To provide that certain orders of the Federal Communications Commission shall have no force or effect until certain conditions are satisfied, and for other purposes.

IN THE SENATE OF THE UNITED STATES
JUNE 22, 2021

Mr. INHOFE (for himself, Ms. DUCKWORTH, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL
To provide that certain orders of the Federal Communications Commission shall have no force or effect until certain conditions are satisfied, and for other purposes.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recognizing and Ensuring Taxpayer Access to Infrastructure Necessary for GPS and Satellite Communications Act of 2021” or the “RETAIN GPS and Satellite Communications Act of 2021”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) COVERED GPS DEVICE.—The term “covered GPS device” means a device—

(A) operating to provide, using, or having embedded operations requiring access to the Global Positioning System satellite constellation; and

(B) that is used by the Federal Government, a non-Federal entity, a private sector entity, or any other person.


(4) INTEGRATED PLATFORM.—The term “integrated platform” means a device or system that integrates Global Positioning System capability or satellite communications capability into the operation of the device or system, as applicable, in such a manner that the Global Positioning System or satellite
communications capability cannot be effectively retrofitted without replacing the device or system.

(5) **Satellite communications device.**—

The term “satellite communications device” means a device—

(A) operating to provide, using, or having embedded operations requiring access to satellite communications; and

(B) that is used by the Federal Government, a non-Federal entity, a private sector entity, or any other person.

(6) **Terrestrial operations order.**—The term “terrestrial operations order”—

(A) means an order of the Commission authorizing an entity to deploy commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band; and

(B) includes the covered order.

(b) **Restriction.**—Notwithstanding any terrestrial operations order adopted by the Commission before, on, or after the date of enactment of this Act, no entity may deploy commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until the date that is 90 days after the date on which the
Commission determines that the entity has satisfied, or has agreed to satisfy, all of the requirements of this section, as applicable.

(c) REQUIRED UPGRADES AND REPAIRS.—

(1) IN GENERAL.—In order to obtain authorization to deploy commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band, a licensee shall upgrade, repair, or replace covered GPS devices and satellite communications devices potentially impacted by those operations, including by bearing the costs of any modification, repair, or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to—

(A) the underlying platform or system in which a Global Positioning System capability is embedded; and

(B) satellite communications systems and equipment.

(2) REIMBURSABLE COSTS FOR AGENCIES.—Any costs incurred by a Federal agency due to interference with operations, as determined and certified in writing to the Commission by the Federal agency experiencing interference with operations, as a result
of the operations carried out under a terrestrial operations order, shall be reimbursed by the licensee, including the full costs of—

(A) any engineering, equipment, software, site acquisition, systems design, or construction;

(B) any legitimate and prudent transaction expense, including the hiring of any necessary additional staff, including term-limited Federal civil servants and contractor staff;

(C) research, engineering, and other related studies;

(D) replacing any device or integrated platform that suffers interference as a result of the conduct of commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band with a device or integrated platform that can provide the same operational capability, including the currently available version of the device or integrated platform (or a reasonable equivalent);

(E) in the case of costs incurred by the Department of Defense, the labor cost of Department of Defense personnel or external personnel in engineering, validating, and verifying any required remediation in order to provide
the Department of Defense with the same operational capability for the affected system before terrestrial operation in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band;

(F) in the case of costs incurred by any Federal agency that is a member of the Interdepartment Radio Advisory Committee, the labor costs of those Federal agency personnel or external personnel in engineering, validating, and verifying any required remediation in order to provide any Federal agency that is a member of the Interdepartment Radio Advisory Committee with the same operational capability for the affected system before terrestrial operation in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band; and

(G) other related expenses reasonably incurred.

(3) Reimbursable costs for other persons.—Any costs incurred by a person, including a non-Federal or private sector entity, due to interference with operations, as determined and certified in writing to the Commission by the person experiencing interference with operations, as a result of
the operations carried out under a terrestrial opera-
tions order, shall be reimbursed by the licensee, in-
cluding the full costs of—

(A) any engineering, equipment, software,
site acquisition, systems design, or construction;

(B) replacement of satellites;

(C) any legitimate and prudent transaction
expense, including the hiring of any necessary
term-limited civil servants and contractor staff;

(D) research, engineering, and other re-
lated studies;

(E) replacing any device or integrated plat-
form that suffers interference as a result of the
conduct of commercial terrestrial operations in
the 1525–1559 megahertz band or the 1626.5–
1660.5 megahertz band with a device or inte-
grated platform that can provide the same oper-
ational capability, including the currently avail-
able version of the device or integrated platform
(or a reasonable equivalent);

(F) the labor costs of personnel in engi-
neering, validating, and verifying any required
remediation in order to provide the person,
company, or other private sector entity with the
same operational capability for the affected sys-
tem before terrestrial operation in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band; and

(G) other related expenses reasonably incurred.

(4) **Transferability of Reimbursable Expenses to the Federal Government from Federal Communications Commission Order 20–48.**—All reimbursable expenses owed to a Federal agency, person, or other private sector entity that are causally attributable to implementing a terrestrial operations order shall transfer to and be borne by any assignee, successor, or purchaser of any license that authorizes terrestrial operations in accordance with that order.

(5) **Certain Payments Permitted.**—Notwithstanding section 1341, subchapter II of chapter 15, or section 3302 of title 31, United States Code, a Federal agency may collect or receive any money or other thing of value from a private entity as payment or reimbursement under this section.