

(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to making available 500 MHz of Federal and nonfederal spectrum suitable for mobile and fixed wireless broadband use, was revoked by section 6(e) of Memorandum of President of the United States, Oct. 25, 2018, 83 F.R. 54515, set out as a note under section 901 of this title.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14, 2013, 78 F.R. 37431, which related to shared access to spectrum previously allocated exclusively for Federal use, was revoked by section 6(e) of Memorandum of President of the United States, Oct. 25, 2018, 83 F.R. 54515, set out as a note under section 901 of this title.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 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. 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 proce-

dural, 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 to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.

(c) Demographic information for unserved areas

As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by subsection (d)(1))¹ and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

- (1) the population;
- (2) the population density; and
- (3) the average per capita income.

(d) Definitions

For purposes of this subsection:²

(1) Advanced telecommunications capability

The term "advanced telecommunications capability" is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.

(2) Elementary and secondary schools

The term "elementary and secondary schools" means elementary and secondary schools, as defined in section 7801 of title 20.

¹ See References in Text note below.

² So in original. Probably should be "section:".

(Pub. L. 104–104, title VII, §706, Feb. 8, 1996, 110 Stat. 153; Pub. L. 107–110, title X, §1076(gg), Jan. 8, 2002, 115 Stat. 2093; Pub. L. 110–385, title I, §103(a), Oct. 10, 2008, 122 Stat. 4096; Pub. L. 114–95, title IX, §9215(ttt), Dec. 10, 2015, 129 Stat. 2190.)

Editorial Notes

REFERENCES IN TEXT

Subsection (d)(1), referred to in subsec. (c), was in the original “section 706(c)(1) of the Telecommunications Act of 1996” and was translated as reading “section 706(d)(1) of the Telecommunications Act of 1996”, which is classified to subsection (d)(1) of this section, to reflect the probable intent of Congress and the redesignation of subsec. (c) as (d) by Pub. L. 110–385, title I, §103(a)(2), Oct. 10, 2008, 122 Stat. 4096.

CODIFICATION

Section was formerly set out as a note under section 157 of this title.

Section was enacted as part of the Telecommunications Act of 1996, and not as part of the Broadband Data Improvement Act which comprises this chapter.

AMENDMENTS

2015—Subsec. (d)(2). Pub. L. 114–95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

2008—Subsec. (b). Pub. L. 110–385, §103(a)(1), substituted “annually” for “regularly”.

Subsecs. (c), (d). Pub. L. 110–385, §103(a)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

2002—Subsec. (c)(2). Pub. L. 107–110 substituted “section 7801 of title 20” for “paragraphs (14) and (25), respectively, of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

DEFINITIONS

For definitions of terms used in this section, see section 3(b) of Pub. L. 104–104, set out as a Common Terminology note under section 153 of this title.

§ 1303. Improving Federal data on broadband

(a) Omitted

(b) International comparison

(1) In general

As part of its report under section 163 of this title, the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) Contents

The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) Similarities and differences

The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) Consumer survey of broadband service capability

(1) In general

For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

(G) any other information the Commission deems appropriate for such purpose.

(2) Public availability

The Commission shall make publicly available the results of surveys conducted under this subsection at least once per year.

(d) Improving Census data on broadband

The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit