

117TH CONGRESS  
1ST SESSION

# S. 2166

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.

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## 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

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## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recognizing and En-  
5 suring Taxpayer Access to Infrastructure Necessary for  
6 GPS and Satellite Communications Act of 2021” or the  
7 “RETAIN GPS and Satellite Communications Act of  
8 2021”.

1 **SEC. 2. CONDITIONS ON COMMERCIAL TERRESTRIAL OPER-**  
2 **ATIONS.**

3 (a) DEFINITIONS.—In this section:

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

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

8 (A) operating to provide, using, or having  
9 embedded operations requiring access to the  
10 Global Positioning System satellite constella-  
11 tion; and

12 (B) that is used by the Federal Govern-  
13 ment, a non-Federal entity, a private sector en-  
14 tity, or any other person.

15 (3) COVERED ORDER.—The term “covered  
16 order” means the order and authorization of the  
17 Commission relating to the LightSquared Technical  
18 Working Group Report and other matters, adopted  
19 on April 19, 2020 (FCC 20–48; IB Docket Nos. 11–  
20 109 and 12–340).

21 (4) INTEGRATED PLATFORM.—The term “inte-  
22 grated platform” means a device or system that in-  
23 tegrates Global Positioning System capability or sat-  
24 ellite communications capability into the operation of  
25 the device or system, as applicable, in such a man-  
26 ner that the Global Positioning System or satellite

1       communications capability cannot be effectively re-  
2       rofitted without replacing the device or system.

3               (5) SATELLITE COMMUNICATIONS DEVICE.—

4       The term “satellite communications device” means a  
5       device—

6               (A) operating to provide, using, or having  
7               embedded operations requiring access to sat-  
8               ellite communications; and

9               (B) that is used by the Federal Govern-  
10              ment, a non-Federal entity, a private sector en-  
11              tity, or any other person.

12             (6) TERRESTRIAL OPERATIONS ORDER.—The  
13             term “terrestrial operations order”—

14             (A) means an order of the Commission au-  
15             thorizing an entity to deploy commercial terres-  
16             trial operations in the 1525–1559 megahertz  
17             band or the 1626.5–1660.5 megahertz band;  
18             and

19             (B) includes the covered order.

20             (b) RESTRICTION.—Notwithstanding any terrestrial  
21             operations order adopted by the Commission before, on,  
22             or after the date of enactment of this Act, no entity may  
23             deploy commercial terrestrial operations in the 1525–1559  
24             megahertz band or the 1626.5–1660.5 megahertz band  
25             until the date that is 90 days after the date on which the

1 Commission determines that the entity has satisfied, or  
2 has agreed to satisfy, all of the requirements of this sec-  
3 tion, as applicable.

4 (c) REQUIRED UPGRADES AND REPAIRS.—

5 (1) IN GENERAL.—In order to obtain authoriza-  
6 tion to deploy commercial terrestrial operations in  
7 the 1525–1559 megahertz band or the 1626.5–  
8 1660.5 megahertz band, a licensee shall upgrade, re-  
9 pair, or replace covered GPS devices and satellite  
10 communications devices potentially impacted by  
11 those operations, including by bearing the costs of  
12 any modification, repair, or replacement of equip-  
13 ment, spares, associated ancillary equipment, soft-  
14 ware, facilities, operating manuals, training, or com-  
15 pliance with regulations, including with regard to—

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

19 (B) satellite communications systems and  
20 equipment.

21 (2) REIMBURSABLE COSTS FOR AGENCIES.—

22 Any costs incurred by a Federal agency due to inter-  
23 ference with operations, as determined and certified  
24 in writing to the Commission by the Federal agency  
25 experiencing interference with operations, as a result

1 of the operations carried out under a terrestrial op-  
2 erations order, shall be reimbursed by the licensee,  
3 including the full costs of—

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

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

10 (C) research, engineering, and other re-  
11 lated studies;

12 (D) replacing any device or integrated  
13 platform that suffers interference as a result of  
14 the conduct of commercial terrestrial operations  
15 in the 1525–1559 megahertz band or the  
16 1626.5–1660.5 megahertz band with a device or  
17 integrated platform that can provide the same  
18 operational capability, including the currently  
19 available version of the device or integrated  
20 platform (or a reasonable equivalent);

21 (E) in the case of costs incurred by the  
22 Department of Defense, the labor cost of De-  
23 partment of Defense personnel or external per-  
24 sonnel in engineering, validating, and verifying  
25 any required remediation in order to provide

1 the Department of Defense with the same oper-  
2 ational capability for the affected system before  
3 terrestrial operation in the 1525–1559 mega-  
4 hertz band or the 1626.5–1660.5 megahertz  
5 band;

6 (F) in the case of costs incurred by any  
7 Federal agency that is a member of the Inter-  
8 department Radio Advisory Committee, the  
9 labor costs of those Federal agency personnel or  
10 external personnel in engineering, validating,  
11 and verifying any required remediation in order  
12 to provide any Federal agency that is a member  
13 of the Interdepartment Radio Advisory Com-  
14 mittee with the same operational capability for  
15 the affected system before terrestrial operation  
16 in the 1525–1559 megahertz band or the  
17 1626.5–1660.5 megahertz band; and

18 (G) other related expenses reasonably in-  
19 curred.

20 (3) REIMBURSABLE COSTS FOR OTHER PER-  
21 SONS.—Any costs incurred by a person, including a  
22 non-Federal or private sector entity, due to inter-  
23 ference with operations, as determined and certified  
24 in writing to the Commission by the person experi-  
25 encing interference with operations, as a result of

1 the operations carried out under a terrestrial oper-  
2 ations order, shall be reimbursed by the licensee, in-  
3 cluding the full costs of—

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

6 (B) replacement of satellites;

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

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

12 (E) replacing any device or integrated plat-  
13 form that suffers interference as a result of the  
14 conduct of commercial terrestrial operations in  
15 the 1525–1559 megahertz band or the 1626.5–  
16 1660.5 megahertz band with a device or inte-  
17 grated platform that can provide the same oper-  
18 ational capability, including the currently avail-  
19 able version of the device or integrated platform  
20 (or a reasonable equivalent);

21 (F) the labor costs of personnel in engi-  
22 neering, validating, and verifying any required  
23 remediation in order to provide the person,  
24 company, or other private sector entity with the  
25 same operational capability for the affected sys-

1           tem before terrestrial operation in the 1525–  
2           1559 megahertz band or the 1626.5–1660.5  
3           megahertz band; and

4                   (G) other related expenses reasonably in-  
5           curred.

6           (4) TRANSFERABILITY OF REIMBURSABLE EX-  
7           PENSES TO THE FEDERAL GOVERNMENT FROM FED-  
8           ERAL COMMUNICATIONS COMMISSION ORDER 20–  
9           48.—All reimbursable expenses owed to a Federal  
10          agency, person, or other private sector entity that  
11          are causally attributable to implementing a terres-  
12          trial operations order shall transfer to and be borne  
13          by any assignee, successor, or purchaser of any li-  
14          cense that authorizes terrestrial operations in ac-  
15          cordance with that order.

16          (5) CERTAIN PAYMENTS PERMITTED.—Not-  
17          withstanding section 1341, subchapter II of chapter  
18          15, or section 3302 of title 31, United States Code,  
19          a Federal agency may collect or receive any money  
20          or other thing of value from a private entity as pay-  
21          ment or reimbursement under this section.

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