

99TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

Report
69-458

**CONSOLIDATED OMNIBUS BUDGET
RECONCILIATION ACT OF 1985**

THE COMMITTEE OF CONFERENCE

SUBMITTED THE FOLLOWING

CONFERENCE REPORT

[To accompany H.R. 3128]



December 19, 1985.—Ordered to be printed

(2) by inserting ", \$24,000,000 for fiscal year 1986, \$28,000,000 for fiscal year 1987, and \$32,000,000 for fiscal year 1988," immediately after "1984,".

(b) ALLOCATION OF APPROPRIATIONS.—Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) FINANCING OF CORPORATION FOR PUBLIC BROADCASTING.—(1) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(A) by striking out "and 1986" and inserting in lieu thereof "1986, 1987, 1988, 1989, and 1990";

(B) by striking out "and" after "fiscal year 1985,"; and

(C) by inserting ", \$200,000,000 for fiscal year 1987, \$214,000,000 for fiscal year 1988, \$238,000,000 for fiscal year 1989, and \$254,000,000 for fiscal year 1990" immediately before the period at the end thereof.

(2) Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking out "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,".

(3) Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended—

(A) by striking out paragraph (8); and

(B) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 5002. FEDERAL COMMUNICATIONS COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated for the administration of this Act 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."

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to fiscal years beginning after September 30, 1985.

(b) REIMBURSED EXPENSES.—Section 4(g)(2) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)) is amended—

(1) in subparagraph (D), by striking out "1985" and inserting in lieu thereof "1987"; and

(2) by adding at the end thereof the following new subparagraph:

"(E) Funds which are received by the Commission as reimbursements under the provisions of this paragraph after the close of a fiscal year shall remain available for obligation."

(c) ANNUAL REPORT.—Section 5(g) of the Communications Act of 1934 (47 U.S.C. 155(g)) is amended by striking out "January 31" and inserting in lieu thereof "March 31".

(d) ADDITIONAL SAVINGS.—For provisions of law which, through relocation of the Fort Lauderdale, Florida, Monitoring Station of the Federal Communications Commission, reduce spending for fiscal year 1986 in satisfaction of the reconciliation requirements imposed by section 2(e) of S. Con. Res. 32 (99th Congress), see the material under the heading "FEDERAL COMMUNICATIONS COMMISSION" in the Supplemental Appropriations Act, 1985 (Public Law 99-88).

(e) CHARGES FOR OPERATIONS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting immediately after section 7 the following new section:

"CHARGES

"SEC. 8. (a) The Commission shall assess and collect charges at such rates as the Commission shall establish or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section. The Schedule of Charges established under this subsection shall be implemented not later than 360 days after the date of enactment of this section.

"(b)(1) The Schedule of Charges established under this section shall be reviewed by the Commission every two years after the date of enactment of this section and adjusted by the Commission to reflect changes in the Consumer Price Index. Increases or decreases in charges shall apply to all categories of charges, except that individual fees shall not be adjusted until the increase or decrease, as determined by the net change in the Consumer Price Index since the date of enactment of this section, amounts to at least \$5.00 in the case of fees under \$100.00, or 5 percent in the case of fees of \$100.00 or more. All fees which require adjustment will be rounded upward to the next \$5.00 increment. The Commission shall transmit to the Congress notification of any such adjustment not later than 90 days before the effective date of such adjustment.

"(2) Increases or decreases in charges made pursuant to this subsection shall not be subject to judicial review.

"(c)(1) The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of charges required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the charge which was not paid in a timely manner.

"(2) The Commission may dismiss any application or other filing for failure to pay in a timely manner any charge or penalty under this section.

"(d)(1) The charges established under this section shall not be applicable to the following radio services: Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, and Special Emergency Radio, or to governmental entities licensed in other services.

"(2) The Commission may waive or defer payment of a charge in any specific instance for good cause shown, where such action would promote the public interest.

"(e) Moneys received from charges established under this section shall be deposited in the general fund of the Treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions under this Act.

"(f) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section."

(f) Until modified pursuant to section 8(b) of the Communications Act of 1934 (as added by subsection (e) of this section), the Schedule of Charges which the Federal Communications Commission shall prescribe pursuant to section 8(a) of such Act shall be as follows:

Schedule of Charges

Service	Fee amount
PRIVATE RADIO BUREAU	
1. Marine Coast Stations (New, Modifications, Renewals).....	\$60.00
2. Operational Fixed Microwave Stations (New, Modifications, Renewals).....	135.00
3. Aviation (Ground Stations) (New, Modifications, Renewals).....	60.00
4. Land Mobile Radio Licenses (New, Modifications, Renewals).....	30.00
EQUIPMENT APPROVAL SERVICE	
1. Certification	
a. Receivers (Except TV & FM Receivers).....	250.00
b. All Other Devices.....	650.00
2. Type Acceptance	
a. Approval of Subscription TV Systems.....	2,000.00
b. All Others.....	325.00
3. Type Approval	
a. Ship (Radio Telegraph) Automatic Alarm Systems.....	6,500.00
b. Ship and Lifeboat (Radio Telegraph) Transmitters.....	3,250.00
c. All Others (With Testing).....	1,300.00
d. All Others (Without Testing).....	150.00
4. Notifications.....	100.00
MASS MEDIA BUREAU	
1. Commercial TV Stations	
a. New and Major Change Construction Permits Application Fees.....	2,250.00
b. Minor Changes Application Fee.....	500.00
c. Hearing Charge.....	6,000.00
d. License Fee.....	150.00
2. Commercial Radio Stations	
a. New and Major Change Construction Permits	
(1) Application Fee AM Station.....	2,000.00
(2) Application Fee FM Station.....	1,800.00
b. Minor Changes Appl. Fee AM & FM.....	500.00
c. Hearing Charge.....	6,000.00
d. License Fee	
(1) AM.....	325.00
(2) FM.....	100.00
e. Directional Antenna License Fee (AM only).....	375.00
3. FM/TV Translators and LPTV Stations (New & Major Change Construction Permits)	
a. Application Fee.....	375.00
b. License Fee.....	75.00
4. Station Assignment and Transfer Fees	
a. AM, FM and TV Commercial Stations	
(1) Application Fee (Forms 314/315).....	500.00
(2) Application Fee (Form 316).....	70.00
b. FM/TV Translators & LPTV Stations.....	75.00
5. Auxiliary Services Major Actions—Application Fee.....	75.00
6. Renewals—All Services.....	10.00

Schedule of Charges—Continued

Service	Fee amount
7. Cable Television Service	
a. Cable Television Relay Service—Construction Permits, Assignments & Transfers, Renewals & Modifications.....	135.00
b. Cable Special Relief Petitions—Filing Fee.....	700.00
8. Direct Broadcast Satellite New & Major Change CPs	
a. Application for Authorization to Construct a Direct Broadcast Satellite.....	1,800.00
b. Issuance of CP & Launch Authority.....	17,500.00
c. License to Operate Satellite.....	500.00
d. Hearing Charge.....	6,000.00
COMMON CARRIER BUREAU	
1. Domestic Public Land Mobile Stations (Base, Dispatch, Control & Repeater Stations)	
a. New or Additional Facility Authorizations, Assignments & Transfers (Per transmitter/per station).....	200.00
b. Renewals and Minor Modifications (Per station).....	20.00
c. Air-Ground Individual License Renewals & Modifications.....	20.00
2. Cellular Systems	
a. Initial Construction Permits & Major Modification Applications (Per cellular systems).....	200.00
b. Assignments & Transfers (Per station).....	200.00
c. Initial covering license (Per cellular system)	
(1) Wireline carrier.....	525.00
(2) Nonwireline carrier.....	50.00
d. Renewals.....	20.00
e. Minor modifications and additional licenses.....	50.00
3. Rural Radio (Central Office, Interoffice or Relay Facilities)	
a. Initial Construction Permit, Assignments & Transfers (Per transmitter).....	90.00
b. Renewals & Modifications (Per station).....	20.00
4. Offshore Radio Service	
a. Initial Construction Permit, Assignments & Transfers (Per transmitter).....	90.00
b. Renewals & Modifications (Per station).....	20.00
5. Local Television or Point To Point Microwave Radio Service	
a. Construction Permits, Modifications of Construction Permits, and Renewals of Licenses.....	135.00
b. Assignments & Transfers of Control (Per Station).....	45.00
c. Initial License for New Frequency.....	135.00
6. International Fixed Public Radio (Public & Control Stations)	
a. Initial Construction Permits, Assignments & Transfers.....	450.00
b. Renewals & Modifications.....	325.00
7. Satellite Services	
a. Transmit Earth Stations	
(1) Initial Station Authorization.....	1,350.00
(2) Assignments & Transfers of Station Authorizations.....	450.00
(3) All Other Applications.....	90.00
b. Small Transmit/Receive Earth Stations (2 meters or less)	
(1) Lead Authorization.....	3,000.00
(2) Routine Authorization.....	30.00
(3) All Other Applications.....	90.00
c. Receive Only Earth Stations	
(1) Initial Station Authorization.....	200.00
(2) All Other Applications.....	90.00
d. Applications For Authority To Construct a Space Station.....	1,800.00
e. Applications For Authority To Launch & Operate a Space Station.....	18,000.00
f. Satellite System Application	
(1) Initial Station Authorization.....	5,000.00
(2) Assignments & Transfers of Systems.....	1,333.00
(3) All Other Applications.....	90.00
8. Multipoint Distribution Service	
a. Construction Permits, Renewals & Modifications of Construction Permits.....	135.00
b. Assignments & Transfers of Control (Per Station).....	45.00
c. Initial License (Per channel).....	400.00

Schedule of Charges—Continued

Service	Fee amount
9. Section 214 Applications	
a. Applications for Overseas Cable Construction	\$,100.00
b. Applications for Domestic Cable Construction	540.00
c. All Other 214 Applications	540.00
10. Tariff Filings	
a. Filing Fee	250.00
b. Special Permission Filings	200.00
11. Telephone Equipment Registration	135.00
12. Digital Electronic Message Service	
a. Construction Permits, Renewals & Modifications of Construction Permits ..	135.00
b. Assignments & Transfers of Control (Per station)	45.00
c. Initial License (First License or License Adding a New Frequency)	135.00

TITLE VI—MARITIME, COASTAL ZONE, AND RELATED PROGRAMS

Subtitle A—Boating Safety Fund

SEC. 6001. BOATING SAFETY FUND.

An amount equal to one-third of the amount transferred for fiscal year 1985 to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1954 (26 U.S.C. 9503(c)(4)) shall be deposited in the general fund of the Treasury as proprietary receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Section 13106(a) of title 46, United States Code, shall be applied with respect to fiscal year 1985 by substituting "one-third" for "two-thirds" in the first sentence.

Subtitle B—NOAA Nautical and Aeronautical Products

SEC. 6011. SALE AND DISTRIBUTION OF NOAA NAUTICAL AND AERONAUTICAL PRODUCTS.

(a) Section 1307 of title 44, United States Code, is amended to read as follows:

"§ 1307. National Oceanic and Atmospheric Administration: nautical and aeronautical products, sale and distribution

"(a)(1) All nautical and aeronautical products created or published by the National Oceanic and Atmospheric Administration shall be sold at such prices as the Secretary of Commerce shall establish annually, in accordance with the provisions of this subsection. The Secretary shall publish annually the prices at which nautical and aeronautical products are sold to the public.

"(2)(A) Subject to subparagraph (B) of this paragraph, the prices of nautical and aeronautical products may be increased over a period of not less than three years after the date of enactment of this section so as to recover all costs attributable to data base management, compilation, printing, and distribution of such products. The prices of such products may be maintained to recover all such costs thereafter. At the end of such period and every three years thereafter, the Secretary, after consultation with the Secretary of

Transportation, shall report to the Congress on the effect of imposing or maintaining such increased prices, including any impact on aviation and marine safety.

"(B) The Secretary, after consultation with the Secretary of Transportation, shall adjust the prices of nautical or aeronautical products in such manner as is necessary to avoid any adverse impact on aviation and marine safety attributable to the prices specified in subparagraph (A) of this paragraph.

"(3) This section shall not be construed to require the establishment of any price for a nautical or aeronautical product where, in the judgment of the Secretary, furnishing of that product to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to a program of the National Oceanic and Atmospheric Administration.

"(4) Prices established under this section may not include costs attributable to the acquisition or processing of nautical or aeronautical data.

"(b) Fees collected from the sale of nautical or aeronautical products under this section and from any licensing of such products which is permitted under any other provision of law shall be deposited in the miscellaneous receipts fund of the United States Treasury.

"(c) The Secretary may distribute nautical and aeronautical products—

"(1) without charge to each foreign government or international organization with which the Secretary or a Federal department or agency has an agreement for exchange of these products without cost; and

"(2) at prices which the Secretary establishes, to the departments and officers of the United States requiring them for official use.

"(d) The fees provided for in this section are for the purpose of reimbursing the United States Government for the costs of creating, publishing or distributing aeronautical and nautical products of the National Oceanic and Atmospheric Administration. The collection of fees authorized by this section shall not alter or expand any duty or liability of the United States under existing law for the performance of functions for which fees are collected, nor shall the collection of fees constitute an express or implied undertaking by the United States to perform any activity in a certain manner.

"(e) For purposes of this section, the term 'nautical and aeronautical products' includes all nautical and aeronautical charts, tide and tidal current tables, tidal current charts, coast pilots, water level products, and associated data bases which are created or published by the National Oceanic and Atmospheric Administration."

(b) The item relating to section 1307 in the analysis of chapter 13 of title 44, United States Code, is amended to read as follows:

"1307. National Oceanic and Atmospheric Administration: nautical and aeronautical products, sale and distribution."

telecommunications satellites, the payment of programming royalties and other fees, and the costs of interconnection facilities remain specified obligations of CPB under this subclause.

Finally, Section 5001(c)(3) of the conference report amends section 396(k) of the 1934 Act to strike paragraph (8). Paragraph (8) currently requires that public broadcasting entities, if they file income tax returns declaring unrelated business income from commercial activities permitted under the 1934 Act, must refund to CPB an amount equal to the unrelated business income tax paid.

TCAF reviewed the possibility that additional sources of income could be generated by public broadcasters entering auxiliary commercial ventures. For example, some public television stations use spare production capacity to produce programs for cable television, others lease the satellite uplink for commercial purposes. Some public radio stations have signed agreements to lease excess satellite distribution capacity for commercial paging ventures. However, TCAF concluded that profits from these ventures are extremely small, and prospects for them to generate meaningful income in the foreseeable future appear dim.

TCAF also concluded that Section 396(k)(8) of the Public Broadcasting Act of 1981 is a barrier to increased entrepreneurial activities by public broadcasters. The Conference Committee agrees that the additional generation of revenues should be encouraged and adopts TCAF's recommendation to repeal the unrelated business income tax provision.

Section 5002—Federal Communications Commission

House bill

The House bill contained a cost of regulation fee schedule and certain provisions related thereto.

Senate bill

The Senate bill authorized the Federal Communications Commission at \$98.1 million for FY 1986, and \$97.6 million for FY 1987 with certain related provisions. The Senate bill also contained a cost of regulation fee schedule and related fee provisions.

Conference agreement

The conference adopts the Senate provision.

FCC Travel

Subsection (b) of the Conference Report amends section 4(g)(2) of the 1934 Act (47 U.S.C. 154(g)(2)) to extend the FCC's travel reimbursement program through fiscal year 1987. New subparagraph (E) is added to section 4(g)(2) to authorize the Commission to obligate travel reimbursement funds that are received after the close of a fiscal year.

Annual Report

Subsection (c) of the Conference Report changes the due date on the FCC annual report to Congress required by section 5(g) of the Communications Act. Because of circumstances beyond its control,

the FCC has been unable to submit the report by January 31, as current law provides. By prescribing March 31 as the new due date, the conferees have provided more than ample time for timely submission. The conferees expect that the report will be submitted as soon after January 31 as is possible. In no case, should the report be submitted later than March 31.

Charges for operation

Section 5002(e) of the Conference Report creates a new section 8 of the Communications Act of 1934 which requires the Federal Communications Commission (FCC) to charge fees for the regulatory services it provides to many of the communications entities within its jurisdiction. These fees have been recommended by the FCC and are based on the Commission's estimates of the cost of providing such services. The fee schedule will not subject any additional communications entities to Commission regulation.

The Conferees believe that fees based on the cost of regulation principle are an appropriate mechanism by which a portion of the FCC's regulatory expenses may be recaptured.

Non-commercial radio and TV stations will not be subject to any of the fees listed in this schedule. In addition, no provision in the fee schedule applies to petitions to deny the grant of a license to regulated communications entities filed by non-licensees.

The fee schedule shall be implemented not later than 360 days after the date of enactment of this section.

Section (8)(b) of the Communications Act requires the Commission to review these fees every 2 years, and to increase or decrease the fees to reflect changes in the Consumer Price Index (CPI). Adjustments will apply to all fees, but an individual fee shall not be adjusted until the net change in the CPI amounts to at least \$5 for fees under \$100, or 5 percent of fees of \$100 or more. Adjusted fees will be rounded upward to the next \$5 increment. The Commission shall notify Congress of any adjustments no later than 90 days before such adjustment takes effect. Adjustments to fees pursuant to this procedure shall not be subject to judicial review, because these changes merely are ministerial, nondiscretionary acts.

Subsection (c) requires the Commission to develop penalty charges that will be assessed for late payment of fees. These penalties will equal 25 percent of the late payment of fees. The Commission is authorized to dismiss applications or other filings to penalize late payment of charges.

Subsection (d) provides that the fees shall not apply to specified radio services: Local government, police, fire, highway maintenance, forestry-conservation, public safety, and special emergency radio. In addition, the charges established shall not apply to governmental entities licensed in other services. The Commission is authorized to waive or defer fee payments in specific instances, where good cause is shown and where waiver or deferment of fees would promote the public interest. The Conferees intend that the Commission's discretion to waive or defer fees shall be narrowly defined.

Subsection (e) provides that the fees collected by the Commission under this section will be deposited in the general fund of the U.S.

Treasury. Although the fees collected will reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions, nothing in this section shall be interpreted to affect the need for full funding of the Commission's activities through the normal appropriations process.

Subsection (f) directs the Commission to prescribe rules and regulations to implement this fee schedule.

The Conference Report requires the Commission to collect fees for the following regulatory services:

Private Radio Service

1. *Marine Corps Stations (New, Modifications, Renewals).* Maritime stations on land which are intended for the transmission of marine radionavigation information or communications for the operation of ships and for convenience of shipboard personnel and passengers. Alaska stations intended are for point-to-point communications within Alaska where no other means of communication is available.

2. *Operational Fixed Microwave Stations (New, Modifications, Renewals).* These stations are most commonly used for point-to-point communications. These communications are associated with Aviation, Marine, Public Safety, Industrial and Land Transportation Radio Services.

3. *Aviation Ground Stations (New, Modifications, Renewals).* These stations are intended for the transmission of air radionavigation communications for the operation of aircraft. This definition is applicable to the following Part 87 stations: Flight Test, Aviation Instruction, Aeronautical Search, Rescue, Radionavigation Land Test, etc.

4. *Land Mobile Radio Licenses (New, Modifications, Renewals).* These sections are used to satisfy the needs of commercial and industrial activities, state and local governments, transportation systems and religious, philanthropic and educational endeavors.

Equipment Approval Service

1. *Certification.*—An equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18. Applies mostly to low power radio frequency devices, some computing devices, receivers which tune anywhere in the band 30 to 890 MHz, CB receivers and some other kinds of Industrial, Scientific and Medical (ISM) equipment.

1.a. *Receivers (except TV and FM receivers).*—A device for receiving electrical waves and/or signals. These include CB receivers, scanning receivers, radio control and security alarms and receivers tuning between 30 and 890 MHz. TV and FM receivers are excluded as they require only *verification*. A process which allows the manufacturer to be responsible for measurement necessary to insure with appropriate technical requirements. Reports of compliance are not required unless requested by the FCC.

1.b. *All other devices.*—These include non-licensed transmitting devices (low-power communication devices, personal computers (PC), PC peripheral devices, telemetering devices, cordless telephones, TV interface devices, to name a few) and Industrial, Scien-

tific and Medical Equipment (Industrial heating equipment and induction cooking ranges).

2. *Type Acceptance.*—Equipment authorization issued by the Commission for transmitting equipment to be used pursuant to a station authorization.

2.a. *Approval of Subscription TV Systems.*—Applies to encoding and decoding schemes for transmission and reception of scrambled pay TV programs over the air. Applicants must show that the requirements of Part 73 of the rules are met by the system.

2.b. *All others.*—Applies to certain licensed transmitting equipment such as AM stereo exciter-generators, remote pick-up, low power TV, TV translators, instructional TV, FM broadcast translators/boosters, cable TV relay, mobile, maritime radio-telephone, aviation transmitters, to name a few.

3. *Type Approval.*—Equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory. This applies to some compulsorily installed marine safety-of-life equipment, and to some non-licensed devices, including certain ISM devices.

3.a. *Ship (Radio-Telegraph) Automatic Alarm Systems.*—Self-explanatory.

3.b. *Ship and Lifeboat (Radio-Telegraph) Transmitters.*—Self-explanatory.

3.c. *All others (with testing).*—Examinations and measurement testing required of new and major modification of some non-licensed transmitting devices (wireless microphones telemetering devices) and some Industrial, Scientific and Medical Equipment (ultrasonic, heating, medical diathermy).

3.d. *All others (without testing).*—Applies to equipment previously tested and approved as new equipment, however resubmitted for approval under new name or minor modification to original approval.

4. *Notification.*—Process requires manufacturers to test devices for compliance with applicable FCC regulations and to keep records of test data. Manufacturer submits brief application for authorization of device citing that all regulatory requirements have been met. Test data is not required unless requested by FCC.

Mass Media Bureau

1. *Commercial TV Stations.*—

Commercial Television Station.—Any UHF or VHF station other than those classified by the FCC as non-commercial educational stations.

Construction Permit for New Station.—The instrument authorizing construction of a broadcast facility which has not been previously authorized.

1.a. *New and Major Change Construction Permits Application Fees.*—The charge levied when filing an application for a permit to construct a new station or change frequency or station location of a previously authorized facility. The application fee does not apply to requests for Special Temporary Authority or reinstatement of expired permits.

1.b. Minor Change Application Fee.—The charge levied when filing an application for a construction permit to make minor changes in previously authorized facilities.

(1) Minor changes include any change involving operating power; the installation of a transmitter which has not been authorized by the FCC for use by licensed broadcast station; any change in location, height or directional radiating characteristics of the antenna or antenna system; and moving the main studio of a TV station to a location outside the principal community, or to move the studio from one location outside the principal community to another such location.

(2) Minor changes do not include extension of time to construct, reinstatement of expired permit, modifications that may be made without prior authorization from the FCC and requests for Special Temporary Authority.

1.c. Hearing Charge.—The charge levied when an application is designated for hearing.

1.d. License Fee.—The charge levied when an application is filed for a license to cover a construction permit. License fees are not applicable to any license modification that may be made without prior authorization from the FCC.

2. Commercial Radio Stations.—

Commercial Radio Station.—Any AM or FM station other than those classified by the FCC as non-commercial educational stations.

Construction Permit for New Station.—The instrument authorizing construction of a broadcast facility which has not been previously authorized.

2.a. New and Major Change Construction Permits:

(1) **Application Fee AM Station.**—The charge levied when filing an application for a permit to construct a new station or for a construction permit for any increase in power, or any change in frequency, hours of operation or station location. The application fee does not apply to requests for Special Temporary Authority or reinstatement of expired permits.

(2) **Application Fee FM Station.**—The charge levied when filing an application for a permit to construct a new station or for a construction permit to change frequency or station location. The application fee does not apply to requests for Special Temporary Authority or reinstatement of expired permits.

2.b. Minor Changes Application Fee—AM & FM.—The charge levied when filing an application for a construction permit to make minor changes in previously authorized facilities.

(1) Minor changes include the installation of a transmitter which has not been authorized by the FCC for use by licensed broadcast stations; any change in the location, height, or directional radiating characteristics of the antenna or antenna system; any change involving operating power of an FM station; any decrease in nominal power of an AM station; and moving the main studio of a station to a location outside the principal community, or to move the studio from one location outside the principal community to another such location.

(2) Minor changes do not include extensions of time to construct, reinstatement of expired permit, modifications that may be made without prior authorization from the FCC, requests

for Special Temporary Authority or remote control authorizations.

2.c. Hearing Charge.—The charge levied when an application is designated for hearing.

2.d. License Fee:

(1) **AM.** The charge levied when filing an application for a license to cover a construction permit. AM license fees are not applicable to requests to determine power by the direct method or for any license modification that may be made without prior authorization from the FCC.

(2) **FM.** The charge levied when filing an application for a license to cover a construction permit. FM license fees are not applicable to any license modification that may be made without prior authorization from the FCC.

Directional Antenna.—A system of one or more towers used to orient or redirect radiation in a certain direction.

2.e. Directional Antenna License Fee (AM Only).—The charge levied when filing for a license for a directional antenna. This charge is in addition to the AM license fee.

3. FM/TV Translators and LPTV Stations (New & Major Change Construction Permits).

FM Translator Station.—A station in the broadcast service operated for the purpose of retransmitting the programs and signals of an FM broadcast station, without significantly altering any characteristics of the original signal other than its frequency and amplitude, for the purpose of providing FM reception to the general public.

Television Translator Station.—A station in the broadcast service operated for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristics of the original signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

Low Power Television Station.—A UHF or VHF station that may originate programming or provide a subscription television service. The transmitter power output is limited to a maximum of 1,000 watts for a UHF station and 10 watts for a VHF station, except where VHF operation is on an allocated channel and then 100 watts may be employed.

3.a. Application Fee:

(1) **FM Translators.**—The charge levied when filing an application for a permit to construct a new station or to make major changes in previously-authorized facilities. Major changes include changes in frequency (output channel) or authorized principal community for area.

(2) **TV Translators and LPTV Stations.**—The charge levied when filing an application for a permit to construct a new station or make major changes in previously authorized facilities. Major changes include any change in frequency (output channel) assignment or any of the following changes if such changes will increase the signal range of the station in any horizontal direction.

(i) Transmitting antenna system including the direction of the radiation, directive antenna pattern or transmission

line; (ii) antenna height; (iii) antenna location exceeding 200 meters; or (iv) authorized operating power.

3.b. *License Fee*.—The charge levied when filing an application to cover a construction permit for a new station or major change in previously authorized facilities.

4. *Station Assignment and Transfer Fees*.—

4.a. *AM, FM, and TV Commercial Stations*:

(1) *“Long” Form Application Fees*.—The charge levied when filing an Application for Consent to Assignment of Broadcast Construction Permit or License (FCC Form 314) or an Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License (FCC Form 315).

(2) *“Short” Form Application Fee*.—The charge levied when filing FCC “short” form Application for Consent to Assignment of Broadcast Station Construction Permit or License or Transfer of control of Corporation Holding Broadcast Station Construction Permit or License (FCC Form 316).

4.b. *FM/TV Translators & LPTV Stations*.—The charge levied when filing Application for Transfer of Control of Corporate License or Permit or Assignment of License or Permit for an FM or TV Translator Station, or a Low Power TV Station (FCC Form 345).

5. *Auxiliary Services Major Actions—Application Fee*.—The charge levied when filing applications for new stations and changes to existing stations (equivalent to the category “New and Major Changes” in other services), including Remote Pickup, TV Auxiliary Broadcast Stations, Aural Broadcast STI and Intercity Relay, and Low Power Auxiliary Stations.

6. *Renewals—All Services*.—The charge levied when filing an application for license renewals. The license periods are five years for television broadcast stations and seven years for radio broadcast stations. Auxiliary Service licenses are generally held by licensees of full service AM, FM or TV stations and are renewed automatically whenever the main station license is renewed.

7. *Cable Television Service*.—

Cable Television Service.—A fixed or mobile station used in connection with the operations of cable television systems for the transmission of television, audio and other signals to a cable system or within a cable system (Section 73.5(a) of the Commission’s Rules).

7.a. *Cable Television Relay Service (CARS)*.—Filing fees for construction permits, assignments and transfers, renewals and modifications.

7.b. *Cable Special Relief Petitions*.—Filing fees for petitions filed by a cable television system, a franchising authority, an applicant, permittee or licensee of a television broadcast, translator or microwave relay station, or by any other interested party, seeking waiver of any provision of the rules relating to cable television systems, or the imposition of additional or different requirements, or the issuance of a ruling on a complaint or disputed question.

8. *Direct Broadcast Satellites*.—

Direct Broadcast Satellites.—A radio communication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

8.a. *Application Fee*.—Self-explanatory.

8.b. *CP and Launch Authority*.—An applicant for a DBS facility is first granted an authorization. The applicant then has one year to demonstrate “due diligence” toward construction of the proposed satellite. If the showing is successfully made, a construction permit will be issued. The fee is for issuance of this construction permit, which specifies orbital positions and frequencies to be used, as well as granting launch authority.

8.c. *License to Operate a Satellite*.—Self-explanatory filing fee.

8.d. *Hearing Charges*.—Self-explanatory.

Common Carrier Bureau

1. *Domestic Public Land Mobile Stations (Base, Dispatch, Control & Repeater Stations)*.—

Domestic Public Land Mobile Radio Service.—A public communications service for hire between land mobile stations wherever located and their associated base stations which are located within the United States or its possession, or between land mobile station in the United States and base stations in Canada.

Base Station.—A land station in the land mobile service carrying on a service with land mobile stations.

Dispatch Station.—A fixed station, operated by a subscriber, or a group of subscribers, which communicates, under the supervision and control of the base station licensee, through the base station, with the individual subscriber’s own mobile station or stations.

Control Station.—A fixed station whose transmissions are used to control automatically the emissions or operations of another radio station at a specified location, or to transmit automatically to an alarm center telemetering information relative to the application of such station.

Repeater Station.—A fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specific location.

1.a. *New or Additional Facility Authorizations, Assignments and Transfers (per transmitter/per station)*.—Initial authorization to construct and operate common carrier land mobile stations and their associated base stations; approval of major modifications to an authorized facility and consent to assign or transfer control a station authorization.

1.b. *Renewals and Minor Modifications (per station)*.—Renewal of an initial authorization and minor modifications effected on authorized facilities.

1.c. *Air-Ground Individual License Renewals and Modifications*.—Application for license, renewal or modification for airborne mobile stations for subscribers to a common carrier service for public correspondence.

2. *Cellular Systems*.—A mobile radio system with a high capacity to service subscriber units due to the coordinated reuse of a group of radio channels. A system in which the assigned spectrum is di-

vided into discrete channels which are assigned in groups to geographic cells covering a cellular geographic service area.

2.a. *Initial Construction Permits & Major Modification Applications* (per cellular system).—Self-explanatory.

2.b. *Assignments and Transfers* (per station).—Self-explanatory.

2.c. *Initial Covering License* (per cellular system).—Initial authorization to operate a cellular system.

2.d. *Renewals*.—Self-explanatory.

2.e. *Minor Modifications and Additional Licenses*.—A minor modification effected on an authorized facility. Application notifying of additional sites or completion of construction of original sites for which license to cover not yet filed, requiring additional licenses.

3. *Rural Radio (Central Office, Interoffice or Relay Facilities*.—A domestic public radio service rendered by fixed stations on frequencies below 1000 MHz used to provide (1) public message communication service between a central office and subscribers located in rural areas to which it is impracticable to extend service between landlines, or (2) public message communication service between landline central offices and different exchange areas which it is impracticable to interconnect by other means, or (3) private line telephone, telegraph, or facsimile service between 2 or more points to which it is impracticable to extend service via landline.

3.a. *Initial Construction Permits, Assignments and Transfers* (per transmitter).—Self-explanatory.

3.b. *Renewals and Modifications* (per station).—Self-explanatory.

4. *Offshore Radio Service*.—A public communications service for hire between stations located in the offshore coastal waters of the United States and its possessions.

4.a. *Initial Construction Permits, Assignments and Transfers* (per transmitter).—Self-explanatory.

4.b. *Renewals and Modifications* (per station).—Self-explanatory.

5. *Local Television or Point-to-Point Microwave Radio Service*.—*Local Television*.—Radio communications service for the transmission of television material and related communications.

Point-to-Point Microwave.—A service rendered on microwave frequencies by fixed stations between points which lie within the United States or between points to its possessions, or to points in Canada and Mexico.

5.a. *Construction Permits, Modification of Construction Permits, and Renewals of License*.—Self-explanatory.

5.b. *Assignments and Transfers of Authorizations*.—Self-explanatory.

5.c. *Initial License for New Frequency*.—Self-explanatory.

6. *International Fixed Public Radio (Public & Control Stations)*.—

Public Stations.—Stations which are open to public correspondence and which, in general, are intended to provide radiocommunications between any one of the contiguous 48 states, Alaska, Hawaii or any U.S. possession in connection with the relaying of international traffic between stations.

Control Stations.—Stations whose transmissions are used to control automatically the emissions of operations of another radio station at a specified location, or to transmit automatically to an

alarm center telemetering information relative to the operation of such station.

6.a. *Initial Construction Permits, Assignments & Transfers*.—Self-explanatory.

6.b. *Renewals and Modifications*.—Self-explanatory.

7. *Satellite Services*.—A service that provides access to any authorized satellite for communications purposes.

7.a. *Transmit Earth Stations*.—Antennas and associated transmitting and receiving equipment which gives access to a communications satellite.

(1) *Initial Station Authorization*.—Authority to construct and/or operate a transmitting earth station for regular private or common carrier communications services or for telemetry, tracking and command functions.

(2) *Assignments and Transfers of Authorization*.—Self-explanatory.

(3) *All Other Applications*.—Any other application for regular or temporary authorization, including but not limited to, modification or renewal of station authorization, temporary authorizations or waivers.

7.b. *Small Transmit/Receive Stations*.—Small antennas (two meters or less) and associated transmitting and receiving equipment which gives access to a communications satellite.

(1) *Lead Station Authorization*.—Authority to construct and/or operate a small transmit/receive earth station for regular private or common carrier communication services. A Lead Authorization is the first earth station authorization in a network of user earth stations. The Lead Authorization establishes the terms and conditions under which routine authorizations may be granted.

(2) *Routine Stations Authorization*.—Authority to construct and/or operate a small transmit and/or receive earth station for regular private or common carrier communications services under the terms and conditions of a Lead Authorization. An application for a routine authorization must identify the Lead Authorization to which it is associated.

(3) *All Other Applications*.—Any other application for regular or temporary authorization, including but not limited to, modification or renewal of station authorizations, temporary authorizations or waivers, and transfers and assignments.

7.c. *Received Only Earth Stations*.—Stations licensed to only receive transmissions from communications satellites.

(1) *Initial Station Authorization*.—An authorization or assignment of frequency to a regular commercial received-only earth station for which protection from interference is being requested.

(2) *All Other Applications*.—Any other application or regular or temporary authorization, including but not limited to, modification or renewal of station authorizations, temporary authorizations or waivers, and transfers and assignments.

7.d. *Applications for Authority to Construct a Space Station*.—Self-explanatory.

7.e. *Application for Authority to Launch and Operate a Space Station.*—Authorization to launch a space station and assignment of an orbital location at which the space station is to be operated.

7.f. *Satellite Systems Application.*—All antennas and associate transmit and receive equipment required to operate a single satellite communications system which generally includes a main Transmit Earth Station and many Small Transmit/Receive earth stations. The application is processed as a total and complete system in bands where frequency coordination is not required for each station site.

(1) *Initial Station Authorization.*—Authority to construct and/or operate a satellite system for regular private or common carrier communications services.

(2) *Assignments and Transfers of System Authorizations.*—Self-explanatory.

(3) *All Other Applications.*—Any other application for regular or temporary authorization, including but not limited to, modifications or renewal of station authorizations, temporary authorizations or waivers, and transfers and assignments.

8. *Multipoint Distribution Service.*—One way domestic public radio service rendered on microwave frequencies from a fixed station transmitting (usually in a omnidirectional pattern) to multiple receiving facilities located at fixed points determined by the subscribers.

8.a. *Construction Permits, Renewals and Modifications of Construction Permits.*—Self-explanatory.

8.b. *Assignments and Transfers of Control (per station).*—Self-explanatory.

8.c. *Initial License (first license or a license adding a new frequency).*—Self-explanatory.

9. *Section 214 Applications.*—All circuits (channels) installed or acquired and required to be reported pursuant to Sections 63.03(e), 63.04(e) and 63.07(b) of the Commission's rules.

9.a. *Overseas Cable Construction Permits.*—Authorization to lay a new cable or cables.

9.b. *Domestic Cable Construction Permits.*—Authorization to lay a new cable or cables.

9.c. *All other 214 Applications.*—Authorization to install or acquire a 4 kHz or 24 Kb/s channels for domestic use. Any Domestic broad band channel is considered, for free purposes, a single 4 kHz frequency. All international 214 applications other than cable construction permits.

10. *Tariff Filings.*—Published charges or regulations for one or more, but not all carriers applicable to communication service between points of a system which is subject to any provision of the Communications Act of 1934 and which participates or engages in such communications service, irrespective of whether it is a terminal or intermediate carrier.

10.a. *Filing Fee.*—A filing is a Letter of Transmittal with accompanying tariff supplement, revised page(s), additional page(s), concurrence(s), notice of revocation, adoption notice or any other schedule(s) of rates or regulations filed in accordance with Part 61 of the Commission's rules.

10.b. *Special Permission Filing.*—An application to waive any portion of Part 61 of the Commission's rules.

11. *Telephone Equipment Registration.*—Registration of equipment filed pursuant to Part 68 of the rules. (Terminal equipment and protective circuitry.)

12. *Digital Electronic Message Service.*—A two-way domestic end-to-end fixed radio service utilizing Digital Termination Systems for the exchange of digital information.

12.a. *Construction Permits, Renewals and Modifications of Construction Permits.*—Self-explanatory.

12.b. *Assignments and Transfers of Control (per station).*—Self-explanatory.

12.c. *Initial License (first license of license adding a new frequency).*—Self-explanatory.

The FCC has previously maintained fee schedules under the general authority granted to the head of each federal agency (see section 9701 of title 31 U.S. Code). However, in 1976, the U.S. Court of Appeals (D.C. Circuit) ruled that the Commission had exceeded its authority under those provisions of law and struck down the fee schedule which was then in place (NAB v. FCC 554 F2d 1118). Since that time the FCC has not attempted to reinstitute a schedule of fees. It is the intent and understanding of Congress that the subsequent enactment of specific fee authority for meeting the actual cost of handling transactions before the FCC will supercede any authority the FCC would otherwise have under section 9701 of title 31 to impose additional fees over and above those provided for under this reconciliation Act.

Cross-Ownership Rule Waivers

The conferees are concerned with Commission enforcement of the local cross-ownership rules particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.

The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 13, 1985.

HON. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached estimate of the budget impact of the reconciliation provisions within the jurisdiction of subconference 8. As requested by your staff, Table 1 reflects the budget impact of the provisions assuming an October 1, 1985 date of enactment. As request-

ed by the Budget Committee, the estimates in Table 2 assume a December 31, 1985 date of enactment.

If you wish further details on these estimates we will be pleased to provide them.

With best wishes,
Sincerely,

JAMES BLUM
(For Rudolph G. Penner).

ESTIMATED BUDGET IMPACT OF RECONCILIATION PROVISIONS—SUBCONFERENCE 8

TABLE 1.—CHANGE FROM RESOLUTION BASELINE ¹

(By fiscal year, in millions of dollars)

	1986	1987	1988	Total 1986- 88
Direct spending: Receipts from FCC services and land sale				
Budget authority		- 30.0	- 36.0	- 66.0
Outlays		- 30.0	- 36.0	- 66.0
Authorizations:				
FCC:				
Budget authority	0.9	- .8	* .8	.7
Outlays	.9	- .8	.7	.7
CPB:				
Budget authority	1.0	2.0	11.0	12.0
Outlays	1	5	7.4	6.8
Total:				
Budget authority	0.1	28.8	25.8	54.7
Outlays	.8	- 31.3	29.3	59.9

¹ Assumes October 1, 1985 date of enactment

* Assumes authorization of the FCC at the 1987 authorization level, adjusted for inflation

ESTIMATED BUDGET IMPACT OF RECONCILIATION PROVISIONS—SUBCONFERENCE 8

TABLE 2.—CHANGE FROM RESOLUTION BASELINE ¹

(By fiscal year, in millions of dollars)

	1986	1987	1988	Total 1986- 88
Direct spending: Receipts from FCC services and land sale:				
Budget authority		22.5	- 36.0	58.5
Outlays		22.5	36.0	- 58.5
Authorizations:				
FCC:				
Budget authority	0.9	.8	* .8	.7
Outlays	.9	- .8	.7	.7
CPB:				
Budget authority	- 1.0	2.0	11.0	12.0
Outlays	- .1	- .5	7.4	6.8
Total:				
Budget authority	- .1	- 21.3	- 25.8	- 47.2
Outlays	.8	- 23.8	- 29.3	- 52.4

¹ Assumes December 31, 1985 date of enactment

* Assumes authorization of the FCC at the 1987 authorization level, adjusted for inflation

TITLE VI—WATER TRANSPORTATION PROGRAMS

SUBTITLE A—BOATING SAFETY FUND

The House bill contained a provision to transfer certain funds from the Boating Safety Account to the General Fund of the Treasury. The Senate receded to the House provision.

SUBTITLE B—NOAA CHARTS

Both House and Senate versions contained provisions authorizing the Secretary of Commerce to raise the price of nautical and aeronautical products. The House receded to the Senate with amendments.

The first amendment requires the Secretary to consult with the Secretary of Transportation concerning impacts on aviation and maritime safety before submitting required reports to the Congress and before any adjustments in prices are made.

The second amendment prohibits the Secretary from raising the price of nautical and aeronautical products in order to recover the costs of data acquisition and processing.

The third amendment defines nautical and aeronautical products.

SUBTITLE C—FOREIGN FISHING PERMIT FEES

The House bill included a provision that would amend section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (MFCMA) (16 U.S.C. 1824(b)). The House would have stricken the terms "and the territorial waters of the United States" in section 204 of the MFCMA thereby altering the formula by which MFCMA costs are assigned. The effect of this change would be to increase the proportion of the costs of implementing the MFCMA allocated to foreign fishing nations. Under current law, the fees, once collected, are deposited in the Fisheries Loan Fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742(c)). The House bill also provided that any increase in fees collected through the new formula, over and above what would have been collected via the old formula, would be deposited in the General Fund of the United States Treasury. The Senate bill had no comparable provision.

The Senate receded to the House with amendments, which authorize the Secretary of Commerce to raise foreign fishing fees by instituting the new formula if the Secretary, in consultation with the Secretary of State, finds that any foreign nation receiving an allocation under section 201(e) of the MFCMA is: (1) harvesting anadromous species of United States origin at a level that is unacceptable to the Secretary; or (2) failing to take sufficient actions to benefit conservation and development of United States fisheries.

Under the new formula, fees that would apply if either of the above conditions are not met would be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this title during that fiscal year the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the fishery conservation zone