

## PUB. L. 103-429

This amends 49:45105(a) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1224).

**Editorial Notes**

## AMENDMENTS

1994—Subsec. (a). Pub. L. 103-429 substituted “section 45102(a)(1)” for “section 45102(a)(1)(A)” in second sentence.

**Statutory Notes and Related Subsidiaries**

## 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.

**PRIORITIZING AND SUPPORTING THE HUMAN INTERVENTION MOTIVATION STUDY (HIMS) PROGRAM AND THE FLIGHT ATTENDANT DRUG AND ALCOHOL PROGRAM (FADAP)**

Pub. L. 115-254, div. B, title V, §554(a), Oct. 5, 2018, 132 Stat. 3380, provided that: “The [Federal Aviation] Administration shall continue to prioritize and support the Human Intervention Motivation Study (HIMS) program for flight crewmembers and the Flight Attendant Drug and Alcohol Program (FADAP) for flight attendants.”

## HUMAN INTERVENTION MOTIVATION STUDY

Pub. L. 112-95, title VIII, §819, Feb. 14, 2012, 126 Stat. 127, provided that: “Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall develop a Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.”

**§ 45106. Relationship to other laws, regulations, standards, and orders**

(a) **EFFECT ON STATE AND LOCAL GOVERNMENT LAWS, REGULATIONS, STANDARDS, OR ORDERS.**—A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this chapter. However, a regulation prescribed under this chapter does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(b) **INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.**—(1) In prescribing regulations under this chapter, the Administrator of the Federal Aviation Administration—

(A) shall establish only requirements applicable to foreign air carriers that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(2) The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit crewmembers in international civil aviation from using alcohol or a controlled substance in violation of law or a United States Government regulation.

(c) **OTHER REGULATIONS ALLOWED.**—This section does not prevent the Administrator from

continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by airmen, crewmembers, airport security screening employees, air carrier employees responsible for safety-sensitive functions (as decided by the Administrator), or employees of the Administration with responsibility for safety-sensitive functions.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1224; Pub. L. 107-71, title I, §139(3), Nov. 19, 2001, 115 Stat. 640.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45106(a) .....	49 App.:1434(e)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(e); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 956.
45106(b) .....	49 App.:1434(e)(3).	
45106(c) .....	49 App.:1434(e)(2).	

In subsection (a), the word “prescribe” is substituted for “adopt” for consistency in the revised title and with other titles of the United States Code. The word “rule” is omitted as being synonymous with “regulation”. The word “ordinance” is omitted as being included in “law” and “regulation”. The words “actual” and “whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public” are omitted as surplus.

In subsection (c) the word “prevent” is substituted for “restrict the discretion of” to eliminate unnecessary words.

**Editorial Notes**

## AMENDMENTS

2001—Subsec. (c). Pub. L. 107-71 substituted “screening employees” for “screening contract employees”.

**§ 45107. Transportation Security Administration**

(a) **TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.**—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Administrator of the Transportation Security Administration. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

(b) **APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.**—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions.

(Added Pub. L. 107-71, title I, §139(4), Nov. 19, 2001, 115 Stat. 640; amended Pub. L. 115-254, div. K, title I, §1991(e), Oct. 5, 2018, 132 Stat. 3642.)

**Editorial Notes**

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(e)(1), substituted “Administrator of the Transportation Secu-

ity Administration” for “Under Secretary of Transportation for Security”.

Subsec. (b), Pub. L. 115-254, §1991(e)(2), struck out at end “The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”

## CHAPTER 453—FEES

Sec.	
45301.	General provisions.
45302.	Fees involving aircraft not providing air transportation.
45303.	Administrative provisions.
45304.	Maximum fees for private person services.
45305.	Registration, certification, and related fees.
45306.	Manual surcharge.

### Editorial Notes

#### AMENDMENTS

2024—Pub. L. 118-63, title XI, §1101(q), May 16, 2024, 138 Stat. 1414, added item 45306.

2012—Pub. L. 112-95, title I, §122(b), Feb. 14, 2012, 126 Stat. 20, added item 45305.

1996—Pub. L. 104-264, title II, §§273(b), 276(b), Oct. 9, 1996, 110 Stat. 3240, 3248, substituted “General provisions” for “Authority to impose fees” in item 45301, added items 45303 and 45304, and struck out former item 45303 “Maximum fees for private person services”.

### § 45301. General provisions

(a) SCHEDULE OF FEES.—The Administrator of the Federal Aviation Administration shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.

(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered.

(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other serv-

ices provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

(A) The establishment or adjustment of a fee by the Administrator under this section.

(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

(5) COSTS DEFINED.—In this subsection, the term “costs” includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.

(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term “production-certification related service” has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.

(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.

(Added Pub. L. 104-264, title II, §273(a), Oct. 9, 1996, 110 Stat. 3239; amended Pub. L. 106-181, title VII, §719, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107-71, title I, §119(d), Nov. 19, 2001, 115 Stat. 629; Pub. L. 112-95, title I, §121, Feb. 14, 2012, 126 Stat. 19; Pub. L. 115-254, div. B, title V, §539(k), Oct. 5, 2018, 132 Stat. 3371; Pub. L. 118-63, title XI, §1101(r), May 16, 2024, 138 Stat. 1414.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 45301, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1225; Pub. L. 103-305, title II, §209, Aug.