

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; Pub. L. 115-141, div. P, title I, §101(a), Mar. 23, 2018, 132 Stat. 1081.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-141 amended section generally. Prior to amendment, section related to authorization of appropriations for fiscal years 1990 and 1991.

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-141, div. P, title I, §103, Mar. 23, 2018, 132 Stat. 1086, provided that: “This title [enacting section 159a of this title, amending this section and sections 158, 159, and 309 of this title, enacting provisions set out as notes under sections 158 and 159 of this title, and repealing provisions set out as a note under this section] and the amendments made by this title shall take effect on October 1, 2018.”

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, which authorized additional appropriations to the Federal Communications Commission, was repealed by Pub. L. 115-141, div. P, title I, §101(c)(1), Mar. 23, 2018, 132 Stat. 1082.

§ 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.)

Editorial Notes

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

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”.

Statutory Notes and Related Subsidiaries

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; Pub. L. 110-385, title I, §103(a), Oct. 10, 2008, 122 Stat. 4096, was transferred and is classified to section 1302 of this title.

§ 158. Application fees

(a) General authority; establishment of schedule

The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications.

(b) Adjustment of schedule

(1) In general

In every even-numbered year, the Commission shall review the schedule of application fees established under this section and, except as provided in paragraph (2), set a new amount for each fee in the schedule that is equal to

the amount of the fee on the date when the fee was established or the date when the fee was last amended under subsection (c), whichever is later—

(A) increased or decreased by the percentage change in the Consumer Price Index during the period beginning on such date and ending on the date of the review; and

(B) rounded to the nearest \$5 increment.

(2) Threshold for adjustment

The Commission may not adjust a fee under paragraph (1) if—

(A) in the case of a fee the current amount of which is less than \$200, the adjustment would result in a change in the current amount of less than \$10; or

(B) in the case of a fee the current amount of which is \$200 or more, the adjustment would result in a change in the current amount of less than 5 percent.

(3) Current amount defined

In paragraph (2), the term “current amount” means, with respect to a fee, the amount of the fee on the date when the fee was established, the date when the fee was last adjusted under paragraph (1), or the date when the fee was last amended under subsection (c), whichever is latest.

(c) Amendments to schedule

In addition to the adjustments required by subsection (b), the Commission shall by rule amend the schedule of application fees established under this section if the Commission determines that the schedule requires amendment—

(1) so that such fees reflect increases or decreases in the costs of processing applications at the Commission; or

(2) so that such schedule reflects the consolidation or addition of new categories of applications.

(d) Exceptions

(1) Parties to which fees are not applicable

The application fees established under this section shall not be applicable to—

(A) a governmental entity;

(B) a nonprofit entity licensed in the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, or Special Emergency Radio radio services; or

(C) a noncommercial radio station or noncommercial television station.

(2) Cost of collection

If, in the judgment of the Commission, the cost of collecting an application fee established under this section would exceed the amount collected, the Commission may by rule eliminate such fee.

(e) Deposit of collections

Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury.

(June 19, 1934, ch. 652, title I, § 8, as added Pub. L. 99-272, title V, § 5002(e), Apr. 7, 1986, 100 Stat. 118; amended Pub. L. 100-594, § 5, Nov. 3, 1988, 102

Stat. 3021; Pub. L. 101-239, title III, § 3001(a), (b), Dec. 19, 1989, 103 Stat. 2124, 2131; Pub. L. 102-538, title II, § 209, Oct. 27, 1992, 106 Stat. 3544; Pub. L. 103-66, title VI, § 6003(a)(2), Aug. 10, 1993, 107 Stat. 401; Pub. L. 103-414, title III, §§ 302, 303(a)(3), (4), Oct. 25, 1994, 108 Stat. 4294; Pub. L. 115-141, div. P, title I, § 102(a), Mar. 23, 2018, 132 Stat. 1082.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-141 amended section generally. Prior to amendment, section related to application fees.

1994—Subsec. (d)(2). Pub. L. 103-414, § 303(a)(3), substituted “payment of an” for “payment of a”.

Subsec. (g). Pub. L. 103-414, § 303(a)(4), substituted “Additional Application Fee” for “Additional Charge” in item 7.f. under heading “EQUIPMENT APPROVAL SERVICES/EXPERIMENTAL RADIO” in Schedule of Application Fees.

Pub. L. 103-414, § 302, added item 1.d. under heading “COMMON CARRIER SERVICES” in Schedule of Application Fees.

1993—Pub. L. 103-66, § 6003(a)(2)(A), substituted “Application fees” for “Charges” as section catchline.

Subsecs. (a) to (e). Pub. L. 103-66, § 6003(a)(2)(B)–(D), substituted “application fees” for “charges” and “Schedule of Application Fees” for “Schedule of Charges” wherever appearing, and substituted “application fee” for “charge” in subsec. (c).

Subsec. (g). Pub. L. 103-66, § 6003(a)(2)(D), in text substituted “Schedule of Application Fees” for “Schedule of Charges”.

Pub. L. 103-66, § 6003(a)(2)(E), which directed amendment of schedule by substituting “SCHEDULE OF APPLICATION FEES” for “SCHEDULE OF CHARGES”, “APPLICATION FEES” for “CHARGES”, “application fee” for “charge”, and “Application fees” for “Charges” was executed by substituting “SCHEDULE OF APPLICATION FEES” for “SCHEDULE OF CHARGES” in heading, “MISCELLANEOUS APPLICATION FEES” for “MISCELLANEOUS CHARGES” in last subheading, and “application fee” for “charge” in two places in text of schedule, to reflect probable intent of Congress.

1992—Subsec. (g). Pub. L. 102-538 in Schedule of Charges added twenty-second category, relating to Low-Earth Orbit Satellite Systems, under heading “COMMON CARRIER SERVICES”, and substituted “75.00” for “360.00” in item 3.c., relating to inspection of vessels under the Great Lakes Agreement, under heading “MISCELLANEOUS CHARGES”.

1989—Subsec. (a). Pub. L. 101-239, § 3001(b)(1), struck out at end “The Schedule of Charges established under this subsection shall be implemented not later than 360 days after April 7, 1986.”

Subsec. (b)(1). Pub. L. 101-239, § 3001(b)(2), substituted “October 1, 1991” for “April 1, 1987”.

Subsec. (d)(1). Pub. L. 101-239, § 3001(b)(3), substituted “(A) to governmental entities and nonprofit entities licensed in the following radio services:” for “to the following radio services:” and inserted “(B)” after “Emergency Radio, or”.

Subsec. (g). Pub. L. 101-239, § 3001(a), added subsec. (g). 1988—Subsec. (b)(1). Pub. L. 100-594 substituted “two years after April 1, 1987,” for “two years after April 7, 1986.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-141 effective Oct. 1, 2018, see section 103 of div. P of Pub. L. 115-141, set out as a note under section 156 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-239, title III, § 3001(c), Dec. 19, 1989, 103 Stat. 2131, provided that: “The amendments made by this section [amending this section] shall take effect on

the date of enactment of this Act [Dec. 19, 1989], and the Schedule of Charges required by the amendment made by subsection (a) of this section shall be implemented not later than 150 days after the date of enactment of this Act.”

TRANSITIONAL RULES FOR APPLICATION FEES

Pub. L. 115-141, div. P, title I, §102(d)(1), Mar. 23, 2018, 132 Stat. 1085, provided that: “An application fee established under section 8 of the Communications Act of 1934 [47 U.S.C. 158], as such section is in effect on the day before the effective date described in section 103 of this title [Oct. 1, 2018], shall remain in effect under section 8 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission [Federal Communications Commission] adjusts or amends such fee under subsection (b) or (c) of such section 8, as so amended.”

SCHEDULE OF CHARGES

Section 5002(f) of Pub. L. 99-272 established the Schedule of Charges which the Federal Communications Commission is required to prescribe pursuant to subsec. (a) of this section. See subsec. (g) of this section as added by Pub. L. 101-239.

§ 159. Regulatory fees

(a) General authority

The Commission shall assess and collect regulatory fees to recover the costs of carrying out the activities described in section 156(a) of this title only to the extent, and in the total amounts, provided for in Appropriations Acts.

(b) Establishment of schedule

The Commission shall assess and collect regulatory fees at such rates as the Commission shall establish in a schedule of regulatory fees that will result in the collection, in each fiscal year, of an amount that can reasonably be expected to equal the amounts described in subsection (a) with respect to such fiscal year.

(c) Adjustment of schedule

(1) In general

For each fiscal year, the Commission shall by rule adjust the schedule of regulatory fees established under this section to—

- (A) reflect unexpected increases or decreases in the number of units subject to the payment of such fees; and
- (B) result in the collection of the amount required by subsection (b).

(2) Rounding

In making adjustments under this subsection, the Commission may round fees to the nearest \$5 increment.

(d) Amendments to schedule

In addition to the adjustments required by subsection (c), the Commission shall by rule amend the schedule of regulatory fees established under this section if the Commission determines that the schedule requires amendment so that such fees reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities. In making an amendment under this subsection, the Commission may not change the total amount of regulatory fees required by subsection (b) to be collected in a fiscal year.

(e) Exceptions

(1) Parties to which fees are not applicable

The regulatory fees established under this section shall not be applicable to—

- (A) a governmental entity or nonprofit entity;
- (B) an amateur radio operator licensee under part 97 of the Commission's rules (47 CFR part 97); or
- (C) a noncommercial radio station or non-commercial television station.

(2) Cost of collection

If, in the judgment of the Commission, the cost of collecting a regulatory fee established under this section from a party would exceed the amount collected from such party, the Commission may exempt such party from paying such fee.

(f) Deposit of collections

(1) In general

Amounts received from fees authorized by this section shall be deposited as an offsetting collection in, and credited to, the account through which funds are made available to carry out the activities described in section 156(a) of this title.

(2) Deposit of excess collections

Any regulatory fees collected in excess of the total amount of fees provided for in Appropriations Acts for a fiscal year shall be deposited in the general fund of the Treasury of the United States for the sole purpose of deficit reduction.

(June 19, 1934, ch. 652, title I, §9, as added Pub. L. 103-66, title VI, §6003(a)(1), Aug. 10, 1993, 107 Stat. 397; amended Pub. L. 103-121, title I, Oct. 27, 1993, 107 Stat. 1167; Pub. L. 103-414, title III, §303(a)(5), (6), Oct. 25, 1994, 108 Stat. 4294; Pub. L. 115-141, div. P, title I, §102(b), Mar. 23, 2018, 132 Stat. 1083.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-141 amended section generally. Prior to amendment, section related to regulatory fees.

1994—Subsec. (f). Pub. L. 103-414, §303(a)(5), designated second sentence of par. (1) as par. (2) and inserted par. (2) heading.

Subsec. (g). Pub. L. 103-414, §303(a)(6), inserted “95” after “(47 C.F.R. Part” in item pertaining to Interactive Video Data Service under Private Radio Bureau in Schedule of Regulatory Fees.

1993—Subsec. (a). Pub. L. 103-121 designated existing provisions as par. (1), inserted heading, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-141 effective Oct. 1, 2018, see section 103 of div. P of Pub. L. 115-141, set out as a note under section 156 of this title.

CONTINUED APPLICABILITY OF REGULATORY FEES

Pub. L. 115-141, div. P, title I, §102(d)(2), Mar. 23, 2018, 132 Stat. 1086, provided that: “A regulatory fee established under section 9 of the Communications Act of 1934 [47 U.S.C. 159], as such section is in effect on the day before the effective date described in section 103 of