing of atmospheric levels of water vapor, which is the single most impactful data stream for accurately forecasting weather. This data is used by NOAA's National Weather Service, the National Aeronautics and Space Administration (NASA), and the Department of Defense (DOD), in addition to the broader international weather community. Without this data, the Nation's forecasting capacity would be reduced to the accuracy of the forecasts produced in the 1970s. For example, the forecast for Superstorm Sandy would have predicted landfall in Maine 24 hours later than actual landfall occurred in New Jersey, roughly 300 miles away.¹ This would have further imperiled millions of Americans.

The National Weather Service and others in the international weather community require an extremely high level of data fidelity and connectivity. Additionally, NOAA's use of this spectrum for passive sensing of environmental conditions makes their signals uniquely susceptible to interference from man-made emissions. We understand that the emission limits for 24 GHz licenses remain on open item for discussion at the upcoming World Radio Conference. We believe that there is significant risk that aggregate 5G signals under the current FCC rules for this band will mask natural radiation that provides important inputs for weather forecasting that cannot be obtained by other methods.

¹ McNally, Tony & Bonavita, Massimo & Thépaut, J.-N. (2014). The Role of Satellite Data in the Forecasting of Hurricane Sandy. *Monthly Weather Review*. 142. 634-646. 10.1175/MWR-D-13-00170.1.

As appropriators, we are highly concerned about the potential impact on the federal investment of billions of dollars in our satellite fleet, which is designed to support our defense apparatus and to provide lifesaving weather data. Therefore, we request that prior to commencing the auction, you:

1. Provide to the Committee any analysis, including any engineering data, that supports the current power, emission, and other protective limits for 24 GHz licenses to be auctioned, and any analysis that evaluates the impact on adjacent services, particularly in 23.6-24 GHz band.
2. Provide all correspondence regarding power, emission, and other protective limits involving the Federal Communication Commission (FCC) and any of these organizations: National Telecommunications and Information Administration (NTIA), NOAA, NASA, Department of Commerce (DOC), DOD, or White House organizations as cited in the February 28th letter (National Economic Council, Officer of Science and Technology Policy, and National Security Council).
3. Continue to work with NTIA and Federal agencies, including via the Interdepartment Radio Advisory Committee, to update current emissions, power, or other protective limits to ensure that they fully protect adjacent services, are supported by Federal agencies, and align with the international community.

We additionally request that, after any such auction concludes and licensees begin operations, you commit to providing robust oversight and enforcement of any emissions that cause interference to critical weather data streams to ensure that these systems continue to operate unabated and unadulterated, including creating mechanisms for responding timely to mitigate any reports of interference.

To be clear, we fully support development of 5G technology and agree with the Administration that it is imperative that our Nation lead the world in its deployment. However, any support provided to this new technology must be weighed against the cost to other priorities, including national security and the safety of Americans' lives and property.

We hope to work collaboratively with you and the other relevant agencies to find a mutually beneficial solution.

Respectfully,



Chairman Mike Quigley
Subcommittee on Financial Services
and General Government
Committee on Appropriations



Chairman Peter J. Visclosky
Subcommittee on Defense
Committee on Appropriations



Chairman José E. Serrano
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations