

FEDERAL COMMUNICATIONS COMMISSION
AUTHORIZATION ACT OF 1981

MAY 19, 1981.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce,
submitted the following

REPORT

[To accompany H.R. 3239]

[Including cost estimate of the Congressional Budget Office]

The committee on Energy and Commerce, to whom was referred the bill (H.R. 3239) to amend the Communications Act of 1934 to authorize appropriations for the administration of such Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Communications Commission Authorization Act of 1981".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 5 the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There is authorized to be appropriated for the administration of this Act by the Commission \$77,351,000, 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 fiscal year 1982."

(b) Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is amended by striking out "from time to time may be appropriated for by Congress" and inserting in lieu thereof "may be appropriated for by the Congress in accordance with the authorizations of appropriations established in section 6".

IMPOSITION OF FEES

SEC. 3. Title IV of the Communications Act of 1934 (47 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

"IMPOSITION OF FEES

"Sec. 417. (a)(1) The Commission shall impose a fee upon any person regulated by the Commission under this Act. Such fee shall be based upon—

"(A) in the case of a license application, any costs incurred by the Commission in connection with processing such application;

"(B) in the case of a tariff filed by a common carrier, any costs incurred by the Commission as a result of such filing;

"(C) in the case of any application for a construction permit, for an equipment approval or authorization, or for any certification issued by the Commission, and in the case of any petition for the waiver of any rule or for other relief, any costs incurred by the Commission as a result of any such application or petition; and

"(D) any costs incurred by the Commission which are directly or indirectly attributable to the regulation of such person, including the cost of providing any service necessarily rendered by the Commission to a license applicant as a result of such application.

"(2) No portion of the fee specified in paragraph (1) may be based upon—

"(A) the value to the person involved of any license issued to such person by the Commission or any service performed for such person by the Commission;

"(B) any public policy assessment made by the Commission with respect to the regulation of such person; or

"(C) any estimate by the Commission of the value to the general public which results from the regulation of such person.

"(3) The total amount of funds which the Commission may receive through the imposition of fees under this subsection for any fiscal year may not exceed 50 percent of the amount appropriated by the Congress under section 6 for such fiscal year.

"(b) The Commission shall waive the fee specified in subsection (a) in the case of governmental entities, public telecommunications entities, and noncommercial users of the electromagnetic spectrum. The Commission may waive any such fee which is less than \$100.

"(c) The Commission shall develop appropriate fee schedules not later than 90 days after the date of the enactment of the Federal Communications Commission Authorization Act of 1981. The Commission shall use such schedules in assessing fees under subsection (a).

"(d) The Commission may prescribe by regulation an additional charge which may be assessed as a penalty for late payment of any fee assessed under subsection (a). Such penalty shall not exceed 25 percent of the fee involved.

"(e) Moneys received by the Commission as a result of the assessment of fees under subsection (a) shall be deposited by the Commission in the general fund of the Treasury of the United States as reimbursement to the United States for amounts appropriated for use by the Commission in carrying out the provisions of this Act."

UNIFORM SYSTEM OF ACCOUNTS

SEC. 4. (a)(1) The Federal Communications Commission (hereinafter in this section referred to as the "Commission") shall complete the rulemaking proceeding relating to the revision of the uniform system of accounts used by telephone companies (Common Carrier Docket 78-196; notice of proposed rulemaking adopted June 28, 1978; 43 Federal Register 33560) as soon as practicable after the date of the enactment of this Act.

(2) Such uniform system shall require that each common carrier shall maintain a system of accounting methods, procedures, and techniques (including accounts and supporting records and memoranda) which shall ensure a proper allocation of all costs to and among telecommunications services, facilities, and products (and to and among classes of such services, facilities, and products) which are developed, manufactured, or offered by such common carrier.

(b) The Commission shall submit a report to each House of the Congress not later than one year after the date of the enactment of this Act. Such report shall include a summary of actions taken by the Commission in connection with the rulemaking proceeding specified in subsection (a), together with such other information as the Commission considers appropriate.

PURPOSE AND SUMMARY OF THE BILL

The bill (H.R. 3239) would amend the Communications Act of 1934 to authorize appropriations for the administration of the Act, and to require the Federal Communications Commission (F.C.C.) to recover administrative expenses by imposing fees on those it regulates.

BACKGROUND AND NEED FOR LEGISLATION

AUTHORIZATION OF THE FEDERAL COMMUNICATIONS COMMISSION

Several factors contributed to the decision to change the F.C.C.'s permanent authorization to a periodic authorization and thus intensify Congressional oversight. They include: a rapidly changing technological environment; unprecedented expansion of telecommunications industries, markets, services, and products; increasing reliance on competition rather than on regulation and the emergence of new participants in telecommunications markets; and, the attendant need to monitor more closely agency priorities and oversee the development of its budget.

Since its creation in 1934, the Federal Communications Commission has enjoyed a permanent or continuing authorization. Section 4(g) of the Communications Act of 1934, as amended (47 U.S.C. 151 *et seq.*), states:

The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, for printing and binding, for land for use as sites for radio monitoring stations and facilities, and for the improvement, furnishing, equipping, and repairing of such stations and facilities and of laboratories and other related facilities (including construction of minor subsidiary buildings and structures not exceeding \$25,000 in any one instance) used in connection with technical research activities), as may be necessary for the execution of the functions vested in the Commission *and as from time to time may be appropriated for by Congress. . . .* (italics added).

Through authorization statutes the Congress creates and shapes agency programs and guarantees a systematic reappraisal of priorities and actions. In addition, the authorization process educates Members about agencies and provides an opportunity for more thorough review. The Library of Congress says that "authorization power is the power of life and death over an agency" and that when the Congress exercises its power, it exercises "the ultimate control over any Government agency."¹

¹ Congressional Oversight Manual Congressional Research Service, Library of Congress, November, 1979, p.16.

In recent years, there has been a general shift from permanent or indeterminate authorization to periodic or determinate authorization (annual or multi-year), thus improving the likelihood that an agency will be scrutinized systematically. Such oversight is central to sound management, and policymaking and becomes even more essential in an environment in which critical policy decisions constantly are required from the regulatory agency.

The Subcommittee on Telecommunications, Consumer Protection, and Finance decided soon after its reorganization in January, 1981, to make authorization of the F.C.C. one of its legislative priorities. In three previous Congresses, the 94th, 95th, and 96th, legislation also had been introduced proposing to change the F.C.C.'s authorization from permanent to periodic status.

In the 94th Congress, the Chairman of the Subcommittee on Communications, Torbert H. Macdonald, introduced H.R. 8014, the "FCC Reorganization and Reform Act," which, among other things, would have changed the F.C.C.'s permanent authorization to an annual authorization. No hearings were held.

In the 95th Congress, under the chairmanship of Lionel Van Deerlin, the Subcommittee attempted a comprehensive rewrite of the Communications Act of 1934. Introduced in June, 1978, H.R. 13015 also proposed, among other things, an annual authorization for the F.C.C. Extensive hearings were held, but the bill was not reported.

Similarly, in the 96th Congress, a revised version of H.R. 13015 also proposed an annual authorization for the F.C.C. Again, extensive legislative hearings were held, but attempts to mark-up H.R. 3333 were not successful and the bill was not reported.

H.R. 6121, the successor bill to the two previous attempts to rewrite the Communications Act, did not address F.C.C. reorganization or reform issues.

IMPOSITION OF FEES TO RECOVER ADMINISTRATIVE EXPENSES

H.R. 3239, the "Federal Communications Authorization Act of 1981," requires the F.C.C. to recover a large portion of its administrative expenses by imposing fees on those parties it regulates under the Communications Act of 1934.

The F.C.C. has had a great deal of experience with both fee collection and refunds. The Commission first collected fees associated with license applications in 1963, pursuant to authority granted in the Independent Offices Appropriations Act of 1952 (31 U.S.C. §483(a)). Responding to the Congress several years later, the F.C.C. revised its schedule of fees in 1970. This new schedule was challenged in court, and in a decision handed down in March, 1974, the Supreme Court reversed the Appeals Court decision and remanded the schedule to the Commission for revision (*National Cable Television Assn., Inc. v. United States et al*, 415 U.S. 336 (1974)). The Court said that although the 1952 Act authorizes the F.C.C. to impose fees that reflect a "benefit" of "value to the recipient," such fees may not reflect the "public policy or interest served" which, in effect, would be giving the F.C.C. the power to tax, a right reserved to the Congress. The F.C.C. adopted a second revised schedule in 1975 using the Supreme Court's *NCTA* decision as guidance. Review of both this revised schedule and the Commission's

refusal to refund fees collected under the 1970 schedule was sought in the U.S. Court of Appeals, D.C. Circuit, in over one hundred separate actions. In four decisions handed down in 1976, the court set aside the revised 1975 fee schedule and ordered recalculation of the fee schedule and refund of fees (*NCTA v. F.C.C.*, 554 F.2d 1094 (1976); *Electronic Industries Association, Consumer Electronics Group v. F.C.C.*, 554 F.2d 1109 (1976); *NAB v. F.C.C.*, 554 F.2d 1118 (1976)). (*Capital Cities Communications, Inc. v. F.C.C.*, 554 F.2d 1135 (1976)). The agency suspended collection of fees in January, 1976 and currently is in the process of refunding fees.

By requiring the agency to impose fees to recover regulatory expenses, and directing the agency to deposit those fees in the general funds of the U.S. Treasury, the Congress is taking a small, but not insignificant step, toward reducing the Federal budget deficit. The Committee believes that, when appropriate, the Federal Government should be reimbursed for services rendered. This is consistent with actions of the Administration and both Houses of the Congress calling for a series of user fees in the first Budget Resolution for 1982.

In taking this action the Committee expresses no opinion on either the FCC's authority or the public policy value of enacting other fees based on the value of licenses granted by the federal government to users of the spectrum.

COMMITTEE ACTION

The Committee, acting through its Subcommittee on Telecommunications, Consumer Protection, and Finance, held hearings on Thursday, April 30, 1981. The Chairman of the Federal Communications Commission, Robert E. Lee, and the other commissioners, Joseph R. Fogarty, Anne P. Jones, Abbott Washburn, and James H. Quello appeared before the Subcommittee accompanied by key commission staff. In his statement Chairman Lee focused on three issues: the level of the proposed authorization, the change from permanent to annual authorization status, and, the absence of a statutory fee schedule accompanying authority to impose fees. On the authorization level, Chairman Lee testified that the Reagan Administration proposal, which is identical to the level proposed in H.R. 3239 and represents a \$4.8 million reduction from the estimate in the previous administration's January, 1981 budget promises to cause processing delays, reducing funds available for expert witnesses, delay implementation of the revised uniform system of accounts for the Bell system, close several field operations bureau offices, reduce travel, reduce F.C.C. participation in international conferences, delay rules reexaminations in several bureaus, cause reduction in general support services, and dilute the Commission's internal program evaluation system.

On the subject of changing from a permanent or continuing authorization to an annual authorization, the Chairman testified that he does not believe there is any reason to amend Sec. 4(g) of the Act.

On the subject of fees, the Chairman testified that he would prefer a statutory fee schedule to one developed by the Commission. He noted that fee collection could begin immediately and

probable litigation avoided by inclusion of a schedule in the statute.

In addition to the F.C.C. hearing testimony, Acting Assistant Secretary of Commerce for Communications and Information, Dale N. Hatfield, testifying on H.R. 3240 (a bill authorizing the N.T.I.A. for fiscal year 1982) on April 30, 1981, stated that the Administration supports establishing a determinate authorization for the F.C.C. at the level proposed.

In addition to statements mentioned above, written comments were received from several interested parties.

The Subcommittee on Telecommunications, Consumer Protection, and Finance met in open mark-up session on Wednesday, May 6, 1981, to consider H.R. 3239 and, with a quorum present, reported the bill, with two amendments, unanimously by voice vote to the full committee.

The first amendment, offered by Chairman Wirth, requires the F.C.C. to waive fees for governmental entities, public telecommunications entities, and non-commercial users of the electromagnetic spectrum. As introduced, the legislation granted the F.C.C. permissive authority to waive such fees. In offering the amendment the Chairman explained that it would be wasteful and inefficient for one entity of the Federal Government to charge another entity of government for services rendered. In the case of public telecommunications entities and non-commercial users of the spectrum, the Chairman considered it in the public interest that the Congress make the policy determination that such users not be charged for services rendered by the F.C.C. The amendment was adopted unanimously by voice vote.

The second amendment, offered by Chairman Wirth, directs the F.C.C. to complete its rulemaking proceeding revising the uniform system of accounts used by telephone companies as soon as practicable after the date of enactment.

The amendment states that the uniform system shall require each common carrier to maintain a system of accounting methods, procedures, and techniques (including accounts and supporting records and memoranda) to ensure a proper allocation of all costs to and among telecommunications services, facilities, and products (and to and among classes of such services, facilities, and products) which are developed, manufactured, or offered by common carriers.

The amendment also directs the F.C.C. to submit an interim report to each House of the Congress not later than one year after the date of enactment. The report must include a summary of actions taken by the Commission in connection with the rulemaking proceeding, and whatever other information the Commission considers appropriate.

In offering the amendment the Chairman explained that the F.C.C. had been working to develop a uniform system of accounts for quite some time and that the Chairman of the F.C.C., Robert E. Lee, had stated before the Subcommittee on April 30, 1981 that the proposed budget reduction would further delay implementation of a uniform system of accounts for one year. Commenting on his proposed amendment, Chairman Wirth noted that although the F.C.C.'s Notice of Proposed Rulemaking in CC Docket 78-196 was adopted in June, 1978, the Common Carrier Bureau staff had been instructed as early as late 1976 to develop a revised system, and in

view of Chairman Lee's testimony, it was appropriate for the Congress to direct the agency to place priority on implementation of a revised system.

The amendment was adopted unanimously by voice vote.

The Committee on Energy and Commerce met in open mark-up session on Tuesday, May 12, 1981 and, with a quorum present, adopted H. R. 3239 as amended by the Subcommittee and reported the bill, as amended, to the House unanimously by voice vote.

SENATE ACTION

The Senate Committee on Commerce, Science, and Transportation held hearings on S. 821 on Friday, May 1, 1981. S. 821 would provide the F.C.C. with \$76.9 million for fiscal years 1982, 1983, and 1984. In addition, S. 821 requires the F.C.C. to assess charges for services rendered according to a schedule of fees contained in the legislation. Finally, S. 821 permits the F.C.C. to waive fees if consistent with the public interest, and directs the F.C.C. to deposit fees in the general fund of the U.S. Treasury.

The Committee reported S. 821 on Wednesday, May 6th. No report is presently available.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

SEC. 1 provides that this Act may be cited as the "Federal Communications Commission Authorization Act of 1981."

AUTHORIZATION OF APPROPRIATIONS

SEC. 2(a) provides that the Communications Act of 1934 is amended by adding a new section, Sec. 6, authorizing \$77,351,000 for administration of the Act by the Commission for fiscal year 1982. It also provides whatever sums may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other non-discretionary costs, for fiscal year 1982.

SEC. 2(b) provides that Sec. 4(g) of the Communications Act of 1934 is amended by substituting an annual authorization for the continuing or permanent authorization.

IMPOSITION OF FEES

SEC. 3 amends the Communications Act of 1934 by adding a new section, Sec. 417.

SEC. 417(a)(1) directs the F.C.C. to impose a fee on any person regulated by the Commission under the Act. Such fees are to be based upon: (A) in the case of a license application, costs incurred in connection with processing the application; (B) in the case of a tariff filed by a common carrier, costs incurred as a result of the filing; (C) in the case of any application for a construction permit, equipment approval or authorization, certification, or any petition for waiver of any rule or other relief, costs incurred as a result of the application or petition; and, (D) any costs incurred by the Commission which are directly or indirectly attributable to the regula-

tion, including the cost of providing any service rendered by the Commission to a license applicant as a result of the application.

SEC. 417(a)(2) provides that no portion of the fee required to be imposed by subsection (a)(1) may be based upon: (A) the value to the person involved of any license issued or any service performed by the Commission; (B) any public policy assessment made by the Commission; or, (C) any estimate by the Commission of the value to the general public which results from the Commission's regulation.

SEC. 417(a)(3) provides that total funds received by the F.C.C. as a result of imposition of fees may not exceed 50 percent of the F.C.C.'s appropriation in any fiscal year.

SEC. 417(b) provides that fees for government entities, public telecommunications entities, and non-commercial users of the electromagnetic spectrum shall be waived by the F.C.C. The Commission is permitted to waive any fees less than \$100.

SEC. 417(c) provides that the F.C.C. shall develop its fee schedules not later than 90 days after the date of enactment.

SEC. 417(d) provides that the F.C.C. may assess a penalty for late payment, but penalties may not exceed 25 percent of the fee involved.

SEC. 417(e) provides that moneys collected by the F.C.C. as a result of assessment of fees shall be deposited in the general fund of the U.S. Treasury as reimbursement for amounts appropriated for use by the Commission in carrying out the provisions of the Act.

UNIFORM SYSTEM OF ACCOUNTS

SEC. 4(a)(1) requires the F.C.C. to complete its rulemaking reviewing the uniform system of accounts used by telephone companies as soon as practicable after the date of enactment.

SEC. 4(a)(2) provides that the uniform system require each common carrier to maintain a system of accounting methods, procedures, and techniques (including amounts and supporting records and memoranda) to ensure a proper allocation of all costs to and among telecommunications services, facilities, and products (and to and among classes of such services, facilities, and products) which are developed, manufactured, or offered by such common carriers.

SEC. 4(b) requires the F.C.C. to submit a report to each House of the Congress not later than one year from the date of enactment, including a summary of actions taken by the Commission to revise the uniform system of accounts.

OVERSIGHT FINDINGS

There are no formal oversight findings by the Committee pursuant to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives.

No oversight findings have been submitted to the Committee by the Committee on Government Operations pursuant to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee makes the following statement regarding the inflationary impact of the reported bill:

The Committee believes that there will be no adverse inflationary impact on the economy resulting from passage of H.R. 3239; in fact, the general fund of the U.S. Treasury could increase by as much as \$39 million in fiscal year 1982 as a result of imposition of fees to recover the F.C.C.'s administrative expenses.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MAY 14, 1981

1. Bill number: H.R. 3239.
2. Bill title: Federal Communications Commission Authorization Act of 1981.
3. Bill status: As ordered reported by the House Committee on Energy and Commerce, May 12, 1981.
4. Bill purpose: H.R. 3239 authorizes \$77.4 million for the Federal Communications Commission (FCC) for fiscal year 1982. In addition, such sums as may be necessary are authorized for increases in salary, pay, retirement, or other employment benefits authorized by law. The bill would require the FCC to develop and implement within 90 days a fee schedule with the fee imposed upon any person regulated by the Commission. The total amount collected through fees may not exceed 50 percent of the annual appropriation for the FCC. These fees would be deposited in the general fund of the Treasury.

Finally, H.R. 3239 would require the FCC to complete and report to the Congress on the rulemaking proceeding relating to the uniform system of accounts used by telephone companies.

Fiscal year 1981 funding for the FCC, as provided in the continuing resolution, is \$77.6 million. The President has requested \$77.4 million for these activities in 1982.

5. Cost estimate:

[By fiscal years, in millions of dollars]

	1982	1983	1984	1985	1986
Estimated authorization level.....	81.0				
Estimated outlays.....	74.0	6.1	0.9		
Estimated receipts.....	-31.0				
Net outlays.....	43.0				

The costs of this bill fall within budget function 370.

Including outlays from prior years' budget authority appropriated to date, total FCC outlays are estimated to be \$80.6 million in 1982, assuming appropriations of the authorized amount.

6. Basis of estimate: The authorization level assumed in the estimate of costs for the FCC in fiscal year 1982 is the amount specified in the bill. Added to this was \$3.6 million for increases in employee benefits. This increase was estimated at 4.8 percent of the total personnel compensation provided in the bill. It was assumed that the total authorization level would be appropriated prior to

the beginning of the fiscal year. Outlays are based on historical spendout rates for the FCC.

The bill also authorizes the FCC to charge fees, to be deposited in the general fund of the Treasury. Based on estimates provided by the FCC, receipts are estimated to be approximately \$31 million annually. Assuming a July 1981 enactment date, and allowing 90 days for implementation, it is assumed that the entire \$31 million in estimated receipt would be received in 1982.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mary Maginniss.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

JAMES L. BLUM,
Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

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TITLE I—GENERAL PROVISIONS

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PROVISIONS RELATING TO THE COMMISSION

SEC. 4. (a) * * *

* * * * *

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, for printing and binding, for land for use as sites for radio monitoring stations and related facilities, including living quarters where necessary in remote areas, for the construction of such stations and facilities, and for the improvement, furnishing, equipping, and repairing of such stations and facilities and of laboratories and other related facilities (including construction of minor subsidiary buildings and structures not exceeding \$25,000 in any one instance) used in connection with technical research activities), as may be necessary for the execution of the functions vested in the Commission and as [from time to time may be appropriated for by Congress] *may be appropriated for by the Congress in accordance with the authorizations of appropriations established in section 6.* All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissiners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of

Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other members or officer thereof as may be designated by the Commission for that purpose.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is authorized to be appropriated for the administration of this Act by the Commission \$77,351,000, 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 fiscal year 1982.

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TITLE IV—PROCEDURAL AND ADMINISTRATIVE
PROVISIONS

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IMPOSITION OF FEES

SEC. 417. (a)(1) The Commission shall impose a fee upon any person regulated by the Commission under this Act. Such fee shall be based upon—

(A) in the case of a license application, any costs incurred by the Commission in connection with processing such application;

(B) in the case of a tariff filed by a common carrier, any costs incurred by the Commission as a result of such filing;

(C) in the case of any application for a construction permit, for an equipment approval or authorization, or for any certification issued by the Commission, and in the case of any petition for the waiver of any rule or for other relief, any costs incurred by the Commission as a result of any such application or petition; and

(D) any costs incurred by the Commission which are directly or indirectly attributable to the regulation of such person, including the cost of providing any service necessarily rendered by the Commission to a license applicant as a result of such application.

(2) No portion of the fee specified in paragraph (1) may be based upon—

(A) the value to the person involved of any license issued to such person by the Commission or any service performed for such person by the Commission;

(B) any public policy assessment made by the Commission with respect to the regulation of such person; or

(C) any estimate by the Commission of the value to the general public which results from the regulation of such person.

(3) The total amount of funds which the Commission may receive through the imposition of fees under this subsection for any fiscal year may not exceed 50 percent of the amount appropriated by the Congress under section 6 for such fiscal year.

(b) The Commission shall waive the fee specified in subsection (a) in the case of governmental entities, public telecommunications enti-

ties, and noncommercial users of the electromagnetic spectrum. The Commission may waive any such fee which is less than \$100.

(c) The Commission shall develop appropriate fee schedules not later than 90 days after the date of the enactment of the Federal Communications Commission Authorization Act of 1981. The Commission shall use such schedules in assessing fees under subsection (a).

(d) The Commission may prescribe by regulation an additional charge which may be assessed as a penalty for late payment of any fee assessed under subsection (a). Such penalty shall not exceed 25 percent of the fee involved.

(e) Moneys received by the Commission as a result of the assessment of fees under subsection (a) shall be deposited by the Commission in the general fund of the Treasury of the United States as reimbursement to the United States for amounts appropriated for use by the Commission in carrying out the provisions of this Act.

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