

Comment from Public Member Bernard W. Bell on *User Fees*
November 28, 2023

Lines 54-55

Issue: The term “support or oppose” seems awkward.

I propose the following modification: “Program designers should also consider whether or not ~~such purpose(s) support or oppose~~ the imposition of such user fees and related waivers, exemptions, or reduced rates further or undermines the achievement of such purposes.”

Lines 64-68

Issue: These lines seem awkward, have a run-on sentence, and seem to imply that some benefits are actually costs. The lines give examples of costs and benefits, and the first, which, given the sentence structure, would be a cost is “promoting equity,” which is surely not a cost. Indeed, all of the examples appear to me “benefits” with no “costs” listed at all.

I propose the following two modifications:

Put a period after “subject to that fee” on line 65, and remove “as well as”. The next sentence should read as follows:

Program designer shall also consider whether the user fee might have other public costs or benefits, such as promoting equity, reducing barriers to market entry, incentivizing desirable behavior, or producing some other socially beneficial outcome, or might have other public costs.

Lines 69-70

Issue: The users fees should be proportionate to the benefit users receive, not the generalized benefits the government or other individual might receive – in other words benefits to users not society as a whole. Adding “users” would help make this point, which I assume is what is intended. Moreover, it seems fees should not be disproportionate *in relation* to government costs.

I propose the following modification: “Program designers should ensure user fees are not disproportionate in relation to government costs or the benefits users receive.”

Lines 71-105

We should consider whether the subparagraphs in paragraph 5 should be separated by periods instead of semi-colons, with an appropriate change in the sentence introducing the list. The subparts seem rather long to be considered clauses that are a part of one sentence.

Line 91

I would add the following “Congress should determine whether or not the fees collected by the agency should be deposited in the U.S. Treasury.”