

**§ 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 noncommercial 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 this title [Oct. 1, 2018], shall remain in effect under section 9 of the Communications Act of 1934, as amended by subsection (b) of this section, until such time as the Commission [Federal Communications Commission] adjusts or amends such fee under subsection (c) or (d) of such section 9, as so amended.”

**RULEMAKING TO AMEND SCHEDULE OF REGULATORY FEES**

Pub. L. 115-141, div. P, title I, § 102(e)(1), Mar. 23, 2018, 132 Stat. 1086, provided that: “Not later than 1 year after the effective date described in section 103 of this title [Oct. 1, 2018], the Commission [Federal Communications Commission] shall complete a rulemaking proceeding under subsection (d) of section 9 of the Communications Act of 1934 [47 U.S.C. 159], as amended by subsection (b) of this section.”

**§ 159a. Provisions applicable to application and regulatory fees****(a) Judicial review prohibited**

Any adjustment or amendment to a schedule of fees under subsection (b) or (c) of section 158 of this title or subsection (c) or (d) of section 159 of this title is not subject to judicial review.