

(5) prohibit the use of automatic dialing or “robocall” equipment to establish contact with registered numbers.

(c) Enforcement

The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than \$100,000 per incident nor more than \$1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than \$10,000 per call nor more than \$100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

(Pub. L. 112–96, title VI, §6507, Feb. 22, 2012, 126 Stat. 243.)

CHAPTER 14—MAKING OPPORTUNITIES FOR BROADBAND INVESTMENT AND LIMITING EXCESSIVE AND NEEDLESS OBSTACLES TO WIRELESS

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§ 1501. Definitions

In this chapter:

(1) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

(2) Commission

The term “Commission” means the Federal Communications Commission.

(3) Federal entity

The term “Federal entity” has the meaning given the term in section 923(l) of this title.

(4) NTIA

The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.

(5) OMB

The term “OMB” means the Office of Management and Budget.

(6) Secretary

The term “Secretary” means the Secretary of Commerce.

(Pub. L. 115–141, div. P, title VI, §602, Mar. 23, 2018, 132 Stat. 1097.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VI of div. P of Pub. L. 115–141, Mar. 23, 2018, 132 Stat. 1097, which is classified principally to this chapter. For complete classification of title VI to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 115–141, div. P, title VI, §601, Mar. 23, 2018, 132 Stat. 1097, provided that: “This title [enacting this chapter, amending sections 928 and 1455 of this title, enacting provisions set out as notes under section 1455 of this title, and enacting and amending provisions set out as as notes under section 1303 of Title 40, Public Buildings, Property, and Works] may be cited as the ‘Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act’ or the ‘MOBILE NOW Act.’”

§ 1502. Identifying 255 megahertz

(a) Requirements

(1) In general

Not later than December 31, 2022, the Secretary, working through the NTIA, and the Commission shall identify a total of at least 255 megahertz of Federal and non-Federal spectrum for mobile and fixed wireless broadband use.

(2) Unlicensed and licensed use

Of the spectrum identified under paragraph (1), not less than—

(A) 100 megahertz below the frequency of 8000 megahertz shall be identified for use on an unlicensed basis;

(B) 100 megahertz below the frequency of 6000 megahertz shall be identified for use on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission’s authority to implement such licensing in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 923(h) of this title for those incumbent entities to be relocated to alternate spectrum; and

(C) 55 megahertz below the frequency of 8000 megahertz shall be identified for use on either a licensed or unlicensed basis, or a combination of licensed and unlicensed.

(3) Non-eligible spectrum

For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1755 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3550 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before March 23, 2018.

(4) Treatment of certain other spectrum

Spectrum identified pursuant to this section may include eligible spectrum, if any, identified after March 23, 2018, pursuant to title X of the Bipartisan Budget Act of 2015 (Public Law 114-74).

(5) Spectrum made available on and after February 11, 2016

Any spectrum that has been made available for licensed or unlicensed use on and after February 11, 2016, and that otherwise satisfies the requirements of this section may be counted towards the requirements of this subsection.

(6) Relocation prioritized over sharing

This section shall be carried out in accordance with section 923(j) of this title.

(7) Considerations

In identifying spectrum for use under this section, the Secretary, working through the NTIA, and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(b) Rules of construction

Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

(Pub. L. 115-141, div. P, title VI, §603, Mar. 23, 2018, 132 Stat. 1098.)

Editorial Notes

REFERENCES IN TEXT

The Bipartisan Budget Act of 2015, referred to in subsec. (a)(4), is Pub. L. 114-74, Nov. 2, 2015, 129 Stat. 584.

Title X of the Act, known as the Spectrum Pipeline Act of 2015, is title X of Pub. L. 114-74, Nov. 2, 2015, 129 Stat. 621. For complete classification of this Act to the Code, see Short Title of 2015 Amendment note set out under section 901 of this title and Tables.

Section 156 of the National Telecommunications and Information Administration Organization Act, as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, referred to in subsec. (b)(3), is section 156 of title I of Pub. L. 102-538, as added by Pub. L. 106-65, div. A, title X, §1062(a), Oct. 5, 1999, 113 Stat. 767, formerly set out as a note under section 921 of this title.

§ 1503. Millimeter wave spectrum

(a) FCC proceeding

Not later than 2 years after March 23, 2018, the Commission shall publish a notice of proposed rulemaking to consider service rules to authorize mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the radio frequency band between 42000 and 42500 megahertz.

(b) Considerations

In conducting a rulemaking under subsection (a), the Commission shall—

(1) consider how the band described in subsection (a) may be used to provide commercial wireless broadband service, including whether—

(A) such spectrum may be best used for licensed or unlicensed services, or some combination thereof; and

(B) to permit additional licensed operations in such band on a shared basis; and

(2) include technical characteristics under which the band described in subsection (a) may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

(c) Spectrum made available on and after February 11, 2016

Any spectrum that has been made available for licensed or unlicensed use on or after February 11, 2016, and that otherwise satisfies the requirements of section 1502 of this title may be counted towards the requirements of section 1502(a) of this title.

(Pub. L. 115-141, div. P, title VI, §604, Mar. 23, 2018, 132 Stat. 1099.)

§ 1504. Broadband infrastructure deployment

(a) Definitions

In this section:

(1) Appropriate State agency

The term “appropriate State agency” means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) Broadband infrastructure

The term “broadband infrastructure” means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.