

ject to the approval of the Commission. The Managing Director, under the supervision and direction of the Chairman, shall perform such administrative and executive functions as the Chairman shall delegate. The Managing Director shall be paid at a rate equal to the rate then payable for level V of the Executive Schedule.

(June 19, 1934, ch. 652, title I, § 5, 48 Stat. 1068; July 16, 1952, ch. 879, § 4, 66 Stat. 712; Pub. L. 87-192, §§ 1, 2, Aug. 31, 1961, 75 Stat. 420; Pub. L. 96-470, title I, § 116, Oct. 19, 1980, 94 Stat. 2240; Pub. L. 97-35, title XII, § 1252, Aug. 13, 1981, 95 Stat. 738; Pub. L. 97-259, title I, § 105, Sept. 13, 1982, 96 Stat. 1091; Pub. L. 99-272, title V, § 5002(c), Apr. 7, 1986, 100 Stat. 118; Pub. L. 100-594, §§ 4, 8(a), Nov. 3, 1988, 102 Stat. 3021, 3023; Pub. L. 103-414, title III, § 303(a)(2), Oct. 25, 1994, 108 Stat. 4294; Pub. L. 104-104, title IV, § 403(c), Feb. 8, 1996, 110 Stat. 130.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (e), is set out in section 5316 of Title 5, Government Organization and Employees.

CODIFICATION

In subsec. (c)(1), (8), “adjudication (as defined in section 551 of title 5)” substituted for “adjudication (as defined in the Administrative Procedure Act)”, and in subsec. (c)(1) “section 556(b) of title 5” substituted for references to “section 7(a) of the Administrative Procedure Act”, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (c)(1). Pub. L. 104-104 inserted last sentence and struck out former last sentence which read as follows: “Nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in clauses (2) and (3) of section 556(b) of title 5, of any hearing to which such section 556(b) applies.”

1994—Subsecs. (e), (f). Pub. L. 103-414 redesignated subsec. (f) as (e).

1988—Subsec. (c)(1). Pub. L. 100-594, § 8(a), inserted “and except any action referred to in sections 204(a)(2), 208(b), and 405(b) of this title” after “and (6) of this subsection” in first sentence.

Subsec. (g). Pub. L. 100-594, § 4, struck out subsec. (g) which required an annual report to Congress and specified its contents.

1986—Subsec. (g). Pub. L. 99-272 substituted “March 31” for “January 31”.

1982—Subsec. (b). Pub. L. 97-259, § 105(a), substituted “From” for “Within six months after July 16, 1952, and from” at beginning of subsection, and struck out “thereafter” after “time to time”.

Subsecs. (c) to (e). Pub. L. 97-259, § 105(b), (c), redesignated subsecs. (d) and (e) as (c) and (d), respectively, and in par. (1) of subsec. (c), as so redesignated, substituted “two” for “three” after “employee board consisting of”.

1981—Subsecs. (f), (g). Pub. L. 97-35 added subsecs. (f) and (g).

1980—Subsec. (e). Pub. L. 96-470 struck out “; and the Commission shall promptly report to the Congress each such case which has been pending before it more than such three- or six-month period, respectively, stating the reasons therefor” after “hearing cases”.

1961—Subsec. (c). Pub. L. 87-192, § 1, repealed subsec. (c) which provided for establishment of review staff, its composition, responsibility and duties.

Subsec. (d)(1). Pub. L. 87-192, § 2, substituted provisions which authorized the delegation of functions by published rule or by order to a panel of commissioners,

and individual commissioner, an employee board, or an individual employee, and of review functions to an employee board of three or more employees, enumerated the functions to be delegated, with stated exceptions, and prescribed majority vote for order delegating review functions for former provision which authorized the assignment of reference of work, business or functions by order to an individual commissioner or commissioners or to a board of one or more employees and eliminated provision concerning force, effect and enforcement of orders, now incorporated in par. (3) of this subsection.

Subsec. (d)(2). Pub. L. 87-192, § 2, added par. (2). The subject matter was formerly covered by the introductory words of former par. (1) of this subsection which read “Except as provided in section 409 of this title.” Sentences 1 and 2 of former par. (2) redesignated pars. (4) and (6), respectively.

Subsec. (d)(3). Pub. L. 87-192, § 2, redesignated second sentence of former par. (1) as par. (3) and substituted therein “report, or action made or taken pursuant to any such delegation, unless reviewed as provided in paragraph (4), shall have” and “other actions” for “report made, or other action taken, pursuant to any such order of assignment or reference shall, unless reviewed pursuant to paragraph (2), have” and “action”, respectively. Former par. (3) redesignated (9).

Subsec. (d)(4). Pub. L. 87-192, § 2, redesignated first sentence of former par. (2) as par. (4), included “action” in enumeration, and inserted provision for review on initiative of the Commission.

Subsec. (d)(5). Pub. L. 87-192, § 2, added par. (5).

Subsec. (d)(6). Pub. L. 87-192, § 2, redesignated second sentence of former par. (2) as par. (6), inserting “for review” after “applications” and substituting “the Commission”, “the order”, “it may order” and “in accordance with” for “it”, “such order”, “may order” and “under”, respectively.

Subsec. (d)(7), (8). Pub. L. 87-192, § 2, added pars. (7) and (8).

Subsec. (d)(9). Pub. L. 87-192, § 2, redesignated former par. (3) as (9) and made it applicable to each panel of the Commission, each employee board instead of each board, and each individual employee.

1952—Act July 16, 1952, amended section generally to provide for the organization of the staff, integrated bureaus, and for a review staff.

§ 156. Authorization of appropriations

(a) There are authorized to be appropriated for the administration of this chapter by the Commission \$109,831,000 for fiscal year 1990 and \$119,831,000 for fiscal year 1991, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1990 and 1991.

(b) In addition to the amounts authorized to be appropriated under this section, not more than 4 percent of the amount of any fees or other charges payable to the United States which are collected by the Commission during fiscal year 1990 are authorized to be made available to the Commission until expended to defray the fully distributed costs of such fees collection.

(c) Of the amounts appropriated pursuant to subsection (a) of this section for fiscal year 1991, such sums as may be necessary not to exceed \$2,000,000 shall be expended for upgrading and modernizing equipment at the Commission’s electronic emissions test laboratory located in Laurel, Maryland.

(d) Of the sum appropriated in any fiscal year under this section, a portion, in an amount de-

terminated under section 159(b) of this title, shall be derived from fees authorized by section 159 of this title.

(June 19, 1934, ch. 652, title I, § 6, as added Pub. L. 97-35, title XII, § 1251(a), Aug. 13, 1981, 95 Stat. 738; amended Pub. L. 98-214, § 2(a), Dec. 8, 1983, 97 Stat. 1467; Pub. L. 99-272, title V, § 5002(a)(1), Apr. 7, 1986, 100 Stat. 117; Pub. L. 100-594, § 2(a), Nov. 3, 1988, 102 Stat. 3021; Pub. L. 101-396, § 2(a), Sept. 28, 1990, 104 Stat. 848; Pub. L. 103-66, title VI, § 6003(b), Aug. 10, 1993, 107 Stat. 401.)

AMENDMENTS

1993—Subsec. (d). Pub. L. 103-66 added subsec. (d).

1990—Pub. L. 101-396 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989.”

1988—Pub. L. 100-594 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$98,100,000 for fiscal year 1986 and \$97,600,000 for fiscal year 1987, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1986 and 1987.”

1986—Pub. L. 99-272 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$91,156,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1984 and 1985.”

1983—Pub. L. 98-214 substituted provisions authorizing appropriations of \$91,156,000 for each of the fiscal years 1984 and 1985 for provisions authorizing appropriations of \$76,900,000 for each of the fiscal years 1982 and 1983.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2(b) of Pub. L. 100-594 provided that: “The amendment made by subsection (a) of this section [amending this section] shall apply with respect to fiscal years beginning after September 30, 1987.”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 5002(a)(2) of Pub. L. 99-272 provided that: “The amendment made by paragraph (1) of this subsection [amending this section] shall apply with respect to fiscal years beginning after September 30, 1985.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2(b) of Pub. L. 98-214 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning after September 30, 1983.”

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 104-104, title VII, § 710(a), (b), Feb. 8, 1996, 110 Stat. 160, provided that:

“(a) IN GENERAL.—In addition to any other sums authorized by law, there are authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out this Act [see Short Title of 1996 Amendment note set out under section 609 of this title] and the amendments made by this Act.

“(b) EFFECT ON FEES.—For the purposes of section 9(b)(2) (47 U.S.C. 159(b)(2)), additional amounts appropriated pursuant to subsection (a) shall be construed to be changes in the amounts appropriated for the performance of activities described in section 9(a) of the Communications Act of 1934 [47 U.S.C. 159(a)].”

§ 157. New technologies and services

(a) It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this chapter shall have the burden to demonstrate that such proposal is inconsistent with the public interest.

(b) The Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within one year after such petition or application is filed. If the Commission initiates its own proceeding for a new technology or service, such proceeding shall be completed within 12 months after it is initiated.

(June 19, 1934, ch. 652, title I, § 7, as added Pub. L. 98-214, § 12, Dec. 8, 1983, 97 Stat. 1471; amended Pub. L. 103-414, title III, § 304(a)(1), Oct. 25, 1994, 108 Stat. 4296.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-414 struck out “or twelve months after December 8, 1983, if later” after “petition or application is filed” and after “12 months after it is initiated”.

ADVANCED TELECOMMUNICATIONS INCENTIVES

Pub. L. 104-104, title VII, § 706, Feb. 8, 1996, 110 Stat. 153, as amended by Pub. L. 107-110, title X, § 1076(gg), Jan. 8, 2002, 115 Stat. 2093, provided that:

“(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 the date of enactment of this Act [Feb. 8, 1996], and regularly 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) DEFINITIONS.—For purposes of this subsection:

“(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.