

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45302(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100-690, § 7214, 102 Stat. 4434.
45302(b), (c)	49 App.:1354(f)(1)-(3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 313(f); added Nov. 18, 1988, Pub. L. 100-690, § 7207(c)(1), 102 Stat. 4427.
45302(d)	49 App.:1354(f)(4).	

In subsection (b), before clause (1), the text of 49 App.:1354(f)(3) is omitted as obsolete because the final regulations are effective. The word “impose” is substituted for “establish and collect” for consistency.

In subsection (d), the words “Money collected from fees imposed” are substituted for “The amount of fees collected” for clarity and consistency.

PUB. L. 103-429

This amends 49:45302 because the final regulations are not yet effective.

AMENDMENTS

2018—Subsecs. (d), (e)(1). Pub. L. 115-254 substituted “44703(g)(2)” for “44703(f)(2)”.

2012—Subsec. (e). Pub. L. 112-95 designated existing provisions as par. (1), inserted heading, and added par. (2).

1994—Subsec. (e). Pub. L. 103-429 added subsec. (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

INSPECTOR GENERAL AUDIT

Pub. L. 100-690, title VII, § 7207(c)(4), Nov. 18, 1988, 102 Stat. 4428, as amended by Pub. L. 104-66, title II, § 2041, Dec. 21, 1995, 109 Stat. 728, provided that: “During the 5-year period beginning after the date on which fees are first collected under section 313(f) of the Federal Aviation Act of 1958 [see subsec. (b) of this section], the Department of Transportation Inspector General shall conduct an annual audit of the collection and use of such fees for the purpose of ensuring that such fees do not exceed the costs for which they are collected and submit to Congress a report on the results of such audit.”

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 30th item on page 4 identifies a reporting provision which, as subsequently amended, is contained in section 7207(c)(4) of Pub. L. 100-690, set out as a note above), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

§ 45303. Administrative provisions

(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and in-

terest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

(3) shall remain available until expended.

(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a list of fee collections by the Administration during the preceding fiscal year;

(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

(4) any proposed disposition of surplus fees by the Administration; and

(5) such other information as those committees consider necessary.

(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

(g) DATA TRANSPARENCY.—

(1) AIR TRAFFIC SERVICES INITIAL DATA REPORT.—

(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator and the Chief Operating Officer of the Air Traffic Organization shall, based upon the most recently available full fiscal year data, complete the following calculations for each segment of air traffic services users:

(i) The total costs allocable to the use of air traffic services for that segment during such fiscal year.

(ii) The total revenues received from that segment during such fiscal year.

(B) VALIDATION OF MODEL.—

(i) REVIEW AND DETERMINATION.—Not later than 3 months after completion of the initial report required under subparagraph (A), the inspector general of the Department of Transportation shall review and determine the validity of the model used by the Administrator and the Chief Operating Officer to complete the calculations required under subparagraph (A).

(ii) VALIDATION PROCESS.—In the event that the inspector general determines that the model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A) is not valid—

(I) the inspector general shall provide the Administrator and Chief Operating Officer recommendations on how to revise the model;

(II) the Administrator and the Chief Operating Officer shall complete the calculations required by subparagraph (A) utilizing the revised model and resubmit the revised initial report required under subparagraph (A) to the inspector general; and

(III) not later than 3 months after completion of the revised initial report required under subparagraph (A), the inspector general shall review and determine the validity of the revised model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A).

(iii) ACCESS TO DATA.—The Administrator and the Chief Operating Officer shall provide the inspector general of the Department of Transportation with unfettered access to all data produced by the cost accounting system operated and maintained pursuant to subsection (e).

(C) REPORT TO CONGRESS.—Not later than 60 days after completion of the review and receiving a determination that the model used is valid under subparagraph (B), the Administrator and the Chief Operating Officer shall submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report describing the results of the calculations completed under subparagraph (A).

(D) PUBLICATION.—Not later than 60 days after submission of the report required under subparagraph (C), the Administrator and Chief Operating Officer shall publish the initial report, including any revision thereto if required as a result of the validation process for the model.

(2) AIR TRAFFIC SERVICES BIENNIAL DATA REPORTING.—

(A) BIENNIAL DATA REPORTING.—Not later than March 31, 2019, and biennially thereafter for 8 years, the Administrator and the Chief Operating Officer shall, using the vali-

dated model, complete the following calculations for each segment of air traffic services users for the most recent full fiscal year:

(i) The total costs allocable to the use of the air traffic services for that segment.

(ii) The total revenues received from that segment.

(B) REPORT TO CONGRESS.—Not later than 15 days after completing the calculations under subparagraph (A), the Administrator and the Chief Operating Officer shall complete and submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report containing the results of such calculations.

(C) PUBLICATION.—Not later than 60 days after completing the calculations pursuant to subparagraph (A), the Administrator and the Chief Operating Officer shall publish the results of such calculations.

(3) SEGMENTS OF AIR TRAFFIC SERVICES USERS.—

(A) IN GENERAL.—For purposes of this subsection, each of the following shall constitute a separate segment of air traffic services users:

(i) Passenger air carriers conducting operations under part 121 of title 14, Code of Federal Regulations.

(ii) All-cargo air carriers conducting operations under part 121 of such title.

(iii) Operators covered by part 125 of such title.

(iv) Air carriers and operators of piston-engine aircraft operating under part 135 of such title.

(v) Air carriers and operators of turbine-engine aircraft operating under part 135 of such title.

(vi) Foreign air carriers providing passenger air transportation.

(vii) Foreign air carriers providing all-cargo air transportation.

(viii) Operators of turbine-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(ix) Operators of piston-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(x) Operators covered by subpart (K) of part 91 of such title.

(xi) Operators covered by part 133 of such title.

(xii) Operators covered by part 136 of such title.

(xiii) Operators covered by part 137 of such title.

(xiv) Operators of public aircraft that qualify under section 40125.

(xv) Operators of aircraft that neither take off from, nor land in, the United States.

(B) ADDITIONAL SEGMENTS.—The Secretary may identify and include additional seg-

ments of air traffic users under subparagraph (A) as revenue and air traffic services cost data become available for that additional segment of air traffic services users.

(4) DEFINITIONS.—For purposes of this subsection:

(A) AIR TRAFFIC SERVICES.—The term “air traffic services” means services—

(i) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

(ii) provided directly, or contracted for, by the Federal Aviation Administration.

(B) AIR TRAFFIC SERVICES USER.—The term “air traffic services user” means any individual or entity using air traffic services provided directly, or contracted for, by the Federal Aviation Administration within United States airspace or international airspace delegated to the United States.

(Added Pub. L. 104-264, title II, §276(a)(2), Oct. 9, 1996, 110 Stat. 3247; amended Pub. L. 115-254, div. B, title V, §519, Oct. 5, 2018, 132 Stat. 3359.)

REFERENCES IN TEXT

The Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f), is title II of Pub. L. 104-264, Oct. 9, 1996, 110 Stat. 3227. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 40101 of this title and Tables.

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (g)(1)(A), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

A prior section 45303 was renumbered section 45304 of this title.

AMENDMENTS

2018—Subsec. (g). Pub. L. 115-254 added subsec. (g).

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

§ 45304. Maximum fees for private person services

The Administrator of the Federal Aviation Administration may establish maximum fees that private persons may charge for services performed under a delegation to the person under section 44702(d) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1225, §45303; renumbered §45304, Pub. L. 104-264, title II, §276(a)(1), Oct. 9, 1996, 110 Stat. 3247.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45303	49 App.:1355(a) (last sentence related to fees). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §314(a) (last sentence related to fees), 72 Stat. 754. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1963, Pub. L. 88-449, §7(b), 76 Stat. 2444.

In this section, the word “Administrator” in section 314(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 754) is retained on authority of 49:106(g). The words “services performed under a delegation to the person under section 44702(d) of this title” are substituted for “their services” because of the restatement.

§ 45305. Registration, certification, and related fees

(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (c), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

(1) Registering an aircraft.

(2) Reregistering, replacing, or renewing an aircraft registration certificate.

(3) Issuing an original dealer’s aircraft registration certificate.

(4) Issuing an additional dealer’s aircraft registration certificate (other than the original).

(5) Issuing a special registration number.

(6) Issuing a renewal of a special registration number reservation.

(7) Recording a security interest in an aircraft or aircraft part.

(8) Issuing an airman certificate.

(9) Issuing a replacement airman certificate.

(10) Issuing an airman medical certificate.

(11) Providing a legal opinion pertaining to aircraft registration or recordation.

(b) CERTIFICATION SERVICES.—Subject to subsection (c), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

(1) is established and collected in a manner consistent with aviation safety agreements; and

(2) does not exceed the estimated costs of the services.

(c) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

(d) FEES CREDITED AS OFFSETTING COLLECTIONS.—

(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(B) be available for expenditure only to pay the costs of activities and services for