

115TH CONGRESS
1ST SESSION

S. 2220

To provide for the development, construction and operation of a backup to the Global Positioning System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2017

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

A BILL

To provide for the development, construction and operation of a backup to the Global Positioning System, 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 “National Timing Resil-
5 ience and Security Act of 2017”.

6 **SEC. 2. BACKUP GLOBAL POSITIONING SYSTEM.**

7 (a) IN GENERAL.—Subject to the availability of ap-
8 propriations, the Secretary of Transportation, in consulta-
9 tion with the Secretary of Homeland Security, shall pro-

1 vide for the establishment, sustainment, and operation of
2 a land-based, resilient, and reliable alternative timing sys-
3 tem to—

4 (1) reduce critical dependencies and provide a
5 complement to and backup for the timing component
6 of the Global Positioning System (in this section re-
7 ferred to as “GPS”); and

8 (2) to ensure the availability of uncorrupted
9 and non-degraded timing signals for military and ci-
10 vilian users in the event that GPS timing signals are
11 corrupted, degraded, unreliable, or otherwise un-
12 available.

13 (b) ESTABLISHMENT OF REQUIREMENTS.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Transportation, in consultation with the
17 Secretary of Homeland Security, shall establish re-
18 quirements for the procurement of the system re-
19 quired by subsection (a) as a complement to and
20 backup for the timing component of GPS in accord-
21 ance with the timing requirements study required by
22 section 1618 of the National Defense Authorization
23 Act for Fiscal Year 2017 (Public Law 114–328; 130
24 Stat. 2595).

1 (2) REQUIREMENTS.—The Secretary of Trans-
2 portation shall ensure, to the maximum extent prac-
3 ticable, that the system established under subsection
4 (a)—

5 (A) be wireless;

6 (B) be terrestrial;

7 (C) provide wide-area coverage;

8 (D) deliver a precise, high-power 100 kilo-
9 hertz signal;

10 (E) be synchronized with coordinated uni-
11 versal time;

12 (F) be resilient and extremely difficult to
13 disrupt or degrade;

14 (G) be able to penetrate underground and
15 inside buildings;

16 (H) be capable of deployment to remote lo-
17 cations;

18 (I) take full advantage of the infrastruc-
19 ture and spectrum of the existing, unused gov-
20 ernment long-range navigation system (com-
21 monly known as “LORAN”);

22 (J) be developed, constructed, and oper-
23 ated incorporating applicable private sector ex-
24 pertise;

1 (K) work in concert with and complement
2 any other similar positioning, navigation, and
3 timing systems, including enhanced long-range
4 navigation systems and Nationwide Differential
5 GPS systems;

6 (L) be made available by the Secretary of
7 Transportation for use by other Federal and
8 non-Federal Government agencies for public
9 purposes at no cost;

10 (M) be capable of adaptation and expan-
11 sion to provide position and navigation capabili-
12 ties;

13 (N) incorporate the recommendations from
14 any GPS back-up demonstration program initi-
15 ated and completed by the Secretary, in coordi-
16 nation with other Federal agencies, before the
17 date specified in subsection (c)(1); and

18 (O) incorporate such other elements as the
19 Secretary considers appropriate.

20 (c) IMPLEMENTATION PLAN.—

21 (1) PLAN REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Transportation shall submit to the Com-
24 mittee on Commerce, Science, and Transportation of
25 the Senate and the Committee on Transportation

1 and Infrastructure of the House of Representatives
2 a report setting forth the following:

3 (A) A plan to develop, construct, and oper-
4 ate the system required by subsection (a).

5 (B) A description and assessment of the
6 advantages of a system to provide a follow-on
7 complementary and backup positioning and
8 navigation capability to the timing component
9 of GPS.

10 (2) DEADLINE FOR COMMENCEMENT OF OPER-
11 ATION.—The system required by subsection (a) shall
12 be in operation by not later than two years after the
13 date of the enactment of this Act.

14 (3) MINIMUM DURATION OF OPERATIONAL CA-
15 PABILITY.—The system required by subsection (a)
16 shall be designed to be fully operational for not less
17 than 20 years.

18 (d) LORAN FACILITIES.—

19 (1) IN GENERAL.—If the Secretary of Trans-
20 portation determines that any LORAN infrastruc-
21 ture, including the underlying real property and any
22 spectrum associated with LORAN, in the possession
23 of the Coast Guard is required by the Department
24 of Transportation for the purpose of establishing the
25 system required by subsection (a), the Commandant

1 of the Coast Guard shall transfer such property,
2 spectrum, and equipment to the Secretary.

3 (2) CERCLA NOT AFFECTED.—This subsection
4 shall not be construed to limit the application of or
5 otherwise affect section 120(h) of the Comprehensive
6 Environmental Response, Compensation, and Liabil-
7 ity Act of 1980 (42 U.S.C. 9620(h)) with respect to
8 the Federal Government facilities described in para-
9 graph (1).

10 (e) AGREEMENT.—

11 (1) IN GENERAL.—The Secretary of Transpor-
12 tation, in consultation with the Secretary of Home-
13 land Security, may enter into a cooperative agree-
14 ment (as that term is defined in section 6305 of title
15 31, United States Code) with an entity upon such
16 terms and conditions as the Secretary of Transpor-
17 tation determines will fulfill the purpose and require-
18 ments of this section and be in the public interest.
19 Such agreement shall, at a minimum, require the
20 Secretary of Transportation to—

21 (A) authorize the entity to sell timing and
22 other services to commercial and non-commer-
23 cial third parties, subject to any national secu-
24 rity requirements determined by the Secretary,
25 in consultation with the Secretary of Defense;

1 (B) require the entity to develop, con-
2 struct, and operate at private expense the
3 backup timing system in accordance with this
4 section;

5 (C) allow the entity to make any invest-
6 ments in technologies necessary over the life of
7 such agreement to meet future requirements for
8 advanced timing resilience and technologies;

9 (D) require the entity to share revenue so
10 as to provide for an equitable share of the rev-
11 enue received with the Secretary by the entity
12 from the sale of timing services to third parties,
13 taking into account the entity's capital invest-
14 ment and its costs to operate, maintain, and
15 upgrade the system;

16 (E) require the entity—

17 (i) to assume all financial risk for the
18 completion and operational capability of
19 the system, after the Secretary provides fa-
20 cilities necessary for the system under sub-
21 section (d); and

22 (ii) to furnish performance and pay-
23 ment bonds in connection with the system
24 in a reasonable amount as determined by
25 the Secretary; and

1 (F) require the entity to make any invest-
2 ments in technologies necessary over the life of
3 the agreement to meet future requirements for
4 advanced timing resiliency.

5 (2) COMPETITION REQUIRED.—The Secretary
6 shall use competitive procedures similar to those au-
7 thorized under section 2667 of title 10, United
8 States Code, in selecting an entity to enter into a co-
9 operative agreement pursuant to this subsection.

10 (3) AUTHORIZATION TO PURCHASE SERV-
11 ICES.—The Secretary may, subject to the availability
12 of appropriations, purchase timing system services
13 from the entity, once the system achieves operational
14 status, for use by the Department of Transportation
15 and for provision to other Federal and non-Federal
16 agencies as described in this section. The costs of
17 such services may be offset, in whole or in part, pur-
18 suant to the revenue sharing provision required by
19 paragraph (1)(D).

20 (4) DETERMINATION.—The Secretary may not
21 enter into a cooperative agreement under this sub-
22 section unless the Secretary determines that the
23 agreement is in the best financial interest of the
24 Federal Government. The Secretary shall notify the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Trans-
2 portation and Infrastructure of the House of Rep-
3 resentatives of such determination not later than 30
4 days after the date of the determination.

5 (5) DEFINITION.—In this subsection the term
6 “entity” means a non-Federal entity with the dem-
7 onstrated technical expertise and requisite adminis-
8 trative and financial resources to meet any terms
9 and conditions established by the Secretary for pur-
10 poses of this subsection.

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