

“(e) Grants or agreements under this section shall be subject to prior appropriation Acts.”

#### EXPIRATION OF COMMISSIONERS' TERMS

Pub. L. 97-253, title V, §501(a), Sept. 8, 1982, 96 Stat. 805, provided that: “Upon expiration of the term of office as a member of the Federal Communications Commission, which is prescribed by law to occur on June 30, 1982, any member appointed to fill such office after such date shall be appointed for a term which ends on June 30, 1983, and such office shall be abolished on July 1, 1983. Upon expiration of the term of office as a member of such Commission, which—

“(1) is prescribed by law;

“(2) is in effect before the date of the enactment of this Act [Sept. 8, 1982]; and

“(3) is to occur on June 30, 1983;

no person shall be appointed to fill such office after such date, and such office shall be abolished on July 1, 1983.”

### § 155. Commission

#### (a) Chairman; duties; vacancy

The member of the Commission designated by the President as chairman shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the Commission, to represent the Commission in all matters relating to legislation and legislative reports, except that any commissioner may present his own or minority views or supplemental reports, to represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies, and generally to coordinate and organize the work of the Commission in such manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission. In the case of a vacancy in the office of the chairman of the Commission, or the absence or inability of the chairman to serve, the Commission may temporarily designate one of its members to act as chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected.

#### (b) Organization of staff

From time to time as the Commission may find necessary, the Commission shall organize its staff into (1) integrated bureaus, to function on the basis of the Commission's principal workload operations, and (2) such other divisional organizations as the Commission may deem necessary. Each such integrated bureau shall include such legal, engineering, accounting, administrative, clerical, and other personnel as the Commission may determine to be necessary to perform its functions.

#### (c) Delegation of functions; exceptions to initial orders; force, effect and enforcement of orders; administrative and judicial review; qualifications and compensation of delegates; assignment of cases; separation of review and investigative or prosecuting functions; secretary; seal

(1) When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by published rule or by order, delegate any of its functions (except functions granted to the Commission by this paragraph and by paragraphs (4),

(5), and (6) of this subsection and except any action referred to in sections 204(a)(2), 208(b), and 405(b) of this title) to a panel of commissioners, an individual commissioner, an employee board, or an individual employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter; except that in delegating review functions to employees in cases of adjudication (as defined in section 551 of title 5), the delegation in any such case may be made only to an employee board consisting of two or more employees referred to in paragraph (8) of this subsection. Any such rule or order may be adopted, amended, or rescinded only by a vote of a majority of the members of the Commission then holding office. Except for cases involving the authorization of service in the instructional television fixed service, or as otherwise provided in this chapter, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, of any hearing to which such section applies.

(2) As used in this subsection the term “order, decision, report, or action” does not include an initial, tentative, or recommended decision to which exceptions may be filed as provided in section 409(b) of this title.

(3) Any order, decision, report, or action made or taken pursuant to any such delegation, unless reviewed as provided in paragraph (4) of this subsection, shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as orders, decisions, reports, or other actions of the Commission.

(4) Any person aggrieved by any such order, decision, report or action may file an application for review by the Commission within such time and in such manner as the Commission shall prescribe, and every such application shall be passed upon by the Commission. The Commission, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine, any order, decision, report, or action made or taken pursuant to any delegation under paragraph (1) of this subsection.

(5) In passing upon applications for review, the Commission may grant, in whole or in part, or deny such applications without specifying any reasons therefor. No such application for review shall rely on questions of fact or law upon which the panel of commissioners, individual commissioner, employee board, or individual employee has been afforded no opportunity to pass.

(6) If the Commission grants the application for review, it may affirm, modify, or set aside the order, decision, report, or action, or it may order a rehearing upon such order, decision, report, or action in accordance with section 405 of this title.

(7) The filing of an application for review under this subsection shall be a condition precedent to judicial review of any order, decision, report, or action made or taken pursuant to a delegation under paragraph (1) of this subsection. The time within which a petition for review must be filed in a proceeding to which section 402(a) of this title applies, or within which

an appeal must be taken under section 402(b) of this title, shall be computed from the date upon which public notice is given of orders disposing of all applications for review filed in any case.

(8) The employees to whom the Commission may delegate review functions in any case of adjudication (as defined in section 551 of title 5) shall be qualified, by reason of their training, experience, and competence, to perform such review functions, and shall perform no duties inconsistent with such review functions. Such employees shall be in a grade classification or salary level commensurate with their important duties, and in no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed. In the performance of such review functions such employees shall be assigned to cases in rotation so far as practicable and shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency.

(9) The secretary and seal of the Commission shall be the secretary and seal of each panel of the Commission, each individual commissioner, and each employee board or individual employee exercising functions delegated pursuant to paragraph (1) of this subsection.

#### (d) Meetings

Meetings of the Commission shall be held at regular intervals, not less frequently than once each calendar month, at which times the functioning of the Commission and the handling of its work load shall be reviewed and such orders shall be entered and other action taken as may be necessary or appropriate to expedite the prompt and orderly conduct of the business of the Commission with the objective of rendering a final decision (1) within three months from the date of filing in all original application, renewal, and transfer cases in which it will not be necessary to hold a hearing, and (2) within six months from the final date of the hearing in all hearing cases.

#### (e) Managing Director; appointment, functions, pay

The Commission shall have a Managing Director who shall be appointed by the Chairman subject 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

This chapter, referred to in subsec. (c)(1), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

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) 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 determined 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.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934,

which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

#### 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

Pub. L. 100-594, §2(b), Nov. 3, 1988, 102 Stat. 3021, 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

Pub. L. 99-272, title V, §5002(a)(2), Apr. 7, 1986, 100 Stat. 118, 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

Pub. L. 98-214, §2(b), Dec. 8, 1983, 97 Stat. 1467, 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