

**H.R.6395 — 116th Congress (2019-2020)**  
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GPS/Ligado-related provisions

**Subtitle E—Matters Relating to Certain  
Commercial Terrestrial Operations**

**SEC. 1661. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN  
PURPOSES RELATING TO THE GLOBAL POSITIONING  
SYSTEM.**

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 or any subsequent fiscal year for the Department of Defense may be obligated or expended to

retrofit any Global Positioning System device or system, or network that uses the Global Positioning System, in order to mitigate harmful interference from commercial terrestrial operations using the 1526–1536 megahertz band, the 1627.5–1637.5 megahertz band, or the 1646.5–1656.5 megahertz band.

(b) **ACTIONS NOT PROHIBITED.**—The prohibition in subsection (a) shall not apply to any action taken by the Secretary of Defense relating to—

- (1) conducting technical or information exchanges with the entity that operates the commercial terrestrial operations in the megahertz bands specified in such subsection;
- (2) seeking compensation for harmful interference from such entity; or
- (3) Global Positioning System receiver upgrades needed to address other resiliency requirements.

**SEC. 1662. LIMITATION ON AWARDING CONTRACTS TO ENTITIES OPERATING COMMERCIAL TERRESTRIAL COMMUNICATION NETWORKS THAT CAUSE HARMFUL INTERFERENCE WITH THE GLOBAL POSITIONING SYSTEM.**

The Secretary of Defense may not enter into a contract, or extend or renew a contract, with an entity that engages in commercial terrestrial operations using the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band unless the Secretary has certified to the congressional defense committees that such operations do not cause harmful interference to a Global Positioning System device of the Department of Defense.

**SEC. 1663. INDEPENDENT TECHNICAL REVIEW OF FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.**

(a) **AGREEMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies to perform the services covered by this section.

(2) **TIMING.**—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) **INDEPENDENT TECHNICAL REVIEW.**—

(1) **IN GENERAL.**—Under an agreement between the Secretary and the National Academies under subsection (a), the National Academies shall carry out an independent technical review of the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), to the extent that such Order and Authorization affects the devices, operations, or activities of the Department of Defense.

(2) **ELEMENTS.**—The independent technical review carried out under paragraph (1) shall include the following:

(A) Comparison of the two different approaches on which the Commission relied for the Order and Authorization described in paragraph (1) to evaluate the potential harmful interference concerns relating to Global Positioning System devices, with a recommendation on which method most effectively mitigates risks of harmful interference with Global Positioning System devices of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(B) Assessment of the potential for harmful interference to mobile satellite services, including commercial services and Global Positioning System services of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(C) Review of the feasibility, practicality, and effectiveness of the proposed mitigation measures relating to, or with the potential to affect, the devices, operations, or activities of the Department.

(D) Development of recommendations associated with the findings of the National Academies in carrying out the independent technical review.

(E) Such other matters as the National Academies determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies under subsection (a), the National Academies, not later than 270 days after the date of the execution of such agreement, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the National Academies with respect to the independent technical review carried out under subsection (b) and the recommendations developed pursuant to such review.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified format, but may include a classified annex.

**SEC. 1664. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20-48.**

(a) LIMITATION, ESTIMATE, AND CERTIFICATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 may be obligated or expended by the Secretary of Defense to comply with the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20-48), until the Secretary—

(1) submits to the congressional defense committees an estimate of the extent of covered costs and the range of eligible reimbursable costs associated with harmful interference resulting from such Order and Authorization to the Global Positioning System of the Department of Defense; and

(2) certifies to the congressional defense committees that the estimate submitted under paragraph (1) is accurate with a high degree of certainty.

(b) COVERED COSTS.—For purposes of this section, covered costs include costs that would be incurred—

(1) to upgrade, repair, or replace potentially affected receivers of the Federal Government;

(2) to modify, repair, or replace equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to the underlying platform or system in which a capability of the Global Positioning System is embedded; and

(3) for personnel of the Department to engineer, validate, and verify that any required remediation provides the Department with the same operational capability for the affected system prior to terrestrial operation in the 1525 to 1559 megahertz or 1626.5 to 1660.5 megahertz bands of electromagnetic spectrum.

(c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—For purposes of this section, the range of eligible reimbursable costs includes—

(1) costs associated with engineering, equipment, software, site acquisition, and construction;

(2) any transaction expense that the Secretary determines is legitimate and prudent;

(3) costs relating to term-limited Federal civil servant and contractor staff; and

(4) the costs of research, engineering studies, or other expenses the Secretary determines reasonably incurred.

## Subtitle F—Other Matters

### SEC. 1671. CONVENTIONAL PROMPT STRIKE.

(a) INTEGRATION.—Section 1697(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1791) is amended by adding at the end the following new sentence: “The Secretary shall initiate efforts to integrate such technologies to DDG–1000 class destroyers during fiscal year 2021.”

(b) REPORT ON STRATEGIC HYPERSONIC WEAPONS.—

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff, in coordination with the Under Secretary of Defense for Policy, shall submit to the congressional defense committees a report on strategic hypersonic weapons.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A discussion of the authority and policy processes to use hypersonic weapons and if, and how, such authorities would be delegated to the commanders of the combatant commands or to the Chiefs of the Armed Forces.

(B) How escalation risks will be addressed with regards to the use of strategic hypersonic weapons, including—

(i) whether any risk escalation exercises have been conducted or are planned for the potential use of hypersonic weapons; and

(ii) an analysis of the escalation risks posed by foreign hypersonic systems that are potentially nuclear and conventional dual-use capable weapons.

(C) The potential target sets for hypersonic weapons envisioned as of the date of the report and the required mission planning to support targeting by the United States Strategic Command and other combatant commands.

(D) Identification of the process for the Department of Defense to establish targeting and release authority for conventional prompt strike hypersonic weapons.

(E) A description of how the requirements for land- and sea-based hypersonic weapons will be addressed with the Joint Requirements Oversight Council, and how such requirements will be formally provided to the military