

Sec.	
1302.	Advanced telecommunications incentives.
1303.	Improving Federal data on broadband.
1304.	Encouraging State initiatives to improve broadband.
1305.	Broadband Technology Opportunities Program.
1306.	Connecting minority communities.
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1308.	Interagency agreement.

§ 1301. Findings

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

(Pub. L. 110-385, title I, §102, Oct. 10, 2008, 122 Stat. 4096.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 110-385, title I, §101, Oct. 10, 2008, 122 Stat. 4096, provided that: "This title [enacting this chapter and amending section 1302 of this title] may be cited as the 'Broadband Data Improvement Act'."

BENEFIT FOR BROADBAND SERVICE DURING EMERGENCY PERIOD RELATING TO COVID-19

Pub. L. 116-260, div. N, title IX, §904, Dec. 27, 2020, 134 Stat. 2129, provided that:

"(a) DEFINITIONS.—In this section:

"(1) BROADBAND INTERNET ACCESS SERVICE.—The term 'broadband internet access service' has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

"(2) BROADBAND PROVIDER.—The term 'broadband provider' means a provider of broadband internet access service.

"(3) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

"(4) CONNECTED DEVICE.—The term 'connected device' means a laptop or desktop computer or a tablet.

"(5) DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.—The term 'designated as an eligible telecommunications carrier', with respect to a broadband provider, means the broadband provider is designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

"(6) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means, regardless of whether the household or any member of the household receives support

under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a broadband provider, a household in which—

"(A) at least one member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

"(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(C) at least one member of the household has experienced a substantial loss of income since February 29, 2020, that is documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation or that is otherwise verifiable through the National Verifier or National Lifeline Accountability Database;

"(D) at least one member of the household has received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) in the current award year, if such award is verifiable through the National Verifier or National Lifeline Accountability Database or the participating provider verifies eligibility under subsection (a)(2)(B); or

"(E) at least one member of the household meets the eligibility criteria for a participating provider's existing low-income or COVID-19 program, subject to the requirements of subsection (a)(2)(B) and any other eligibility requirements the Commission may consider necessary for the public interest.

"(7) EMERGENCY BROADBAND BENEFIT.—The term 'emergency broadband benefit' means a monthly discount for an eligible household applied to the actual amount charged to such household, which shall be no more than the standard rate for an internet service offering and associated equipment, in an amount equal to such amount charged, but not more than \$50, or, if an internet service offering is provided to an eligible household on Tribal land, not more than \$75.

"(8) EMERGENCY PERIOD.—The term 'emergency period' means the period that—

"(A) begins on the date of the enactment of this Act [Dec. 27, 2020]; and

"(B) ends on the date that is 6 months after the date on which the determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID-19, including any renewal thereof, terminates.

"(9) INTERNET SERVICE OFFERING.—The term 'internet service offering' means, with respect to a broadband provider, broadband internet access service provided by such provider to a household, offered in the same manner, and on the same terms, as described in any of such provider's offerings for broadband internet access service to such household, as on December 1, 2020.

"(10) NATIONAL LIFELINE ACCOUNTABILITY DATABASE.—The term 'National Lifeline Accountability Database' has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

"(11) NATIONAL VERIFIER.—The term 'National Verifier' has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation.

"(12) PARTICIPATING PROVIDER.—The term 'participating provider' means a broadband provider that—

"(A)(i) is designated as an eligible telecommunications carrier; or

"(ii) meets requirements established by the Commission for participation in the Emergency

Broadband Benefit Program and is approved by the Commission under subsection (d)(2); and

“(B) elects to participate in the Emergency Broadband Benefit Program.

“(13) STANDARD RATE.—The term ‘standard rate’ means the monthly retail rate for the applicable tier of broadband internet access service as of December 1, 2020, excluding any taxes or other governmental fees.

“(b) EMERGENCY BROADBAND BENEFIT PROGRAM.—

“(1) ESTABLISHMENT.—The Commission shall establish a program, to be known as the ‘Emergency Broadband Benefit Program’, under which the Commission shall, in accordance with this section, reimburse, using funds from the Emergency Broadband Connectivity Fund established in subsection (i), a participating provider for an emergency broadband benefit, or an emergency broadband benefit and a connected device, provided to an eligible household during the emergency period.

“(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a participating provider shall—

“(A) use the National Verifier or National Lifeline Accountability Database;

“(B) rely upon an alternative verification process of the participating provider, if—

“(i) the participating provider submits information as required by the Commission regarding the alternative verification process prior to seeking reimbursement; and

“(ii) not later than 7 days after receiving the information required under clause (i), the Commission—

“(I) determines that the alternative verification process will be sufficient to avoid waste, fraud, and abuse; and

“(II) notifies the participating provider of the determination under subclause (I); or

“(C) rely on a school to verify the eligibility of a household based on the participation of the household in the free and reduced price lunch program or the school breakfast program described in subsection (a)(6)(B).

“(3) USE OF NATIONAL VERIFIER AND NATIONAL LIFELINE ACCOUNTABILITY DATABASE.—The Commission shall—

“(A) expedite the ability of all participating providers to access the National Verifier and National Lifeline Accountability Database for purposes of determining whether a household is an eligible household, without regard to whether a participating provider is designated as an eligible telecommunications carrier; and

“(B) ensure that the National Verifier and National Lifeline Accountability Database approve an eligible household to receive the emergency broadband benefit not later than 2 days after the date of the submission of information necessary to determine if such household is an eligible household.

“(4) REIMBURSEMENT.—From the Emergency Broadband Connectivity Fund established in subsection (i), the Commission shall reimburse a participating provider in an amount equal to the emergency broadband benefit with respect to an eligible household that receives such benefit from such participating provider during the emergency period.

“(5) REIMBURSEMENT FOR CONNECTED DEVICE.—A participating provider that, during the emergency period, in addition to providing the emergency broadband benefit to an eligible household, supplies such household with a connected device may be reimbursed up to \$100 from the Emergency Broadband Connectivity Fund established in subsection (i) for such connected device, if the charge to such eligible household is more than \$10 but less than \$50 for such connected device, except that a participating provider may receive reimbursement for no more than 1 connected device per eligible household.

“(6) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4) or (5), a participating provider shall certify to the Commission the following:

“(A) That the amount for which the participating provider is seeking reimbursement from the Emergency Broadband Connectivity Fund established in subsection (i) for providing an internet service offering to an eligible household is not more than the standard rate.

“(B) That each eligible household for which the participating provider is seeking reimbursement for providing an internet service offering discounted by the emergency broadband benefit—

“(i) has not been and will not be charged—

“(I) for such offering, if the standard rate for such offering is less than or equal to the amount of the emergency broadband benefit for such household; or

“(II) more for such offering than the difference between the standard rate for such offering and the amount of the emergency broadband benefit for such household;

“(ii) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract;

“(iii) was not, after the date of the enactment of this Act, subject to a mandatory waiting period for such internet service offering based on having previously received broadband internet access service from such participating provider; and

“(iv) will otherwise be subject to the participating provider’s generally applicable terms and conditions as applied to other customers.

“(C) That each eligible household for which the participating provider is seeking reimbursement for supplying such household with a connected device has not been and will not be charged \$10 or less or \$50 or more for such device.

“(D) A description of the process used by the participating provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.

“(7) AUDIT REQUIREMENTS.—The Commission shall adopt audit requirements to ensure that participating providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the Emergency Broadband Benefit Program. A finding of waste, fraud, or abuse or an improper payment (as such term is defined in [former] section 2(d) of the Improper Payments Information Act of 2002 [Pub. L. 107–300] ([former] 31 U.S.C. 3321 note [see now 31 U.S.C. 3351(4)])) identified by the Commission or the Inspector General of the Commission shall include the following:

“(A) The name of the participating provider.

“(B) The amount of funding made available from the Emergency Broadband Connectivity Fund to the participating provider.

“(C) The amount of funding determined to be an improper payment to a participating provider.

“(D) A description of to what extent funding made available from the Emergency Broadband Connectivity Fund that was an improper payment was used for a reimbursement for a connected device or a reimbursement for an internet service offering.

“(E) Whether, in the case of a connected device, such device, or the value thereof, has been recovered.

“(F) Whether any funding from the Emergency Broadband Connectivity Fund was made available to a participating provider for an emergency broadband benefit for a person outside the eligible household.

“(G) Whether any funding from the Emergency Broadband Connectivity Fund was made available

to reimburse a participating provider for an emergency broadband benefit made available to an eligible household in which all members of such household necessary to satisfy the eligibility requirements described in subsection (a)(6) were deceased.

“(8) RANDOM AUDIT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Commission shall conduct an audit of a representative sample of participating providers receiving reimbursements under the Emergency Broadband Benefit Program.

“(9) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after a finding made by the Commission under the requirements of paragraph (7), the Commission shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with any information described in such paragraph that the Commission has obtained.

“(10) EXPIRATION OF PROGRAM.—At the conclusion of the Emergency Broadband Benefit Program, any participating eligible households shall be subject to a participating provider’s generally applicable terms and conditions.

“(c) REGULATIONS REQUIRED.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 27, 2020], the Commission shall promulgate regulations to implement this section.

“(2) COMMENT PERIODS.—As part of the rulemaking under paragraph (1), the Commission shall—

“(A) provide a 20-day public comment period that begins not later than 5 days after the date of the enactment of this Act;

“(B) provide a 20-day public reply comment period that immediately follows the period under subparagraph (A); and

“(C) during the comment periods under subparagraphs (A) and (B), seek comment on—

“(i) the provision of assistance from the Emergency Broadband Connectivity Fund established in subsection (i) consistent with this section; and

“(ii) other related matters.

“(d) ELIGIBILITY OF PROVIDERS.—

“(1) RELATION TO ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION.—The Commission may not require a broadband provider to be designated as an eligible telecommunications carrier in order to be a participating provider.

“(2) EXPEDITED APPROVAL PROCESS.—

“(A) IN GENERAL.—The Commission shall establish an expedited process by which the Commission approves as participating providers broadband providers that are not designated as eligible telecommunications carriers and elect to participate in the Emergency Broadband Benefit Program.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the Commission shall automatically approve as a participating provider a broadband provider that has an established program as of April 1, 2020, that is widely available and offers internet service offerings to eligible households and maintains verification processes that are sufficient to avoid fraud, waste, and abuse.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

“(f) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations, or any successor regulation, shall apply in whole or in part to the Emergency Broadband Benefit Program, shall not apply in whole or in part to such Program, or shall be modified in whole or in part for purposes of application to such Program.

“(g) ENFORCEMENT.—A violation of this section or a regulation promulgated under this section shall be

treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act. The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

“(h) EXEMPTIONS.—

“(1) CERTAIN RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (c) or a rulemaking proceeding to promulgate such a regulation.

“(2) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under the regulations required by subsection (c) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

“(i) EMERGENCY BROADBAND CONNECTIVITY FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Emergency Broadband Connectivity Fund.

“(2) APPROPRIATION.—There is appropriated to the Emergency Broadband Connectivity Fund, out of any money in the Treasury not otherwise appropriated, \$3,200,000,000 for fiscal year 2021, to remain available until expended.

“(3) USE OF FUNDS.—Amounts in the Emergency Broadband Connectivity Fund shall be available to the Commission for reimbursements to participating providers under this section, and the Commission may use not more than 2 percent of such amounts to administer the Emergency Broadband Benefit Program.

“(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Reimbursements provided under this section shall be provided from amounts made available under this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

“(5) USE OF UNIVERSAL SERVICE ADMINISTRATIVE COMPANY PERMITTED.—The Commission shall have the authority to avail itself of the services of the Universal Service Administrative Company to implement the Emergency Broadband Benefit Program, including developing and processing reimbursements and distributing funds to participating providers.

“(j) SAFE HARBOR.—The Commission may not enforce a violation of this section under section 501, 502, or 503 of the Communications Act of 1934 (47 U.S.C. 501; 502; 503), or any rules of the Commission promulgated under such sections of such Act, if a participating provider demonstrates to the Commission that such provider relied in good faith on information provided to such provider to make the verification required by subsection (b)(2).”

TRIBAL DIGITAL ACCESS

Pub. L. 115–141, div. P, title V, §508, Mar. 23, 2018, 132 Stat. 1095, provided that:

“(a) TRIBAL BROADBAND DATA REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Mar. 23, 2018], the Commission [Federal Communications Commission] shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating broadband coverage in Indian country (as defined in section 1151 of title 18, United States Code) and on land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

“(2) REQUIRED ASSESSMENTS.—The report required by paragraph (1) shall include the following:

“(A) An assessment of areas of Indian country (as so defined) and land held by a Native Corporation

pursuant to the Alaska Native Claims Settlement Act that have adequate broadband coverage.

“(B) An assessment of unserved areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

“(b) TRIBAL BROADBAND PROCEEDING.—Not later than 30 months after the date of the enactment of this Act, the Commission shall complete a proceeding to address the unserved areas identified in the report under subsection (a).”

Executive Documents

EX. ORD. NO. 13616. ACCELERATING BROADBAND INFRASTRUCTURE DEPLOYMENT

Ex. Ord. No. 13616, June 14, 2012, 77 F.R. 36903, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to facilitate broadband deployment on Federal lands, buildings, and rights of way, federally assisted highways, and tribal and individual Indian trust lands (tribal lands), particularly in underserved communities, it is hereby ordered as follows:

SECTION 1. Policy. Broadband access is essential to the Nation’s global competitiveness in the 21st century, driving job creation, promoting innovation, and expanding markets for American businesses. Broadband access also affords public safety agencies the opportunity for greater levels of effectiveness and interoperability. While broadband infrastructure has been deployed in a vast majority of communities across the country, today too many areas still lack adequate access to this crucial resource. For these areas, decisions on access to Federal property and rights of way can be essential to the deployment of both wired and wireless broadband infrastructure. The Federal Government controls nearly 30 percent of all land in the United States, owns thousands of buildings, and provides substantial funding for State and local transportation infrastructure, creating significant opportunities for executive departments and agencies (agencies) to help expand broadband infrastructure.

SEC. 2. Broadband Deployment on Federal Property Working Group. (a) In order to ensure a coordinated and consistent approach in implementing agency procedures, requirements, and policies related to access to Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands to advance broadband deployment, there is established a Broadband Deployment on Federal Property Working Group (Working Group), to be co-chaired by representatives designated by the Administrator of General Services and the Secretary of Homeland Security (Co-Chairs) from their respective agencies, in consultation with the Director of the Office of Science and Technology Policy (Director) and in coordination with the Chief Performance Officer (CPO).

(b) The Working Group shall be composed of:

(i) a representative from each of the following agencies, and the Co-Chairs, all of which have significant ownership of, or responsibility for managing, Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands (Broadband Member Agencies):

- (1) the Department of Defense;
- (2) the Department of the Interior;
- (3) the Department of Agriculture;
- (4) the Department of Commerce;
- (5) the Department of Transportation;
- (6) the Department of Veterans Affairs; and
- (7) the United States Postal Service;

(ii) a representative from each of the following agencies or offices, to provide advice and assistance:

- (1) the Federal Communications Commission;
- (2) the Council on Environmental Quality;
- (3) the Advisory Council on Historic Preservation;

and

(4) the National Security Staff; and

(iii) representatives from such other agencies or offices as the Co-Chairs may invite to participate.

(c) Within 1 year of the date of this order, the Working Group shall report to the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement, established pursuant to Executive Order 13604 of March 22, 2012 (Improving Performance of Federal Permitting and Review of Infrastructure Projects), on the progress that has been made in implementing the actions mandated by sections 3 through 5 of this order.

SEC. 3. Coordinating Consistent and Efficient Federal Broadband Procedures, Requirements, and Policies. (a) Each Broadband Member Agency, following coordination with other Broadband Member Agencies and interested non-member agencies, shall:

(i) develop and implement a strategy to facilitate the timely and efficient deployment of broadband facilities on Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands, that:

(1) ensures a consistent approach across the Federal Government that facilitates broadband deployment processes and decisions, including by: avoiding duplicative reviews; coordinating review processes; providing clear notice of all application and other requirements; ensuring consistent interpretation and application of all procedures, requirements, and policies; supporting decisions on deployment of broadband service to those living on tribal lands consistent with existing statutes, treaties, and trust responsibilities; and ensuring the public availability of current information on these matters;

(2) where beneficial and appropriate, includes procedures for coordination with State, local, and tribal governments, and other appropriate entities;

(3) is coordinated with appropriate external stakeholders, as determined by each Broadband Member Agency, prior to implementation; and

(4) is provided to the Co-Chairs within 180 days of the date of this order; and

(ii) provide comprehensive and current information on accessing Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands for the deployment of broadband facilities, and develop strategies to increase the usefulness and accessibility of this information, including ensuring such information is available online and in a format that is compatible with appropriate Government websites, such as the Federal Infrastructure Projects Dashboard created pursuant to my memorandum of August 31, 2011 (Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review).

(b) The activities conducted pursuant to subsection (a) of this section, particularly with respect to the establishment of timelines for permitting and review processes, shall be consistent with Executive Order 13604 and with the Federal Plan and Agency Plans to be developed pursuant to that order.

(c) The Co-Chairs, in consultation with the Director and in coordination with the CPO, shall coordinate, review, and monitor the development and implementation of the strategies required by paragraph (a)(i) of this section.

(d) Broadband Member Agencies may limit the information made available pursuant to paragraph (a)(ii) of this section as appropriate to accommodate national security, public safety, and privacy concerns.

SEC. 4. Contracts, Applications, and Permits. (a) Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96) contains provisions addressing access to Federal property for the deployment of wireless broadband facilities, including requirements that the General Services Administration (GSA) develop application forms, master contracts, and fees for such access. The GSA shall consult with the Working Group in developing these application forms, master contracts, and fees.

(b) To the extent not already addressed by section 6409, each Broadband Member Agency with responsi-

bility for managing Federal lands, buildings, or rights of way (as determined by the Co-Chairs) shall, in coordination with the Working Group and within 1 year of the date of this order, develop and use one or more templates for uniform contract, application, and permit terms to facilitate nongovernment entities' use of Federal property for the deployment of broadband facilities. The templates shall, where appropriate, allow for access by multiple broadband service providers and public safety entities. To ensure a consistent approach across the Federal Government and different broadband technologies, the templates shall, to the extent practicable and efficient, provide equal access to Federal property for the deployment of wireline and wireless facilities.

SEC. 5. *Deployment of Conduit for Broadband Facilities in Conjunction with Federal or Federally Assisted Highway Construction.* (a) The installation of underground fiber conduit along highway and roadway rights of way can improve traffic flow and safety through implementation of intelligent transportation systems (ITS) and reduce the cost of future broadband deployment. Accordingly, within 1 year of the date of this order:

(i) the Department of Transportation, in consultation with the Working Group, shall review dig once requirements in its existing programs and implement a flexible set of best practices that can accommodate changes in broadband technology and minimize excavations consistent with competitive broadband deployment;

(ii) the Department of Transportation shall work with State and local governments to help them develop and implement best practices on such matters as establishing dig once requirements, effectively using private investment in State ITS infrastructure, determining fair market value for rights of way on federally assisted highways, and reestablishing any highway assets disturbed by installation;

(iii) the Department of the Interior and other Broadband Member Agencies with responsibility for federally owned highways and rights of way on tribal lands (as determined by the Co-Chairs) shall revise their procedures, requirements, and policies to include the use of dig once requirements and similar policies to encourage the deployment of broadband infrastructure in conjunction with Federal highway construction, as well as to provide for the reestablishment of any highway assets disturbed by installation;

(iv) the Department of Transportation, after outreach to relevant nonfederal stakeholders, shall review and, if necessary, revise its guidance to State departments of transportation on allowing for-profit or other entities to accommodate or construct, safely and securely maintain, and utilize broadband facilities on State and locally owned rights of way in order to reflect changes in broadband technologies and markets and to promote competitive broadband infrastructure deployment; and

(v) the Department of Transportation, in consultation with the Working Group and the American Association of State Highway and Transportation Officials, shall create an online platform that States and counties may use to aggregate and make publicly available their rights of way laws and joint occupancy guidelines and agreements.

(b) For the purposes of this section, the term "dig once requirements" means requirements designed to reduce the number and scale of repeated excavations for the installation and maintenance of broadband facilities in rights of way.

SEC. 6. *General Provisions.* (a) This order shall be implemented consistent with all applicable laws, treaties, and trust obligations, and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) Independent agencies are strongly encouraged to comply with this order.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

[Reference to the National Security Staff deemed to be a reference to the National Security Council Staff, see Ex. Ord. No. 13657, set out as a note under section 3021 of Title 50, War and National Defense.]

EX. ORD. NO. 13821. STREAMLINING AND EXPEDITING REQUESTS TO LOCATE BROADBAND FACILITIES IN RURAL AMERICA

Ex. Ord. No. 13821, Jan. 8, 2018, 83 F.R. 1507, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote better access to broadband internet service in rural America, it is hereby ordered as follows:

SECTION 1. *Policy.* Americans need access to reliable, affordable broadband internet service to succeed in today's information-driven, global economy. Currently, too many American citizens and businesses still lack access to this basic tool of modern economic connectivity. This problem is particularly acute in rural America, and it hinders the ability of rural American communities to increase economic prosperity; attract new businesses; enhance job growth; extend the reach of affordable, high-quality healthcare; enrich student learning with digital tools; and facilitate access to the digital marketplace.

It shall therefore be the policy of the executive branch to use all viable tools to accelerate the deployment and adoption of affordable, reliable, modern high-speed broadband connectivity in rural America, including rural homes, farms, small businesses, manufacturing and production sites, tribal communities, transportation systems, and healthcare and education facilities.

To implement this policy and enable sustainable rural broadband infrastructure projects, executive departments and agencies (agencies) should seek to reduce barriers to capital investment, remove obstacles to broadband services, and more efficiently employ Government resources.

Among other actions, the executive branch will continue its implementation of section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96) [47 U.S.C. 1455] ("section 6409"), which requires, among other things, that the General Services Administration (GSA) develop a common form and master contract for wireless facility sitings on buildings and other property owned by the Federal Government. These documents enable the Federal Government to process wireless facility siting requests more efficiently and will also provide additional predictability regarding the availability of locations for asset installation to installers of wireless broadband facilities.

SEC. 2. *Reviewing Requests to Locate Broadband Facilities on Federal Real Property.* (a) Within 180 days of the date of this order, the Administrator of General Services (Administrator), in coordination with the heads of Federal property managing agencies, shall evaluate the effectiveness of the GSA Common Form Application for use in streamlining and expediting the processing and review of requests to locate broadband facilities on Federal real property.

(b) As part of this evaluation, the Administrator shall determine whether any revisions to the GSA Common Form Application are appropriate and, to the extent consistent with law, shall begin implementation of any such revisions.

(c) In furtherance of section 6409, all applicants and Federal property managing agencies shall use the GSA Common Form Application for wireless service antenna structure siting developed by the Administrator for requests to locate broadband facilities on Federal property. Federal property managing agencies shall expedi-

tiously review and approve such requests unless an approval would negatively affect performance of the agency's mission or otherwise not be in the best interests of the United States.

(d) Within 180 days of the date of this order, and on a quarterly basis thereafter, all Federal property managing agencies shall report to the GSA regarding their required use of the Common Form Application, the number of Common Form Applications received, the percentage approved, the percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected. Each report shall include the number of applications received, approved, and rejected within the preceding quarter.

(e) Ninety days after the date of this order, and on a quarterly basis thereafter, the Administrator shall prepare and provide to the Director of the Office of Management and Budget (Director) an aggregated summary report detailing results from the reports submitted under subsection (d) of this section. Not later than 1 year from the date of this order, the Administrator shall recommend to the Director improvements to the Common Form Application needed to further the purposes of this order.

SEC. 3. *Definitions.* As used in this order:

(a) The term "Federal property managing agencies" means agencies that have custody and control of, or responsibility for managing, Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands.

(b) The term "Federal real property" has the same meaning as that term has in Executive Order 13327 of February 4, 2004 (Federal Real Property Asset Management) [40 U.S.C. 121 note].

SEC. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

UNLEASHING THE WIRELESS BROADBAND REVOLUTION

Memorandum of President of the United States, June 28, 2010, 75 F.R. 38387, which related to making available 500 MHz of Federal and nonfederal spectrum suitable for mobile and fixed wireless broadband use, was revoked by section 6(e) of Memorandum of President of the United States, Oct. 25, 2018, 83 F.R. 54515, set out as a note under section 901 of this title.

EXPANDING AMERICA'S LEADERSHIP IN WIRELESS INNOVATION

Memorandum of President of the United States, June 14, 2013, 78 F.R. 37431, which related to shared access to spectrum previously allocated exclusively for Federal use, was revoked by section 6(e) of Memorandum of President of the United States, Oct. 25, 2018, 83 F.R. 54515, set out as a note under section 901 of this title.

SUPPORTING BROADBAND TOWER FACILITIES IN RURAL AMERICA ON FEDERAL PROPERTIES MANAGED BY THE DEPARTMENT OF THE INTERIOR

Memorandum of President of the United States, Jan. 8, 2018, 83 F.R. 1511, provided:

Memorandum for the Secretary of the Interior

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* It is the policy of the executive branch to use all viable tools to accelerate the deploy-

ment and adoption of affordable, reliable, modern high-speed broadband connectivity in rural America, including rural homes, farms, small businesses, manufacturing and production sites, tribal communities, transportation systems, and healthcare and education facilities. Lowering the costs of broadband deployment to rural areas can strengthen the business case for broadband facilities deployment and therefore amplify investments in broadband infrastructure. To that end, the executive branch will seek to make Federal assets more available for rural broadband deployment, with due consideration of national security concerns.

SEC. 2. *Supporting Broadband Deployment.* (a) The Secretary of the Interior (Secretary) shall develop a plan to support rural broadband development and adoption by increasing access to tower facilities and other infrastructure assets managed by the Department of the Interior (DOI), consistent with applicable law and to the extent practicable. DOI shall draft model terms and conditions for use in securing tower facilities and other infrastructure assets for broadband deployment.

(b) Within 180 days of the date of this memorandum, the Secretary shall report to the Director of the Office of Science and Technology Policy recording DOI's progress in identifying the assets that can be used to support rural broadband deployment and adoption.

SEC. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 1302. Advanced telecommunications incentives

(a) In general

The Commission and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.

(b) Inquiry

The Commission shall, within 30 months after February 8, 1996, and annually thereafter, initiate a notice of inquiry concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) and shall complete the inquiry within 180 days after its initiation. In the inquiry, the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. If the Commission's determination is negative, it shall take immediate action