

# United States Senate

WASHINGTON, DC 20510

September 10, 2019

The Honorable Elaine Chao  
Secretary  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Chao,

We write regarding the National Timing Resilience and Security Act (hereinafter “the Act”), which was signed into law on December 4, 2018, as part of the Frank LoBiondo Coast Guard Authorization Act of 2018 (P.L. 115-282). As the co-authors of this important piece of legislation, we have a significant interest in ensuring the Department of Transportation (DOT) successfully commences operation of a backup system for Global Positioning System (GPS) satellites by the statutorily defined deadline of December 4, 2020. Based on actions to date, however, we are concerned DOT is not currently on a path to do so.

As you know, the precise timing provided by GPS forms the backbone of the nation’s banking, communications, utility, and transportation sectors, and plays a pivotal role in our national security. The Act recognizes both the necessity and vulnerability of the GPS system, and addresses these issues by directing DOT to provide for the establishment and sustained operation of a land-based, resilient and reliable alternative timing system to GPS satellites. In the event that GPS signals are corrupted, degraded, or otherwise unavailable, this alternative system will provide uncorrupted and non-degraded timing signals for military and civilian users.

To ensure the timely implementation and operability of the backup system, the Act set specific statutory deadlines for DOT, the first of which required, within 180 days of enactment, both the establishment of requirements for the procurement of a backup system and the submission of an implementation plan to Congress for said backup system. Unfortunately, more than three months after that June 2, 2019 deadline, neither the requirements have been developed nor the implementation plan submitted to Congress. We are becoming increasingly concerned that DOT is not treating the implementation of the Act with the urgency required of a critical economic and national security matter.

Given DOT’s failure to comply with the statutory deadlines and our concern for how this will impact the overall implementation schedule, please provide answers to the following questions not later than **September 24, 2019**.

1. Why did DOT fail to meet the June 2, 2019 statutory deadline for establishing requirements for the procurement of the system, as required by Section 2, subsection (b)

of the Act, and by what date does DOT expect to achieve compliance with this requirement?

2. Why did DOT fail to meet the June 2, 2019 statutory deadline for submitting the implementation plan, as required by Section 2, subsection (c) of the Act, and by what date will DOT submit the implementation plan required under this subsection?
3. Has the failure to adhere to the statutory deadlines set forth in the Act adversely affected the implementation of the Act? If so, how?
4. As of the date of this letter, what steps has DOT taken to implement the Act, and what is DOT's proposed timeline for full implementation the Act? Please list all significant actions to date and anticipated future actions, including Requests for Information (RFIs), Requests for Proposals (RFPs), demonstration projects, and the dates or expected date or date ranges of such actions.

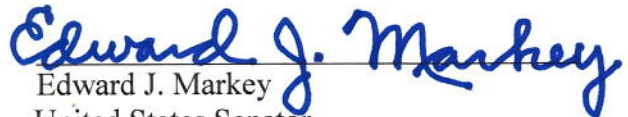
Thank you for your cooperation in addressing this critical issue. Please contact Duncan Rankin at 202-224-5922, and Eric Kashdan at 202-224-2742 with any questions regarding this request.

Sincerely,



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Ted Cruz  
United States Senator



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Edward J. Markey  
United States Senator