

(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.

(3) Broadband infrastructure entity

The term “broadband infrastructure entity” means any entity that—

(A) installs, owns, or operates broadband infrastructure; and

(B) provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

(4) State

The term “State” means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(b) Broadband infrastructure deployment

To facilitate the installation of broadband infrastructure, the Secretary of Transportation shall promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23 meets the following requirements:

(1) Broadband consultation

The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure entities that seek to be included in those broadband infrastructure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) Priority

If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(c) Effect of section

This section applies only to activities for which Federal obligations or expenditures are initially approved on or after the date regulations under subsection (b) become effective.

Nothing in this section establishes a mandate or requirement that a State install or allow the installation of broadband infrastructure in a highway right-of-way. Nothing in this section authorizes the Secretary of Transportation to withhold or reserve funds or approval of a project under title 23.

(Pub. L. 115–141, div. P, title VI, § 607, Mar. 23, 2018, 132 Stat. 1104.)

§ 1505. Unlicensed services in guard bands**(a) In general**

After public notice and comment, and in consultation with the Assistant Secretary of Commerce for Communications and Information and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after March 23, 2018, by competitive bidding under section 309(j) of this title, including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) Limitation

The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

(c) Rule of construction

Nothing in this section shall be construed as limiting the Commission or the Assistant Secretary of Commerce for Communications and Information from otherwise making spectrum available for licensed or unlicensed use in any frequency band in addition to guard bands, including under section 1502 of this title, consistent with their statutory jurisdictions.

(Pub. L. 115–141, div. P, title VI, § 611, Mar. 23, 2018, 132 Stat. 1109.)

§ 1506. Rulemaking related to partitioning or disaggregating licenses**(a) Definitions**

In this section:

(1) Covered small carrier

The term “covered small carrier” means a carrier (as defined in section 153 of this title) that—

(A) has not more than 1,500 employees (as determined under section 121.106 of title 13, Code of Federal Regulations, or any successor thereto); and

(B) offers services using the facilities of the carrier.

(2) Rural area

The term “rural area” means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.